

## CRIMINAL JUSTICE REFORM AND RACIAL DISPARITIES

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### ABSTRACT

*This is the case regardless of the location of the incident. Despite the fact that it could seem to be an unfair practice, this is the case. According to the findings of a poll, BAME communities—that is, populations of people of African, Asian, and minority ethnicity—are disproportionately adversely affected by the police. As a consequence of this, the length of time that they spend behind bars is often longer than that of those of white identity. The disparities in the manner in which individuals of different races are dealt with within the criminal justice system give rise to significant concerns about the effectiveness of the whole justice system. If there are injustices that are related with racism inside the court system, then such injustices will have an effect on the whole basis of the institution. As a result, the purpose of this study is to conduct an exhaustive analysis of the ways in which racism leads to prejudice against a particular group within the framework of the criminal justice system in the United Kingdom. There is a substantial body of data indicating that the criminal justice system is rife with instances of racial injustice. The purpose of this study is to investigate the racial disparities that exist in three aspects of the judicial system: the police force, the rates of incarceration, and the requirements for jury duty. The existence of unconscious racial bias may be the cause of some of these discrepancies, despite the fact that it is very likely that this is not the case for all of these differences.*

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**Keywords:** *Criminal, Justice, Racial, Disparities.*

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### Introduction

A significant challenge that the criminal justice system must contend with is racism. It not only compromises the integrity of the criminal justice system but also overcomes the advantages that law enforcement entities provide. It is a well-known fact that persons who may be classified as BAME (Black, Asian, and Minority Ethnic) are disproportionately represented at almost every stage of the criminal justice system. It should be noted, however, that this particular kind of representation does not primarily target the White people. BAME communities are being targeted by the police in a disproportionate manner. Because of this, the length of time that they spend behind bars is often longer than that of white people.

The history of Mexican Americans in the Southwest since the United States acquired the old Spanish colonies is illustrative of the very harsh and discriminatory practices that are prevalent within the criminal justice system. Regulations that discriminated against immigrants of Asian and European descent led to assaults and victimisation of various racial and ethnic groups throughout the 19th and early 20th centuries. Within the context of the criminal justice system in the United Kingdom, the purpose of this essay is to provide an analysis of racism and its role in the formation of prejudice against a certain group.

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### **The Frequency of Disparity in Race**

Interactions with law enforcement officers are often the first point of contact that individuals have with the criminal justice system. When they come into contact with individuals of the community, the police approach them in a different manner because of the colour of their skin. When analysing illegal behaviour that ranges from relatively minor offences (such as traffic violations) to more severe offences (such as actual or threatened violence), law enforcement officials are more likely to be forgiving of White offenders and to use less force against them than they are against Black criminals.

According to research conducted by the Bureau of Justice Statistics on a sample that was typical of the American population, it was found that Blacks were more likely to have been the target of a traffic stop in the previous year than either Whites or Hispanics. Those who participated in the survey said that the police stopped White individuals more often than they stopped Black people for speeding violations, which are measured according to an objective criterion. On the other hand, those of African descent were subjected to record checks at a higher rate than people of white descent. There was a nearly twofold increase in the likelihood that black drivers would get no explanation from the police for their stop compared to white drivers.

The findings from the survey are consistent with the findings from the historical study. As an example, in North Carolina, where data on traffic stops has been collected since 1999, persons of African descent were more likely to be stopped by law enforcement officers while they were driving than those of White or Hispanic descent as well. To add insult to injury, the statistics from the traffic stop in North Carolina showed that there was a sixty to seventy percent higher probability of a Black driver than there was in the demographic where the traffic stop occurred. The results of a study conducted in Connecticut on traffic stops revealed that drivers of African-American and Hispanic descent were stopped at a higher rate during daylight hours as compared to during the hours of intertwinning.

The results of this study indicate that racial prejudices held by law enforcement officers were more likely to have an effect on their conduct during the instances in which they were able to more readily determine the race of the motorist. It becomes abundantly obvious, when merging data on traffic stops from twenty states between the years 2011 and 2015, that racial discrepancies in police stops are not exclusive to certain regions. Based on the findings of this nationwide survey of persons who were legally permitted to drive, it was found that Black drivers were pulled over more often than White drivers. There was a connection between this and the fact that law enforcement personnel increased their visibility of black drivers.

