



UNDERGRADUATE RESEARCH: RACIAL DISCRIMINATION WITHIN THE CRIMINAL JUSTICE SYSTEM

CAMERON MOQUIN & DR. SPERPOLOUS- JUSTICE STUDIES DEPARTMENT

TOPIC 1: THE INCARCERATION EFFECT

ABSTRACT

While the criminal justice system is theorized, framed, and practiced by most to be “equal for all”, the justice system has in practice shown racial discrimination within numerous aspects of our system; both on a state and federal level that prevent our system from functioning in its true intent. From stricter bail restrictions to harsh criminal penalties that lead to longer incarceration rates, the ways in which racial discrimination negatively affects the already questionable criminal justice system plays a consequence within society. Aspects that affect our everyday life and society, such as prison populations; paint the way in which our system has functioned but also has highlighted the distinction in our system: from how we think of it versus what we perceive of it once we see it in action.

PURPOSE

This research aims to answer the question: in what ways does racial discrimination disproportionately impact minority offenders compared to white offenders within the criminal justice system? The purpose of this research is to analyze statistics to better understand the impact of race on bail granted to offenders, state and federal incarceration rates, and the differences in sentencing for comparable crimes committed to expose the disproportionate aspects of the criminal justice system. Additionally, the ways in which society is affected by the inequalities of the discriminatory criminal justice system will also be explored.

METHODOLOGY

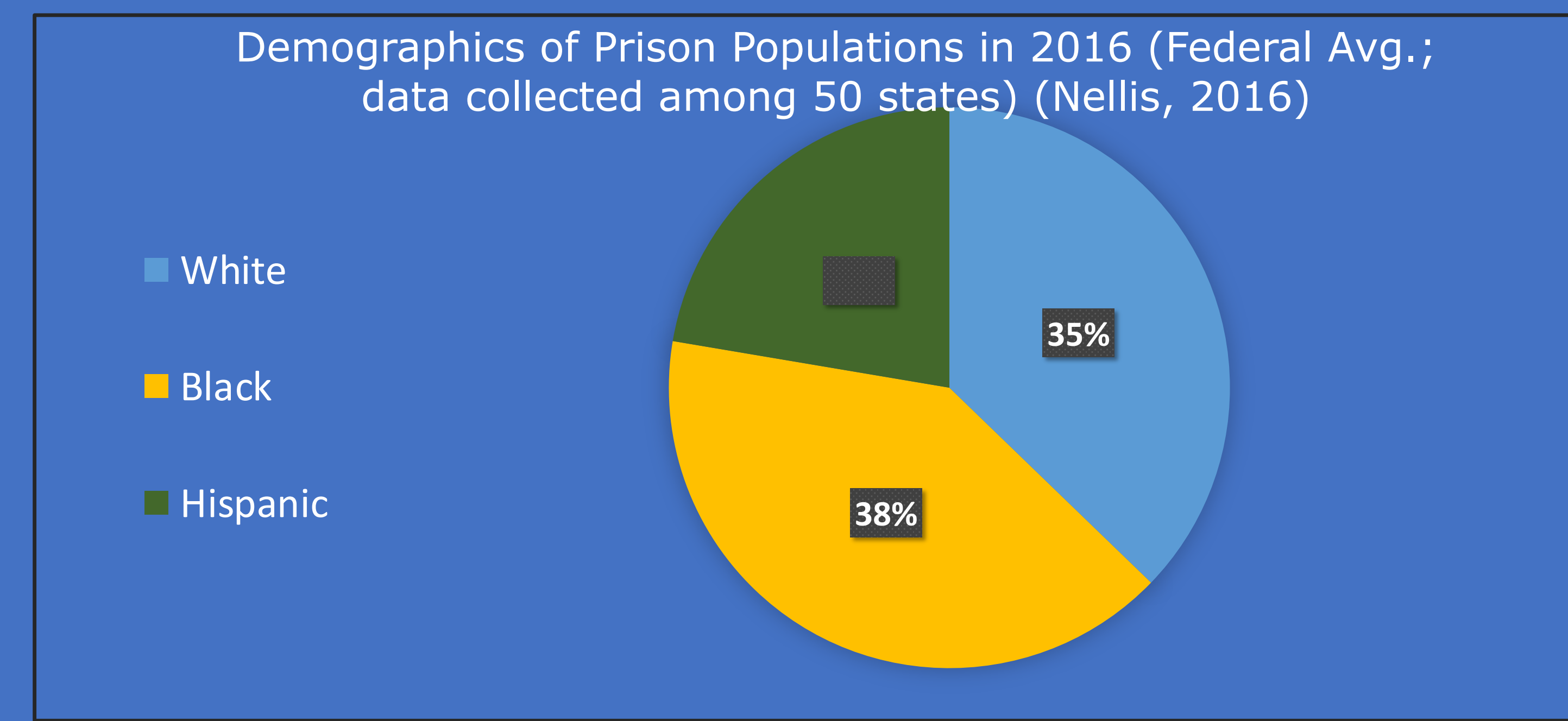
A systemic report of the existing literature was utilized to examine this topic as part of a research paper for JUS 224: Legal/Justice Research Methods with Dr. Lisa Speropoulos.

