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## **Racial Racial Discrimination Within the United States Criminal Justice System**

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Racial Discrimination Within the United States Criminal Justice System

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Honors Project

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## Introduction

Why does racial discrimination continue to happen in the United States criminal justice system? This is exactly what will be examined in this research paper and analysis. 2020 was a wild year, and this was a topic that a lot of Americans have questioned following the resurgence of social justice movements, such as Black Lives Matter. The Black Lives Matter Movement came to light once again, because of a number of questionable criminal cases involving African American citizens.

Having witnessed this discrimination happen to a very close friend of mine, and having worked in multiple prosecutors' offices as a legal intern, I have been able to see all of this first hand. I will also be attending law school this fall in Washington, DC which is the heart of social justice. This caused me to take a deeper look into the issue of discrimination in our criminal justice system. I will be looking at how we can fix this systematic problem moving forward. I will also be taking a look at empirical studies done in the past, which look at the rates of incarceration for different races as well as factors that influence discrimination. I will also look at recidivism rates, possible reasons to explain this problem we have in the United States, and how we can improve the overall system.

The paper will also analyze past and current sentencing laws, and how they have been interpreted in the criminal justice system. At the end of the paper, I will advocate for certain policies and programs, showing how they can be improved in the future. Analyzing the findings from my research will show possible explanations for the continued discrimination in the criminal justice system, and the best way to fight it in the future. There are multiple variables in this equation that affect each other. Some of the variables that show discrimination in the criminal justice system include policing efforts, length of sentences, recidivism rates between

different races, and the overall amount of people incarcerated in the United States. This issue in the United States is one that is complicated and has a lot of different parts that need to be addressed for discrimination to be reduced in the criminal justice system.

It is no secret that there has been a dramatic growth in America's prison population over the last few decades. In 2008 the Pew Center on the States reported that one in 100 American adults were behind bars. This of course means a huge increase in state spending on corrections. The total state spending on corrections is now about \$52 billion. This is why recidivism is so important, because that is one way that we can dramatically reduce the amount we spend on corrections each year.

Racial disparity exists at every stage of the criminal justice system. "It exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population" (Nellis et al., 2008, p. i). In order to better understand this issue in our criminal justice system, it is important to lay out the meanings of these important terms. Structural Racism is derived from the longstanding differential treatment of those with characteristics highly correlated with race (Nellis et al., 2008, p. i). There are four main forms of racial disparity we see in the United States. According to The Sentencing Project (2008), they include legislative decisions, overt racial bias, higher crime rates, and inequitable access to resources. All of this will be discussed throughout this analysis.

It is also important to understand the bigger issue of racism in the United States. Racism is a problem that philosophers have been trying to understand for years. Understanding how racism is morally wrong and the psychoanalytic underpinnings of it, is the best place to start for this type of analysis, which is what Levine talks about in his article published by the Cornell University Press. There are many different forms of racism, but it remains true that race and

color have little to do with racism (Levine, 2004, p.79). Levine (2004) claims that racism is bad because it denies basic human rights, and is therefore immoral. Racism is rooted in false beliefs or potentially cognitive defects. To go even further, he suggest that racism thrives in a democracy despite critics disagreement. So what is racism? Racism is hatred toward some race, whether or not it is correct is not relevant (Levine, 2004, p.82). There is not one clear answer for how to describe racism. In the article about police brutality they describe racism as, “an ideology or belief system, designed to justify and rationalize racial and ethnic inequality” (p.481). This is a bigger issue than fixing one law, or one person’s opinion. It is going to take change within the social values of our society, and it is not going to happen overnight.

Racism occurs in almost every other sector of the United States, not just the criminal justice system. If researchers fail to see how they are interdependent, understanding the issue of racism is going to be much more difficult to understand. Much of the quantitative research fails to reflect how these different domains are related. Barbara Reskin calls this the race discrimination system. “Systems theory offers a way to conceptualize racial discrimination as something greater than the sum of race-linked disparities across a set of subsystems” (Reskin, 2012, p.18). Reskin (2011), defines the race discrimination system as disparities across a variety of institutional spheres. These institutions were created centuries ago, when white men were the ones in power. It is far past the time for change within these institutions, and it starts with those in power.

