**Outline for Racial Disparity in the Criminal Justice System**

**Policy Statement**

**Cameron University**

**Fundamentals of Speech**

**Racial Disparity**

**In the Criminal Justice System**

**In the United States**

**By**

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**Outline for Policy Statement on Racial Disparity**

**In the Criminal Justice System**

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**Title:** Racial Disparity in the Criminal Justice System

**Specific Purpose:** Advocating for status quo in the criminal justice system. The extreme racial disparities in rates of incarceration in the United States result from a complex set of factors. Among these are sentencing and drug policies which, intended or not, produce proportionate racial/ethnic effects.

**Thesis Statement:** There has been racial disparity in our criminal justice where many of the inmates in the country are black Americans due to criminality induced by poverty and the lack of basic enmities among families in the black community.

**Credibility Statement:** I have been interested in studying how different justices have dealt with discrimination all over the world. Without sounding my own trumpet I can claim to be most knowledgeable and understanding how the different races have interacted in our country. I have served as a Justice of the Peace, and in addition have occupied the position of Legal Clerk/Legal Assistant, and Paralegal. So I feel amply qualified to make this claim.

**Introduction:**

One of the hallmarks on “get tough” movement over the past three decades has been the relative lack of evaluation regarding both the potential and actual effectiveness of harsh criminal justice sanctions in controlling crime. Typically, when new punitive sentencing legislation is enacted there is little funding or attention devoted to assessing its likely effects, both intended and unintended.

1. In addition to limited evaluation of the effects of sentencing policy on crime, there is an even greater gap in addressing concerns relating to the dramatic racial disparities that pervade the criminal justice system.
2. Another way to perhaps address this problem would be by adopting racial impact statements as a requirement for consideration of new sentencing legislation.
3. States in the Northeast and Upper Midwest have the highest rates of racial disparity in the nation
4. Forthcoming research by sociologist Bruce Western provides evidence that states with smaller minority populations exhibit greater racial disparities in the criminal justice system. In 2005, Minnesota ranked 13th in rates of racial disparities in its criminal offender population
5. On average, 9 African American males are incarcerated for every 1 Caucasian male.

**Scope of racial impact statements.**

While proposed changes in sentencing policies are the most obvious decision-making point at which unwarranted racial disparities might emerge, a host of policy decisions at other stages of the criminal justice system can affect the racial/ethnic demographics of the prison population as well. These include adjustment to sentencing guidelines, “truth in sentencing” and other policies that affect length of stay in prison, parole release and revocation policies, and “early’ release mechanisms, such as participation in drug treatment or other programs. Conceivably, a racial impact statement policy could cover one or more of these decisions-making points.

**Goals and Steps of Racial Impact Statements**

Racial Impact statements estimate the disparate outcomes of proposed legislation. Similar to fiscal or environmental impact statements, they anticipate unwarranted racial impact allowing evidence‐based consideration for alternative policies. Five racial impact statements are not impediments to enacting changes in the law, but a tool to guide the development of fair policies. They provide legislators with an opportunity to address unintended racially disparate outcomes prior to legislative enactment.

The use of racial impact statement by policymakers should be guided by two principles:

1. Reducing unnecessary racial disparities in the use of incarceration.
2. Promoting public safety.
3. While these goals will appear objectionable in themselves to most people, their synergistic relationship may be less obvious to some.
4. Law enforcement and sentencing policies that exacerbate unwarranted racial disparities are generally ineffective in contributing to public safety goals.

**Minnesota for example.**

The MN Sentencing Guidelines Commission is a national leader in creating Racial Impact statements for sentencing polices on felony level offenses. Codifying their current practice and emphasizing the expansion of data collection will not increase the burden on the Sentencing Guidelines Commission, but will ensure that Minnesota legislators have access to the information that enables them to make informed decisions. Racial Impact Statements ameliorate the difficult situation that legislators and the community face when laws that have a racially disparate impact must be corrected.

Through bi‐partisan efforts, the Disproportionate Minority Contact Act was passed in 2009. It provides: “It is the policy of the state of Minnesota to identify and eliminate barriers to racial, ethnic, and gender fairness within the criminal justice, juvenile justice, corrections, and judicial systems, in support of the fundamental principle of fair and equitable treatment under law.”7 Racial Impact statements strengthen and support the legislation passed in 2009.

**Conclusion**

In 2009, Iowa and Connecticut passed racial impact legislation after rankings of 1st and 4th highest in levels of racial disparity, respectively. States currently considering related legislation include Oregon, Illinois and Texas.

Racial Impact Statements provide a tool in creating fair laws and policies that prevent unwarranted racial disparity. Legislation requiring the Minnesota Sentencing Guidelines Commission to prepare Racial Impact Statements and expand the scope of data that is collected offers a systematized unbiased and evidence‐based process to decrease racial disparity in Minnesota’s criminal justice system.

As applied to policy changes that would direct6ly affect the number of people in prison, racial impact statements could be applied to the following:

* Sentencing statutory changes
* Sentencing guidelines adjustments
* Legislation creating new substantive crimes
* “Truth in sentencing” policies
* Parole release policies
* Parole revocation policies
* “Early” release policies, such as participation in drug treatment or other programming.

While some might argue that racial impact statements are “injecting race” into considerations of public policy, in fact they merely bring to light data on the already existing racial dynamics of criminal justice policy. By doing so, they create the possibility of a policy dialogue on race that acknowledges the complexity of issues on race and justice, but provides a way to reduce unwarranted disparities while producing better public safety outcomes.

The rate of incarceration for Afro-Americans in the United States is now at levels that are seriously affecting life prospects for the generation of black children growing up today. In addition, the ripple effects of current policy now extend the impact of incarceration beyond just the individual person, but to families and communities as well.

While the criminal justice system has an obligation to promote public safety, there is also an obligation to promote fairness and justice. There should not be an inherent contradiction in promoting effective crime control policies while reducing unwarranted racial disparity, and, in fact, the two goals are best addressed simultaneously. Racial impact statements provide a tool for policymakers and the general public to begin to grapple with how to develop public policy that can be both effective and fair. One would hope that such a policy would be embraced by all concerned policymakers.