Chapter 11
Minorities in the Criminal Courts Adjudication: Perceptions of Fairness and Equality of Treatment

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ABSTRACT

The following chapter addresses disparities shared by minority racial populations in the United States regarding how the public’s perception of minority groups directly impact the outcome of the adjudication process in American criminal courts. Also addressed are key points in American history that have granted aid to the segregation, discrimination, and overall mistreatment of minorities; in addition, racial disparities caused by various media outlets and their portrayal of minorities in this country will be identified in order to explain the effect on officials in the justice system in relation to sentencing outcomes. Included will be quantitative and qualitative research and the resulting data on arrests and prison populations as it directly correlates with sentencing in both state and federal criminal courts. The goals of sentencing and sentencing guidelines of both state and federal criminal courts will be expounded upon in order to differentiate between the resulting objectives.

INTRODUCTION

In a country that prides itself on being a “melting pot” of multiple races and ethnicities, a devastating division lingers those that are not identified as white Americans. Throughout the course of time, racism has been a central aspect engrained in the core foundation on which this nation has continued to build upon. White has always been the dominant skin color of this country while all others have been subject to unjust and unequal treatment. As unfortunate as this may be, racial discrimination and racial disparities will continue to exist unless future generations change their thinking and behavior. However, for the purpose of this chapter, the discussion will focus on minorities in American criminal courts, with a concentration on racial bias and its direct correlation to the outcomes of the adjudication process. One would think that there should be no correlation between racial bias and the American criminal courts adjudication process, but statistics continue to show an overrepresentation of minorities in the American criminal justice system.

There are many aspects that factor into why there is an overabundance of research on racial disparity in the United States, but those factors should not lighten the severity of such a major problem. For a country to claim “equality for all”, it becomes very questionable why some citizens have normalized the current racial disparities as a form of “modern racism” (Chiricos, Welch, & Gertz, 2004; Gale, 2008). What is modern racism? Also known as symbolic racism (Ravitch, 2002), modern racism has replaced the “old-fashioned” type of racism, such as segregation and slavery, with a much more demeaning type of prejudice. Modern racism against minorities has depicted this population as a group that disregards American values (Gale, 2008), such as lacking a strong work ethic, which has created a stigma that all minorities are the same.

Another large contributing factor behind the current racial disparities lies solely with the multitude of media outlets and how they portray minorities, especially in the American criminal justice system. For example, it is very common to pick up a newspaper, turn on a television, or browse social media and see stories of crimes that were committed by black offenders. However, it is much less common to observe the same media outlets and find the same stories that involve white offenders. As one can imagine, this constant type of coverage is demoralizing, demonizing, and sways public opinion in a negative way. This negative public opinion has now made its way into the American justice system by affecting the way judicial officials view, and treat, minorities; this effect leaves a devastating impact on the equality of sentencing between minorities and whites.
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