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Has anything changed?
Racial Disparity in Incarceration
Regression, Stagnant, or Progression
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Capstone, Spring 2018

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Abstract

This project looks at the mass incarceration rates of people of African Descent where they are the minority in the country. It specifically will compare the rates in both the United States of America and Canada. America will be scrutinized as it has one of the highest incarceration rates in the world. It will look at the underlying reasons why African Americans are admitted into the prison system and getting arrested. Both historical and sociological trends with community and cultural impacts will be explored. There have been a few court cases that have looked at either an individual case and how they are wrongly sent to prison for a small misdemeanor crime or at a category of people, mainly African Americans, that have been incarcerated. The role that laws have in society are to govern what may be enforced by largely a trusted entity -whether it be justly applied or not.

Introduction

The prison system is supposedly created to reinforce the judicial system. But over time, the system has expanded, become privatized and the numbers of people incarcerated has increased greatly. Mass incarceration rates of people with African descent in a majority Caucasian country are much higher than most other communities of people. United States of America's mass incarceration may seem as only an American problem, it is actually a worldwide problem. "A number of observers have identified how minority populations throughout the world are more likely to be punished than their counterparts from dominant majority groups"(Ruddell & Urbina, 2004). Therefore punishment may be a social hierarchy all across the world and targeting those that are a minority in today's society. But the complexity of how social standings work may be seen in how nations carry out national punishments. As well, social arrangements contribute to what kind of punishments and the recipients.

A closer look is warranted of why people of African descent are being incarcerated at a much higher rate all across the Globe than those of European descent. “Neighboring American countries... with similar rates of crime and nearly identical structural and economic conditions had vastly different rates of imprisonment. Not only is the relationship between crime and punishment not linear, but there is some controversy about which extra-legal factors have the greatest influence on the use of imprisonment “ (Ruddell & Urbina, 2004) There are many reasons throughout the world why minorities, especially those of African descent, are imprisoned at a higher rate. But why are those in America higher incarcerated than other countries where they are a minority also?

The Prison population of African Americans has seen growth in not only in the 21st century but also since the civil rights movements. The reasons for mass incarceration may vary from laws, policing issues and bias. The effects that mass incarceration has on the African American population are police profiling, higher poverty rates in the community, disparities in sentencing coupled with the arguably causation of slavery creates a complex dynamic.”With an incarceration rate five to 10 times that of other Western democracies, the United States has less than five percent of the world’s population, but our country’s prisoners account for one fifth of the global prison population. The U.S. incarcerates more people — in absolute numbers and per capita — than any nation in the world, including the far more populous China, which rates second, and Russia, which rates third. These numbers reflect misuse of incarceration to respond to social challenges and basic human needs.” (“The Fight Against Mass Incarceration Goes Global”, 2018)

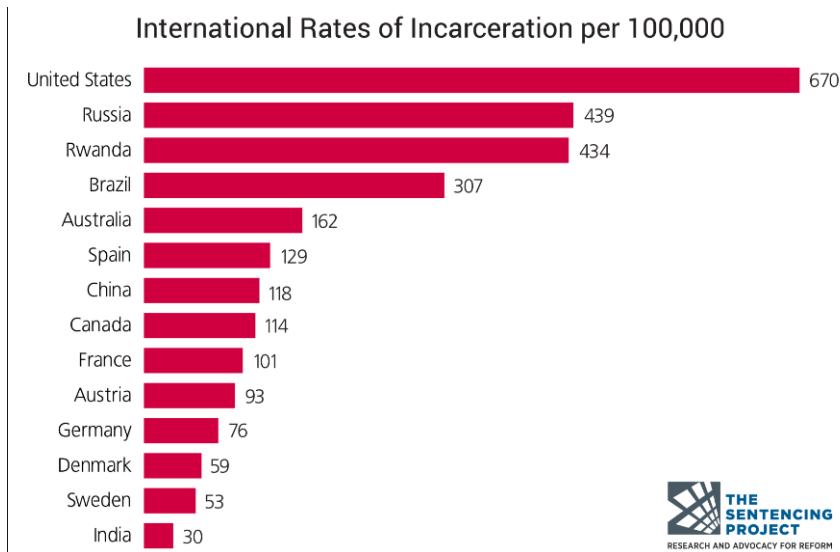
Throughout time, there has been specific eras in history that have targeted African Americans with crimes. The disproportion of incarcerated African Americans is rising each and