It is possible for a law enforcement official to detain a person on the street if they have reasonable grounds to suspect that the individual is going to perform a criminal act. According to the decisions of the courts, a wide variety of questionable behaviours, such as being at a location that is infamous for criminal activity or matching the description of a person who commits a particular crime, might give rise to reasonable suspicion. Because of the wide range of discretion that is available to police officers over what constitutes a reasonable suspicion to stop a person, racial bias has a significant potential to impact the judgements that they make. There is a correlation between the race of a person and the frequency with which the police stop them as they are walking down the street.

### **Review of Literature**

Mahamba, F. (2023). The major objective of this research was to do an investigation on the relationship between racial disparity and the reform of the criminal justice system. For the purpose of the study, desktop research was the methodology. The term "desk research" refers to the collection of secondary data, which is data that may be acquired without the need for fieldwork. Desk research is often considered to be a more cost-effective strategy than field research due to the fact that it mostly revolves on the collection of data from resources that already exist, such as the time of executives, phone bills, and directories. As a consequence of this, the study made use of existing data, reports, and studies that had been published in the past. It was not difficult to get this secondary data by making use of the online journals and the library system. The findings indicated that there is a gap in both the methodological and contextual aspects of the investigation of racial inequities and the reform of the criminal justice system. Despite the fact that several initiatives and policies have shown the capacity to reduce gaps, a preliminary empirical examination discovered that there is no solution that is universally applicable to all situations. Taking into consideration the relationships between a variety of different elements, such as community engagement, economic possibilities, sentencing standards, and enforcement strategies, the research highlights the need of having a holistic approach that takes into account all that is involved. It is quite evident that an effort on the part of communities, activists, law enforcement, and politicians is required in order for real change to

take place. The Critical Race theory, the Social Disorganisation theory, and the Strain theory are all examples of possible theoretical frameworks that might be used in future study dealing with improvements to the criminal justice system. The report made a number of recommendations, some of which were as follows: data-driven decision-making and research; community policing and engagement; training and accountability measures for unconscious bias; diversionary programmes and alternatives to incarceration; and general improvements to the criminal justice system.

Hetey, R. C., & Eberhardt, J. L. (2018). A significant number of scholars and activists are of the opinion that if people were made aware of the magnitude of the disparities, they would be more willing to fight against inequality. Surprisingly, Hetey and Eberhardt (2014) found that exposure to extreme inequality has the potential to boost support for the policies that are responsible for the generation of large gaps, rather than decreasing support for those policies. The criminal justice system, and more especially the police and the prison, is the primary focus of our attention in this instance. It is our contention that contemplating racial inequalities in this domain may give rise to feelings of fear as well as preconceptions that link persons of African descent with criminal behaviour. As a result, the data exposing disparities may provide an opportunity to rationalise and defend the injustices that have been found within the criminal justice system, rather than urging a reexamination of the system itself. In an effort to resolve this conflicting and unanticipated outcome, as well as to promote more research, we propose three potential methods for more effectively sharing information about racial disparities.

Donnelly, E. A. (2017). The racial inequities that exist throughout the criminal justice system are pressing concerns for those who set policy. Research that has been done in the past suggests that partisanship and racial anxiety are the driving forces behind elected officials enacting severe, racially discriminatory criminal justice legislation. However, research has not yet addressed how or why elected officials manage racial problems within the criminal justice system. This piece of writing lays the groundwork for the implementation of policies that aim to reduce racial disparity. The goal of a plan that is referred to as "racial disparity reform" is to reduce the manner in which various racial groups are treated differently by the criminal justice system for different reasons. These projects are often supported by elected officials for a variety of reasons, including ideological adherence to civil rights ideals and political incentives to provide the impression that they are addressing social problems. This article begins by using an original database of policy enactments to demonstrate the distribution of reform efforts and the types of reform initiatives that were authorised by elected officials in each of the fifty states between the years 1998 and 2011. After that, an analysis of the sociological and political explanations for the adoption of racial inequality remedies by state legislatures and executive branches is carried out. Indicators of the imminent enactment of policies include the growing problems associated with racial inequities in the processing of criminal cases, the dominance of the Democratic Party in elected arms of government, and the absence of judicial measures to improve racial equality in state government criminal justice systems. The development of a wide variety of policy measures is encouraged by procedures that are similar. These conceptual and methodological arguments for rectifying racial inequalities imply that elected authorities have the ability to design more racially fair processes for the administration of criminal justice.

