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Tori Cooper

Racial Prejudice in the Criminal Justice System

Racial prejudice against African Americans has been the leading cause of high incarceration rates amongst the African American community. Within the United States, the census reported that African Americans make up about 17.9 percent of the population, with one-third of the people making up the incarcerated population in America. The disparity in those numbers highlights the current situation that is plaguing the nation. Blatant cases of racial profiling that have received media attention are a true testament of the broken law enforcement system from coast to coast. Racial prejudice cases have affected the black American community since the beginning of their journey to America. A very prominent African American activist that has most commonly been known for her activism within the Black Panther community, Angela Davis, once wrote, "Although government, corporations, and the dominant media try to represent racism as an unfortunate aberration of the past...it continues to influence contemporary structures profoundly, attitudes and behaviors" (Davis, 2003, p.24). The truth behind these words rings a sense of accuracy concerning the state of the criminal justice system and not only its relation to slavery. Slavery was used as a method to undermine blacks to maintain a level of superiority and security. The prison system is a bigger scale of the significant racialized system. Although slavery has been deemed unconstitutional, our current penal system has some disturbingly similar characteristics. Racial prejudice in the criminal justice system has been an ongoing issue since the transition to America. A myriad of predisposed ideas does institutionalized racism, for instance, the natural biases towards African Americans, the idea that someone looks criminal, the harsher sentencing amongst all races, and the race-neutral laws that negatively affect the African American race have all single-handedly played a role in the criminal justice system.

The criminal justice system has created and perpetuated systemic racism within the United States that has objectified an entire community based on pre-initiated thoughts. This is based on how the criminal justice system establishes itself uses subtle ingrained notions to criminalize blacks in America. The Vera Institute of Justice highlights, that the ideas behind this “are rooted in a history of oppression and discriminatory decision making that has deliberately targeted black people; in a false and deceptive narrative of criminality; in implicit as well as conscious bias; in the legacy of structural racism and segregation.” They believe that the racial disparities are rooted beyond the guilty and non-guilty conviction but stem from past narratives. The evidence behind these racist ideas has over-incarcerated and kept apart many families because of this. Discrimination and policies have been instilled in the justice system to criminalize the black man since the unjust ways in which they came to America. The Vera Institute of Justice demonstrates this finding by stating, “Discriminatory criminal justice policies and practices have historically and unjustifiably targeted black people since the Reconstruction Era to capitalize on a loophole in the 13th Amendment that states citizens cannot be enslaved unless convicted of a crime.” These racist ideas have been ingrained and woven into the makeup and outside interpretation of the African American community. This token idea has changed the forefront and thoughts of many incarcerated human beings.

In recent years, the rise in the killings of unarmed African Americans has plagued the nation. Their deaths have not only sparked a cry for change for the unlawful deaths that keep occurring but are a continuation of fatalities that plague the country. The unjust death of the nineteen-year-old De’ Von Bailey occurred because of an alleged gun being reached for in a dispute with a police officer. The death of Jamarion Robinson ended with him being shot seventy-six times for not opening an apartment door. Many of the killings have ensued with a

predisposed notion of who the men are, and what threat they plague to society. This turmoil has painted a negative narrative of the policeman and police brutality against blacks all around.

Despite the description, the bravery that some policemen displayed has helped aid in the safety of a better America. The notion that all policemen are corrupt and pose a threat to the black man merely is untrue and a broad generalization. However, in some instances, their use of excessive force has unjustly taken the life of many black individuals. Within the status quo, some trained officers can act out of emotion, but untrained citizens are expected to remain calm with a gun in their faces. Within this instance, the police force is sometimes clouded with preconceived notions that the individual poses as a threat to them and maybe society.

The parallel between the idea that someone looks criminal and racism is uncanny. In a nutshell, those ideas have imbedded an entire community since the beginning of time. The notion that someone looks “criminal” has incarcerated several African Americans, specifically males, for crimes they might not have committed. A study done by the Vera Institute of Justice found that “Bias by decision-makers at all stages of the justice process disadvantages black people. Studies have found that they are more likely to be stopped by the police, detained pretrial, charged with more serious crimes, and sentenced more harshly than white people.” This can be understood as people wrongfully accusing an African American more so than they would a white individual despite them not being a criminal. The prison system can be seen as a metaphor for race. The reflection of this reality is behind the cages. They are the victims of some of the most hard-hitting pandemics of overcharging. The NAACP even states that “African Americans are incarcerated at more than five times the rate of whites.” The heightened sensitivity of encounters has coerced both parties, the police system, and African Americans, to fall into the cycle. Cases

have even found that African American individuals have sometimes been given even harsher sentences than others who might or have done the same crime or committed worse acts.