every year. “But specifically, African American males represent about 32% of the amount of inmates. It is seen that that blacks are more likely to be imprisoned because they are a smaller, politically weaker, and economically marginalized population.”(Garrison 2008) But it is looked at not only how it affects those that are incarcerated but the whole community and how those on the outside are looking in. Often because of the high inmate population, it affects how African Americans are perceived and how they navigate day to day life.

This focus was chosen for my research for many reasons. Throughout my life I have seen people close to me questioned by the police. But many are not lucky enough to just get questioned but often are arrested for small crimes and incarcerated. As an African American woman this topic is important for me to understand why people that look like me are being sent to prison at an increasing rate. But also is this a vicious cycle that we will be stuck in forever or will this pattern of increasing incarceration of people of African Descent be eliminated and people like me will no longer be considered a threat?

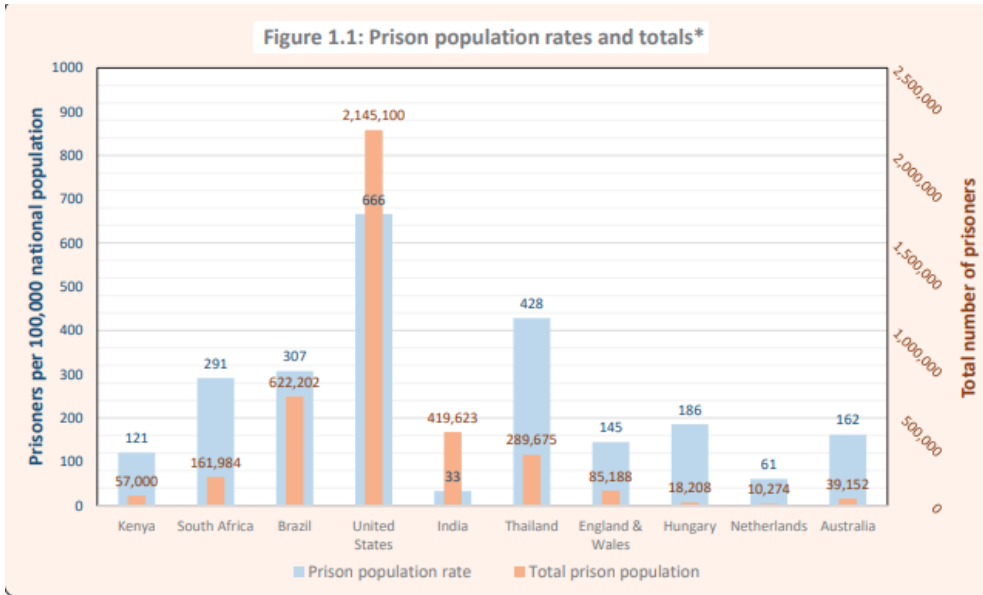
Literature Review

One of the more important sources that I found in my research indicates that there is a “found a significant association between the size of minority populations and imprisonment. These results reinforce the importance of controlling for indicators of the political context in the study of punishment“ (Ruddell & Urbina, 2004). The political context in the USA is reflected in the following statistics on international rates