Judges and prosecutors essentially hold the power of discretion. They determine how harsh of a punishment is put in place or in some cases removed. The have the discretion to impose mandatory minimums. This alone can allow for racial bias. “Discretion to criminal justice officials in handling offenders, discrimination can and often does, enter in” (Petersilia,

1983, p. v). If you look at crimes where there is an African American defendant and a white victim, you will see a very severe punishment imposed. Versus the other way around, you will see a much more favorable sentence for a white defendant (Klocke, 2013). As someone who worked in a prosecutor's office in DC, I never saw a white juvenile come into that court room. For 6 months I saw African American juveniles being failed by the system. This is not a coincidence, as the numbers show this is a fact.

In a study done by Joan Petersilia, they wanted to show if there is evidence of differential systematic treatment between races in the criminal justice system. This study is one of the best I have seen, because it is looking to see if there is discrimination happening or if the system is simply reacting to the amount of crime being committed by minorities. It also helps to show the systems handling of minority offenders. The goal was to show policy makers how to ensure equal treatment for offenders.

The study used official records and information from a large sample of prison inmates about factors in their background and used their criminal behavior during the study as well. It was supported by the National Institute of Corrections, Bureau of Prisons and U.S. Department of Justice. They did in fact find, "some racial differences in both criminal behavior and the treatment of offenders in the states involved" (Petersilia, 1983, p. vi). They also found that minorities were more likely to get longer sentences than whites.

## **Statistics**

It is necessary to look at the alarming statistics that show racial discrimination in our prisons. The United States is starting to see the "effects of racial disparities across major institutional spheres" (Reskin, 2012 p. 18). The major example for the purposes of this paper includes prisons. Mass incarceration is a huge problem in the United States. There are 2.2.

million people in prison and jail in the United States right now, and it has been increasing since the 1970's (Armstrong et al., 2017). The United States has 5% of the world population, but 25% of the world's prison population (Scott, 2017). The escalation of incarceration rates is not coincidental. "It is in fact the result of a systematic construction of policies, ideologies, and law enforcement practices that target very specific groups of people (minorities, poor, uneducated) (Scott, 2017, p. 42). The next section will discuss just how alarming the rate of minorities in prison are.

It is important to understand what contributes to the disproportionate amount of minorities in prison, and there is not one clear answer but instead a number of factors. According to Armstrong (2017), racial stereotyping, racial profiling and a high concentration of police in communities of color contribute to this discrimination in prisons. According to the Sentencing Project, 1 in 43 African Americans are incarcerated. 1 in every 134 Latinx are incarcerated, while 1 in every 242 white Americans are incarcerated. (Armstrong et al., 2017, p.98). This shows that minorities are more likely to be imprisoned than white people, but why is this? This is what will be discussed more throughout this paper in the analysis section. There is a large amount of literature that suggests black males are seen as "prototypical criminal", which is amplified in the media and disparate sentencing outcomes (Chaney and Robertson, 2013). If we are able to stop racist policing efforts, we will accomplish two major goals. First, we will reduce the number of minorities in prisons. Second, we will reduce the amount of civil lawsuits for damages from police brutality. Both of these will save cities and states a lot of money, so it is clear we should be focusing on fixing the issue from the minute people interact with the criminal justice system.

There are many factors and theories as to why minorities are discriminated against at such alarming rates. According to The Sentencing Project (2008), black males have a 32% chance of being imprisoned at some point of their life while, white males only have a 6% chance. The numbers are alarming and leaders in our country need to take action to stop this from continuing. According to Simon (2013), life prisoners are more likely to be African Americans. One reason for this is something Simon calls a 'trust deficit' in minorities when it comes to investigating. Another reason this happens is racist policing efforts. According to Reskin (2011), Los Angeles police are more likely to stop and frisk African Americans than whites. To go a step further in showing that this is discrimination, these frisks of African Americans were less likely to reveal a weapon than frisks of white people. This indicates, "that traffic officers' disproportionate scrutiny of blacks was unwarranted" (Reskin, 2011, p. 22). There is no evidence that African Americans were committing more crimes, which is an argument a lot of people try and make.

People of color are subject to higher policing and profiling so they get arrested more often. According to the study completed by Petersilia (1983), 51% of black males living in large cities are arrested at least once in their lives, compared to 14% of white males. Going one step further, out of those 18% of black males serve time. Only 3% of white males in the arrested group serve time. This is not because minorities are committing more crimes, this is because they are being policed more. There have been a number of studies that show immigrants commit the least amount of crimes because they do not want to get deported.

