

The Racial Incarceration Problem in the United States

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The purpose of this research paper is to show that racial discrimination occurs throughout the criminal justice system. This is not a new phenomenon, and it has been happening for hundreds of years. Racial discrimination in the criminal justice system first occurred back in the early 1700s to control and use excessive force on slaves who refused to obey their White owners (NAACP, 2021). This led many Americans to think that slavery was justifiable and not a problem in society. The use of slavery in the 1800s created a conflict between groups who supported slavery and those who opposed it, which led to the Civil War. In 1868, the ratification of the Fourteenth Amendment granted equal protection for African Americans under constitutional law (NAACP, 2021). However, the Fourteenth Amendment was not very effective because there were political debates and resistance by southerners who were supportive of slavery. In the 1900s, the Jim Crow Laws formed which led to segregation and allowed police to use excessive force on African Americans who disobeyed the laws (NAACP, 2021). Jim Crow Laws and opened racial discrimination against African Americans continued until the Civil Rights Act of 1964 was approved. However, racial discrimination against Blacks has continued to the present day, especially in the criminal justice process. The thesis of this research paper is that the United States criminal justice system incarcerates more Black people compared to Whites due to racial discrimination. To be more specific, there is racial bias in the arrest, pre-trial detention, bail, prosecution, sentencing, and incarceration of Black Americans.

In the present day, there is still discrimination occurring throughout the United States. According to a 2017 study, the United States has the largest incarceration rate in the world (Wildeman & Wang, 2017). Based on research from academic studies and articles, Blacks are incarcerated and put in prison five times more than Whites (Nellis, 2016). African Americans

represent 12% of the U.S. adult population and 33% of the prison population, while Whites represent 64% of the U.S. adult population and 30% of the prison population (Gramlich, 2019). Systemic racism is in every stage of the U.S. criminal justice system. There are problems in policing, juvenile justice, jails, pretrial detention, prisons, sentencing, corrections, reentry, and prosecution against people of color (Sawyer, 2020). The point is that many state politicians still hold confederate beliefs that lead them to use racially disparate policies, beliefs, and practices against Black people (Nellis, 2016).

There is also discrimination in the sentencing of Blacks, where most charges are related to drug offenses (Rice-Minus & Giboney, 2021). In a study conducted by the Harvard Law School, in the state of Massachusetts, there has been a problem with racial and ethnic disparities against colored people (Tsai Bishop et al., 2020). The Massachusetts criminal justice system has racial bias throughout the process from policing to arrest to bail to sentencing to incarceration. Clearly, there is racial discrimination occurring throughout the criminal justice system in the United States.

Background

History of Racial Discrimination in the Criminal Justice System

Racial discrimination in the United States criminal justice system is not a new phenomenon and it has been occurring for hundreds of years. From 1525 to 1866, approximately 12.5 million people were kidnapped from Africa and sent to the Americas as slaves (Solly, 2020). Racial discrimination in the criminal justice system first occurred back in the early 1700s by white slave owners to control and use excessive force on slaves who refused to obey them (NAACP, 2021). The original settlers to the United States were white European immigrants, and throughout history, the white Americans have seen non-whites, immigrants, and non-English

speaking people as threats. Whites passed along stories and rumors about minority groups that described these minorities as being highly connected and involved in criminal activity. These minorities included African Americans, Native Americans, immigrants, and refugees. The use of myths, lies, and stereotypes about minority groups led many Americans to think that slavery was justifiable and not a problem in society. The use of slavery in the 1800s created a conflict between groups who supported slavery and those who opposed it, which led to the Civil War.