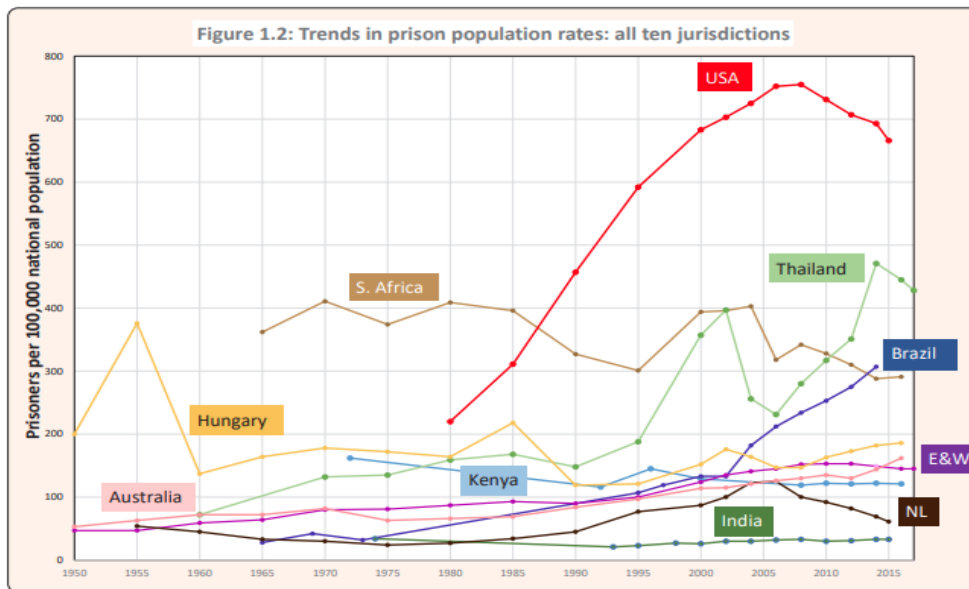


As this figure indicates the USA is the world's leader in incarceration followed by Russia and Rwanda. In 2016 there were 2.2 million people in the USA's prisons and jails, which represents a 500% increase over the last 40 years (Prison: Evidence of its use and over-use from around the world, 2017). This increase is due to changes in laws and policies, not crime rates. The effects are overcrowded prisons and financial burdens on the governmental system, and despite the evidence that mass incarceration is not effective in reducing crime and ensuring public safety.

These figures below are illustrating that not only is the USA have most of the prison population



in the world. But growing at a much faster rate than any other place.



This project is going to look at why people of African descent are imprisoned the most in the world but the case study is on the mass incarceration rates of African Americans in the prison system in the United States. It will look at the underlying reasons why African Americans

are admitted into the prison system and getting arrested. But also what are the trends in history that this is making this happen. As well how has it impacted the outside community. There have been a few court cases that have looked at either a citizen and how they are wrongly sent to prison from a small misdemeanor crime or at a mass of people that are mainly African Americans that were convicted. Often the most trusted sector is responsible for the unjust application of societal norms and laws.”The trend towards what is today’s vast rate of imprisonment in the US started in the early 1970s. Over the fifty years prior to this, levels of incarceration had been fairly stable. Thereafter, as observed by Zimring, the 35 years from 1972 ‘produced a growth in rates of imprisonment that has never been recorded in the history of developed nations’ (2010: 1230). By 2007, the imprisonment rate in the US had gone from being ‘at the high end of western democracies’, but by no means an ‘outlier’, to being ‘three times that of any fully developed nation at any point in the post-World War II era’ (Zimring, 2010: 1231)” (World Prison Brief | an online database comprising information on prisons and the use of imprisonment around the world", 2018).

And these disparities are evident when comparing United States and Canada.

In Canada there are people with African descent that live throughout the country. “In Canada, for example, black men comprise 1.25 % of the population, yet in areas as disparate as small city Kingston and metropolitan Toronto, they are three and half times more likely than whites to be stopped, frisked, and documented by the police” (Warde, 2012) Unlike the United States, historically people of African descent have not have bad relationships with the police force. But there has been records of incidents happening between the police and black people. But over the last decade Canada has been an influx of 50% of people in the prison system that

are of African descent Many see this is due to racism by the police and targeting certain groups of people.

