

# Anti-Racism in the Criminal Justice System, A Brief Literature GAP: Review

*Dr. Phillip D. Clingan*

<sup>1</sup>Pierce College, WA., United States of America, Criminal Justice Department.

Email ID: [PClingan@pierce.ctc.edu](mailto:PClingan@pierce.ctc.edu)

---

**Abstract:** Racism in the criminal justice system is one of the most significant challenges in the United States. The minorities, especially the blacks and Hispanics, have been punitively punished and targeted in a more aggressive approach over similar crimes committed by their white counterparts. Law enforcement's racist approach can largely be blamed for the vile racism in the criminal justice system. Rampant racial profiling is a common approach within the criminal justice system that propagates injustice against minorities. Besides, overt racism occurs through legal setups that are set to impose retrogressive rulings on the minority groups and fail to cater to such people's unique needs. The citizens play a central role in making criminal justice systems anti-racists. The citizens can forge community-oriented policing strategies to ensure the interactions between the racial minorities and the police in their neighborhoods comply with existing professional guidelines to deter unbiased racial profiling. Another step that can be taken by the citizens is collaborating with law enforcement agencies to explore alternative strategic plans and guidelines that promote the amicable handling of minority offenders and finding viable alternatives to detention and incarceration. Racism in the criminal justice system is a complex problem, but with the adoption of pragmatic approaches and tactics, the vice can be eliminated. One of the primary steps towards achieving such a goal is acknowledging the system's racial disparities' cumulative nature. The paper proposes future studies to focus on leveraging decision points to develop more stringent anti-racism measures in the criminal justice system.

**Keywords:** Criminal Justice; Anti-Racism; Disparity.

## Introduction

Racism in the criminal justice system is one of the most significant challenges in the United States. The minorities, especially the blacks and Hispanics, have been punitively punished and targeted in a more aggressive approach over similar crimes committed by their white counterparts. Practices such as biased judicial rulings and racial profiling have created systemic racism in the criminal justice system (Balko, 2018). The criminal justice organization's racial disparities are primarily caused by partial decision-making processes in the system. However, resolving racial disparities requires sound policies and recalibration of criminal justice practices to counter the rampant negative impacts in the current criminal justice systems. The system comprises complex operations that encompass social, economic, and political contexts that significantly influence the plight of racial minorities. Opportunities exist for purging racial disparities in the criminal justice systems through implementing strategies that ensure decisions and actions taken are

impartial and just. The paper aims to explore the possibilities of the criminal justice system being anti-racist.

### **Research Question**

Can the criminal justice systems be anti-racist?

### **Purposes statement**

The paper extensively explores the plausibility of eliminating racism in the criminal justice system. The role of law enforcement approaches is highlighted with a specific focus on the police officers as the first-line agents and most visible criminal justice systems' arms. The role of police in prioritizing high crime areas, assembling evidence for the prosecution, and monitoring individual behavior in public is amplified to collaborate with the community to reduce racial disparities. Besides, the possibility of the criminal justice system being anti-racists is discussed in detail by analyzing available options and strategies. Whether or not racism is solvable is addressed with an existing literature gap that can lay the ground for future studies being emphasized.

### **Proposed Method**

#### *A Qualitative Literature Review Introduction*

The research article presents a brief academic literature GAP review to gain a comprehensive understanding of Anti-Racism in the Criminal Justice System. A severe topic of national concern that impacts the citizens of the United States as a whole and the criminal justice system that serve the citizens. This specific and socially impactful topic is the foundation for the academic brief literature GAP research paper. The literature review begins with a historical review of scholarly and peer-reviewed sources identify and address the different paragraph titles specifically to anti-racism and explore the plausibility of eliminating racism in the criminal justice system.

#### *The Approach of Law Enforcement to Racism*

Law enforcement's racism approach can largely be blamed for the vile racism in the criminal justice systems. Studies indicate that African Americans are 22 times likely to be shot by law enforcement officers than their white peers indicate a high prevalence of excessive force on the minorities (Frazer et al., 2018). Besides, the community accounts for 35% of the country's inmate population, despite only 15% of the total population (Carbado & Rock, 2016). The findings are a pointer to high racial police discretion resulting in the higher incarceration rate and punitive treatment of the minority groups. Under-representing, the minority group in the criminal justice system staff has created a vicious cycle of marginalization and discrimination of the minorities due to negative social constructs. Although representation alone is not adequate in addressing underlying systemic racism challenges in the criminal justice system, it is an essential step for improving accountability and integrity in criminal justice bodies.

