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**[2017 Winner] Minority Ethnic Groups and their Experiences with Racial Profiling and Mass Incarceration Rates within the American Criminal Justice System**

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HCOM 309-02 Interracial Communications

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### Mass Incarceration and The Racial Profiling of Minorities in America

As we analyze America's current criminal justice system, we must remember the history of the United States and how we have carried out racially biased and prejudiced practices that perpetuate the mass incarceration rates of Mexican/Latino and African American men and women. This causes many of us to wonder, how does the racial profiling committed by police officers affect those who are not of European or Caucasian descent in terms of the United States' mass incarceration rates? Our law enforcement officials have always been granted a form of leeway when it comes to biased practices, excessive force, and brutalities carried out against minority ethnic groups. These racially prejudiced practices have been tolerated by society, because of the United States' history of deeply rooted racism that has been ingrained for centuries. These practices have only transformed into Jim Crow laws, and we are now currently in the "New Jim Crow." The way our criminal justice system is set up along with the prison industrial complex (a term coined by the infamous Angela Y. Davis), we must not forget key historical moments that ultimately led to how our entire system operates today in 2017.

Angela Davis, in her short book *"Are Prisons Obsolete?"* claims that the rise of punishment correlates with and has a linkage to the rise of capitalism, and as capitalism became the center of how the American society operates, the differences between the upper and lower economic

classes also gradually differed and pulled away from each other. During this time, we must remember that this is when punishment became more attached to the crimes committed in our society. The two words go hand in hand; for example, when one commits a crime, the word punishment automatically follows or is sought out. Angela Davis argues that we should all “question whether a system that was intimately related to a particular set of historical circumstances that prevailed during the eighteenth and nineteenth centuries can lay absolute claim on the twenty- first century” (43), in an attempt to make it clear that how our law enforcement and criminal justice system operate are incredibly linked to America’s past historical moments when it comes to crime and punishment within our legal system. Angela Davis is attempting to make it apparent to her audience that history and how the bourgeoisie treated people of color, or anyone who was a part of the proletariat, coincides with the deeply rooted racism and discriminatory practices we see in our system and institutions. Our criminal justice system usually does not factor out race, racism, or racial biases, because “the expanding system of prisons throughout the world both relies on and further promotes structures of racism even though its proponents may adamantly maintain that it is race-neutral” (Davis 86).

We are in the “New Jim Crow” because we still see brutality and unnecessary violent practices carried out against minority ethnic groups to the point where it is our Latino and African American brothers and sisters that mostly comprise the prison population. Racism, which is “the belief and practice of the domination of one social group, identified as a ‘race,’ over another social group, identified as another ‘race’” (Orbe and Harris 34), helps us to understand America’s history of unfair treatment that Latinos and African Americans have always had to endure. The criminal justice system is an institution of persistent racial and ethnic inequality that correlates with colorblindness, because we can see that minority ethnic groups are targeted by our law

enforcement officials to the point where they comprise most of the prison population, since colorblindness helps to “perpetuate laws that promote the unequal protection of rights and privileges in American society” (Su 532) that minority ethnic groups are not granted. Thousands of minority prisoners are serving increasingly high prison sentences for minor offenses, such as possession of cocaine or the distribution of it and other types of drugs to where at least “forty recent and methodologically sophisticated studies investigated the link between race and sentence severity, at the federal level, found evidence of direct discrimination against minorities that resulted in significantly more severe sentences for African Americans than their white counterparts” (Smith and Hattery 391). This helps us to see colorblindness as a new contributor of racism, and how it expands in all institutions in unjust and unequal manners towards minorities when it comes to our criminal justice system. Not only did Earl Smith and Angela Hattery correlate colorblindness and racism with sentencing and incarceration rates of minorities compared to their majority white counterparts, but they also found that the United States Department of Justice made a report that “thirty-three percent of convicted white defendants received a prison sentence, whereas fifty-one percent of African American defendants received longer prison sentences” (391). This shows that, on average, it is minorities who will most likely be the ones to receive more punishment for the same type of “crime” they committed. The minority groups who mostly deal with relative or absolute poverty, and who wake up every day stressed by the system that perpetuates their oppression, face these systematic and racialized tactics. Law enforcement officials target minority ethnic groups based on their own implicit biases, racial prejudices, and the stereotypes that are portrayed by Westernized mass media. It is disgusting to know that our white-supremacist and patriarchal law enforcement teams target the poorest communities when they are already disadvantaged and oppressed based on their socio-economic status so often that

