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# The New Drug War or the New Race War: Incarceration's Impact on Minority Children, Families, and Communities

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The New Drug War or the New Race War: Incarceration's Impact  
on Minority Children, Families, and Communities

by

Karen P. Lawrence

A Dissertation Presented to the  
Graduate School of Humanities and Social Sciences of Nova Southeastern University  
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Doctor of Philosophy

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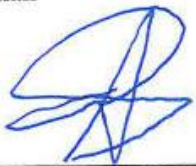
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This dissertation was submitted by Karen P. Lawrence, under the direction of the chair of the dissertation committee listed below. It was submitted to the Graduate School of Humanities and Social Sciences and approved in partial fulfillment for the degree of Doctor of Philosophy in Conflict Analysis and Resolution at Nova Southeastern University.

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## **Dedication**

This dissertation is dedicated to my parents, my children, and everyone who remains strong in the face of adversity.

*You are your strongest ally: You don't fail because you fell down; you're not a failure because you lay down; you will be a failure if you stay down. Get up!*

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## **LIST OF ABBREVIATIONS**

CRT Critical Race Theory

FBI The U.S. Department of Justice Federal Bureau of Investigation

FDC Florida Department of Corrections

MDCR Miami Dade County Rehabilitation Center

UCR Federal Bureau of Investigation Uniform Crime Reports

## **ABSTRACT**

This non-experimental study examines the issues of over-representation of minorities in the criminal justice system due to drug-related incidences, race relations, and the impact such representation has on families, children, and communities. The exploration of the current criminal justice efforts against drugs is presented through a meta-analysis qualitative lens in an effort to disseminate the information on those arrested, sentenced, and subsequently incarcerated for various drug offenses. In an attempt to understand the encyclical racial disparities that promulgate the criminal justice system, the study relies on information from several key theorists to cement the discussions in the research. Qualitative data from scholastic and governmental resources will be presented from which the exploration of how drug sentencing and race may be closely related. By examining various case studies, both historical and current, the goal is to clarify the various processes on which different actions have attempted to transform social relationships and the various constraints these movements faced when trying to implement and adapt these transformations.

The outcomes of this multi-layered study reveal the evolution of race relations and “identity formation” with which America attempts to change through various systematic processes. The study will examine how the implementation of governmental programs on incarceration impacts social classes and increases racial division. Three research strategies will be utilized: (1) qualitative analysis that covers racism from the media’s portrayal of minorities, (2) review of the writings of theorists’ addressing whether drug-related crimes or racism adds to disparity in the criminal justice system, and (3) examination of multiple case studies dealing with incarcerations’ impact on



minority children and communities. Data have been gathered from pre-published reports, newspapers, journals, and experiments conducted by social science theorists dealing with the new drug war and racism, and also the practices of restorative justice. This study suggests that racism is a phenomenon in the lives of every American or immigrant. Even with time and evident changes within society, racism still dominates and determines people's lives. Restoration is not inconsequential, and while various movements link social change with the governing of a new and different leader in America, this study will look at how it is possible to revisit race relations, and implement forgiveness through conflict resolution in an effort to enact systematic changes. These enactments have potential to preserve institutions and save future social infrastructure.

## CHAPTER 1: INTRODUCTION AND STATEMENT OF THE PROBLEM

### Introduction

This dissertation examines conflict as it relates to the new drug war and race. Those viewing the war on drugs as a necessary control method would find that this is a means for controlling the ill-equipped and derogatory individuals of society. There are scholars, however, who view this war as another means of control over the minority<sup>1</sup> community. This existing war is seen as a legal method used for governmental control against certain groups and ethnicities. In retrospect, there are those such as people in general and scholars who have opined that the war on drugs is legal governmental violence used to maintain control, and who deem this a semblance of power over targeted communities by integrating police control over the lifestyle and beliefs of those unable to escape from a drug infested system.