When the Civil War ended in 1865, African American slaves were supposed to have been freed. The Thirteenth Amendment to the U.S. Constitution abolished slavery and involuntary servitude and many people believe that slavery ended with this amendment. However, the Thirteenth Amendment abolished slavery “except for punishment for a crime.” This exception allowed slavery to continue. After the Thirteenth Amendment was adopted, the white American public feared crime would come from the newly freed Black Americans (Delaney et al., 2021). Also, wealthy plantation and business owners had a problem because they lost the supply of free slave labor, and their profits were going to decrease. The Thirteenth Amendment gave these wealthy white owners a loophole in the law that allowed them to enslave Black Americans as punishment for breaking any law. In the state of Virginia, in 1871, the state Supreme Court said that an incarcerated person was a “slave of the state” (Delaney et al., 2021). In the 1870s, 95% of the Southern prison population was Black (Delaney et al., 2021). Southern white plantation and business owners could use the Black prison population as slave labor. An example of this slave labor was the convict leasing program. This program was where Black Americans were incarcerated in southern prisons, the prison system leased the prisoners to private companies who used the prison labor for their benefit, the private company then paid the prison system. Prisoners were not paid for their work, so this practice continued slavery in the south. This convict leasing,

which was slavery in a different name, was practiced throughout the southern states. In 1928, Texas had 12 state prisons and nearly 100% of the workers were Black (Delaney et al., 2021).

Throughout history, Black leaders including Frederick Douglass and Harriet Tubman led movements against slavery. They attempted to talk with government and community leaders to try to help them understand how bad racism was in American society (Solly, 2020). In 1868, the ratification of the Fourteenth Amendment granted equal protection for African Americans under constitutional law (NAACP, 2021). However, the Fourteenth Amendment was not very effective because there were political debates and resistance by southerners who were supportive of slavery. From the 1850s to 1940s, racial and ethnic minorities made up 40% to 50% of the prison population (Delaney et al., 2021). In the 1900s, the Jim Crow Laws formed which led to segregation and allowed police to use excessive force on African Americans who disobeyed the laws (NAACP, 2021). Jim Crow Laws and open racial discrimination against African Americans continued even though the Civil Rights Act of 1964 was signed, but still discrimination happens today in American society. Martin Luther King Jr. led the Civil Rights movement for the integration of Blacks into American society (Solly, 2020). However, racial discrimination against Blacks has continued to the present day, especially in the criminal justice process. Beginning in the 1970s, the prison population increased significantly due to public anxiety and fear of non-white minority groups who, many Whites believed, are mostly criminals and should be treated as second-class citizens.

Policing History and Racial Discrimination

The history of policing in the United States can be traced back to England where policing was first formed. Policing during the Colonial days was known as the “Watch” or “The Big Stick” where community volunteers took charge to look for any signs of danger (Brooks et al.,

2016). Policing of communities increased throughout the years and by the 1880s, all major U.S. cities had large police forces. The first use of racism in law enforcement happened in the 1700s in the South which was called the “Slave Patrol” (Brooks et al., 2016). Slave Patrols had the job to chase down and apprehend slaves so they could be returned to their owners. They used a form of organized terror to increase slavery and to maintain slave workers and subjected slaves to punishment if they violated any rules. During the Civil War, slave supporters took advantage of the Slave Patrol to control freed slaves (Brooks et al., 2016). Racism in the police force and the criminal justice system runs deep and goes back hundreds of years.

Analysis

Current Day Incarceration of Black Americans: Statistics, Data, and Trends

Throughout history and up to the present day, racial discrimination in the criminal justice system has been occurring throughout the United States. The most obvious and publicly visible proof of this situation is shown by the high incarceration rates of Black Americans in the federal and state prison systems. According to a 2017 study, the United States has the largest incarceration rate in the world (Wildeman & Wang, 2017). From research conducted in 2020 by the Institute for Crime & Justice Policy Research (ICPR) the U.S. leads all countries in the world with the highest incarceration rate of 655 prisoners per 100,000 people; in comparison, the next four highest rates are Turkey 344, Israel 234, Chile 232, and New Zealand 199 (Szmigiera, 2021). From this same study, the United States incarceration rates are significantly much higher than other large and economically developed countries, for comparison the United Kingdom - England has 135 prisoners per 100,000 people, Mexico 158, Australia 169, Canada 107, France 104, and Germany 77. Based on research from academic studies and articles, Blacks are incarcerated and put in state prisons five times more than Whites (Nellis, 2016). In 2019, the