In 2009 one in every eleven African American males have been incarcerated in the United States. The numbers of those in incarcerated are still increasing . The crime rate and laws have created the racial disparity since around the 1950s. “The statutory laws that structured racialized mass incarceration seem firmly rooted in a politics of hostility toward civil rights” (Lopez 1034). It is the product of political and cultural forces and an institutionalized system in society. Politically right now it does not directly affect most people in power therefore they do not choose to address this huge problem. But socially and with historical significance the United States has more people in the prison system than any other country. Therefore with these perspectives, other countries may see the United States in a different way.

The incarceration of African Americans is not a new topic that has occurred post the civil rights era but has been happening since the beginning of Africans in America. History teaches us that the criminal justice system is not only an institution of retribution, rehabilitation, incapacitation and incarceration but is an institution of social control. In “1930, 77 percent of the people admitted to U.S. prisons were white, 22 percent were African American and one percent were other racial and ethnic minorities. That ratio was virtually reversed by 2000, with African Americans and Latinos accounting for 62.6 percent of all Federal and State prisoners.”(Garrison 2008). Although the disproportionate incarceration of African Americans starts before the war on drugs. The war on drugs increased the disparities and drastically increased the disproportionate representation of African Americans in Federal and State prisons which “culminated in a 17-year period in which African Americans accounted for the majority of individuals incarcerated in the United States while only accounting for 12% of the U.S.

population.”(Garrison 2008) Racial disparities in state prisons lies in the structural disadvantages that impact people of color long before they encounter the criminal justice system. In the United States racism is embedded in the laws in what Americans think of how we should act in accordance to them. In society some are treated differently because of who are enforcing the laws or who they are setup to target.

Structural Racism is defined as “ is the normalization and legitimation of an array of dynamics – historical, cultural, institutional and interpersonal – It is a system of hierarchy and inequity, primarily characterized by white supremacy “(Garrison 2008). In this theory, disparities seen in imprisonment are a function of disproportionate factors in mainly communities with people of African descent that are seen with poverty, employment, housing, and family differences. Other factors, not simply race, account for differences in crime across place. Since slavery in the United States there has been a fundamental normalization of being racist. There are racist overtone in many documents that helped build the United States. That in the political sense "racism" in "structural racism" is meant to “invoke a sense that, even in the face of obvious improvements in race relations, normatively illegitimate practices continue. “(Garrison 2008) Structural racism illustrates what is happening with mass incarceration because it is embedded in the laws of the land. It targets certain socioeconomic classes that many African Americans fall in, as well as the judicial system that may fail them. Therefore the lawmakers being tough on crime in politics of the 1980s and 1990s fueled an explosion in incarceration rates that continue today.

As well, drug laws and profiling of police had affected mass incarceration in the United States of African Americans. Therefore, incarceration rates and precluding factors of people of African descent in Canada require examination.. There is a main theme to connect is how it has

affected African Americans throughout time but also comparing it to Canada and their inmate population. There will also be an examination of how other countries view America and the prison system. Structural Racism is very present in America as well and see if it is a global problem. Through the research and findings it will be helpful to compare and contrast this problem of Mass incarceration in America to other countries in the world. The question for the main point that will be answered are “Why are African Americans incarcerated at higher rates than any other races?”. Also “How is those incarcerated with African descent in Canada similar and different than those in the United States?”

Methodology

To explore mass incarceration of African Americans and those of African descent in Canada , scholars look at statistics on how African Americans are incarcerated at a higher level compared to those of other races in America. Through the research question, “What impact has mass incarceration had on African Americans in the United States of America?” With answering this question about the impact, the research needs to focus on different categories that answer that question. They will be answered by looked at a theories on what in the Structure in the United States is causing this to happen. Through the court cases such as *Bridgeman ET. AL v District Attorney for Suffolk county* and *Brown vs Lexington County* it will show how profiling and systematic racism still is in play today’s society. As well the secondary sources help bring in different perspectives of analyzing the historical context of why this might be happening through profiling and the drug laws.