The process in which an individual is prosecuted for obstructing justice is supposed to highlight the means to an end. Though, in some cases, those ends are done in unjust manners that contradict the meaning of justice as an entire. Some sentencing laws were created to punish individual races harsher than others despite the offense. The Sentence project has found the “Sentencing laws that are designed to punish certain classes of offenses more harshly, or to carve out certain groups from harsh penalties, also often have a disparate impact on people of color.” Unconscious racial bias is a significant component of these disparities. The implicit bias is done by false portrayal through media or other cases that are similar. Within this range of knowledge, The Sentencing Project also noted that “Judges are more likely to sentence people of color than whites to prison and jail and to give them longer sentences, even after accounting for differences in crime severity and criminal history.” Racial bias is dispensed from case to case dependent on work/caseload. Researchers have found that harsher sentencing is dealt with because of practiced universal discrimination. It is even stated that “African Americans receive sentences 49 percent longer than whites convicted of similar offenses” (Miller, 1996, p.65). Because of the racial disparities and bias, African Americans are kept in cages longer than sometimes necessary than their case requires.

In a most recent case, Rodney Reed, a death row inmate from Texas, was scheduled to die for the 1996 alleged rape and murder of Stacey Stites. The death that was supposed to occur on November 20th sparked a lot of attention from many activists and celebrities as prosecutors began to take a closer look at the case. Many people, including activist Shaun King and Kim Kardashian, urged the governor, Gregg Abbott, to “do the right thing” and consider the new

evidence. The latest proof highlighted the almost execution of an innocent man. Reed was wrongfully convicted of murdering Stacey Sites with evidence that placed him behind bars and practically executed. Stacey Sites was found dead in Texas, strangled with her belt and an unidentified male DNA found in and on her. Though her fiancé was last seen with her and failed two polygraph tests, he was later released, and Rodney Reed was brought in. The two, Stacy and Rodney, had been in a consensual sexual relationship, which prompted investigators to shift their focus onto Rodney. A DNA test was invoked, and the analysis concluded that the two had been seeing each other. Rodney was then tried and then convicted of murder and rape. Misleading and tampered evidence, racial bias, and an unfair trial have kept Rodney Reed in prison for more than two decades. The idea that looks alone have the power to prevent an entire community from maintaining fundamental freedom has been the forefront of racial prejudice in the criminal justice system.

The evidence behind racial discrimination is well documented. Race neutral laws stem from severe and deep-rooted hatred that often discriminates against black people. Stop, and Frisk has been used throughout the nation as a way to curb illegal street activity, but it, in turn, has lead to “indirect racial profiling.” This has only highlighted the racial disparities within the justice system. The policies have not helped remedy the ever-present problems that flank the nation; they have only inflamed the stripe between the people. Policies that target a particular race negatively affect the harmony of the systems that are being instilled.

When looking at the imprisonment rates observed by the regions across the nation, it is evident that the number of African Americans within the government does not correspond with

how many people currently in the prison system. Over the last couple of years, the jump in prison rates has been astonishingly high and keeps rising. An unjust burden has been placed over the lives of African Americans; every day, they face the terrible consequences of a system that was established out of racism and hatred. Even the few that can survive the harsh prison life are set free into a jobless and purposeless world. African Americans especially have difficulty adjusting to life without bars. Despite the end of their sentence, they are forever controlled by the system. It is perpetual imprisonment; they are forced to answer to the law regardless of how unjust the system is. The truth behind the system is that it is a continuation of slavery and the oppressive Jim crow laws. Racism is highly versatile. Color Blindness has been utterly obscure to the eyes of the justice system. The great Martin Luther King, Jr. wrote that “An individual has not started living until he can rise above the narrow confines of his individualistic concerns to the broader concerns of all humanity” (Corp. for National and Community Service, 2011).

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