Final paper

We all know the constitution is bullshit when it comes to the racial discrimination of Black men. Despite allegations that the United States has entered a "post-race era," racial discrimination has been a serious problem for many years. Every day, in cities and towns across the country, law enforcement and civilian security forces detain African American men, without evidence of criminal activity, based on racial, ethnic, and national perceptions Racial discrimination is clearly illegal and violates the main commitment of the US Constitution to provide equal legal protection to all and free them from unjustified search and seizure. Equally important is that racial profiling is ineffective. It keeps the community away from law enforcement, hinders the community's police activities, and causes them to lose trust and trust with those who vow to protect and serve.

This paper talks about racial discrimination and criminal stereotyping in the U.S. criminal justice system and attempts to answer the question, "How does racial discrimination in the U.S. criminal justice system violate the human rights of African-American men?". It will also cover the numerous studies and statistics that are referenced everywhere to prove that the U.S. criminal justice system is very biased towards Black men and that this inherent prejudice is a direct violation of human rights. Another topic it will cover is racial discrimination violating three provisions of the United Nations Declaration of Human Rights and Amendment 6 of the US Constitution. It will then talk about the history of racism in the United States explored from the Civil War to the civil rights movement. Then, more recent violations are investigated, starting with the war on drugs and the creation of privatized prisons. Finally, a solution to the problem of extreme bias at each point like attempting to change the mindset of law enforcement officers, officers of the court and the public in general.

The US judicial system is known for criminalizing African Americans and imprisoning them at extreme rates but often fails to obtain justice for African Americans. This violates Article seven of the Universal declaration of Human Rights which states that all people “are equal before the law and are entitled without any discrimination to equal protection of the law” (Universal Declaration of Human Rights “UN”). Black people do not receive the same protection as whites under the law. Examples of this violation can be found in historical and contemporary cases. The case of Emmett Till case which happened in 1955 is a perfect example. Till was accused of whistling at a white female and because of this accusation was beaten by a white male mob and shot in the head. The men suspected of killing him were acquitted by a white male jury. A few months later, these men confessed, but there was no retrial. (Amanda Onion, Missy Sulivan, and Matt Mullen “Feb 9th, 2010”). This example of injustice is the result of hundreds of years of belief that Black life is not important and is inferior to white life. Another more recent example is the case of Trayvon Martin. Trayvon Martin, an unarmed 17-year-old, was shot dead by George Zimmerman in 2012. Later, when Zimmerman was acquitted of the murder, it caused national controversy and helped launch the Black Lives Matter movement. (Karen Grigsby Gate, July 31st, 2018). Both these cases were decided exclusively by a white jury, in breach of the promise that the jury would be represented by all peers. These examples show how the judicial system fails to The flaws of today's criminal justice system have roots dating back to the days of slavery and the Civil War. Throughout American history, African Americans have been marginalized by a country founded upon the belief of “freedom and justice of all”. Evidence of this can also be found in the Constitution, which is the doctrine of guaranteeing the rights and freedoms of all and preventing the rights of all individuals from being violated by the government. For this, the Bill of Rights, which is a series of ten amendments considered to be fundamental human rights, was created. As we all know the American government promises freedom and justice for all but when the Bill of Rights was created, it was specifically designed to benefit property-owning white men over the age of 21. Even though these rights were supposed to be guaranteed to every citizen, when history is examined, African Americans were not granted these same fundamental rights. In 2016, African Americans comprised 27% of all individuals arrested in the United States—double their share of the total population. (FBI Uniform Crime Reporting Program, crimes in the US 2016). Black youth accounted for 15% of all U.S. children yet made up 35% of juvenile arrests in that year. (Puzzanchera, C., Sladky, A. and Kang, W. (2017).

To fully analyze the bias of the criminal justice system, we must understand what the criminal justice system is and understand its importance. According to Stan Crowder and Brent E Turvey, criminal justice is “The criminal justice system is the network of government and private agencies intended to manage accused and convicted criminals. The criminal justice system is comprised of multiple interrelated pillars, consisting of academia, law enforcement, forensic services, the judiciary, and corrections” The specific process varies from state to state but the US bill of rights constitution under the sixth amendment states “in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed.”

Even though the constitution states a “speedy” trial, the trial alone often takes years to complete. According to data from the New York State Unified Court System, “criminals accused in New York City wait an average of two years or more before a trial is brought to justice During that time, about one-third have been released on bail, but the rest have not been released or cannot pay the bail.”(Besiki Luka Kutateladze, Nancy R. Andiloro, July 2014). This is time they wait in prison before their case is even presented to a judge or jury. This process unfairly affects low-income people and minorities. Most of the people waiting for trial are low-income Black men who can't afford to pay bail. This not only violates the constitution but also the universal declaration of human rights. This statistic is made worse by the fact that 95% of prison inmates have never seen trial. 16 This means that about 2 million of the 2.2 million people currently in prison never had the opportunity to defend themselves in a courtroom, and the reality is that many of them are innocent.( Claire Bernish, "Due Process is Dead, 2016)

After examining the history of institutionalized racism in American culture, it is easier to understand why the criminal justice system is flawed. Racism begins before a crime is committed, as evidenced by racial profiling. Although African Americans make up only about 30% of the total population of the United States, they make up about 60% of the prison population. (Sophia Kerby, March 13, 2012). Part of this imbalance can be explained by the rising crime rates in the Black community. Only 61% of black imprisonment rates can be explained by disproportionate involvement in criminal activity. Therefore, today, nearly 40% of racial disparities in imprisonment cannot be explained by various criminal patterns. (Marc Maurer, October 01, 2010). Therefore, these racial disparities in imprisonment must be related to several other factors. Some possibilities are existing racial prejudices within the judge, or perhaps racial profiling and excessive crackdowns in predominantly black neighborhoods. In New York, 50% of people who stopped under the Stop and Frisk Act were Black, even though African Americans made up only about 23% of the population. (Keith Rushing, June 23, 2011). The American Civil Liberties Union defines racial profiling as " the discriminatory practice by law enforcement officials of targeting individuals for suspicion of crime based on the individual`s race, ethnicity, religion, or national origin.”