The quantitative data of African Americans in prison are what drives this research because it is shown that African Americans out number any other race in prison in America. But

the qualitative data is how the impact is shown. As well how it not only affects people in America but around the world.

For the people in Canada it is statistics that drives the research. Also events that have happened why more people of a particular race group are being incarcerated in Canada.

Theoretical Perspective

Structural Racism

Structural Racism is defined as “ is the normalization and legitimation of an array of dynamics – historical, cultural, institutional and interpersonal – It is a system of hierarchy and inequity, primarily characterized by white supremacy “(Garrison 2008). In this theory, disparities seen in imprisonment are a function of disproportionate factors in African American communities that are seen with poverty, employment, housing, and family differences. "racism" in "structural racism" is meant to “invoke a sense that, even in the face of obvious improvements in race relations, normatively illegitimate practices continue. “(Garrison 2008) Structural racism illustrates what is happening with mass incarceration because it is embedded in the laws of the land. It targets certain socioeconomic classes that many African Americans fall in, as well as the judicial system that may fail them. Therefore the lawmakers being tough on crime in politics of the 1980s and 1990s fueled an explosion in incarceration rates that continue today.

This is applied to my topic of mass incarceration because Structural Racism is embedded in why people are arrested. The starting point of the high incarceration rates comes from perceptions and applied powers. Structural Racism looks at the laws that already in place with the justice system, and asks why are impacting society in a certain way. It brings the framework of the impact it has on society and can clearly define differences in other societies.

Many time it is the historical impact of different people that is the reason of Structural racism. The structure of the United States affects the police and who they arrest. Of additional interest is who are the laws targeting when the lawmakers make them. It is almost normal to arrest certain groups, specifically African Americans, because there are prejudiced conceptions that influence police through the entire process.. .

New Jim Crow Laws

The new Jim Crow Laws are based off of a book by Michelle Alexander. It explores the legal discrimination that look place in the South from about 1877-1965, and how it compares to what is happening now with African Americans in prison. Alexander states, “we have not ended racial caste in America; we have simply redesigned it.” (“America's Current Racial Caste System - We Need to Ensure That It Is Our Last”, 2018)), By caste, Alexander illustrates not only the grouping of people into racial categories but also the fact that races are “locked into an inferior position by law and custom.” (“America's Current Racial Caste System - We Need to Ensure That It Is Our Last”, 2018)) The policy of “Stop and Frisk” are a way that racial caste functions; throughout this policy, police are empowered with being able to search anyone, even if they have no reason to suspect they are guilty of a crime. This many times is due to stereotypes and how African Americans are perceived and put in positions just based of their skin tone.

Also what the theory of the New Jim Crow Laws are that once someone commits a crime, it is hard for them to get back into the real world by not being able to get a job or even vote. Which means many times they are forced to go back into the cycle, therefore it leaves many African Americans in the cycle of being in the Prison system their whole life. But the start even before they are in the prison system, many times young African Americans are forced to commit

these crimes in order to survive such as those in the foster system. It illustrates that African Americans are vulnerable to being in the prison system just because of their skin tones or where they were born.

Jim Crow Laws were legal but does not mean they are just. Many times in today's society there are laws and loopholes in the criminal justice system that police take in order to disproportionately arrest African Americans. The big argument is what is Justice versus the Law and are the laws even bringing justice to the community or just targeting certain communities.