Tonry, M. (2010). The fundamental causes are well known: high rates of imprisonment among individuals of African descent, which are partially related to the fact that the arrest rates for violent crimes among African Americans are much higher than the arrest rates for White Americans, and the arrest rates for drug offences among African Americans are also significantly higher. The disparities in the frequency of drug arrests may be attributed to the decisions made by law enforcement to concentrate their attention on narcotics that are sold by black people and the areas where they are sold. The discrepancy between prison populations is made worse by laws that impose penalties of a severity that has never been seen before for offences for which individuals of African descent are disproportionately apprehended. The distinctive political, psychological, and social characteristics of race relations in the United States of America shaped the policies and practices in question. It has been found through research on the psychology of race relations in the United States that a significant number of white Americans are opposed to initiatives that are designed to assist. According to sociological study on racial stratification, white individuals have a preference for policies that maintain the racial hierarchies that have recently been formed. To appeal to the racial anxieties and resentments of white people, the Republican Southern Strategy employs drug and crime control legislation of today as a method of exploiting crime as a "wedge issue." This strategy is used to get white people to support the Republican Party. These difficulties are the source of this technique, which in turn makes them worse.

### **Disparities Based on Race in the Criminal Justice System**

The term "criminal" is often used to individuals who do not exhibit any criminal behaviour or who do not seem to be responsible for any illegal acts. Judges, prosecutors, and other members of the criminal justice system are more likely to inflict severe punishments, such as the death penalty or pretrial imprisonment, on those who do not have any personal relationships to the defendants. Whatever your colour or ethnicity may be, this is something that applies to you.

#### **Law enforcement Agencies and Racism**

Black people are more likely to be searched by law enforcement, including the police, when they are found on the road. This includes cases when they are discovered by the police. Those of African descent are statistically far more likely to be apprehended by law enforcement than those of white race. Prosecutors and judges are also more likely to impose harsher punishments on people of African American and Hispanic descent when it comes to prosecuting and sentencing. Disparities based on race are readily apparent within the framework of the criminal justice system. The partnership between the Vera Institute of Justice and the offices of prosecutors located all throughout the United States, which strives to strengthen accountability and monitor outcomes, is one of the efforts that an organisation is doing to fight bias in charging decisions.

#### **The Criminal Justice Systems of Wales and England**

In England and Wales, it is possible to identify which racial groups are proportionally more criminalised by comparing the crime data from the Ministry of Justice in 2011 with the administration statistics from the Census in 2011. According to information gathered by the Ministry of Justice, the rate of criminal activity among white people is lower than that of black people, the rate of criminal activity among Asian people is slightly higher than that of black people, and the rate among black people is much higher. According to the findings of further research conducted in England and Wales, the rate of violent crimes perpetrated by persons of African descent is much greater than that of those of white backgrounds. The rate of homicide perpetrated by persons of African descent is 6.6 times higher than that of those of white race. It is estimated that the rate of gun crimes committed by black people is 7.3 times higher than that of white people. People of African descent are responsible for about 3.7 times the number of rapes that are perpetrated by white people. African Americans are responsible for about 25 percent of all robberies that occur in England and Wales, despite the fact that they only make up 3.3% of the total population.

#### **Race, Criminal Justice System, and Labelling Theory Relationship**

The notion of labelling is tied to both the criminal justice system and the concept of race. This association may be explained by the fact that several people of a variety of racial backgrounds are capable of committing the same crime. However, the term "deviant" is exclusively used to members of a select group of racial groups. From a racial point of view, this concept sheds light on the ways in which criminal activity is carried out. Through the application of this methodology to the racial disparities, we are able to see that criminals might stem from any group or background. On the other hand, the general public and organisations that deal with law enforcement are of the opinion that black people are more prone to commit crimes linked to controlled substances.

#### **Race and the Criminal Justice System: What the Implications and Resultants**

The whole justice system is being negatively impacted by the racial disparities that exist within the criminal justice system. The way the judicial system operates is causing problems for the legal system. In the event that there exist inequities within the legal system that are connected to racism, the whole framework of the legal system is affected.

