

Race, Crime & Criminal Justice

Addressing Health Disparities

Presented by: Brenda Westberry

Email: Brenda.Westberry@yahoo.com

New England Summer School of Addiction Studies 2018

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Learning Objectives

- Participants will:
- Discuss how race and ethnicity are central to understanding crime and criminal justice in America.
- Identify recent trends in criminal justice, the current crime situation in America, emerging problems, and how all of these factors affect race, ethnicity, and justice.
- Identify who is incarcerated and the impact and prevalence of incarceration and reentry on racial and ethnic minorities.
- Analyze racial and ethnic disparities in the criminal justice system.
- Identify the connection between substance use, poverty and crime.

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What is Race?

- Race is a classification of people according to their physical appearances, geographic ancestry, and heritable characteristics.
- Acquired genes and physical characteristics.
Your background and the way of your family.
- What is Ethnicity?
 - Differences between groups of people based on cultural customs, such as language, religion, foodways, music, family patterns, and other characteristics.

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"Race" is a social construct

- Race, ethnicity, & crime
 - Bound within American society
 - Most Americans believe there is a "real" link
 - Rooted in stereotypes & prejudice
 - History shows stereotypes & prejudices
- Perceptions and illusions permeate the reality of crime and criminals often relating to issues of race and gender
 - Statements such as:
 - "Crime just keeps going up and up."
 - "Dangerous criminals all get off easy."
 - "Immigrants are responsible for the crime increase."

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Race vs Ethnicity

Race

- A social construct
- Often applied by a politically / cultural dominant group to less powerful group
- In American History:
 - "Drop of Blood"
 - "Nonwhite"

Ethnicity

- Difference in groups based on cultural customs
- Group is perceived by others to be different in respect to culture
- Group perceives itself to be different in respect to culture
- Members participate in shared activities around culture

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Race, Crime, & Justice

Facts are facts...

- Race & crime are linked
 - Many Americans do not think of race as a social construct
- CJ system still has many biases
 - There are degrees of bias & bias types
 - Minorities more likely to be punished, and punished more harshly, than whites

Improvements have been made, but problems still exist.

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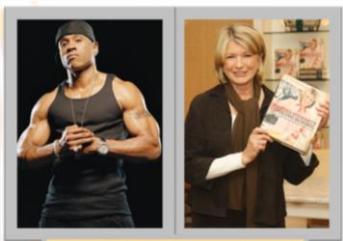
UCR Arrest Data

Stereotype

"Average offender is African American"

- 2014 Reality
 - 27.8 percent African American
 - 69.4 percent White
 - 2.7 percent Asian & Native American

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Be Careful of Stereotypes!
Only One of Them is a Convicted Felon.

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Disparity v Discrimination

Disparity

- Difference not always about discrimination

Discrimination

- Differential treatment not based on behavior or qualifications

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Discrimination-Disparity

Continuum

- Systematic discrimination
 - Discrimination within entire CJ system
- Institutionalized discrimination
 - Disparities based on established policies
- Contextual discrimination
 - Discrimination in certain situations
- Individual discrimination
 - Discrimination by specific justice officials
- Pure justice
 - No discrimination

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Cause of racial disparities

Marc Mauer: 4 Important Factors

- Disproportionate involvement in crime
- Disparities in criminal justice processing
- Overlaps of race and class effects
- Impact of race neutral policies

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Race and Criminal Justice Issues

2014 Incarceration Rates in state and federal prisons

- The incarceration rate for African American males was 6 times the rate for whites (2,724 vs. 465, respectively, per 100,000)
- The incarceration rate for Hispanic American males was 2.3 times greater than the rate for whites (1,091 per 100,000)

Demographic changes = Criminal justice system challenges

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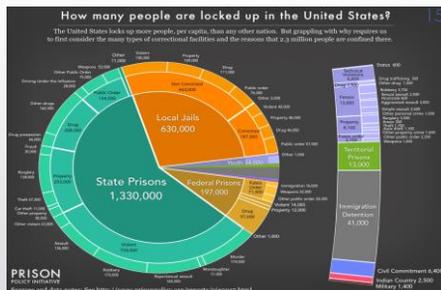
How Much do we spend on Incarceration??