While reading an article about racism and police brutality in the United States, there was even more evidence of misconduct and a general distrust of the police. Now this paper is not focused on police, but it is important to take a brief look at their actions. Chaney and Robertson

completed a study that looked to see if police departments have made any major changes since the Rodney King beating. Rodney King was beaten by Los Angeles Police officers in 1991 during his arrest for drunk driving. This beating was recorded, yet the three police officers were acquitted. This caused a lot of unrest and riots. Now, yes this does not involve prisons but it does show how change has to happen at a systematic level for it to be successful. All of these moving parts that have been discussed need to work together to stop discrimination at all levels of the criminal justice system. In this case social justice movements worked to fight for Rodney King, lawyers worked to get him money for damages, and the LAPD had to fix the bad image they had acquired.

### **Discrimination in Sentencing**

Over the last 20 years, we have seen an increase in the lengths of sentences for violent offenses. Not only this, but we see minorities receiving significantly longer sentences than white criminals. “Sentencing disparities by race, gender, education, and socioeconomic status are prevalent in the federal criminal justice system” (Yang, 2015, p.75). Not only are minorities more likely to be in prison, but they are receiving longer sentences. Based on research, we can attribute this to racist judges, the inability to hire lawyers, lack of education on rights, and the lack of resources for ex-offenders when they are released. Because minorities cannot always afford lawyers, they are charged and convicted more often. Along those same lines, because minorities have a harder time making bail, they sit in jail longer which increases their incarceration rates. According to Yang (2015), black defendants get 5 month longer sentences than white offenders with similar offenses and criminal backgrounds. The Sentencing Reform Act of 1984 set guidelines that reduced interjudge sentencing disparities. However, this was struck down in 2005 in *United States v. Booker*. This increased the amount of judicial discretion

given to judges, and reduced the degree of appellate scrutiny (Yang, 2015). These longer sentences that minorities receive therefore attribute to increasing their incarceration rates relative to white offenders.

Yang completed a study with a data set of almost 400,000 criminal defendants from 2000-2010. She wanted to look at sentencing patterns and rates of discrimination after the *Brooker* decision. According to Yang (2015), after *Brooker*, prosecutors were not as willing to forgo mandatory minimum sentences. Not only this, but black defendants were more likely to be sentenced to the mandatory minimums than their white counterparts. Also, African American youth offenders are sentenced to life without parole at a rate ten times higher than white youth offenders (Nellis, 2008). This is why legislation and key Supreme Court cases shape the rest of the criminal justice system. Precedent is key in court, and until we change this current view of mandatory minimums and judicial discretion we will not be able to fix the problem of racial discrimination. Even though judges are supposed to be unbiased, there is no way to make sure that this is 100% true in every situation. A set of checks and balances similar to that in government might be a way we can check in on this issue.

Simon suggests that the war on drugs and mandatory minimum sentences are actually racist at face value. Certain drugs are associated with certain races, causing a racist narrative in the war on drugs. Marijuana for Mexicans, opium for Chinese and crack-cocaine for African Americans. With a focus on getting crack off the street in the late 1980's, it inevitably led to an influx of African Americans being arrested and charged with new mandatory minimum sentences enacted by the Anti-Drug Abuse Act of 1986. The United States needs to reform these policies as they were created almost half a century ago. Our judicial system is set up to change with the times, and this is an example of that not happening.

Research suggests that there are alternative options to jail, that may be more beneficial in reducing crime. Options such as probation and community based alternatives are things that should be more widely considered, especially when sentencing youth and first time offenders. The money spent on their incarceration can be better spent elsewhere, such as in the community. This will be discussed further on in this paper.

### **Jails in Other Nations**

The United States incarceration rates are disturbing compared to other nations, both industrialized and not. 1 in every 144 people are incarcerated in the United States (Armstrong et al., 2017, p. 98). 1 in every 220 Russians are incarcerated and 1 in every 3,030 people in India are incarcerated according to the Prison Policy Initiative (Armstrong et al., 2017, p. 98). For a nation who's criminal justice motto is, "innocent until proven guilty", we have a significant number of people in jail who are innocent. Organizations like The Sentencing Project and The Innocence Project are working to get innocent people released from prison. This will be discussed more in the next section of this paper.

Mass incarceration in the United States is an embarrassment worldwide, but it is also notably racist compared to our actual society. What that means, is that people with all backgrounds and educations can see how certain races are treated unfairly in our criminal justice system. Mass incarceration can be viewed differently depending on your societal values and views. "Right now it is being seen as potentially unconstitutional and a threat to American economy" (Simon, 2013, p.204). People in the United States are tired of fighting for the basic right to being treated equal.