incarceration rate of African Americans in local jails was 600 incarcerations per 100,000 people (US Bureau of Justice Statistics, 2021). In research materials presented by the Prison Policy Initiative and using Bureau of Justice Statistics for 2018, the racial disparity in prison incarceration rates for Black Americans is significantly biased against Blacks: there were 2,272 Blacks per 100,000 of the U.S. population, 1,018 Hispanics, and 392 Whites (Prison Policy Initiative, 2020). Black American incarceration rates are significantly different and higher than the percent of the U.S. population Blacks represent. African Americans represent 12% of the U.S. adult population but 33% of the prison population, while Whites represent 64% of the U.S. adult population and 30% of the prison population (Gramlich, 2019). The incarceration statistics for African American women are also disproportionately higher, the incarceration rate for Black women is 88 per 100,000 of population, 65 for Hispanics, and 49 for White women (Prison Policy Initiative, 2020). And more than incarceration rates, in 2016, Black prisoners represented 48% of all prisoners with life, life without parole, or virtual life sentences, compared to Whites of only 32%, and Hispanics of only 16% (Prison Policy Initiative, 2020). According to this same resource, Black American prisoners represent 42% of prisoners on death row, compared to being only 13% of the U.S. population in 2019.

The state prison system is where most prisoners are being held in the United States. The state prisons have about 5.1 times more incarcerations of African Americans than White Americans. In five states including Iowa, Minnesota, New Jersey, Vermont, and Wisconsin, the rate of Black to White prisoners is 10 to 1. Another startling fact is that in 12 states more than 50% of the prison population are Black Americans (Nellis, 2016). These states include Alabama, Delaware, Georgia, Illinois, Louisiana, Maryland, Michigan, Mississippi, New Jersey, North Carolina, South Carolina, and Virginia (Nellis, 2016). The state of Maryland has the highest

prison population rate of Black Americans at 72%, and Blacks only represent approximately 30% of Maryland's population. In 11 states in the U.S., for every 20 adult black males, at least one of them is in prison. In the state of Oklahoma, the state with the highest incarceration rate, for every 15 black males one of them is in prison (Nellis, 2016).

The United States prison population has increased since the 1970s. The prison population in 1970 was 196,429, but over the years it started increasing and in 2009 the U.S. prison population had grown to 1,615,487 (Delaney et al., 2021). Starting in 1973, the U.S. government started a policy to expand the incarceration of people who were convicted of a crime. Most of the incarcerations into the prison system were for smaller crimes such as drug offenses which happened between 1987 and 1991. In 1995, the increase in prison likelihood and the length of prison sentences has been huge (Delaney et al., 2021). The U.S. government's War on Drugs and harsh drug laws have led to the increase of arresting people for smaller drug offenses. This has affected the racial and ethnic disparities in the state prison system (Delaney et al., 2021). Even though both Whites and Blacks use drugs at the same rate, Black Americans are four times more likely to be arrested for drug offenses and 2.5 times more likely to be arrested for drug possession. While Black drug users represent about 13% of the Black population, 36% are arrested for drug possession, and 46% are convicted of drug offenses (Delaney et al., 2021).

A Prisoner's Life in the System

Many prisoners can have serious health issues during their time in incarceration. Many social problems and political policies such as the War on Drugs, deinstitutionalization of people with mental illnesses, and punitive sentencing policies such as the three-strike law and mandatory minimum sentences can create risk factors for inmates who are incarcerated (Wildeman & Wang, 2017). Inmates can suffer from isolation, disabilities, physical and

psychological abuse, and disease. For example, it is estimated that 100,000 prisoners are serving in solitary confinement in U.S. prisons and that is more than the total of all U.K. prisoners (Wildeman & Wang, 2017). Since most of the prison population is Black, these inmates will not last very long or will have difficult mental changes in their lives while in prison and also when they are released from prison. The prison system can have problems with unhealthy and unsanitary conditions which causes many inmates to be infected with diseases such as HIV, viral hepatitis, tuberculosis, and COVID-19. Prisons struggle with providing medical care to prisoners due to mismanagement and overcrowding (Wildeman & Wang, 2017).