Rampant racial profiling is another common approach within the criminal justice system that propagates injustice against minorities. A substantive body of evidence points to the overrepresentation of people of color among those stopped, frisked, and detained (Miller, Lawrence & Carlson, 2017). Overt racism is more pronounced in detention and post-conviction facilities due to biased law enforcement strategies. Similarly, racism is rife in judicial sentencing and proceedings. Studies indicate that African Americans and Hispanics are five times more likely to be sentenced to longer prison sentences than their white counterparts (Hinton, Henderson & Reed, 2018). Such disparities are manifested through overt and subtle

racism in the criminal justice systems. Overt racism occurs through legal setups that are set to impose retrogressive rulings on the minority groups and fail to cater to such people's unique needs.

#### *Citizens Role in Making the Criminal Justice System Anti-Racist*

The citizens play a central role in making criminal justice systems anti-racists. Recent studies indicate that positive collaboration between the citizens at the community levels in inner cities with the police has substantially reduced the number of racial profiling incidences (Boykin et al., 2020). The citizens can forge community-oriented policing strategies to ensure the interactions between the racial minorities and the police in their neighborhoods comply with existing professional guidelines to deter unbiased racial profiling (Boykin et al., 2020). Additionally, citizens can agitate to establish credible and accessible complaint mechanisms in correctional facilities and law enforcement agencies for efficient registration of grievances. Citizens can help monitor the complaints against criminal justice practitioners and identify patterns reflecting the extreme racial disparity in dispensing justice. At the community level, the minorities' representatives can actively develop and identify community-based programs and resources that can be used as an alternative for detention and incarceration.

Moreover, the citizens can help shape broader changes through legislative representations to ensure that measures are put in place to prevent abuse of the police presence in the neighborhood to profile the minorities racially (Jivraj, 2020). Another step that can be taken by the citizens is collaborating with law enforcement agencies to explore alternative strategic plans and guidelines that promote the amicable handling of minority offenders and finding viable alternatives to detention and incarceration. Other steps that can be taken by the citizens to ensure anti-racism in the criminal justice system are championing for the creation of agency guidelines regulating law enforcement activities such as stop and frisking of suspicious persons, responding to calls, and arresting offenders (Boykin et al., 2020). Such regulations will ensure that the law enforcement practitioner's actions do not enhance inadvertent racial bias.

#### *Solvability of Racism*

Racism in the criminal justice system is a complex problem, but with the adoption of pragmatic approaches and tactics, the vice can be eliminated. One of the primary steps towards achieving such a goal is acknowledging the system's racial disparities' cumulative nature. The racial disparity and discrimination challenges in the criminal justice institution are a continuum that builds on each stage and has been existent for years (Bhattacharyya, Virdee & Winter, 2020). Therefore, it is prudent to admit that the problem is not limited to parole and arrest but all the actions in the stages involved to dig deeper into the problem's root causes. Another step for purging racism in the criminal justice system entails developing seamless communication channels across all players in the decision points to thwart unwarranted disparities and develop holistic ways of handling the problem in a united front. Introducing more robust intersectionality policies and achieving systemic change can significantly help solve racial mirage in the criminal justice system. System-wide overhaul of racial elements in criminal justice institutions can be achieved through a concerted and coordinated effort between criminal justice leaders and the public (Nelson & Dunn, 2017). Sound leadership can ensure sufficient resources and commitment are given appropriate measures to address racial disparities at every system's facet. Besides, developing case-specific solutions to the racism challenges at different decision points can help eliminate the menace.

Each issue of the system and decision points needs unique solutions depending on the disparity and the specific population affected by the problem.

### **Analysis**

Creating an anti-racist criminal justice system is an intricate feat that requires a multiple-pronged approach to achieve. The primary causes of racial disparities have long historical attachments but continue to reverberate in contemporary society despite radical policies and changes that have been implemented over the years. Creating a working collaboration between the citizens, criminal justice practitioners, and policymakers can help eliminate racism in the criminal justice system (Kovera, 2019). Through innovative ways, it might take a long to develop an anti-racist criminal justice system. Still, laying down a solid foundation for the paradigm shift will prove beneficial in the long run.

### **Consideration for Further Studies**

The findings have implications for policymakers, theorists, and researchers. Besides investigating solely explicitly racial practices and overt categories of racial discrimination, a more nuanced understanding of possible remedies to the problem should be studied. A significant gap in existing literature concerning citizenry's involvement in reducing racism in criminal justice requires more in-depth research. More innovative critical discourse needs to be developed for understanding the underlying cause of racial disparities and effective ways of mitigating the problem both at the policy and strategic level. Future studies should consider ways of leveraging decision points to develop more stringent anti-racism measures in criminal justice institutions.

Conclusion Overall, with proper planning and strategies, an anti-racist criminal justice system can be created. Rampant racial profiling is a common approach within the criminal justice system that propagates injustice against minorities. Besides, overt racism occurs through legal setups that are set to impose retrogressive rulings on the minority groups and fail to cater to such people's unique needs. The citizens can forge community-oriented policing strategies to ensure the interactions between the racial minorities and the police in their neighborhoods comply with existing professional guidelines to deter unbiased racial profiling. Another step that can be taken by the citizens is collaborating with law enforcement agencies to explore alternative strategic plans and guidelines that promote the amicable handling of minority offenders and finding viable alternatives to detention and incarceration.

