

Study finds widespread racial bias in US criminal justice system

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A new report issued by a coalition of civil rights organizations calls the “massively and pervasively biased” treatment of blacks and Hispanics by the US police and courts the major civil rights problem of the twenty-first century.

Entitled “Justice on Trial: Racial Disparities in the American Criminal Justice System,” the study finds that minorities in the US face discriminatory treatment at every stage of the judicial process, from arrest to incarceration. The 94-page report was issued by the Leadership Conference on Civil Rights based in Washington DC. Its findings show that blacks, Hispanics and other minorities face unfair targeting by police and other law enforcement officials, racially biased charging and plea bargaining decisions by prosecutors and discriminatory sentencing by judges.

The report looks at many different aspects of the criminal justice system. In Chapter 1, “Race and the Police,” it takes up the practice of racial profiling, citing several case studies documenting the routine targeting of minorities by highway patrolmen:

* Under a Maryland court decree, traffic stops by the Maryland State Police on Interstate 95 were monitored. In the two-year period from January 1995 to December 1997, 70 percent of the drivers stopped and searched by the police were black, while only 17.5 percent of overall drivers—as well as overall speeders—were black.

* In Volusia County, Florida in 1992 nearly 70 percent of those stopped on a particular interstate highway in Central Florida were black or Hispanic, while only 5 percent of the drivers on that highway were black or Hispanic. Moreover, minorities were detained for longer periods of time per stop than whites, and accounted for 80 percent of those whose cars were searched after being stopped.

In Chapter 2, “Race and Prosecutorial Discretion,”

the study examines how prosecutorial discretion is used systematically to the disadvantage of minority defendants. For example, a study conducted by the *San Jose Mercury News* based on a review of 700,000 California criminal cases between 1981 and 1990 found that 20 percent of white defendants charged with crimes providing for the option of diversion received that benefit, while only 14 percent of similarly situated blacks and 11 percent of similarly situated Hispanics were placed in such programs. During the pre-trial stage, a white felony defendant in 1989-90 with no prior criminal record stood a 33 percent chance of having the charge reduced to a misdemeanor or infraction, compared to 25 percent for a similarly situated black or Hispanic.

In Chapter 6, “Race and the Juvenile Justice System,” the report notes the disproportionately harsh treatment of youth. It found a huge disparity between white and minority youth for juvenile drug sale arrests. In one case study in Baltimore, Maryland it found that black youth were 100 times more likely to be arrested for selling drugs than white youth, although drug use rates among black youth appear to be about equal those of white youth.

A report released in late April by the National Council on Crime and Juvenile Justice exposed widespread bias in the US juvenile justice system. It found, for example, that when minority and white youth were charged with the same offenses, black youth with no criminal record were six times more likely to be incarcerated than white youth with similar backgrounds.

“Justice on Trial” cites evidence of bias against Hispanics by the US Immigration and Naturalization Service. It notes that 74 percent of all those deported are of Mexican origin even though Mexicans account

for less than one-half of all undocumented persons in the US.

The report also examines the glaring racial imbalance in the implementation of the death penalty. It notes that blacks who killed whites were sentenced to death 22 times more frequently than blacks who killed blacks and seven times more frequently than whites who killed blacks.

These statistics add to a mountain of evidence pointing to the continued oppression of black and Hispanic workers more than 30 years after the civil rights struggles of the 1960s. While comprising substantially less than one-half the US population, blacks and Hispanics account for 70 percent of the 2 million people imprisoned in the US, which has the highest incarceration rate of any major industrial country. More young black men are currently imprisoned in the US than attend colleges or universities.

The author's of "Justice on Trial," draw no political conclusions from the findings of their report. They limit themselves to the call for certain basic reforms, such as the abolition or suspension of the death penalty and a halt to the growing trend of trying youth as adults.

However, the massive and pervasive character of the discrimination documented in this study points to a systemic problem. The existence of rampant bias within the US criminal justice system cannot be separated from the growing class divide in the United States between a relative handful of wealthy and upper middle class people and the vast majority of working people. It points to the inability of the capitalist system to provide economic or social justice, even under conditions of economic expansion.

For the full report of "Justice on Trial: Racial Disparities in the American Criminal Justice System" see:

http://www.civilrights.org/policy_and_legislation/pl_issues/criminal_justice/index.html



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