Incarceration Impacts Beyond the Prisoner

The high rate of incarceration of adult males has a major effect on children and adults of color (Sawyer, 2020). Incarceration is not only affecting the prisoner, but also their family members and communities. A Black family has a higher risk that a family member will serve a prison sentence than a White family. One in three Black men are imprisoned and nearly half of Black women have family members or extended family who are in prison (Wildeman & Wang, 2017). Systemic racism is in every stage of the U.S. criminal justice system. There are problems in policing, juvenile justice, jails, pretrial detention, prisons, sentencing, corrections, reentry, and prosecution against people of color (Sawyer, 2020). Racial discrimination is not just occurring in the criminal justice system, but also in the streets and school systems of Black Americans (Rice-Minus & Giboney, 2021). The point is that many American people focus on the high incarceration rate of Black Americans as the major problem, but incarceration is only a first step in negatively affecting and even destroying the lives of too many people in the U.S. Black communities (Nellis, 2016). One of the major issues with widespread discrimination against Black Americans is the negative perception of the criminal justice system by Black communities.

When New York City used the “stop and frisk” policy, many Black youths viewed this as the police were not concerned with the community’s safety but saw them as part of a hostile state institution. This negative perception makes Black youths less open to cooperate with police to investigate and reduce crime in their neighborhoods (Mauer & Ghandnoosh, 2014).

Racial discrimination occurs throughout the criminal justice process

Systemic racism is in every stage of the U.S. criminal justice system. There are problems in policing, juvenile justice, jails, pretrial detention, prisons, sentencing, corrections, reentry, and prosecution against people of color (Sawyer, 2020). The public mostly only hears about the statistics about the high incarceration rate of Black Americans and other minorities, but racism occurs at every stage of the criminal justice process.

Policing

Policing in America is known to have different treatment towards community members based on their race. Policing discrimination shows up in investigating abnormal behavior, use of excessive force, and traffic stops (Kovera, 2019). When police see a Black person, they see them as violent, hostile, aggressive, and dangerous (Henning, 2017). Police often assess a Black person based on their looks rather than personalities and behaviors. The policing practice of stopping a suspect is more likely to occur during the daylight when the police can see the color of a person’s skin (Kovera, 2019). In North Carolina, Black drivers are stopped by police at a rate of 60 - 70% higher than the Black population in the state (Kovera, 2019). Searches are another common problem in American policing. Blacks are more likely to be pulled over and have their vehicles searched compared to Whites or Hispanics. Research shows that police were more likely to stop Whites for a speeding violation but are more likely to stop Blacks to check their records (Kovera, 2019). Police will overly check Black driver’s records and were almost

twice as likely to give Black drivers no reason for pulling them over (Kovera, 2019). Racial disparity in policing also shows up in the handling of low-level offenses which results in Black Americans being more likely to receive jail sentences for low-level crimes (Eaglin & Solomon, 2015). As an example, although White offenders are more likely to sell drugs, Black Americans are nearly four times more likely to be arrested for dealing drugs. Blacks and Whites are equally likely to use drugs, but Black Americans are three times more likely to be arrested for possession of drugs (Eaglin & Solomon, 2015).