Analysis/Findings

Historical context

The incarceration of African Americans is not a new topic that has occurred post the civil rights era but has been happening since the beginning of Africans in America. History teaches us that the criminal justice system is not only an institution of retribution, rehabilitation, incapacitation and incarceration but is an institution of social control. In "1930, 77 percent of the people admitted to U.S. prisons were white, 22 percent were African American and one percent were other racial and ethnic minorities. That ratio was virtually reversed by 2000, with African Americans and Latinos accounting for 62.6 percent of all Federal and State prisoners."(Garrison 2008). Although the disproportionate incarceration of African Americans starts before the war on drugs. The war on drugs increased the disparities and drastically increased the disproportionate representation of African Americans in Federal and State prisons which "culminated in a 17-year period in which African Americans accounted for the majority of

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Profiling

The racial disparities that are brought up from African Americans still exist in the 21st century. incarceration rates of particularly African Americans rising through the years can be seen mainly due to the profiling of specific communities within the United States. It is seen through court cases, the high statistics and targeting that not everyone is getting the same fair treatment. Many times it comes down to the initial contact, the a police. The question that needs to be asked is, “Are police specifically patrolling certain neighborhoods that are mostly African Americans?” But this is not just a theory that this is one of the reasons why this is happening to African Americans but seen through court cases.

Brown vs Lexington County is about Plaintiff Twanda Marshinda Brown, she had made five regular payments toward traffic fines and fees to the Irmo Magistrate Court when she defaulted . Sheriff’s deputies came to her home on a Saturday morning and arrested her in front of her children on a warrant charging her with nonpayment of court fines and fees. Brown was incarcerated for 57 days because she could not afford to pay the entire \$1,907.63 that she owed. At no point was Brown provided a court hearing on her ability to pay, informed of her right to

request counsel, or appointed counsel to help defend against incarceration..In Lexington County, hundreds, if not more than a thousand, impoverished people each year are locked up simply because they cannot afford to pay fines in traffic and misdemeanor cases in the County's magistrate courts. The result is an unfair justice system. People who can afford to pay buy their freedom, while poor people are locked away in the Lexington County Detention Center, causing families to suffer, jobs to disappear, and chances of escaping poverty of the county to become even more far in the future.

Imprisonment has become a common pathways in life for many African Americans today. The profiling that may happen within the police force specifically to African American males needs to be looked at. "The role of perceptions about people of different races or ethnicities is also influential in criminal justice outcomes. Because racism is viewed as systemic (possessing a racial structure) and as organized around the races' different interests, racial aspects of social systems today are viewed as fundamentally related to hierarchical relations between the races in those systems. Elimination of the racialized character of a social system entails the end of racialization, and hence of races altogether.(Silvia 1997)"Even if it may just be one person in the family that goes to jail everyone is affected. But also many do not realize that black uneducated males expect to go to jail for at least one year in their lifetime. With that being said, they may unknowingly engage in a societal fulfilling prophecy and commit a crime knowing they will see jail time..

Drug Laws

Harsh drug laws are clearly an important factor in the racial disparities in state prisons. "For drug crimes disparities are especially severe, due largely to the fact that blacks are nearly four times as likely as whites to be arrested for drug offenses and 2.5 times as likely to be

arrested for drug possession.” (Rothwell 2015) Disparities are evident at the initial point of contact with police, especially through policies that target specific areas and/or people. Although, drug possession is a low-level crime. The selective policing and prosecution of low-level offenses in communities of color has led to huge racial disparities in our criminal justice system. “The report contends that one result of the new drug laws was a soaring prison population, as greater proportions of drug offenders received prison sentences and the length of incarceration increased. “(Muhammad 2008) Therefore the impact that drug laws have had in the high incarceration rates on the African American community are caused by many different factors. And to compound the issue, even when law enforcement/justice systems have been proven to be unjust, rectifying the situation is not a priority

Bridgeman ET. AL v District Attorney for Suffolk county in November of 2013, Annie Dookhan, formerly a chemist in a Massachusetts crime lab, pleaded guilty to fraud that may have affected tens of thousands of cases. The vast majority of her victims are still waiting for justice and due process. She did not test evidence as protocol requires and many people were affected by her misconduct. There are still thousands of people in prison who do not have the resources to get out. This is a prime example of how the justice system has failed the American people. Many are imprisoned despite innocence or are serving an unfair sentence due to racial disparities; victims of a system that caters to Anglo persons of means