- Of the \$80 billion spent on supervision, confinement, and rehabilitation for those convicted and accused, only 10 percent of funds came from the federal government. The majority (57 percent) of the funds were spent by state governments, while the remaining 33 percent came from local governments. The report's total of \$80 billion in 2010. (Hamilton Project of the Brookings Institution)

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Recidivism

- The U.S. incarcerates more people per capita than 26 of the largest European nations combined. Incarceration rates in the U.S. are nine times greater for young African-American men between the ages of 20 and 34 years.
From Center on the States, (2008), One in 100 Behind Bars in America 2008.
- While the US justice system has traditionally focused its efforts at the front end of the system, by locking people up, it has not exerted an equal effort at the tail end of the system: decreasing the likelihood of reoffending among formerly incarcerated persons.



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Charging & Plea Bargaining

- Crack Cocaine vs. Powder Cocaine
 - US Sentencing Commission created the disparity in the 1980s.
 - 5-year Mandatory Minimums became active at a 100:1 weight level (5 grams of crack cocaine vs. 500 grams of powder cocaine)
- 2010 US Sentencing Commission revised guideline
 - 5-year Mandatory Minimums became active at a 18:1 ratio (28 grams of crack vs. 500 grams of powder cocaine)
 - 10-year Mandatory Minimums became active at 280 grams of crack vs. 1,000 grams of powder cocaine

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Crime and immigration controversy

- "With few exceptions, immigrants are less crime prone than natives or have no effect on crime rates"
 - Immigration is federal law
 - Usually enforced by federal government
 - Can be enforced by local agencies through complicated process
- Being undocumented is not a crime; it is a civil offense

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The Arab-American Community

- Many Americans of Arab or Middle Eastern origin have been subject to much harsher treatment since 9/11
 - Racial profiling, hate crimes, detainment, etc.

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Asian, Native Hawaiian, and Pacific Islanders

- Asian Americans have the least amount of contact with the police compared to other racial and ethnic groups.
- They have the lowest victimization rates of any other racial or ethnic group and as a result call the police less often.

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The Hispanic Community

- Demographic shifts also provide challenges
 - Between 1980 and 2008, the Hispanic population increased from 6.4 percent of the U.S. population to 13 percent and is now the largest people of color community in the country
 - Competition for political & economic power
- Communities often underserved by police
 - Language barriers
 - Officers unable to speak Spanish
 - Residents unable to speak English
 - Fewer calls to police
 - Fear of immigration enforcement

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The African-American Community

- African Americans experience greater contact with the police than any other racial or ethnic group in America
- Greater contact with the police is the result of:
 - Higher crime rates in low-income and African American communities
 - African Americans call the police at a higher rates than other groups
 - certain police tactics (i.e. aggressive prevention patrol; stops and frisks) involve high rates of police-initiated contacts with African Americans

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Problems with immigration enforcement

- Problems with local police enforcement of immigration:
 - "Invites discrimination" by police
- Damages police-community relationships
 - 44% of Hispanics less likely to contact police when they are victims in fear of being asked about immigration status
 - 45% of Hispanics less likely to give police information about other crimes in fear of being asked about immigration status
 - 70% of undocumented immigrants said they were less likely to contact police if they were victims of a crime
 - 28% of U.S. born Hispanics were less likely to contact police if they were the victim of a crime in fear of being asked about immigration status
- Strains local police resources

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Poverty Status

- Poverty
 - In 2014 the official poverty line was \$24,230 for a family of four
 - 14.8 percent of all Americans were below the poverty line
 - 10.1 percent of non-Hispanic whites were in poverty
 - 26.2 percent of African Americans were in poverty
 - 23.6 percent of Hispanics were in poverty
- Some economists have estimated that a family of four really needs an income of \$38,700 a year to live adequately.

