

Race and America's Criminal Justice System

by Vincent Schiraldi

Recent events in Union, South Carolina during which black men were rounded up and questioned by police about the abduction of two young children, were received quite differently by disparate segments of our society. For many white Americans, what happened in Union is an anomaly - an unfortunate side effect of the inexact nature of police work, or at worst overzealousness and poor judgment exercised by an individual department.

For those who work in the criminal justice system or live in America's black ghettos, the events in Union confirmed what many take for granted -- that African-American men are readily and often unfairly targeted by the criminal justice system. The huge amount of attention focused on one young woman's accusation obscures a national emergency which is far more significant than anything that occurred in South Carolina.

Both the stories and the statistics are unnerving. From the 1989 case of a Boston man who started a similar, unfounded manhunt of blacks; to the advance payment demanded of black Denny's Restaurant patrons; to the rough treatment by police of Los Angeles celebrities Joe Morgan, Wesley Snipes and Blair Underwood; the South Carolina round-up can be viewed as part of a disturbing pattern which, while foreign to most whites, is all too common in the black community.

A recent personal experience vividly illustrated how routine such incidents are for African-Americans. I had presented a study to San Francisco's Human Rights Commission which showed that the incarceration rate for African-American males there was twice the national average and ten times the rate of South Africa. After my presentation, one commissioner asked for a show of hands amongst the white men in the room as to how many had been detained by police during their lifetimes. None of us had. A similar request of the black men resulted in a unanimous showing of hands.

These anecdotes are, unfortunately, corroborated by the statistics. Nationally, one in four young African-American men is under some form of criminal justice control. In California, the comparable rate is one in three. Fifty-six percent of African-American men age 18 to 35 in Baltimore are either in prison or jail, on probation or parole, out on bail, or wanted by a warrant. If that many African-American men are *currently* under the purview of the criminal justice system, it is not difficult to imagine how many of them *come* under the scrutiny of the system at one time or another.

It is tempting for some to conclude that this is all somehow justified. After all, the mythology goes, African-American men commit the bulk of the crime in America, why shouldn't they make up the bulk of prisoners?

The numbers belie such a conclusion however. Study after study reveals that, at every stage of the criminal justice process, blacks are treated more harshly. While 78% of persons who use drugs in Sacramento, California are white, only 34% of those arrested for drugs are white. Conversely blacks, who make up 12% of that county's drug users, make up 52% of those arrested for drugs: While six out of ten rapes, robberies and assaults are committed by whites in California, six out of ten defendants arrested for those offenses are non-white.

As we move deeper into the continuum of punishments in our nation, blacks show up in even greater numbers. A white man who is convicted of killing an African-American faces the death penalty about as often as the New York Rangers win the Stanley Cup. In Los Angeles, African-Americans are charged under California's new "three strikes and you're out" law at an astonishing 17 times the rate of whites.

It inevitably comes as a surprise to many that, when blacks and whites are interviewed about their level of criminal behavior, they report similar offense rates. So why the consistent pattern of overrepresentation?

For one thing, we choose to punish crimes committed by minorities more harshly than crimes committed by whites. Although drunk drivers in America kill 22,000 persons annually,

they make up a tiny percentage of our nation's prisons. Deaths attributed to drugs, on the other hand, number 21,000 annually. Still, prisoners convicted of drug-related offenses are a quarter of our nation's inmates and the fastest growing category of prisoner. Vehicular manslaughter is a crime committed predominantly by whites, whereas African-Americans are overrepresented in those arrested for drug offenses.

Viewed from the perspective of race, the vehemence behind recent exhortations toward tougher sentences becomes clearer. If the statistical profile of the average prisoner was a white, middle-class woman in her 50's, political leaders would be using a different brand of rhetoric with respect to crime. Americans would collectively be scratching our heads and wondering "why is it that so many middle-class white women are boosting cars, snatching purses, and dealing drugs on street corners?" We would become extremely creative at designing programs to both reform such women and address the root causes of their misbehavior. That our leaders would be competing with one another to build new prisons, lengthen sentences, and be toughest on this population is inconceivable.

But because the profile of the average prisoner is a poor, young man of color in his 20's, we find it somehow easy to understand how "they" could behave that way. That message is not lost on "them." Most young, black offenders I come into contact with cannot understand why the same society that makes them wait six months for a drug treatment program provides them with instant access to a prison cell.

This is a watershed time for America. Decisions we make this year about punishment will affect an entire generation of young black men. Thus far, the absence of punishment for that population has not been the problem. It is extremely unlikely that the infusion of additional punishment will provide the solution.

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