Drug laws and the War on drugs have been seen as one of the main reasons why African Americans are constantly being put in prisons at a higher rate than other races. It may be because of the neighborhoods that law enforcement patrols and consequently where arrests are made. As well, the bias that may be happening in court and other parts of the justice system may be contributing to harsh sentencing. Overall, the impacts that these sentencing and the arrest of

certain communities in the United States for certain laws should be examined with an unbiased lense . The Structural disadvantage that the American system has needs to be totally reformed to lower the incarceration rates of the African American community.

Conclusion

Incarceration of people of African descent in the world are far higher than what applied statistics dictate. From a historical perspective, unfortunately not much has changed for people of African descent . Not only does the United States of America have the highest rates of people in the prison system, but there are more African Americans in prison than any other people group. Not only has the it been recognized at national levels but ata global level as well. For example, the U.N. Human Rights Council will formally adopt the first-ever U.N. report on mass incarceration,”the United States are realizing that America’s addiction to incarceration is unsustainable, costing taxpayers billions of dollars while doing little to prevent crime”(“The Fight Against Mass Incarceration Goes Global", 2018) . It is a constant struggle to structure and implement a system that does not incarcerate based on racial bias.. “There may be some advantages to examining the use of punishment from a cross-national perspective because this approach may facilitate understanding of larger structural patterns”(Ruddell & Urbina, 2004). Globally this is a problem that demands attention because countries that have people of African descent, like Canada, are mimicking the biased based incarceration rates of the United States . The high rate is due to laws, such as drug laws, that specifically target African Americans. As well as the racial profiling by the police of this minority which as been perceived as a growing threat by the political elites in the USA and Canada who appeal to the racial fears of the majority populations in these countries.

Theories such as the New Jim Crow laws suggests that that many current mirror the historical Jim Crow laws. In a historical context, Jim Crow laws represented the legitimisation of anti-black racism. During these times, people were taught to believe that whites were the ‘chosen superior people’ and that the blacks were in chosen to be servants. Michelle Alexander’s The New Jim Crow shone a light on the problems of the War on Drugs and how it had blatant that ulterior motives. The War on Drugs was abolishing drug related crimes and minimising drug use. This was at a huge cost; the black community in America.

Even though there are many different theories and reasons why African American are in this era of Mass incarceration despite the rhetoric that this is a “post racial America”. There is not going to be a clear change until officials, political and social advocates, recognize the problem and take steps to fix it: freeing the people for minor drug laws and examining cases for profilings. It is imperative to implement trainings for law enforcement to reduce racial profiling and to build relational bridges in the majority African American communities. A review of the table below highlights the severity of the problem of mass incarceration. Until there is change, people all over the world will continue to form demonstrations such as the Black Lives Matter movements. Citizens will continue to hope that one day a country that prides itself on Freedom and being progressive will no longer target one minority, but be fair and just for all.

