
Racial Profiling in the American Criminal Justice System

Abstract

Today's criminal justice system is overwhelmingly disproportionate in race in relation to the general population. Minorities out in public are now the majority in the prison systems. What causes this and how can it be changed? Is this the result of discrimination to non-whites, or is it justified?

Spare the Disparity

"...and justice for all". That's what the Pledge of Allegiance states. We all know it, but how true is it really? It seems today that the prison system in America is becoming unbalanced with unequal amounts of each race. Blacks and Hispanics make up over 50% of the prison population but less than half of that out in the general population of the United States (Coke, T. 2013). Why is the number of minorities so high in prison? Some may argue that racial profiling is a major contributing factor. Others believe that simple demographics are to blame. I can see and agree with both sides of this debate to a degree.

Racial profiling is a scary but real thing that occurs in today's society. Everyone, not just law enforcement is guilty of it in some way or another. Have you ever been walking down the street and saw someone different from yourself and immediately thought of something stereotypical of them based on their appearance? I have, and so have you. We all do it at some point. It's human nature to be judgmental. According to research by the Justice Department, on average cars that were pulled over were generally equal in race. However, 11.2% of all Hispanics, 10.2% of all Blacks and 3.5% of all Whites were searched after being pulled over (Glater, J. 2007). Does this prove racial profiling? Perhaps, but all of the circumstances of the traffic stops were not revealed in the research. The race of the Officers conducting the stops could be a major factor. Racial profiling does exist and it can very easily contribute to the large amounts of minorities in prison.

Within this country, the larger the city, the more police are needed to maintain order. Stricter punishments are given for similar crimes in different areas. For example, one could expect a bigger sentence for selling drugs near a school rather than a non-school area. Minorities such as African American can get caught up in this scenario due to the fact that they are more likely to populate urban areas than Caucasians (Maurer, M. 2010). Also with more police in such a densely populated area, more people are likely to be charged with crimes.

There are ways to control the diversity within the criminal justice system but is it fair? One way is to run an analysis on the outcome of incarcerating someone of a specific race as it is done in Iowa and Connecticut (Maurer, M. 2010). This would give an idea of what would happen to the ethnic diversity within the prison system if someone was sentenced. This should not be used as a deciding actor but more as a reference tool.

Another option is to lower offenses. People are getting arrested for smaller and smaller crimes every day. If certain misdemeanors could be reduced to infraction, such as driving with a

suspended license or possession of a very small amount of marijuana, this can drastically cut down on not only ethnic disparity but also inmate population in general (Coke, T. 2013). I believe this is a great way to start but it doesn't solve all the problems.

Sentences are currently being served on average for about 85% depending on good behavior. If sentences could be reduced even more and based on behavior and over population, this could help bring down the inmate population as well.

Perhaps there is nothing that we can ultimately do to reduce the disparity of ethnicity within the criminal justice system. Maybe it is not racial profile or the demographics of the area. Is it possible that certain races really act out more than others and therefore get arrested more? Hard to believe I know. But with 40% of the death row population being African American while only 12.5 % in the total United States (Glater, J. 2007) is it possible that African Americans are more prone to violence than Caucasians? Or is the criminal justice system profiling them simply because they are black? It's hard to say. Every criminal case is different. I would like to believe that our country is fair and just to all races. But is it really?

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