“blacks are admitted to prison on minor drug offenses at a rate from twenty to fifty-seven times greater than that of white men” (Alexander 218). All of which causes minorities to go further into poverty, which can also be considered as a domino effect, because these two minority groups who are at the bottom of the social class ladder are the ones targeted and are sentenced with the maximum number of years, which only leads up to them “no longer eligible for food stamps, discriminated against in employment, cannot vote for at least twelve years, evicted from public housing, and once they’re homeless—their kids are taken from them and put into the foster care system” (Alexander 216), causing them to be further oppressed by our institutions. Indeed, our mass incarceration rates are racialized due to the United States’ history, wealthy politicians, and law enforcement being oblivious on how to take precaution against the school-to-prison pipeline, and the increase of our prison industrial complex, for each institution discriminating against minorities goes hand-in-hand with the mindset of being tough on crime, and due to the word “crime” always being followed by “punishment.”

Furthermore, colorblind ideology also informs our mass media culture and how certain ethnic groups are represented and portrayed. When people do not surround themselves in the communities that they potentially have biases towards, it becomes harder to break the barriers that come with having a negative bias, and it is harder to let go of the negative connotations that the group is portrayed to have in our Westernized mass media. The representation of certain ethnic groups through the use of stereotypical images being portrayed in our mass media culture only further shapes society’s views about those ethnic groups in a negative light, because that causes others to stigmatize them to the point where these “racist images are so ingrained in popular culture that they are now seen as ‘normal’ representations of those groups” (Dirks and Mueller 285). All of this perpetuates and further influences law enforcement to potentially have

negative biases towards minorities—causing them to be more suspicious and potentially stop and frisk them more frequently than their white counterparts. The stop and frisk tactics that our law enforcement carries out were implemented into law after *Terry v. Ohio*, which provides officers an opportunity to “a lawful warrantless search and seizure that officers have probable cause to believe that an offense has been, is being, or will be committed, generally allowing officers to act upon merely particularized suspicion of criminal wrong doing” (Keenan and Thomas 1454). And with the media increasingly portraying mostly Latinos and African Americans as gangsters, criminals, and bandits, this causes them to be stopped and frisked more frequently. This helps to further increase our mass incarceration rates of minority groups, because *Terry v. Ohio* renders our Fourth Amendment “not in violation” when an officer stops and frisks a “suspect” without probable cause. The impact of stop and frisk procedures and the impact of the number of times force was used by an officer solely due to the “suspect’s” appearance and skin tone/color is so unequal that the numbers of the majority ethnic group (Caucasians) versus the numbers of African Americans who had these encounters are highly skewed. For instance, “only 9% of white males were stopped under the impact of stop and frisk compared to the 51% of Blacks that were stopped, and only 9,765 whites were stopped and experienced unnecessary physical force and violence compared to the 76,483 African Americans that experienced police brutality” (Reynolds). After hearing these statistics, one should attempt to try and understand or find a common place with all persons who have ever felt untrustworthy of our law enforcement and American criminal justice system, especially if and when you take into consideration the 2014 statistic that “a black person is killed by police every twenty-eight hours in the United States” (Reynolds). Indeed, this should help us to understand the skepticism that minorities feel when it comes to interactions with law enforcement officials. It is inevitable in Western media culture that many television

