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African American Discrimination in the U.S. Criminal Justice System

Statistics have shown “that 1 in every 1,000 black men will die at the hands of the police” (Girod). Despite the common misconception that racism in the U.S. is an issue of the past which has been resolved by advancements, such as the abolition of slavery and the passage of the Civil Rights Act, racial prejudice continues to influence our nation’s practices and policies today. Racial discrimination is particularly prevalent throughout the different components of the criminal justice system, including police departments, prosecutor’s offices, and eyewitness testimony. The recurring pattern of racial discrimination toward black citizens from various administrators of criminal punishment has created a degree of fallibility and ineffectiveness at each level of the criminal justice system which causes innocent African Americans to suffer unmerited punishment, while actual perpetrators enjoy the luxury of freedom and are enabled to re-offend at the expense of American civilians.

The fundamental responsibility of the police is to protect and serve communities. Yet, due to racial prejudices ingrained in law enforcement, police officers inordinately scrutinize black citizens they are intended to defend. Racial profiling is the term referring to situations in which the police suspect criminality based solely on an individual’s “race, national origin, or ethnicity.” (“Racial Profiling”). This law enforcement practice unjustly detracts African Americans as research has indicated that officers are “more likely to search black motorists after a traffic stop,” even though white drivers are in possession of contraband, such as illegal drugs and weapons

more often than black people (Balko). Racial profiling not only disadvantages black Americans, but also weakens law enforcement since police officers who make assumptions based only on race focus their attention on innocent African Americans and neglect actual criminals, promoting a rise in crime and endangering all U.S. citizens.

In addition to searches and traffic stops, African Americans face an increased rate of police violence. Researchers have found that black males are 2.5 times more likely to be killed by an officer than white men (“Police Brutality”). Law enforcement officials tend to use excessive and at times lethal force against black people, even when the circumstances do not warrant it. Though African Americans comply with officers more than white suspects, police officers are more frequently aggressive toward black people (Balko). Furthermore, researchers found that in 2017, 35% of the unarmed people killed by the police were black even though this racial group makes up only around 13% of the national population (Girod). Consequently, many black citizens develop a sense of trepidation when leaving their homes, driving in their cars, or walking around their neighborhoods, consumed by the fear that their lives are jeopardized simply by the implications that accompany being black in America.

A driving factor that has perpetuated police violence in the U.S. is the inadequate consequences for police officers who have committed misconduct. For instance, in the span of his 18-year career as a Minneapolis police officer, Derek Chauvin, the officer charged with killing George Floyd, “received 18 complaints against him” but only two were followed by “letters of reprimand” then no further punishment (Girod). Had Chauvin been fired or sufficiently disciplined, George Floyd might still be alive and thus it is imperative for the police to start being held accountable for their actions. Too many officers engage in police brutality with impunity, and even those who are fired find work at other departments with ease.

Establishing a national registry to record histories of police misconduct would help police departments gauge and recognize patterns of police brutality among officers in order to penalize them more appropriately and hinder them from being rehired at other agencies.

After an arrest, the alleged perpetrator's case is then presented to a prosecutor's office. Prosecutors have considerable influence over the fate of suspects because of their virtually unlimited authority in deciding to "initiate or decline prosecution against a criminal defendant" and which criminal charges to file (Babikian 4). Prosecutors' uncurbed authority, known as prosecutorial discretion, compounds racial discrimination in courts since they tend to use their substantial power in criminal cases to target black people. They often employ racial stereotypes, which depict African Americans as more susceptible to criminality, to manipulate a trial in their favor. In her experience as a public defender, Rachel Cicurel has witnessed prosecutors label a black man as "a danger to society" though he is actually a "youth mentor and non profit employee and community volunteer" (Cicurel). In addition to charging, prosecutors have significant control over plea bargaining and the severity of sentencing. Even when controlling for the alleged offense, "prosecutors were nearly twice as likely to bring charges carrying mandatory minimum sentences against black defendants" than they were for those who were white (Cicurel). Furthermore, the length of prison sentences resulting from a trial are 10% shorter for whites than that of minorities (Couch). To prevent partiality, prosecutor's offices could implement "blinding," which entails withholding information about a defendant's race and the location of the crime since these factors often impact prosecutors' decision-making while examining a case (Couch). This technique would mitigate the effects of racial prejudice on prosecution, and thus produce more objective and fair court verdicts.

The biased nature and tactics combined with the exorbitant power given to prosecutors contributes to a rise in wrongful convictions of African Americans. Prosecutors depend largely on eyewitness testimony in trial, despite its frequent inaccuracy (Montana Innocence Project). This prompts numerous wrongful convictions as “75% of all exonerations based on DNA evidence” resulted from erroneous eyewitness identification (Montana Innocence Project). More often than not, exonerees are black males who were wrongfully convicted due to a white witness’ mistaken identification (Smith and Hattery 84). Moreover, African Americans make up “47% of the 1,900 exonerations listed in the National Registry of Exonerations as of October 2016,” and according to statistics, the rate at which black people are found guilty is seven times greater in cases of murder and 3.5 times greater when a defendant is accused of sexual assault (Lopez and Zarracina). In addition, upon being wrongfully convicted, most African Americans undergo longer periods of incarceration before being exonerated. Black people spend an average of three more years in prison than white defendants when convicted for murder, four additional years when on death row, and 4.5 more years for sexual assault convicts. (Lopez and Zarracina). Applying a “double blind design” in lineups could curtail wrongful conviction. This would require the administrator and the eyewitness to be unaware of the suspect's identity, restricting police officers from providing “verbal or nonverbal cues” to witnesses when conducting a lineup to indicate which person they should choose (Smith and Hattery 90). This will enable witnesses to refer to their own recollection to identify a perpetrator rather than relying on outside influences, increasing the veracity of eyewitness testimonies, and thus reinforcing the accuracy of convictions.

Opponents contend that because black people are more inclined to criminality, regarding them with heightened distrust and suspicion reduces crime and protects civilians. However, as

demonstrated by significant data, racial profiling is recurrently unsuccessful and prevents actual criminals from being arrested. According to David Harris, a professor at the University of Pittsburgh Law School, “When police use race, ethnic appearance, or religious appearance” to make inferences about criminal suspects, “they become less accurate” than officers who depend on real criminal evidence to make arrests (qtd. in “Racial Profiling”). Innocent African Americans who are arrested by biased police officers then move through subsequent levels of the criminal justice system and are often wrongfully convicted. As a result, professionals suggest that “as much as 6% of our incarcerated population is actually innocent” (Smith and Hattery 76). Thus, prejudiced actions of the police undermine the efficacy of the criminal justice system rather than safeguarding citizens, as opponents claim.

Through the racially selective practices of biased police officers, overpowered prosecutors, and unreliable eyewitnesses, the entire criminal justice system has become redundant as it fails to achieve its cardinal objective of convicting criminals to ensure the safety of Americans. The racial injustice in criminal punishment is exacerbated by the increased rate of recidivism in America. Many imprisoned individuals find that upon being released, opportunities, such as education, employment, and housing are inaccessible to them since they have a felony conviction, so they “turn to illegitimate sources of income” and are reincarcerated (Balko). As a consequence, even African Americans who were wrongfully convicted can fall victim to an interminable cycle of criminality, making it nearly impossible for them to escape the prison system and improve their livelihood. Major improvements must be made in the criminal justice system to break this vicious cycle of incarceration and eliminate the racial inequities which allow too many African Americans' lives to be ruined or lost.

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