Police use of excessive force is another problem in U.S. law enforcement. U.S. law enforcement officers are more likely to use excessive force against Black Americans than for White and Hispanic Americans (Kovera, 2019). But why is this happening? Criminologists have several hypotheses. One hypothesis is that the problem could be due to the segregated housing areas where there are higher crime rates which led police to use excessive force. As an example, in New York City, police officers often use more non-weaponized and lethal force on a Black person compared to a White person (Kovera, 2019). According to one study that analyzed federal data on fatal police shootings between 2010 and 2012, young Black males were 21 times more likely to be killed by police compared to young White males (Hall et al., 2016). One cause behind police killings is a racial bias that starts early as Black youths face stereotypes where they are viewed as older and less innocent than White boys and their adult-like appearance makes them targets for greater use of a police force (Hall et al., 2016). Another cause for more aggressive police action against Black males is the idea of Sub or Superhuman Black males. The idea of sub-human means some people believe Blacks are sub-human and their lives are valued less than White people. The idea of super-human means there is a perception by White people that Blacks have a higher pain threshold, and they must be treated with more brutal, physical

force (Hall et al., 2016). Another stereotype of Black Americans is that they are all criminals and Blacks are improperly branded as thugs (Hall et al., 2016). One study experimented with Shooter Bias where participants had to make quick decisions whether to shoot or not shoot male targets. The study showed that participants shot unarmed Black men more frequently than White men and they chose to shoot armed Black men more frequently than armed White men (Hall et al., 2016).

Arresting is also a problem where racial discrimination occurs; Black Americans are arrested at higher rates than White Americans. Research shows that Blacks are more often arrested for smaller crimes compared to Whites or said another way Blacks are arrested more frequently than Whites for the same crime. In New York City, Blacks were eight times more likely to be arrested for possession of marijuana than Whites and Hispanics were five times more likely to be arrested for marijuana possession compared to Whites (Kovera, 2019). Police arrest and put in jail small-time users instead of putting users into rehabilitation centers (Kovera, 2019).

Pretrial Detention and Bail

The judicial process for pre-trial detention and bail are important steps in the criminal justice process. After law enforcement officials arrest a defendant, he or she is brought for an arraignment hearing where a judge or officer of the court tells him or her about the charges against them and the defendant enters a guilty or not guilty plea (Kovera, 2019). Prosecutors will work on the evidence and witness testimonies about the case to get ready for trial to convict the defendant. A judge must determine if a defendant can be released before trial and considers whether the defendant will appear in court and whether the defendant is a risk to public safety (Kovera, 2019). Research shows that if a defendant is unable to make bail and is detained in jail before the trial, the defendant will have more guilty pleas, higher rates of conviction, and harsher

sentences (Donnelly & Macdonald, 2018). Defendants that were detained before trial received longer sentences and fewer days on probation compared to defendants who were released on bail. This is also true in the juvenile court system where young defendants who do not receive bail and were detained before the trial, do not receive more lenient sentences and rehabilitation-based treatment in the juvenile justice system (Kovera, 2019). Pretrial detention is the next process after charges are made against the defendant, the judge must determine if the defendant will be released or held in jail before the trial, this decision has consequences (Kovera, 2019). In one study, pretrial detention resulted in a defendant being four times more likely to receive a prison sentence (Donnelly & Macdonald, 2018). In a University of Pennsylvania research study, it was found that pretrial detention and the county of judicial processing led to higher incarceration sentences for Blacks (Donnelly & Macdonald, 2018). In a research study conducted on the prison population in the state of Delaware, it was found that pre-trial decisions including detention and bail are important factors for the high percentage of Blacks in Delaware prisons (Donnelly & Macdonald, 2018).