REFERENCES

1. Kang-Brown, J., Montagnet, C., & Heiss, J. (2021, January). *People in jail and prison in 2020*. Vera Institute of Justice. <https://www.vera.org/downloads/publications/people-in-jail-and-prison-in-2020.pdf>;
2. Lounsbury, G. C. (2007). Why Are So Many Americans in Prison? Race and the transformation of criminal justice. *Boston Review*, 32(4), 7–10.;
3. Mauer, M. (2010). The impact of mandatory minimum penalties in federal sentencing. *Judicature*, 94(1), 6-40.;
4. Miller, D. W. (2020). Discrimination, discretion, and Iowa's packed prisons. *Iowa Law Review*, 105(2), 901–946.;
5. Nellis, A. (2016, June 14). *The Color of Justice: Racial and Ethnic Disparity in State Prisons*. The Sentencing Project. <https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/#II.%20Overall%20Findings>;
6. Turner, K. B., & Johnson, J. B. (2005). A COMPARISON OF BAIL AMOUNTS FOR HISPANICS, WHITES, AND AFRICAN AMERICANS: A Single County Analysis. *American Journal of Criminal Justice*, 30(1), 35–53.

Background Citation:

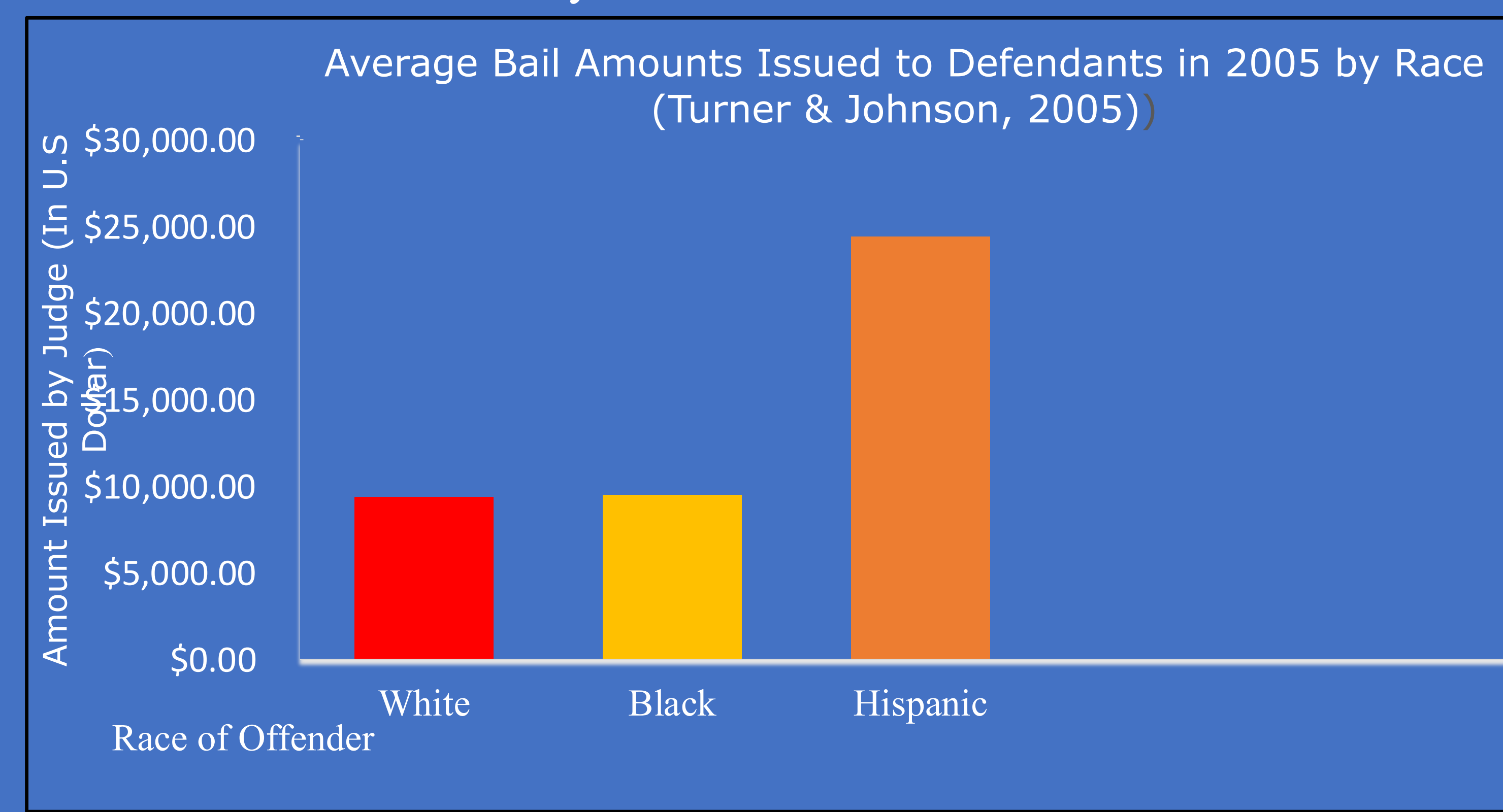
- The U.S. has the largest population of incarcerated individuals: with “1,249,300 individuals in prison and 633,200 in jails” (Kang-Brown, et al. 2021, p. 1)
- In certain states, “the percentage is larger than half of their incarceration rate”, with African American offenders largely contributing to the figure. (Nellis, 2016, p. 1)



