

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

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The evidence for racial disparities in the criminal justice system is well documented. The disproportionate racial impact of certain laws and policies, as well as biased decision making by justice system actors, leads to higher rates of arrest and incarceration in low-income communities of color. However, there is no evidence that these widely disproportionate rates of criminal justice contact and incarceration are making us safer.

This brief presents an overview of the ways in which America's history of racism and oppression continues to manifest in the criminal justice system, and a summary of research demonstrating how the system perpetuates the disparate treatment of black people. The evidence presented here helps account for the hugely disproportionate impact of mass incarceration on millions of black people, their families, and their communities.

Racial disparities in the criminal justice system are no accident, but rather are rooted in a history of oppression and discriminatory decision making that have deliberately targeted black people and helped create an inaccurate picture of crime that deceptively links them with criminality.

Discriminatory criminal justice policies and practices have historically and unjustifiably targeted black people since the Reconstruction Era, including Black Codes, vagrancy laws, and convict leasing, all of which were used to continue post-slavery control over newly-freed people.

This discrimination continues today in often less overt ways, including through disparity in the enforcement of seemingly race-neutral laws.

Bias by decision makers at all stages of the justice process disadvantages black people. Studies have found that they are more likely to be stopped by the police, detained pretrial, charged with more serious crimes, and sentenced more harshly than white people.

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