Sentencing

There is also discrimination in the sentencing of Blacks. The research of racial bias in incarceration shows that there are racial disparities that Black Americans are facing from the criminal justice system (Kovera, 2019). Black Americans get harsher punishment and longer sentences compared to White criminals. For example, for smaller crimes such as burglary a White person might get probation and a Black person might get 18 months in jail, and many of these smaller crimes are for charges related to drug offenses (Rice-Minus & Giboney, 2021). In 2019, 81% of federal defendants with crack cocaine charges were Black (Rice-Minus & Giboney, 2021). In a study conducted by the Harvard Law School, in the state of Massachusetts,

there has been a problem with racial and ethnic disparities against colored people in the criminal justice system (Tsai Bishop et al., 2020). The study found that in Massachusetts, the imprisonment of Black people is 7.9 times higher, and of Hispanics 4.9 times higher, compared to White people. In this research about the Massachusetts prison population, White people make up roughly 74% of the Massachusetts population while accounting for only 58.7% of criminal cases (Tsai Bishop et al., 2020). Black people makeup just 6.5% of the Massachusetts population and account for 17.1% of criminal cases (Tsai Bishop et al., 2020). Latino people make up 8.7% of the Massachusetts population but 18.3% of the criminal cases in the sample (Tsai Bishop et al., 2020). The Massachusetts criminal justice system has racial bias throughout the process from arraignment to bail to sentencing. Another example is in Manhattan, New York where there have been racial tensions between local Black communities and the police force (Kovera, 2019). This research shows that Blacks are more likely to receive harsher prison sentences than Whites (Kovera, 2019). Georgia is another state where there are racial tensions between local communities and the police force (Kovera, 2019). It was found that first-time Black offenders in Georgia received longer sentences than White offenders. The criminal justice system in Georgia focuses more on the color of a defendant's skin instead of behavior and how dangerous the defendant is (Kovera, 2019). The three-strikes law which is one of the U.S. policies in the criminal justice system is one of the reasons why the total increase in U.S. incarceration rate is mostly Black (Kovera, 2019). In the state of California where the three-strike rule is used, the Black prison population is 25%, but the Black population is only 7% (Kovera, 2019).

Positive improvements in the criminal justice system

Despite the racial problems with the criminal justice system, there are still some improvements that happened recently that improve racial justice in the system. The ethnicity and

race in federal prisons are mostly Whites (Federal Bureau of Prisons, 2021). Most of the United States population is White and many inmates who are being held in local jails and prisons are White inmates. Since 2017, the population of Black prisoners has gone down in federal and state prisons (Gramlich, 2019). According to the Bureau of Justice Statistics, the Black prison population decreased to 33% in 2019 (Carson, 2020). In 2019, the imprisonment rate of Black residents was the lowest in 30 years (Carson, 2020). But throughout the years, there has been pressure on the government from the public and civil rights officials to make immediate changes to the criminal justice system. There have been policies to make changes, but the hardest part is the changes to the traditional policies and practices of the U.S. criminal justice system. There are conflicts with civilians and high-ranking government officials who want to maintain these policies because they fear changing them will cause more problems to the U.S. criminal justice system and for the U.S. government. Over the past 10 years, these new policies have led to the decrease of Blacks in prison.

Recommendations

Fixing the High Rate of Incarceration of Black Americans

As presented in this research paper, clearly racial discrimination against Black Americans occurs throughout the criminal justice system. From policing, arresting, pre-trial detention and bail, prosecution, sentencing, and incarceration, Black Americans are unfairly treated throughout the entire system. The reason that racial discrimination in the criminal justice system keeps occurring is that people are not knowledgeable of how often this is occurring. Seventy-six percent of the U.S. population is White, so this means that three-quarters of the population have limited or no exposure to racial discrimination problems. The majority of the U.S. population just does not see that racial discrimination in the criminal justice system exists. There needs to be

immediate changes to the American criminal justice system on the state and federal levels (Nellis, 2016).