A comparative, detailed review of scholarly literature addressed the systematic elimination and reintroduction of certain principles that infer that psychological and socio-economical spectrums greatly impact certain ethnic and racial cultures which then create an interwoven combination of elements for minorities directly leading to the prison system (Delgado, 1995). The systematic elements, in turn, substantially erode relationships, give way to community and family conflict, and produce a never-ending cycle that is directly perpetrated by the American criminal justice system for the main purpose of continuous minority family erosion (Delgado, 1995). For this study I conducted research to examine, develop, implement, advance, broaden, and understand

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<sup>1</sup> The word *minority* is used interchangeably throughout the document as “black”, “Hispanic”, “Asian”, or other.

the theoretical argument that the drug war is a form of legalized race control and repression in this country that directly impacts the field of conflict analysis and resolution, race theory, education, and the legal platform. Further, I look at restorative justice to determine if this theory could fix the problems of the American prison system.

President Richard Nixon was one of the first presidents to declare America's war on drug abuse. According to him, drug use eroded the basic principles, morals, and ethics of American society and was viewed as public enemy number one (Frontline, 2000b). One powerful and effective concept in Nixon's declaration of war against drugs was the implementation of the Bureau of Narcotics. Through the presentation of facts and figures, the American people found themselves desiring protection from a culprit that was considered stealth and detrimental to the very foundation upon which this country stands. Fear breathes anxiety, and anxiety, in turn, presents people with enough power to take action against perceived corruption for the good of the persons. Albeit, not all Americans felt they were included or embraced in the process for change. President Ronald Reagan took up the mission to eradicate drugs by declaring his own war which then found America spending more on combating drugs and considerably less on education or rehabilitation (Robinson & Scherlen, 2007).

While race may be an issue in the subject about controlling the distribution of illegal substances, there is an established belief that efforts geared towards controlling drugs may be a way for further elitist control. One would suppose that the implementation of laws fighting against drugs was never intended to create further racial divide; however, there has been a division which has left minorities dealing with the inequitable distribution of sentencing. The disparity in sentencing stemming from drug

related charges has left minority families and communities dealing with problems of reintegration and disenfranchisement that has shaped the pace of racial reform within society. Therefore, while the civil rights movement purports to prepare minority citizens in dealing with the racial issues in society, multiculturalism must be revisited and addressed to determine how the issues and beliefs affect and legally impact minority culture (Delgado, 1995).

Further, “there has been notable progress for racial and ethnic minorities in the United States in the media since the 1960s” (Lloyd, 2005, p. 5). Yet, in this same report, the Kerner Commission relayed that race relations have not improved significantly as the media has failed to communicate to the majority white audience the degradation that minorities face daily (Lloyd, 2005). Regardless of society’s decision when it comes to dealing with race and the impacts thereof, more research needs to be conducted into both the emotional and psychological aftereffects of racism on society in general. More attention must also be paid to how the media portrays minorities, possibly fueling more race-based issues that further negatively impacts cultural and social relationships.

Racism in the media evidenced by unfair and biased storytelling perpetuates a cycle where medical providers, government, and lobbyists have debated and influenced policies governing the issues of socio-economic conditions. Advances in technology and science have illuminated the fact that the attitude of Whites and the judicial system towards minorities does create some type of impediment. For those reasons, this research sought to understand the effect of race on the portrayal of minorities in the media, and how this portrayal impacts disparity in treatment within the criminal justice system.

Further, as it relates to incarceration, the study sought to determine if there were actual impacts on families, children, and communities of incarcerated minorities.

### **Justification**

Race has played a significant role in identifying those that are more affected by the pervasive and stringent policies which are implemented and shape the face of the fight against drugs. Whether it is post-arrest, arrest, trial, sentencing, or subsequent incarceration, certain theories would require the questioning of past beliefs of the civil rights era as it relates to present day circumstances. While it might be safe to assume that most citizens oppose racism and would fight against anything that promotes this concept, critical race theory purports that racism is a normal concept that is ever-present in American culture. Indeed, race and people are intertwined which often proves problematic (Delgado, 1995).