In cities across the United States, racial disparities have been documented throughout the criminal justice system, from routine police stops to long-term imprisonment. Analyzing traffic and pedestrian stops made in Oakland, California, for example, our team uncovered a consistent pattern of racial disparities. We found that 60% of police stops were of Africans Americans, though they make up only 28% of the population of Oakland. Once stopped, African Americans were significantly more likely to be handcuffed, searched, and arrested (Hetey, Monin, Maitreyi, & Eberhardt, 2016).

In 2005, the Federal Justice Department conducted a survey into traffic outages which consisted of 80,000 people and found that, " minority drivers were three times as likely to have their vehicles searched during traffic stops as white drivers. Part of the disparity between jailing rates can then be attributed in part to the variations in policing. Black folk are policed at higher rates and pulled over at greater rates so this would naturally lead to a higher rate of Black folk in prison. “Using footage from officers’ body-worn cameras, our team developed computational linguistic methods to analyze the respectfulness of the language that police officers used with White and Black community members during traffic stops in Oakland. We found that officers’ language was less respectful when directed at Black folk than when directed at Whites, even after controlling for factors such as the race of the officer, the severity of the infraction, the location of the stop, and the outcome of the stop” (Voigt et al., 2017). There aren’t specific laws that we can pass to change somebody’s unconscious biases and behavior. The only thing that can help this situation is education and perhaps contact theory. Contact theory states that forcing constant contact between two opposing groups can lead to a deeper understanding and reduce tension between them. So, involving law enforcement officers in the Black community to create mutual trust and respect. This can reduce the percentage of racial profiling.

Although the United States is based on the beliefs of freedom and justice for all, there is still significant inequality on African American men. Many people believe we are in a “post-racism era” and that is not true. We have to try to fix these violations of human rights by reforming the entire judicial system. As mentioned earlier, this must begin by trying to change the mindset of law enforcement officers, court officials, and the general public. Currently, there is a lot of distrust and lack of respect between people of color and law enforcement officers. To change this, both parties need to be united and able to interact in a non-violent and non-accusal way. Some call this community-based police. Surveys conducted by various universities across the country analyzed the effectiveness of community policing, saying, "27 of the 65 comparisons that analyzed official criminal outcomes show that community policing is superior., Crime is 5% to 10% more likely to be reduced. (Martin Maximino, March 11, 2015).

Another effective reform tactic is to hold police officers and other leaders accountable for misconduct and institutionalized racism. Recently, there has been a series of deadly police shootings targeting African Americans. In these cases, despite the overwhelming evidence of opposition, white police officers are usually acquitted on all charges. This can create a society where law enforcement authorities often feel that they are beyond the law. This leads to increased police shootings and tensions between minorities and law enforcement officers. Officials convicted of shooting unarmed civilians must be held liable for their actions. They must be kept below the same standards as other populations. These staff also need better training. Shooting is the final result, and officer training must reflect this. Black and white neighborhoods should be monitored at the same speed to reduce inequality. All these steps can be taken before a crime occurs. This is expected to reduce the crime rate at first.

However, certain measures must be taken after the crime itself has been committed. First, criminal, and nonviolent crime decisions should be reduced. In addition, the accusations must be equal across races. Skin color should not affect the length of imprisonment and measures should be taken to prevent this from affecting the length of imprisonment. All this can be achieved by providing more universal training for sitting judges and ensuring that all judges across the country are kept to the same standards. Prompt disciplinary action is required if a judge or judiciary is found to violate any of these criteria. This may mean dismissing the judge or simply providing further training. When a person goes into jail, he or she must be given more opportunities to reform their behavior. Addiction counselors need to be available to people engaged in drug crime. In prisons, prisoners should be given more opportunities to change their behavior and get help. But when a person leaves prison, change doesn't stop. We also need to change the prejudices that prevent former criminals from getting a job. I think this is the main reason criminals repeat crimes. There is no incentive to stop criminal activity, as it is difficult to return to society once you leave prison. There are many stigmas in the world of work about hiring ex-criminals, which leads to a disproportionately high level of unemployment.

Even though the United States has made great strides in race relations over the years, more progress needs to be made. Current problems in the United States can be traced back to centuries of all minorities, especially the alienation and deprivation of black folk. This is especially evident in the imbalance in the number of African Americans imprisoned in US prisons. But despite centuries of oppression, I believe America has the potential to change. Incorporating these ideas into the criminal justice system will help reduce racism and continue to improve racial relations.

 I believe we must strive to redeem these human rights by reforming the entire judicial system. But that can't happen if law enforcement officers, officers of the court, and the public in general aren't working together to stop the racial discrimination in our justice system. Moreover, victims of injustice in our judicial system should be set free. Finally, I believe that everyone should be held accountable for their actions. The cases of the many African American men that have died without justice should be looked over again and sentenced.

Racial discrimination and treatment of African Americans is one of the most difficult challenges in American society today, especially clear in the field of criminal justice. Racial discrimination in the criminal justice system is widespread, and their sustainability can challenge the very principle that our criminal justice system is fair, effective, and justice. Public support and cooperation is needed for the criminal justice system to be considered fair. Awareness of existence of racial prejudice or unjustified racial differences reduces public confidence in the system, which affects the outcome of public.

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