shows and commercials, our modern-day music, and advertisements that may pop up on your computer screen will in some way, shape, or form portray a certain stereotype of a particular ethnic group as a way to tell a story or send out a message. It is extremely sad that most of American society characterizes certain ethnic groups with negative connotations and images to where a large portion of us believe the people in that racial group will indefinitely fit and follow that one false stereotype that our media and popular culture has portrayed them as. This phenomenon only perpetuates fear of “the other” and promotes racism and prejudice while showing signs of ethnocentrism (the belief that your own racial group is the norm and superior over all other ethnic groups). These portrayals, in a perfect world, should actually be seen as unjust and insensitive, because each one of these incidents perpetuate and encourage racism to persist. These unfair systemic practices that range from minorities being pulled over or questioned for (occasional) illegitimate reasons all the way to our media and social outlets portraying minorities with negative connotations while disregarding microaggressions are all historical forms of racism and prejudice that can be broken down if the people who actually follow these stereotypes of minorities simply surround themselves in their community and interact with them on a personal level. This can potentially cause them to become more tolerant, empathetic, and accepting of the people who they view as “the other.”

Moreover, the stop and frisk tactics that officers carry out correlate with the Support Our Law Enforcement and Safe Neighborhoods Act or SB 1070 that was passed back in 2010 in the state of Arizona. The scholarly article written by Christine Valenciana and Rosario Ordonez-Jasis explains how SB 1070 is an anti-immigration bill that “encourages racial profiling by law enforcement, and it is an open invitation for harassment and discrimination against U.S. Mexicans regardless of their citizenship status” (81), further helping us to understand (potentially) why our

mass incarceration rates of Latinos stay high. Anti-immigrant sentiments and policies drastically help to increase the incarceration rates of Mexicans because when a migrant is detained, they do not immediately get processed—it is a time-consuming and step-by-step process they have to undergo; therefore, since they do not get processed right away, they are forced to stay in jail and simply wait for their hearing. For instance, Emma Kaufman and Mary Bosworth’s article describes how “in mid-year 2009, the Federal Bureau of Justice Statistics reported 24,278 confined persons held for the U.S. Immigration and Customs Enforcement (ICE) in local and county jails, a figure nearly double the equivalent population housed in U.S. jails back in 2000” (434). This anti-immigration sentiment only perpetuates American history when it comes to xenophobia and nativism. This article also touches base with how the U.S. carries out “xenophobic policies and practices that are historically rooted in racism and classism, but are masked in extreme forms of nationalism” (Valenciana and Jasis 81). During our Interracial Communications course (HCOM 309-02), Dr. Patrick Belanger briefly explained what xenophobia means, and that is when someone has a fear of “foreigners” or outsiders “invading” or inhabiting the land that they currently live in and grew up on. Nativism helps to explain certain policies that are implemented in order to benefit the people who originally were born in that region (if you will), while excluding the best interests of the immigrant group (out group) or the “foreigners.” Valenciana and Jasis also discuss that many people of color have definitely had their education, family structure, economic opportunities, and their language ripped right from underneath them due to their culture being oppressed with local and state governments implementing exclusionary practices that work against them. Additionally, Valenciana and Jasis disclose that even in present day America, roughly eighty-seven years after the Repatriation of Mexico in the 1930’s, our “Mexican American people are still being racially profiled and their citizenship status constantly called into question” (84).

This ultimately affects their self-worth and self-esteem while simultaneously stripping them of their natural heritage and culture, since Western society tries so hard to push our ways on all other cultures (recall back to Manifest Destiny and colonization). The racialized policies Mexicans faced back in the 1930's and 1940's can relate to a couple of the present day policies, due to Western society having a "historically rooted" bias in our minds about people who are of Mexican descent. For example, it was only in 2010 that SB 1070 was passed, and it has been said that "there is an attempt to repeal the Fourteenth Amendment, which provides citizenship to all persons born in the United States" (Valenciana and Jasis 81), arguing that kids born in the U.S. to parents who are still undocumented will also have their citizenship revoked.