Another issue that Jonathan Simon discusses (2013), is how longer sentences for violent crimes has been influenced by the fear of violence from the 1960's and 1970's. Our sentences

are longer compared to similar societies, which highlights our racist past. African Americans receive notably longer sentences, which was touched on above when considering mandatory minimums. This racist rhetoric bleeds into our present criminal justice system, with an alarming number of African Americans killed by police in the past decade. It is important to look at societies view of the police and racism, because those views come into the court room as well. Simon's idea to fix this problem is to focus on, "weaning the public from overly harsh sentences for violent crime" (Simon, 2013, p. 193). This will in turn, lead to lighter sentences for non-violent offenders as well. Americans need more trust for each other, both citizens and police. There is a lot of fear for police officers and citizens right now. People are not sure who to trust, because the media has a lot of influence with things that are not always true. Not only will this change reduce the overall incarceration rates in the United States, but it will also start to fix the issue of racist sentencing and policing.

### **Social Justice Projects and Media Influence**

"The Sentencing Project is a national nonprofit organization which promotes sentencing reform and use of alternative incarceration through program development and research on criminal justice issues." (Nellis et al., 2008, p. i). They also focus on what causes racial disparities, the consequences, and possible ways to fix the issue. According to The Sentencing Project, 1 in 43 black people are incarcerated. This is significantly higher than the rate of white incarceration which is at 1 in 242 people. Groups like The Innocence Project and the Sentencing Project are key players in reversing the damage already done. There are many factors that play into the racial discrimination at all stages of the criminal justice process. According to research done by John Hipp (2010), crime has a direct relationship to neighborhood characteristics.

Hipp (2010) completed a study that looked at this relationship. He found that neighborhoods get stuck in a cycle of disadvantage when structural characteristics are not changed for the better. The ability for people to move out of bad neighborhood directly depends how the neighborhood responds to crime. Not everyone is capable of leaving an area just because it is bad. Hipp suggests that we need to look at what exactly drives this change, and the potentially consequences of this change. "Some scholars have suggested that social and physical disorder will bring about higher levels of crime" (Hipp, 2010, p. 207). He also found a positive relationship between resident instability and crime. This means that if we can make neighborhoods as a whole safer through a variety of efforts, we can in turn help those people within the neighborhood work towards a better life.

Social justice movements like the Black Lives Matter movement, are key in shining light on the broken system. They put pressure on the people in power to actually make changes. They have a large social media following, and this is a form of activist networks working to influence political leaders to make changes at the systematic level. Elections at all levels are now forced to tap into activist networks to help their campaign and to show they are willing to listen to what people in America want.

Brian Klocke writes about the importance of social justice movements, as America is losing trust in the people in power. "Decline in trust for our mainstream institutions", has occurred over the last decade, this includes the criminal justice system (Klocke, 2016, p. 129). Also according to Klocke (2016), the African American poverty rate has always been higher than the country's national average. This shows that we have so many levels of things that need to be addressed and fixed if we want to see a change in the institution as a whole. If people are set up

to live a life of poverty and not be able to obtain the basic necessities of life, many will inevitably turn to crime because they do not have any other choice.

Past programs such as the war on poverty were only successful because of the comprehensive systematic approach. “Effective social policies require comprehensive systematic and structural change addressing social inequalities” (Klocke, 2016, p.130). Activists who support social justice movements like Black Lives Matter have an influence in the realm of politics. The influence of these groups was seen in the 2016 and 2020 election because they force candidates to talk about the issues (Klocke, 2016). America needs programs, policies, organizations and leaders to work together to transform structures if they want to see long-term sustained change. These social movements are an integral part of pressuring leaders to make this happen.

### **How can we fix this issue**

Understanding the policies and rehabilitation programs will help pave the way for potential changes that need to happen in the system. The article written by Dennis Schrantz talks about what works to reduce crime, and the challenges of implementing new legislation and programs. Some say that increasing education in prison is the answer, while others think we should invest in poor neighborhoods. Schrantz believes the top three ways to reduce crime are by improvement in communities, expansion of human resource services and executive branch rethinking (Schrantz, 2015, p.92). The challenge is, you need organized and expert guidance to successfully implement the change. Schrantz article focused on how Michigan achieved such high levels of success in reducing recidivism. According to Schrantz (2015), Michigan recidivism reduced by 18% between 2005 and 2007. One of the largest reductions in U.S. history. The recidivism rate was reduced by even more between 2000 and 2008 at 28%, and

improved by 39% through 2011. (Schrantz, 2015, p.93). They also lead the nation in closing the most prisons. Reducing people in prison is not just about reducing crime. It involves fixing policies that affect sentencing and parolees.