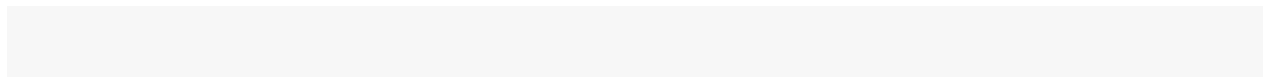
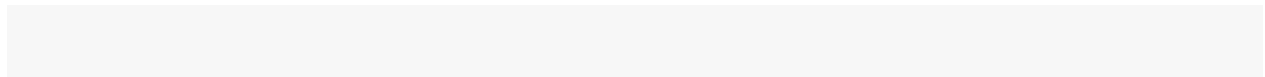
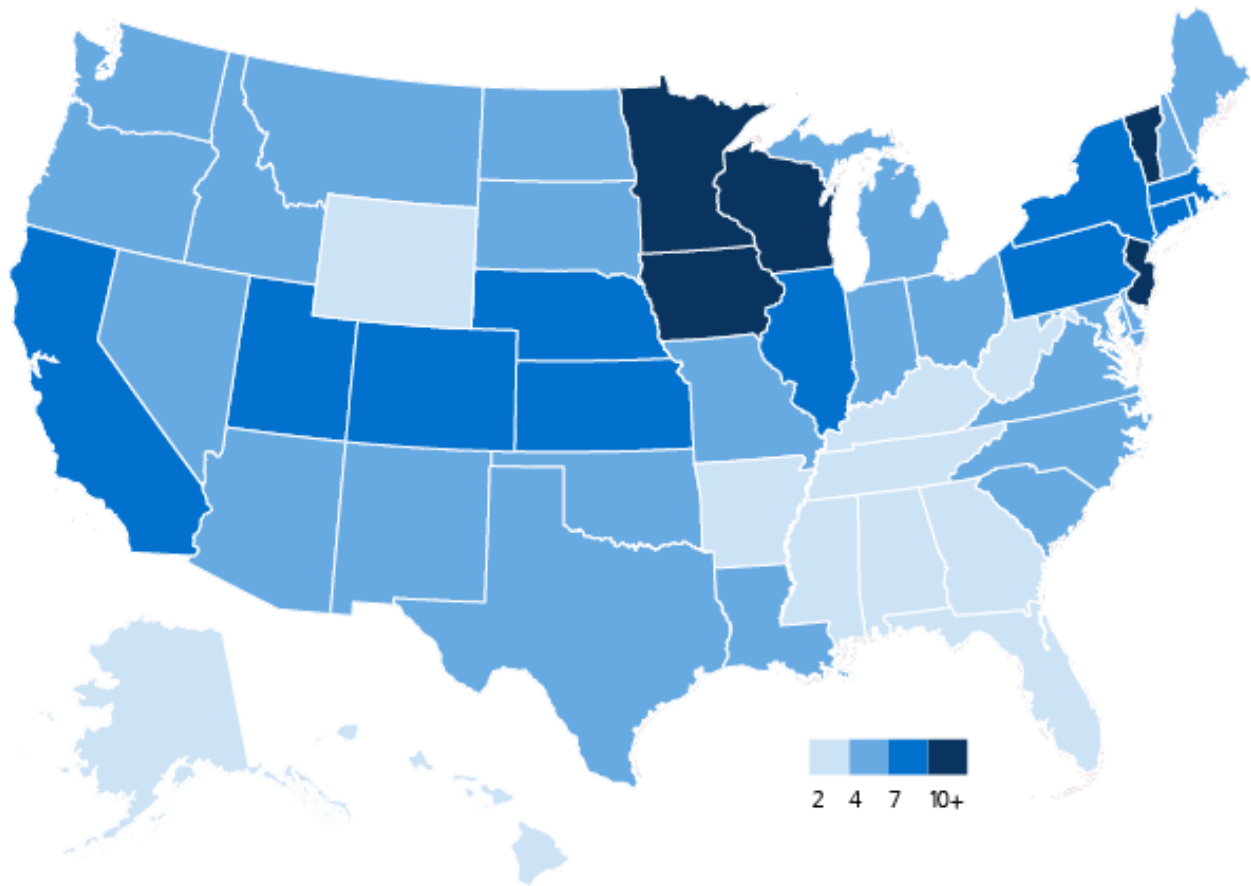


Table 1. Incarceration rates per 100,000 by race, by black (male and female) incarceration rate

State	White	Black	Hispanic
Oklahoma	580	2625	530
Wisconsin*	221	2542	563
Vermont*	225	2357	Not Provided

Table A. State imprisonment 2014, by percent black in prison



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