To reduce racial discrimination, the criminal justice system needs to be reformed. However, first, the American public needs to be made aware of and acknowledge the racial and ethnic differences in the prison system to make change (Nellis, 2016). Many people including Christian ministers have demanded justice reform and that President Biden should pass the EQUAL Act (Rice-Minus & Giboney, 2021). The EQUAL Act is trying to eliminate the federal crack and powder cocaine disparity. For example, under today's laws, a drug user caught in possession of one gram of crack cocaine will receive the same jail sentence as someone who is caught in possession of 18 grams of powdered cocaine. According to experts, there is no explanation for treating powder cocaine differently than crack cocaine. There is no pharmacological difference, no chemical difference, and no physical difference between how the body processes crack cocaine and powder cocaine (Rice-Minus & Giboney, 2021). Crack cocaine has historically been used in inner-city communities and powder cocaine in affluent neighborhoods and the suburbs (Rice-Minus & Giboney, 2021). The EQUAL Act is trying to eliminate the racial disparity in sentencing for drug possession that unfairly discriminates against Black Americans.

Social Media and Celebrity solution

If the problem is that because three-quarters of the American people are White and do not see the problem, then one solution is to help them see the problem by using social media and non-profit organizations to show them that racial discrimination in the justice system is a problem. As an example, the non-profit organization the "Prison Policy Initiative" has been around since 2001 and has been successful in communicating criminal justice reforms and over-

criminalization of minorities in the United States. The Prison Policy Initiative organization gathers and analyzes data and presents powerful graphics that expose the injustices and unfairness of the criminal justice system. The problem is that most people in the United States do not know that this non-profit group exists.

Social media has been growing over the last several years and as of 2020, approximately 3.8 billion people use social media applications daily. And it is estimated that the average internet user spends over six hours per day on the internet. Social networking applications (“apps”) media have seen a huge growth in the number of users and the amount of time spent by users on these apps. The largest social media apps include Facebook with over 2.5 billion users, YouTube with 2 billion users, WhatsApp with 1.6 billion users, and Facebook Messenger with 1.3 billion users. Social media consumes many hours of a user’s daily life and has a large influence on what users see and think about. In the United States, celebrities such as athletes, musicians, and Hollywood actors and actresses also have a large influence on what people see and think or talk about. In other words, celebrities also influence what is on peoples’ minds and what are their opinions.

The power of social media apps, such as Facebook and YouTube, can be joined together with the power of celebrities to raise awareness of the social injustices Black Americans experience in the criminal justice system. Celebrities have been concerned about these social problems and can use their social personas to raise awareness of racial discrimination. Bringing celebrities together with the Prison Policy Initiative organization and by using social media can influence public awareness and opinions about criminal justice system problems and with this combination, lawmakers can be influenced to make criminal justice reforms and improve the public’s trust towards law enforcement.

Creating a new Department of Justice Division

Another solution to fight the high incarceration levels of Black Americans is to make changes to the U.S. Department of Justice. One idea is that the U.S. Department of Justice will form a new division named the Equal Justice in Sentencing (EJIS) Division that has the responsibility to evaluate and report on how the criminal justice system convicts and sentences a person. Specifically, the department will compare the convictions and sentences of Black and Latino people compared to White people. The statistics of this department would be openly published and shared with the public through social media. There are 94 federal judicial districts in the United States. Each federal district would have an Equal Justice in Sentencing team that will collect convictions and sentencing statistics for the federal judicial district. By communicating to the public about this information, the public will be more informed about the racial discrimination practices that occur in the criminal justice system and can put social pressure on judges and the system to bring reform.

Social Implications

Creating a new organization or starting a new idea to solve a social problem can be very positive if it solves the problem and does not create new social issues. There are positive and negative implications of the two recommended solutions to fight racial discrimination in the criminal justice system.

Using Social Media and Celebrities to Fight Racial Discrimination

There are many positives to this idea of joining celebrities, the Prison Policy Initiative organization, and social media to raise awareness of the disparities in the criminal justice system. It will raise public awareness on what racial discrimination problems in the criminal justice

system are occurring throughout the United States and how community members need to step up to combat it. Celebrities who are very recognized throughout society should use their public image and social status to influence opinions about racial discrimination in the United States. Social media apps such as Facebook, Snapchat, Instagram, Twitter, YouTube, and TikTok are used by millions of people in the United States every day. Using the power of social media to start campaigns to raise awareness of racial discrimination in our society and the criminal justice system will have a very strong influence on public opinion. Criminal justice and government officials will be under pressure to find solutions to fight against racial disparities. Another positive idea in using the Prison Policy Initiative which is a criminal justice oriented American public policy think tank is because this organization has good data and simple charts for people to understand to get the message out. Using the Prison Policy Initiative organization with celebrities and social media will raise social awareness of racial discrimination in American society.