There is a connection to education systems and prisons. “Policies at these schools affect the number, race, and class of prisoners” (Scott, 2017, p. 42). This can be traced back to the zero-tolerance policies from the 1990’s. So how do we fix this? “The root cause of the pipeline, is racist, discriminatory and ineffective school policies” (Scott, 2017, p. 43). Solutions must start at the school level, and continue after prisoners are released. Some ways to fix the issues at schools includes instituting restorative justice, re-examining special education placement and changing how criminal justice programs are taught in college. Even though we are working towards correcting the college criminal justice programs, it is not enough yet. There are still too many bad apples ruining it all. We need to expand the effort to create, “objective, open-minded individuals” (Scott, 2017, p.47). These programs are responsible for shaping future police, judges, prosecutors, truant officers, and probation officers who are charged with punishing those in the system and at schools.

### **Advocating for Policy**

Education in prison has been shown in many studies to positively impact the life of offenders when they are released. It has been shown to reduce recidivism rates and encounters with the criminal justice system. This not only helps offenders not offend again, but it helps to make them functioning members of society. On top of all of this, “it saves taxpayers money, but also brings more money into society, potentially enhancing the overall economy” (Scott, 2017, p. 45). In order to make this possible, prisons will need state and local funding. This is because the Violent Crime Control and Law Enforcement Act was passed in 1994, and it stopped federal

funding for education in prisons. Right now, if prisons want to have education systems they have to have private sector funding.

There also needs to be a change in the attitude towards education in prison. According to Scott (2017), teachers experienced disrespect from the officers, officers withheld supplies, and inmates who participated were made fun of. If we create a pipeline after prison where offenders can go on to higher education, or complete their GED, we will see lower recidivism rates. Not many studies are done on this, like they are for the school-to-prison pipeline we see from k-12. “Prison has given them the opportunity to see themselves as something more than inmates” (Scott, 2017, p. 46). This is a way to change the way inmates see themselves. They can now see that they can be successful, and live a life without crime because they have been given the resources to do so.

When researching academic sources for articles on discrimination, I came across one that was outside the realm of the prison system, yet perfectly tied into the race discrimination system I am trying to understand. The paper written by Sandra Sperino (2011), talks about the framework used in employment discrimination cases. It discusses the language that should be used in statutes, as well as how using a “framework” in court does not always work. Now I know you are thinking, how does this tie into discrimination in the criminal justice system? Well, Sperino says that we should not be using a framework at all when it comes to discrimination. Meaning, discrimination can happen at all different levels and in many different ways. The frameworks our courts use to determine discrimination are limiting their own ability to stop the discrimination.

Determining key statutory language in employment discrimination will help to make sure that substantive changes happen in the workplace. If we carry this language into statutes

involving discrimination in the criminal justice system, we may be able to make change in this realm as well. Sperino suggests that the Supreme Court may be best able to “fix” this framework (Sperino, 2011, p. 73). If the statutes have too broad of language, lower courts will be left to fill in the gaps. Fixing the statutory language also means we need to punish those people who discriminate at all levels of the criminal justice system.

### **Analysis**

In all of this research, it is important to understand that there is not one solution or policy that will fix this problem. It is going to take a lot of money, a lot of guidance from high ranking officials, and most importantly time to make real change. The ideas above simply show possible ways to improve the system. Without change, America risks losing confidence in its criminal justice system. Citizens will not respect the sentencing process if that system does not reflect societal values (Nellis et al., 2008). On top of this, how can we fix discrimination during policing and in court rooms if we do not fix it in jails themselves. States have still been caught doing racist things in their jails. This is something that is unacceptable in a post-civil war society and there are laws in place to prevent this. We need to consider how criminals are shaped, and this starts in neighborhoods and schools. If we can address this, we will be able to make a dent in the discrimination that occurs in the criminal justice system.

Systems inherently resist change for a number of reasons. The main one in this case is the group that contributed to the creation of this race discrimination system, have a stake in its survival. Reskin talks about how the system may need an exogenous shock in order to start to change. The last time we saw this type of shock to the system was between 1964 and 1972 when the federal government outlawed racial discrimination in employment, public accommodations, credit, mortgages, voting and education (Reskin, 2011). So, now what? The effects of being

black in America are well documented through a number of studies and research. Until we recognize the system is the problem, we will not be able to move toward a fairer society. By taking the systems approach, blacks can overcome the discrimination constraints through the periodic implementation and enforcement of policies to reduce discrimination (Reskin, 2011). Other approaches do not work because they do not generate effective remedies like the systems approach does.