Therefore, the mistreatment of Mexican Americans never stopped after the 1930's mass deportation; however, repatriation of the Mexican people had only evolved into more bigoted and racist policies. Valenciana and Jasis' article about the unconstitutional incarceration and deportation of Mexican Americans back in the 1930's and today can relate to xenophobia and nativism because we are ultimately comparing and contrasting how Mexican Americans were treated and the legal policies carried out against them based on their immigration status, the color of their skin, and their ethnicity. The article helps us to understand the mistreatment of the Latino community and how young children and whole families were racially discriminated against and ripped apart due to the U.S. having a fear of "the other." The mistreatment of the Latino community implies that some people are so fearful of what is different and are so fearful of "foreigners" that some of us Americans have the strong desire to cleanse our home country of anything or anyone who may not follow ideal Western or European ways.

Generally, the fear of "the other" is what encourages police officers to be skeptical towards the groups that may not resemble them physically, and towards groups that may not carry out a

similar lifestyle; however, police officers must learn how to become more open-minded to the people who have different backgrounds than them if our mass incarceration rates of Latinos and African Americans are going to decrease. Police rendering our minority ethnic groups as the “other,” and then helping to lock them up takes a great toll on many African American and Latino lives when it comes to their sense of belonging, self-confidence, self-worth, and their sense of security, because knowing that someone has a racial bias towards you (already) without even meeting you can be very discouraging and frightening, at times. The racial profiling that many cops commit against our communities of color has caused a grave amount of grief for the people who are truly affected and locked up in jail or prison.

In transition, with the primary data I found by interacting with the Santa Cruz County Jail inmates at our weekly writing workshops for the *Inside Out Writing Project Cabrillo* (IOWP Cabrillo), I noticed that our journal sessions were very refreshing for the inmates, even though they can be a little sad and reserved occasionally. The inmates are rarely exposed to literary workshops where they can freely express what is on their mind (during their time in the cell) on paper. The IOWP Cabrillo is an all-volunteer led organization, supported through Cabrillo Community College (Aptos & Watsonville Campus). The structure is non-hierarchical between members, because we encourage leadership and autonomy among interns and participants alike. Our mission is to build solidarity, literacy, and to help the inmates gain a positive outlook on themselves without telling them how to feel, but by validating that their life experiences are very true. This in itself can (potentially) give them self-empowerment, self-liberation, help them to realize how they can improve themselves, and help them to realize who they can become. The goals of the IOWP Cabrillo are to also create a community of confident writers that will feel comfortable enough to use their own voice, affirm that they are human beings with dignity who do

not deserve the dehumanizing experiences of incarceration, sustain a bridge from the local jail to the local colleges and community, and to provide education and enlightenment on the United States' mass incarceration rates.

The literary works hand-written by a handful of the Santa Cruz County Jail inmates simply reflect what they most think about while being incarcerated. When IOWP Cabrillo does these workshops with them, we do not put a limit on how much they wish to write and we do not restrict them to writing about one topic; it is simply a free-write. Usually, it is only the manager of the organization that will give specific instruction on what the topic is for the day, but that is only when she chooses to join our session held by volunteers and interns, which is very rare, because she is so busy with her own courses she teaches at Cabrillo Community College and with home-schooling her son. I also notified the inmates that had a journal-entry session with me that I was going to use some of their work for my Interracial Communications project, and all of them were okay with me sharing their intimate thoughts with my entire class aloud; however, I will only be using their initials to signify whose writing belongs to whom to avoid potentially negative consequences for the writers and for the organization, and to help keep the inmate's information confidential. (I asked my manager if I could use their full names but she immediately told me that goes against our confidentiality guidelines with the organization at Cabrillo and at UCSC.)

