

Racial disparities in the american criminal justice system: assignment

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Racial Disparities in the American Criminal Justice System: Rates of Incarceration of Blacks vs. Whites No Equal Justice in the American Criminal Justice System Shawn Y. Williams Troy University-Fort Benning CJ 5571

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Abstract Racial inequality is growing. Our criminal laws, while facially neutral, are enforced in a manner that is massively and pervasively biased. My research will examine the U. S. criminal justice policies and how it has the most adverse effect on minorities.

According to the Justice Department's Bureau of Justice Statistics, out of a total population of 1, 976, 019 incarcerated in adult facilities, 1, 239, 946 or 63 percent are black or Latino, though these two groups constitute only 25 percent of the national population. Some of the greatest racial disparities in rates of incarceration occur in states in which minorities are concentrated in urban areas, which tend to have both higher rates of crime and greater law enforcement activity.

An analysis utilizing quantitative data will demonstrate that racial disparities exist in the American Criminal Justice System. INTRODUCTION Purpose of the Research US imprisonment rates are much higher than the rest of the world, and within the US, African Americans are imprisoned at least eight times as often as European Americans. Today, our criminal justice system strays far from this ideal. Unequal treatment of minorities characterizes every stage of the process.

Black and Hispanic Americans, and other minority groups as well, are victimized by disproportionate targeting and unfair treatment by police and

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other front-line law enforcement officials; by racially skewed charging and plea bargaining decisions of prosecutors; by discriminatory sentencing practices; and by the failure of judges, elected officials and other criminal justice policy makers to redress the inequities that become more conspicuous every day. (Oliver, 2004) Racial disparities burden our justice system with the appearance and often the reality of unfairness.

These disparities mock our stated ideals of justice for all, and they burden our colleagues in the legal profession who must work in such a system. (Sandy & Norman, 1992) That's why the ABA formed a Task Force on Minorities and the Justice System shortly after the Los Angeles riots following the Rodney King verdict. Its recommendations can provide an action plan to revive reform efforts leading to equal justice throughout America building on the great work done by the ABA Commission on Opportunities for Minorities in the Profession, first chaired by Dennis Archer and now by Robert Grey. (Sandy & Norman, 1992) Many states have already taken the initiative. Since 1986, over a dozen states have studied the problem of racial and ethnic bias in their judicial systems and begun to implement the recommendations. Other states are forming such efforts today. These state reports document what most of us already know that racial discrimination is widespread and deep frustration is pervasive among minority Americans.

Blacks represented 43 percent of arrests, 54 percent of convictions, and 59 percent of prison admissions for violent crimes in 1994 (Crime and Criminal Justice 5), indicating that arrested blacks are more likely to be convicted, and convicted blacks are more likely to be imprisoned, compared with whites.

Historically, America's criminal justice system has clearly been biased against blacks for example, between 1930 and 1973, southern jurisdictions put to death 398 black men and 43 white men for the crime of rape.

More recent instances of discrimination on the part of police and elsewhere in the criminal justice system have been documented in personal and media accounts. But assessing how much continuing discrimination contributes to the large black-white difference in criminal justice system involvement is difficult. Research suggests that most or all of the differences in the likelihood of conviction and imprisonment can be explained by other factors, such as severity of crime or prior record of the offender.

Less is known about the extent of discrimination at the arrest stage, in part because underlying rates of criminal activity by race cannot be easily assessed. Some evidence comes from comparing the race distribution of offenders derived from victims' surveys with the racial composition of individuals arrested for the same crime. Two studies have found that these distributions are roughly comparable for many violent crimes. African Americans constitute 12% of the U. S. population, 13% of the drug using population and fully 74% of the people sent to prison for drug possession.

Studies have shown that minorities are subject to disparate treatment at arrest, bail, charging, plea bargaining, trial, sentencing, and every other stage of the criminal process. These disparities accumulate so that African Americans are represented in prison at seven times their rate in the general population; rates of crime in African American communities is often high, but not high enough to justify the disparity. The resentment destabilizes

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communities and demeans the entire nation. Justice, 2004) Human Rights Watch research shows that in every state, the proportion of blacks in prison exceeds, sometimes by a considerable amount, their proportion in the general population. In Minnesota and Iowa, blacks constitute a share of the prison population that is twelve times greater than their share of the state population. In eleven states Kansas, Montana, Nebraska, New Hampshire, Oregon, Rhode Island, South Dakota, Utah, Washington, Wisconsin, and Wyoming the percentage of the prison population that is black is more than six times greater than the percentage of the state population that is black.

