

## **EXPLORE HOW BLACK PEOPLE ARE DIFFERENTLY TREATED BY THE CRIMINAL JUSTICE SYSTEM**

Racial prejudice is not unique to modern day society, it has been with us for a long time, this has been coupled with the belief that certain racial groups are less intelligent, or backward compared to white European stock, nowhere is this more true than in the criminal justice system.

In 1869 Francis Galton published a book called "*Hereditary Genius*" this contained a chapter called "*The Comparative Worth of Different Races*" which considered that black Americans were genetically inferior to white Americans. Galton stated that blacks scored on average 15 IQ points below whites. (Coleman 1987) We can see that within the field of criminal justice, and with Galton's work considered that black people were bound to be treated differently due to a belief born out of misunderstanding of the nature of culture and individual personality differences, the hereditary argument has never been scientifically proved or disproved.

The 1991 census showed that 5.5% of the population were from an ethnic origin, with 1.6% of these being black from an Afro-Caribbean background. It was reported that a higher amount of the ethnic minorities was of younger people than in the general population, and it can be seen that this alone could be a reason for the proportionately higher level of blacks in the criminal justice system, going on the grounds that in the indigenous population it is the younger generation, those aged 14-25 years that commit the vast majority of crime. Crime by ethnic minorities, and in particular young black males can also be seen to be a social situation, and may be a product of sheer logistics. Many new immigrant families move into what is perceived as a high crime area, particularly inner city areas, where housing may be cheaper and unemployment is higher than at a national level. These areas may receive more police attention than richer areas and therefore the new immigrant families come to the attention of the police more than those in more rural areas. xenophobia may also cause the police to over react when dealing with black families.

A study by Goreman & Coleman (1982) looking at personality and attitudes within the British police force, showed that the average police constable was indeed racist. They asked in the study for police officers to write a short essay, some of the comments were vigorously racist, comments such as, "... Certain members of the coloured population that I have met are OK but the majority of youths of the West Indian community are savage ignorant vicious thieving bastards...", "... most of them are just dirty...", "...over 50% of trouble is caused by niggers...", "...smelly backward people who will never change..." (Coleman 1987).

In the last 10 years most public agencies, including the police force, have formed equal opportunities policies, these apply not only to recruitment but also to the way people are treated, and is especially needed in the criminal justice system where there are disproportionately more blacks than whites in the prison system in comparison to the size of the black population in society as a whole.

It was reported in 1982 that black people made up 18% of the prison population, but only accounted for 5% of the general population. The figures are worse for Afro-Caribbean males, 1% of the population, but 11% of the prison population. (Home Office 1982).

During the 1980's it became apparent that blacks were more likely to be stopped by the police. The British Crime Survey in 1988 found that 14% of Asians, 15% of whites, but 20% of Afro-Caribbean's reported being stopped by the police in the preceding year (Skogan 1990). The British Crime Survey also reported that there was some evidence that crimes detected by the police and those reported by the public seemed to have a racial bias. Blacks and Asians also complained more than whites about the way they were treated once arrested by the police (Skogan 1990). On the subject of arrest it seems also that blacks are treated differently in this process. A survey by the PSI (Policy Studies Institute) in 1983 found that blacks were disproportionately arrested, they found that 5% of the population of London were black, but 17% of those arrested in London were black. Further studies by Walker (1988) & (1989) support these findings.

Landau & Nathan (1983) reported that there is evidence to suggest that blacks will be cautioned less than whites, a white youngster is four times more likely to receive a caution than a black juvenile. Also black juveniles are more likely to be remanded in custody than white or Asian teenagers. Walker (1988) also showed that black juveniles are twice as likely to appear at crown court than whites. A Home Office Statistical Bulletin (1986) showed that blacks in prison were more likely to have less previous convictions than white men in similar circumstances, the figure for whites was 62%, Afro-Caribbean's 48% and for Asians 20%.

The main finding from these and many other statistics is that black people are dealt with, whether as suspects, offenders or defendants, in a highly disproportionate way, it can also be seen that they are treated more harshly than their white counterparts at virtually every stage of the criminal justice process. It is therefore not surprising that black people have less faith in the police and criminal justice system than white British people. David Smith (1994) argues that the main group in society has a degree of power, seen to be unique and special in relation to religious, social and cultural traditions of the particular society, thus creating an unequal legal system that is biased against ethnic minorities. This can be seen to be the stem from which racial disparities may emerge in the British legal system and criminal process, and may explain why black people are treated differently by the criminal justice system. He (Smith) further argues that the law is a national institution and part of a national identity that is born out of centuries of tradition, and therefore unless changed does not take account of relatively recent immigration of ethnic minorities to this country.

It can be argued that there are two main reasons for blacks being disproportionately represented in our criminal justice system, firstly that they commit more crime, and secondly that they are treated in a different and possibly harsher way, so as to be over represented in the criminal justice system.

Research in the USA has shown that crime is in fact higher amongst blacks (Wilbanks 1987).

This view has been criticised, for example by Reiner (1993) stating that to exclude external variables that effect such findings is almost impossible. Reiner (1989 & 1993) concluded that it is the way in which black people are treated differently from white people in our criminal justice system that created the disproportionate levels of minorities in the process, although he concedes that this is far from conclusive. Smith (1994) criticises Reiner for this view, believing that Reiner is contradicting himself, with little evidence, suggesting that it is treatment that cause high black

representation in the criminal justice system, but stating that this may not be believed by some, and is in fact inconclusive.

It is true that blacks are over represented in the criminal justice process, what is not clear is, why. Whether we like to think it or not there is still a great deal of racial prejudice in this country, and this alone feeds societies morals and thus its policing and criminal law, this prejudice and discrimination therefore makes it difficult for minorities to gain employment, especially in times of high unemployment and recession. This can lead to feelings of rejection, lack of self-esteem, poverty, lack of self-respect and insecurity. Blacks, as mentioned above, often live in the poorest areas of the cities and therefore come to the attention of the police far more than white youths, parents may also find it difficult to exercise control over their children in areas where social control is at its lowest. Whatever the reason for higher black crime, whether a statistical wrong, or innate criminality, for which there is little support, it is clear we will never get at the real reason that blacks are treated differently by the criminal justice system, too many people would have too much to lose by finding an answer.

*1,407 words.*

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