The racial inequities that exist within our criminal justice system are the root cause of the great social and economic hardships that are experienced by persons of African descent, notably within their own cultural and ethnic group, as well as within their communities. Despite the fact that the number of crimes committed did not increase, the number of persons who were imprisoned for acts that were not as serious grew, which resulted in an increase in the total incarceration rate.

High rates of incarceration not only result in the loss of lives but also make the problem much more severe by making it more difficult for young people to rehabilitate from the errors they have made, find work, and become productive contributors to society. In particular, children whose parents are incarcerated are negatively impacted by these regulations. There is a detrimental influence on public safety that is caused by disparities in race. Individuals of African descent are subject to a disproportionately high number of harsh penalties and an expanding variety of criminal repercussions as a result of racial inequality.

The perception of unfairness that racial minorities have towards the criminal justice system has resulted in a reduction in their cooperation with law enforcement, which has in turn affected the ability of criminal cases to proceed. According to a survey conducted in 2013, over two-thirds of African-Americans believed that the criminal justice system is biased against persons of African descent, in contrast to one-quarter of White individuals.

If crime regulations are designed to discriminate against people on the basis of their race, this might result in an increase in the overall crime rate. There has been an increase in the number of implications that are associated with the collateral consequences of racial minorities as well as the affects of criminal branding. People of white race have the perception that they are immune to criticism about their criminal behaviour because of this particular occurrence.

An analysis of the data collected by the Cumberland Court found that, between the years 2010 and 2015, black defendants were involved in more than fifteen percent of all criminal proceedings. However, according to information provided by the United States Census Bureau, the proportion of persons of African descent living in the county is an estimated three percent. During the five years that The Sentinel examined, the likelihood of a black person being charged with a criminal per capita was almost six times higher than the likelihood of a white person being charged with a crime. Furthermore, black defendants often had to pay bigger bail payments in order to avoid going to jail.

As a result of the existing state of affairs, there is a possibility that one in every four persons of African descent who were born in this century may be required to spend their whole lives incarcerated. These findings are not indicative of a heightened awareness of the growth in criminal activity among communities of colour; rather, they are the product of disparities in reporting and enforcement policies. In the United States, African-Americans have a nearly fourfold increased likelihood of being subjected to the use of force by law enforcement, and they are also twice as likely to be arrested. This heinous act is really indescribable.

As a result of the present tendencies in the criminal justice system, minority or subordinate groups will develop a mistrust of the legal system and its institutions, which will induce fear in them. They might then be brought into question in order to appear before the various institutions that deal with criminal justice. In accordance with this line of reasoning, a vast body of evidence suggests that racial minorities are far more likely to be predicted to be scared of the police and to be dissatisfied with their overall performance. Furthermore, it would seem that this mistrust extends to the application of harsh criminal punishments and aggressive strategies used by law enforcement departments. Because of these variables, people of African descent have a higher probability of being victims of crimes that carry the death penalty. In actuality, in contrast to Whites, they have a far lower support for the death penalty.

#### **In Light of the Stephen Lawrence Case, the Criminal Justice System**

By serving as a mirror of the systematic racism that exists throughout the police force, the Stephen Lawrence case serves as an example. According to Mac Phersonas, this system is the collective incapacity of an entity to offer people with a proper and specialist service owing to considerations of their race, colour, or cultural heritage. Institutional racism may be identified by the processes, attitudes, and behaviours that are equivalent to discrimination based on ignorance and unawareness. Both the expressions of racism and racism itself are harmful to racial minorities. The disproportionate presence of black individuals in the criminal justice system is a consequence of the existence of racial minorities. However, Lea has taken issue with Macpherson's concept of institutional racism, arguing that it does not accurately trace its roots in the formulation of operational policy and the interaction between the police and minority groups. Lea's argument is that Macpherson's concept of institutional racism is flawed.

#### **Conclusion**

Disparities in the rights and responsibilities of people based on their race are very detrimental to society as a whole and should be avoided at all costs. It is more probable that persons of African origin will conduct new violations of their rights when they are subjected to discrimination; rather than correcting their behaviour, they are more likely to commit new violations. In addition, this is having a detrimental effect on the brains of people of different races and colours, which is turning the issue into something that is more evident to those folks. The elimination of this lethal chemical from society should be a collaborative effort between the community, the legal system, and the organisations that are responsible for law enforcement. In order to improve the efficiency of the criminal justice system, the only way to do so is to reduce the effects of these social injustices.

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