Since all of my sessions are free-writes and are not structured for them to write about a specific topic, we will notice that some journal entries are very short, some are long, some are in the form of a poem, some are prayers to God, and a few are written in Spanish (that I can barely understand without translating them on the Internet). The damage that has been done to many lives caused by the racial profiling that some officers carry out that has helped to increase the mass incarceration of our minority brothers and sisters will be heard through these few specific

journal entries. For example, we can see that a lot of suffering has been caused for these inmates through writings that express regret, pain, and the longing to experience freedom once again. We can see these aspects through a female's writing as she says, "To my baby girls, I pray I will see you again one day. I pray you don't blame me for going away, I never meant for us to part. I pray in the future we can make a fresh start. 'Til then I love you, I love you and I love you queens of my heart. I pray you don't hate me" (L.A). The few things that help these inmates get through each day is to keep their hope, keep their faith, and remembering that their family misses them and loves them, and cannot wait to have them back home again.

One of the inmates that I had not had the chance to meet yet came into one of my sessions and I began to try and speak to him on a personal level so he would feel more welcome since he was new to the group. I came to find out that he was in solitary confinement for four out of the eight months he was to stay in the Santa Cruz County Jail all because one of the guards deemed him as "too aggressive" after he had a verbal altercation with a different guard and with an inmate. He told me that he only used three cuss words during the altercation with the inmate and two cuss words during the altercation with the guard, but the guard apparently felt that was enough for him to be considered "too aggressive" to be around the other inmates. He told me "being in solitary confinement for four whole f\*cking months was complete and utter torture and I wanted to bite my own f\*cking tongue off so I wouldn't have to sit in that torturous room any more" (D.A.J)! This suggests to me that being in solitary confinement is extremely brutal and unnecessary torture on the mind, especially for minor offenses such as getting in an oral fight with someone who is heckling you.

This is what is tolerated in American society when it comes to mass incarceration rates and how police contribute in increasing those rates by carrying out racially jaundiced practices. Many

of the inmates are left feeling completely hopeless, useless, and anxiety ridden. When it comes to our criminal justice and legal system, minority ethnic groups are considered to be “guilty until proven innocent” even though our Constitution says “innocent until proven guilty,” and with that, a male inmate expressed to me how he is actually innocent of the crimes that put him on trial. He goes by L.A. and he said that he “believes one day I will be free from these walls. I am innocent, but sometimes this corrupt system locks us up for some time even when we’re not guilty. In my case, everyday I’m faced with confusion and fear because I’m afraid to fall victim of the injustice in the world we live in. Although I’m all alone and nobody’s there for me, if I had one true love it would fill that confusion and fear with understanding and hope so that I may live on feeling free even though I’m locked up” (L.A.). This shows me that many of the practices carried out against minority ethnic groups in the legal system are very disparaging, unfair, and downright discouraging because justice is being served for no one.

The historically rooted practices to keep our minority ethnic groups locked up, oppressed, and without opportunities to move up in the social class ladder, as well as society simultaneously categorizing them as criminals and thugs, ultimately shows that our system is mainly not in favor for all living human beings to progress, succeed, create a happy living situation, or exercise their self-autonomy rights and own human agency. However, our system is mostly there to serve the wealthy, the elite, the majority ethnic group, and large corporations. It is true freedom that minority ethnic groups desire—they want freedom from every racially-driven tactic carried out against them by our system, and keeping them a part of the lower class, and with a lack of resources. For instance, R.M. expressed to me one day that “music brings me to other places, other times in custody or out, I want my life to be a song of freedom,” showing evidence that every human being on this Earth simply wants freedom and autonomy, and their right to the pursuit of

happiness without a system standing in their way of it. Lastly, writing this paper and incorporating my findings from inmates inside of the Santa Cruz County Jail helped to open my eyes to the atrocities and injustices that society, as well as our criminal justice system, constructs against minority ethnic groups that they are forced to endure every day of their lives.

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