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Drug Offenders

Prevalent media image of a user is a person of color

- **Monitoring the Future (MTF) Survey**
 - Survey of 12th grade youth
 - Results (for a range of illicit drug)
 - African American youth report the lowest use of all licit and illicit drugs reviewed
 - White youth had the highest reported use rates for hallucinogens, tranquilizers, amphetamines, and sedatives.
 - Hispanic youth report the highest use rates for marijuana, crack and cocaine.

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Public Attitudes About The Police

- 2016 survey on Americans perception of police fairness
 - Asked "whether blacks are treated less fairly than whites in this country"
 - 84 percent of African Americans answered yes
 - 50 percent of whites answered yes
- 2012 poll on confidence in the police
 - 23 percent of African Americans expressed "very little" confidence in the police
 - 14 percent of whites expressed "very little" confidence in the police

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Unequal Justice?

A Famous Incident:

- The small community of Ferguson, Missouri, a suburb of St. Louis, burst international prominence on August 9, 2014, when police officer Darren Wilson shot and killed Michel Brown, an unarmed 18-year-old African American.
- Protests followed and Missouri authorities mobilized military equipment in response, which only inflamed the protests, and rioting and property destruction followed.
- Sympathy demonstrations occurred around the country, and the events in Ferguson were carried live on cable television stations.
- Soon it was clear that a national police crisis existed.

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The Lack of National Data on Police Shootings

- Lack reliable data on the number of people shot and killed by the police each year
- FBI reports that 444 people were shot and killed by the police in 2014
- The Washington Post collected data on police shootings using all possible sources (local news media, public records, internet sources) and found that the police shot and killed 986 people in 2015.
- The Guardian undertook a similar count of police shootings and reached a count of 1,134 people who were shot and killed by the police in 2015.

Criminal Justice Data

- How much more likely are unarmed African American men to be shot by police?
- How much more likely are unarmed African American men to be shot by police?
 - We don't know
 - Why?

Sources of criminal justice data:

- Uniform Crime Report (UCR)
- National Crime Victims Survey (NCVS)
- Police-Public Contact Survey (PPCS)
- National Prisoner Statistics (NPS)

Implicit/Unconscious Bias- What is It?

- Unconscious bias refers to the unconscious attitudes, assumptions or stereotypes that are deeply embedded in American culture. This problem is true with respect to race, ethnicity and crime.
- Known as Unconscious Bias or Implicit Bias
- Everyone uses stereotypes- its how our brains are wired. But many stereotypes are negative and these negative stereotypes can affect the way we act toward members of certain groups –even without realizing it.
- It is hard for us to identify and admit our own biases because so many of them are hidden in unconscious parts of brains-hence implicit bias. We fail to realize that our experiences have shaped biases deep within our minds that impact how we respond to other groups of people without even realizing it.

Addressing our Biases

- While we don't know how to effectively eliminate unconscious bias completely recent academic research has shown some positive strategies to help reduce this issue.
- Become aware of what you harbor differently.
- Counter Stereotypical examples- hearing positive stories of different groups of people over time can help reduce your bias.

Engage with Diverse groups- Engaging with people who are different than us in all facets of our lives can have an impact on reducing the unattended discrimination that is the consequence of unconscious biases.

Work Toward Equity- Getting involved in equity work can have a positive impact in reducing biases.

Resources

- Websites:
- www.cjinvolvedwomen.org
- <https://www.prisonpolicy.org/>
- www.samhsa.gov
- <https://www.ncjrs.gov/App/Publications/abstract>.
- csgjusticecenter.org/reentry/posts/risk-and-needs-assessment-and-race-in-the-criminal-justice-system.
- www.pewresearch.org.

RESOURCES

- Books:
- The New Jim Crow . Mass Incarceration in the age of Colorblindness. By Michelle Alexander
- Rethinking the Color Line. Readings of Race and Ethnicity. By Charles A. Gallagher .
- The Color of Justice: Race, Ethnicity and Crime in America: Walker, Spohn, Delone.