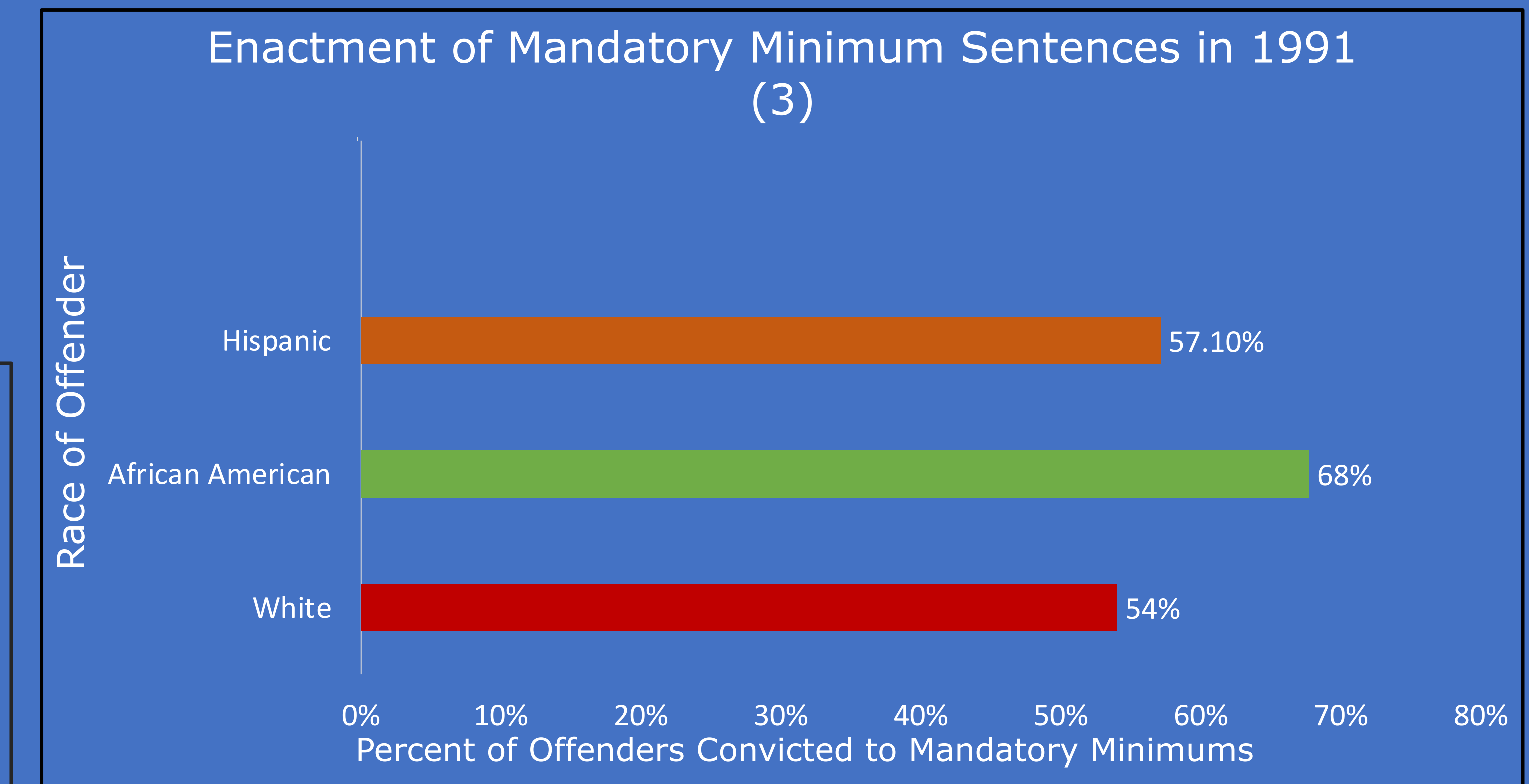
- This is prompted by strict spearheads by law enforcement to follow harsh policies and practices that target minorities, such as Iowa which has “the third-highest rate of adult black male incarceration and the fourth worst black incarceration rate overall” (Miller, 2020, p. 1) and is “one of 20 states without any racial profiling laws” (Miller, 2020, p. 1).
- States that have remained consistent with the Federal government’s “nationwide push to crack down on drug abuse and gun violence” (Miller, 2020, p. 1) prompts law enforcement and the criminal justice system to uphold strong discretion.

TOPIC 2: THE BAIL PROCESS

- A study conducted by K. Turner and J. Johnson found that in 2005 “the \$24,404.55 average bail amount given to Hispanic defendants was \$15,033.67 greater than the average for Whites (\$9,370.88) and \$14,918.69 greater than the average for African Americans (\$9,485.86)” (Turner & Johnson, 2005, p. 45) when calculated nationally.



TOPIC 3: MANDATORY MINIMUMS



- Theorized to be beneficial in objective nature, mandatory minimum sentences were hopeful to “bring greater certainty to the sentencing process” (Mauer, 2010, p.6) for specific status offenses.
- However, the conviction rates signal a more subjective application against individuals “appears to be related to the race of the defendant” (Maurer, 2010, p. 8) due to many possessions being for crack cocaine within high-poverty communities, causing “harsh penalties to a population that is not necessarily representative” (Maurer, 2010, p. 8) and harmful.
- The issue was attempted to be aided by the Sentencing Reform Act of 1984. With the expectation to be more objective in being more consistent in “similar federal sentences on the front end” (Klein, 2016, p. 723) based on similar criminal circumstances.
- However, the decision of *United States v. Booker* in 2005 granted judges more discretion in applying such sentences beyond evidence presented at trial. This paved the way for more discrimination as “sentences for black offenders were almost 20% higher than for similarly situated white offenders” (Klein, 2016, p. 726) and increased from 15 percent from the previous prison term.

RESULTS/CONCLUSION

- While the foundation of the criminal justice system is to protect and treat all individuals fairly, there appears to be instances where bias leads to unfairness. Given the circumstances and the historical context that the United States had with conflict against the ideas of racial discrimination, the conflict for racial equality still is far from over; even after the civil rights movement and the enactment of the fourteenth amendment.
- With racial discrimination deciding certain factors of the criminal justice system on both a state and federal level, racial discrimination within the criminal justice system has effectively contributed to the issues existent in the system today in both objective and subjective methods and making the system unfair in practice.