As the research says, it is not a coincidence that certain races are targeted. It is not always about the money, programs, and policies. It is also about treating people humanely in jail, on the streets, and in court. According to Nellis (2008), the causes of racial disparity can range from law enforcement emphasis on certain neighborhoods, to practitioners who practice broad discretion in the justice process. Judges and prosecutors seem to have an implicit bias against African Americans and other minorities. Therefore, there are more likely to convict and impose longer sentences. This is just another factor leading to the disproportionate amount of minorities in prisons. This can also be linked to how longer sentences leads to an increasing incarceration rate for African Americans compared to white offenders. This is another reason why we need systematic change. Petersilia's study found that minorities were more likely to have their case forwarded to a prosecutor and have a case officially filed (Petersilia, 1983). As I have said, discretion leads to discrimination.

There are resources available to states that wish to make a change. The manual written by The Sentencing project lays out the steps to assessing and fixing racial disparity within criminal justice systems. Studies show that discrimination is a problem in the United States, there is no question about that. The problem is that the country does not seem to be moving towards fixing this anytime soon. If this problem persists, I predict that society will lose faith in the criminal

justice system more than it already has. This is going to continue to cause unrest and protest like the Black Lives Matter protests we saw in summer 2020.

There may be something to consider with our rehabilitation programs, that could be improved to reduce recidivism. According to Simon (2013), there are limited political risks and these programs have merit. The outcomes of diversion programs and other similar programs are better than incarceration outcomes. It is also a less expensive option for the state. So the argument that officials do not have or want to spend the money is invalid. Drug users are not inherently dangerous, which is something that many people do not understand. People group drug gangs and drug users into one group, but this is not valid. “We will not get past mass incarceration, racial discretion and harsh sentencing if people do not get over the fear of violent crime. This is what drives penal policy” (Simon, 2013, p.199). If Americans do not change their view on this, we will continue to see an influx of drug users in jail based on the irrational fears that Americans have of violent crime. This fear from Americans influences how we punish non-violent crimes as well.

Simon makes a valid point that the war on drugs is a racist policy. It targets minorities and, “reinforces structural barriers to racial equality in the United States by damaging the human capital of the incarcerated and depriving minority communities of the net gains to social capital provided by many who use illegal drugs” (Simon, 2013, p. 192). Going along with that, when we over punish violent crimes it will lead to the over punishment of non-violent crimes as well. This ties into the issue of longer sentences given to African Americans discussed above.

But, as we saw in the case of Michigan it may also take rethinking outside of prisons themselves in order to reduce incarceration in the United States. Reducing incarceration rates will inevitably reduce the amount of minorities in prison. Based on this research, a large reason

these programs and changes to be a better system do not work, is a lack of coordination for these efforts. On top of this, they physically do not have the capacity or resources to be successful. African Americans have a higher recidivism rate, discussed above. If we reduce recidivism in African Americans, this will also help with their incarceration rates compared to white offenders. Why is this important? It can save states millions of dollars if they can close facilities. This money can be put towards other things like investing in poor neighborhoods.

As talked about in the Pew article (2011), low and high recidivism are not the only factor in determining if a prison has successful programs in place. There are many other factors that contribute to their success such as economic and social factors. Each state and each jail is going to need to make different changes, there is not a 'one size fits all' approach to fixing the race discrimination system.

## **Conclusion**

The problem of public fear and racial discrimination will never one-hundred percent disappear in America. In the land of the free, people will always have opinions. This is protected under the First Amendment. However, there is no place for discrimination in our country. Personal opinion is not what needs to be fixed. The people in charge of protecting Americans and their rights need to step up to fix the broken system. The current criminal justice system is unacceptable in the eyes of many similar nations, as shown by the sheer number of inmates in our prisons compared to other countries.

Systematic and legislative change will not happen over-night, but instead is going to take many people in order to be effective. It is also not a problem we can put under one 'discipline'. As shown throughout this paper, racism can be studied through statistics, philosophy, legislative policy, and more. That is why I felt it was so important to research further into this problem. The

interdisciplinary aspect does make it a more complicated issue, because this system of racism cannot be fixed with one new law or one new policing practice. It is going to take time, and a lot of effort to move towards a truly equal society.

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