



Dismantling Racial Discrimination Fact Sheet:

RACISM AND OUR CRIMINAL JUSTICE SYSTEM

The intersection of racism and the criminal justice system is complex and manifests at multiple levels, from individual bias to systemic disparities. Here are some ways racism intersects with criminal justice:

Policing and Enforcement

Racial disparities begin with policing practices. Communities of color, particularly Black and Latino neighborhoods, often experience higher levels of police surveillance and more aggressive enforcement. Traffic stops, drug enforcement, and quality-of-life policing often show racial disparities in who gets stopped, searched, and arrested.

Charging and Prosecution

Prosecutors have significant discretion in charging decisions, and studies show disparities in how cases are handled. Defendants of color are more likely to be charged with serious offenses that carry mandatory minimum sentences, and less likely to receive plea deals that avoid prison time. The decision to seek the death penalty also shows racial disparities, particularly in cases involving white victims.

Sentencing Disparities

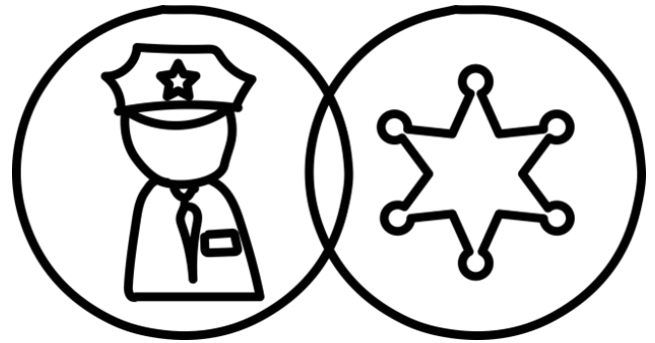
Even when controlling for factors like criminal history and offense severity, studies consistently find that Black and Latino defendants receive longer sentences than White defendants for similar crimes.

Bail and Pretrial Detention

Defendants of color are more likely to be detained before trial and receive higher bail amounts, which can lead to job loss, family disruption, and pressure to accept plea deals. This pretrial detention also correlates with harsher final sentences.

Systemic and Historical Factors

The current system reflects historical policies like Jim Crow laws, redlining, and discriminatory drug war enforcement. These created concentrated disadvantage in communities of color, which can influence crime



rates and justice outcomes. The “school-to-prison pipeline” also disproportionately affects students of color through discriminatory disciplinary practices.

Research demonstrates that unconscious racial bias influences decisions throughout the criminal justice system, from police encounters to judicial sentencing, affecting assumptions about dangerousness, credibility, and rehabilitation potential. These effects extend beyond incarceration through barriers to employment, housing, voting, and education that disproportionately impact communities of color, creating cycles of disadvantage. Since these disparities persist even when controlling for legally relevant factors, they suggest that both conscious and unconscious racial bias significantly shapes justice outcomes, prompting reform efforts focused on policy changes, bias training, data collection, and addressing underlying social conditions.

Learn more [here](http://www.osfphila.org/justice-and-peace/racism/).