### **Author Contribution**

The discussion topic on fostering a less racist workplace environment was researched and written based on the ongoing professional development project currently under consideration within the criminal justice department. This project, prioritized for discussion by the educational institution in collaboration with the criminal justice academic advising board, aims to address critical issues within the field. As a criminologist and member of the advising board, active participation in this professional development initiative involved exploring key concerns within the criminal justice system. The objective was to advance inclusive dialogue on this sensitive yet vital topic, encouraging all individuals to engage in constructive discussions.

## References

1. Balko, R. (2018). There's overwhelming evidence that the criminal-justice system is racist. *The Washington Post*, 18.
2. Bhattacharyya, G., Virdee, S., & Winter, A. (2020). Revisiting histories of anti-racist thought and activism.
3. Boykin, C. M., Brown, N. D., Carter, J. T., Dukes, K., Green, D. J., Harrison, T., ... & Simmons, C. (2020). Anti-racist actions and accountability: not more empty promises. *Equality, Diversity and Inclusion: An International Journal*.
4. Carbado, D. W., & Rock, P. (2016). What exposes African Americans to police violence. *Harv. CR-CLL Rev.*, 51, 159.
5. Frazer, E., Mitchell Jr, R. A., Nesbitt, L. S., Williams, M., Mitchell, E. P., Williams, R. A., & Browne, D. (2018). The violence epidemic in the African American community: a call by the National Medical Association for comprehensive reform. *Journal of the National Medical Association*, 110(1), 4-15.
6. Hinton, E., Henderson, L., & Reed, C. (2018). An unjust burden: The disparate treatment of black Americans in the criminal justice system. Vera Institute of Justice. May.
7. Jivraj, S. (2020). Towards Anti-racist Legal pedagogy: A resource.
8. Kovera, M. B. (2019). Racial disparities in the criminal justice system: Prevalence, causes, and a search for solutions. *Journal of Social Issues*, 75(4), 1-28.
9. Miller, T. R., Lawrence, B. A., Carlson, N. N., Hendrie, D., Randall, S., Rockett, I. R., & Spicer, R. S. (2017). Perils of police action: a cautionary tale from US data sets. *Injury prevention*, 23(1), 27-32.
10. Nelson, J., & Dunn, K. (2017). Neoliberal anti-racism: Responding to 'everywhere but different' racism. *Progress in Human Geography*, 41(1), 26-43.
11. Anonymous. (2021). Caffeine impacts the critical thinking skills in employees: A practice and limited quantitative descriptive comparative research study. *Journal of Multidisciplinary Business and Accounting Studies*, 8(5). DOI: 10.15520/jmbas.v8i5.227
12. Anonymous. (2020). Post-traumatic stress disorder & treatment approaches: Adult psychopathology. *International Journal of New Technology and Research (IJNTR)*, 6(2), 33-37. DOI: 10.31871/IJNTR.6.2.21

13. Anonymous. (2020). 10 Signs I am Hiding My Depression. *International Journal of Creative Research Thoughts*, 8(2). DOI: 10.1729/Journal.23132
14. Anonymous. (2019). Practice Case Study: Family Treatment & Strategies; An Academic Tool. *International Journal of New Technology and Research*, 5(7), 76-78. DOI: 10.31871/IJNTR.5.7.16
15. Anonymous. (2019). ADHD influences throughout a Diagnosed Person's Lifespan; A Literature Review. *International Journal of New Technology and Research*, 5(7), 48-51. DOI: 10.31871/IJNTR.5.7.9
16. Anonymous. (n.d.). Types of Stress Impacts Critical Thinking Skills, Sleep, and Job-Related Performance in Law Enforcement: A Literature Review. *Journal of Research and Opinion*, 7(3), 2643-2648. DOI: 10.15520/jro.v7i3.54
17. Anonymous. (2020). Depression in the Workplace: A Focus in Law Enforcement and Organizations. *Social Science and Humanities Journal*, 4(2), 1755-1758. DOI: 10.31871/IJNTR.5.1.21
18. Anonymous. (2019). How Effective is the U.S. National Security Strategy Policy in Protecting the American People? *International Journal of New Technology and Research*, 5(1), 44-51. DOI: 10.31871/IJNTR.5.1.21
19. Anonymous. (2017). A Quantitative Study of the Visible Link Between Discourse Language and Juror Bias. ProQuest Number: 10603028. University of the Rockies, Denver, CO., United States.
20. Anonymous. (2020). *Criminology Textbook – Criminology in the 21st Century*. TOP HAT Publishing.
21. Anonymous. (2013). How Effective is the U.S. National Security Strategy Policy in Protecting the American People? American Military University. United States.

**Author ORCID**

Phillip Clingan

<https://orcid.org/0000-0002-9166-3883>