Race, in the U. S. criminal justice system, significantly affects the probability that a person will be convicted of a crime (Reese, 2006). Kennedy, a Reagan appointee, highlighted the problems of racial inequality in the system and urged those in the legal professions to embrace the law with compassion and humanism. In his speech he states: We have a greater responsibility. As a profession, and as a people, we should know what happens after the prisoner is taken away. To be sure, the prisoner has violated the social contract; to be sure he must be punished to vindicate the law, to acknowledge the suffering of the victim, and to deter future crimes. Still, the prisoner is a person; still, he or she is part of the family of humankind. (Kennedy, 2003) Racial disparities affect both innocent and guilty minority citizens. There is obvious reason to be outraged by the fact that innocent minority citizens are detained by the police on the street and in their cars far more than whites.

Those stops involve inconvenience, humiliation and a loss of privacy that is heightened when the rationale for the police action is the color of a

motorist's skin or a pedestrian's accent. But there must also be outrage about the disparate treatment of minority citizens who have violated the law. A defendant surrenders many civil rights upon conviction, but equal protection of the laws is not one of them. It is an affront to all minority citizens including the innocent when a minority defendant is treated unfairly by the police, or by prosecutors, or at sentencing, because of his race or ethnicity.

The unequal treatment of minorities in our criminal justice system manifests itself in a mushrooming prison population that is overwhelmingly black and Hispanic; in the decay of minority communities that have given up an entire generation of young men to prison; and in a widely-held belief among black and Hispanic Americans that the criminal justice system is deserving neither of trust nor of support. All these factors contribute to a perception that lawlessness is a "colored" problem, and that the disproportionate treatment of blacks and Hispanics within the criminal justice system is a rational response to a statistical imperative.

Disparate treatment within the criminal justice system is not rational: The majority of crimes are not committed by minorities, and most minorities are not criminals indeed, less than 10 percent of all black Americans are even arrested in a given year. Yet the unequal targeting and treatment of minorities at every stage of the criminal justice process from arrest to sentencing reinforces the perception that drives the inequality in the first place, with the unfairness at every successive stage of the process compounding the effects of earlier injustices.

The result is a vicious cycle that has evolved into a self-fulfilling prophecy: More minority arrests and convictions perpetuate the belief that minorities commit more crimes, which in turn leads to racial profiling and more minority arrests. The treatment of minorities in the criminal justice system is the most profound civil rights crisis facing America in the new century. It undermines the progress we have made over the past five decades in ensuring equal treatment under the law, and calls into doubt our national faith in the rule of law.

Between 1990 and 2005, the number of white and Hispanic jail inmates increased at the same average annual rate. The number black inmates increased at a slower pace. Jail populations by race and ethnicity, 1990-2005
 Number of jail inmates (one-day) count

Year	White non-Hispanic	Black non-Hispanic	Hispanic of any race
1990	169,400	172,300	58,000
1991	175,300	185,100	60,600
1992	178,300	196,300	64,500
1993	180,700	203,200	69,400
1994	191,800	215,300	75,500
1995	206,600	224,100	75,700
1996	215,700	213,100	80,900
1997	230,300	237,900	88,900
1998	244,900	244,000	91,800
1999	249,900	251,800	93,800
2000	260,500	256,300	94,100
2001	271,700	256,200	93,000
2002	291,800	264,900	98,000
2003	301,200	271,000	106,600
2004	317,400	275,400	108,300
2005	331,000	290,500	111,900

Source: Bureau of Justice Statistics Correctional Surveys (The National Probation Data Survey, National Prisoner Statistics, Survey of Jails, Census of Jail Inmates, and The National Parole Data Survey) as presented in Correctional Populations in the United States, 1997, and Prison and Jail Inmates at <https://assignbuster.com/racial-disparities-in-the-american-criminal-justice-system-assignment/>

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