

The Criminal Justice System as a Social Problem, Not a Resolution

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The new initiative passed by California voters, Proposition 47 reduces the classification of most “non serious and nonviolent property and drug crimes” from a felony to a misdemeanor, thus providing statewide relief to underprivileged inmates who are often caught in an unfair criminal justice system that disfavors them. In order to understand the rise in the number of minority prisoners in the state of California, let us consider the roots of the issue and how Proposition 47 can alleviate many of the problems that result from prison overcrowding. Political activist Angela Davis, reporter Adam Gopnik, and researchers Allan Johnson and Jeffrey Reiman have communicated the problem of the increasing rates of imprisonment of people of color and other minority groups in America. Their purpose is to make this problem public and analyze the main reasons behind it by arguing the influence of more privileged segments of society on the way in which the criminal justice system runs. A compilation of their observations and research reveals that the principal factor for the large prison population in California is that minorities in the criminal justice system too often do not have access to strong legal representation because the more privileged white authorities have the power to decide who is a criminal based on the racial profile they have constructed.

One of the major problems in today’s criminal justice system is that society has given privilege to certain individuals to create the laws by which others will be judged. The problem with this situation is that in many cases there is most likely a predominantly white judge or jury ruling over the future of a less affluent, less- privileged person of color. Jeffrey Reiman in his book, *The Rich Get Richer and the Poor Get Prison (1979)*, reminds us that “[The criminal justice system] represents human decisions. ‘Prison statistics’ and ‘probation reports’ reflect decisions of juries on who gets convicted and decisions of judges on who gets on probation or prison and for how long” (43). In a democracy, the role of citizens in the decision making process is imperative for effectiveness of the law. However, the central question is, how do these people come to have power over others and how well qualified are they to do so? It is historical social traditions that put them in the place of power with the laws and the legal system that society itself has formed. Consequently, society expects that judges and juries will think and act regarding to criminal cases in the most legal and fair way possible. Nevertheless, judges and juries are humans too. They cannot fully trust their own perception because their social conditioning might lead them to make the wrong decisions. According to Allan Johnson, the author of *Privilege, Oppression, and Difference (2006)*, “perceptions are difficult to control... because people tend to assume that they can identify characteristics such as race and gender simply by looking at someone” (16). By this Johnson indicates that in the same way, judges or juries might think that they know how to judge an individual based on what they *think* they know about that person. As a result, they too often condemn individuals to prison or probation which increases the prison population in California and the rest of the country.

Furthermore, our society is so obsessed with having the ideal criminal justice system that would protect all individuals from potential harmful actors that it does not realize the lifelong damage that the penal system causes the prisoners. Gopnik in his article, *The Caging of America (2012)* depicts the American rate of incarceration and the miserable inhumane conditions in which prisoners are held. “Every day, at least fifty thousand men wake in solitary confinement,

often in ‘supermax’ prisons or prison wings, in which men are locked in small cells, where they see no one, cannot freely read and write, and are allowed out just once a day for an hour’s solo ‘exercise’” (73). By exposing these prison conditions, Gopnik implies that society’s obsession with due process has created an obsession for brutal prisons as well as a procedural system that leads us to become more insulated from prison’s real effects on people. Clearly, as Gopnik also mentions, although the government spends six times more money on prison maintenance than that invested on higher education, the living conditions for prisoners are unacceptable. In addition, Gopnik explains that the reality of prison in America starts mainly as a product of white supremacy and ends with racial domination. Gopnik clearly points out that those with power within the criminal justice system are the ones who create the profile that racially targets specific individuals and incarcerates them for their “likelihood” to become criminals.

In accordance with Gopnik’s illustration of the existent racial profile that targets underprivileged individuals, Reiman offers a view of what society considers the “Typical Criminal.” The concept of the “Typical Criminal” coincides with the most common stereotype that people have about a criminal according to what society has taught us. That stereotype says that the Typical Criminal is a young, urban, poor black male. Inevitably, the profile of the Typical Criminal grows to include a vast majority of men of color, both African Americans and Latinos. This stereotype can be met by almost any young, non-white, man walking down the street even though his skin color cannot indicate that he is a criminal. Nevertheless, the racial profiling of the Typical Criminal says that he is a potential danger, so if he is ever involved in even a suspected crime, no matter how small or big it is, he is at risk of going to jail. In his article, Gopnik provides a magnificent example of how the criminal system operates under the criminal racial profile that it follows, “When the New York police stopped and frisked kids, the main goal was not to jail them for having pot but to get their fingerprints, so that they could be identified if they committed a more serious crime” (Gopnik 77). According to this system, individuals are increasingly likely to go to prison for a misdemeanor and offers proof as to why Blacks and other people of color are incarcerated about seven times as often as white individuals. Gopnik also states, “For a great many poor people in America, particularly black men, prison is a destination that braided through an ordinary life, much as high school and college do for rich white ones” (72-73). Reflected here is the role of that concept of privilege that society has developed according to one’s race. As demonstrated, those who are minorities are more likely to become convicted for a crime based solely on their physical appearance or socio-economic status.

According to Allan Johnson, by definition privilege exists when one group owns something of value that is denied to other individuals simply because of the groups they belong to, not necessarily because of their behavior. In America, privilege means opportunity, and the dominant social group comprised of white individuals attains greater opportunities in the distribution of jobs, wealth, and income compared to minorities. In response to this situation, Johnson reiterates that, “At every level of education... whites are half as likely as are people of color to be unemployed or have incomes below the poverty line [and] the average white household has more than 14 times the net wealth of the average African American household” (32). As a result, it is the amount of privilege that each portion of society receives which determines the quality of housing, schools and health care they obtain.

This system of privilege has led throughout time to the formation of a pyramid-type social structure in which the rich white elite stands at the top, the middle class with certain

economic stability stands in the middle, and minority low-income families with the least economic and social stability, the least access to wealth and privilege stand at the very bottom.

Due to this social structure, the distinctions among the classes make it really difficult for the people on the bottom to scale up and improve their living conditions. Sometimes underprivileged individuals find themselves in difficult situations such as hunger or illness that can lead them to commit misdemeanor crimes, but which too often are judged as felonies by the criminal justice system we have. Since these individuals do not have the necessary resources to defend themselves, they end up behind bars. As Angela Davis notes in the article entitled, *Masked Racism*, “Homelessness, unemployment, drug addiction, mental illness, and illiteracy are only a few of the problems that disappear from public view when the human beings contending with them are relegated to cages” (569). Davis proves that the most marginalized part of society vanishes when individuals are sent to prison because they have no means to obtain any legal advice or defense to fight the system. Among these underprivileged individuals, African Americans and Latinos make the biggest group because they are the ones who receive the lowest incomes compared to white folks and who are racially profiled.

In conclusion, the massive prison population of California has been encouraged by the human decisions made by the white authorities of the criminal justice system that mostly affect minorities such as African Americans and Latinos. With the approval of Proposition 47, a promising decrease in prisoner rates in California will help those underprivileged individuals to gain freedom or have their prison sentences reduced. In addition, with the reduction of the prison population, the money spent on prisons also decreases, thus allowing future higher investments in education and more positive social programs.

References

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