There are potentially negative implications about using this recommendation. One negative problem is that some government officials in the Department of Justice (DOJ) and politicians will not like changing the criminal justice system. The problem is that some government officials are just racist and do not want to help Blacks and minorities. Also, people will argue that celebrities should stay out of politics and should just focus on their careers. Politicians and DOJ officials may be concerned that this will affect their careers and cause more conflict and distrust towards the criminal justice system. Some people also will say that the data is not correct, or it is spreading misinformation (“fake news”). Another potential negative problem is that increasing social awareness to fight discrimination, will cause racial tensions between different groups based on their beliefs and values. This is similar to the Black Lives

Matter movement in 2020 that increased racial tensions and resulted in protests across the United States. Also, some White people may feel threatened by Blacks getting more fair treatment because they think maybe White people will get less fair treatment.

Creating a New Department of Justice Division to Fight Racial Discrimination

A positive implication about the Equal Justice in Sentencing Division is that this will educate the public and raise awareness of the problem. This could reduce racial tensions between the public and law enforcement and the criminal justice system. Another positive effect is that exposing racial discrimination in a federal district would put public pressure on the criminal justice system and will bring faster reforms. Also, this would reduce the incarceration of Blacks and Latinos, then there would be fewer people in jail which would result in federal and state prison cost decreasing. Also, instead of incarcerating people for smaller crimes, the criminal justice system could focus more on rehabilitation and education and improve the family life of Black Americans.

But there can be some negative problems in creating the Equal Justice in Sentencing Division. Judges and other criminal justice professionals would be angry about the negative publicity and may be concerned about changing the traditional policies of the criminal justice system. Also, there may be problems with officials and citizens who will disapprove of this new division, fearing that this will change or violate the traditional laws, rules, and regulations of a city, county, or state. Also, there may be debates and public tensions between people who support the idea and people who oppose the idea. Another potential negative is that there are some groups of people who do not want this information to be exposed to the public. Another negative would be that this would add tens of millions of cost each year to the DOJ budget to operate this new DOJ division. Another negative problem is that by creating a whole new

government bureaucracy, many Conservative and Republican officials will not like the idea of making government larger. A final potential problem with this idea is when making the information public about discrimination in a criminal justice division (state or federal), then this may increase racial tensions.

Conclusion

The thesis of this research paper is that the United States criminal justice system incarcerates more Black people compared to Whites due to racial discrimination. To be more specific, racial bias exists in the arrest, pre-trial detention, bail, prosecution, sentencing, and incarceration of Black Americans. Racial discrimination in the criminal justice system dates back in history to slavery and racial segregation. The discrimination began in the early 1700s with the Slave Patrol that was used to control slaves. This police and criminal justice practice led many Americans to think that discrimination against Blacks was not a serious problem. There is a lot of information and research available that proves that racial discrimination occurs in every stage of the criminal justice system. Over the past ten years, there have been some improvements in the racial incarceration of Black Americans. Since 2017, the Black prison population has decreased to 33% in federal and state prisons, but this percentage is still high compared to the U.S. Black population which is only 12% (Federal Bureau of Prisons, 2021).

Two options to solve this racial discrimination problem were discussed in this paper. One option is using social media and celebrities to raise awareness of how serious this problem is in the United States. A second option is creating a new division within the Department of Justice called the Equal Justice in Sentencing division, which will also raise awareness of racial bias in the criminal justice system. There are positive and negative implications of creating these initiatives, but these options could have a positive impact to reform the system.

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