Where there is fear, people tend to cower. The more propaganda the government is able to successfully relay the more likely that society will buy into any concept with perceived directives for change. When President Reagan began his public relations campaign with the intention of changing public perception of drug use, it was made clear to citizens that the threat posed from the use of illegal drugs did more harm than good. The ability to ostracize drug users as people to be feared, while demonizing drugs as tools froth with mechanics aimed at destroying communities spilled over into every branch of the federal government. Indeed, every president since Reagan has increased spending on anti-drug campaigns. President Clinton increased spending on the war against drugs to 25% and went so far as to appoint Barry McCaffrey as drug “czar.” McCaffrey stated that the war on drugs had no clear enemy (as cited in Suddath, 2009). For that reason, while

the intentions for the fight against drugs are good, it is a fight that has proven unwinnable. Certainly, one can never win a war against an unseen enemy (Suddath, 2009). As recently as mid-2012, Florida's Governor Rick Scott took the war to another level. His proposal that drug testing be a requirement for those applying for governmental aid was met with much trepidation. His proposed interdiction created conflict with minorities and even members of the majority who claimed that such an effort would prove extremely costly and, that this concept is geared towards minorities who are more likely to be the ones depending on government aid. Consequently, the implementation of such a policy was considered another method of legalized discrimination.

Given the fact that the war on drugs has had a hold on American society for the past 40 years, there is an arresting need to analyze the war on drugs as it relates to race and the disparity in minority sentencing. Coining the term the "war on drugs" was a way for government to control and prevent the illicit use of drugs in America (Robinson, 2005). Despite the continuous fight against drugs coupled with stiffer prison sentencing, it is clear that the policies have had little effect on the anticipated goals of curbing drug use. Drug use is still on the rise and so are the increased sentencing structures effective against those that partake in the trade. While the war on drugs may have been well intended, the repercussions felt by minority members have been rather epic. The importance of examining the war on drugs is paramount. By looking at Robert Merton's theory of unintended consequences, further research can analyze the validity of the drug war while reviewing the unanticipated outcome of the somewhat Machiavellian policies. The law of unintended consequences coined by social theorist Robert Merton (1976) states that this is a measure where the actions of government as well as people always

have unintended or unanticipated effects. He spoke about the impact of ignorance and error that is prevalent in society, stating that people do not often think about the end result, but often times desire something so badly that they will do whatever is necessary to get what they want, so much so that they ignore all the warning signs. Most noteworthy is the increased representation of minorities in the prison system because of drug-related offenses, evidence that there seems to be considerable failure attributed to the intent of the drug policy and its intended outcome.

Opponents of the war on drugs find America's stance hypocritical. The U.S. is one of the largest producers of drugs globally, spending an enormous amount of money to get drugs into different countries. However, while the drug agencies may see this as legal exchange for medicinal purposes, others claim that the principle theories of supply-reduction and demand-reduction are essential in combating the drug epidemic. By preventing access to drugs, increasing sentencing, and making citizens aware of the risks associated with distribution and possession, drug access can be limited.

On the other hand, prevention and rehabilitation are methods that would greatly reduce the perceived desire for illicit drugs. The dissemination of information, particularly about harmful side effects of illegal drugs is one way of enacting demand-reduction principles (U.N. General Assembly, 1998). The concept of a war, particularly a war that disenfranchises a certain group, seems not only biased but egregious. The increase in minority incarceration suggests that a reexamination of the drug policies is required in order to determine where the failures arise as to the relationship between drugs and race.

This study attempted to determine if the war on drugs is a legalized measure of race control manifesting in disparity in sentencing that adversely impacts minority communities. The aim was to better understand how the political motives behind the war on drugs, particularly certain drugs, is another means of federal control over certain cultures, ethnicities, and communities. By looking at the underlying issues of race, especially the connection of culture, race, and drug control policies, it was possible to revisit the entrenched connection of race control and how those perceived beliefs may have contributed to sentencing structures, especially as it relates to the war on drugs. There are multiple theories dealing with racism with several researchers investigating issues surrounding drug policies that are applicable to the questions at hand. Therefore, this study also examined the impact of these policies on the increased sentencing guidelines that seem to predominantly affect minority incarceration.

The fundamental concepts underlying the war on drugs have brought about an increase in prisons, largely embraced by faceless functionaries within the criminal justice system (Mauer, 1999). This type of bureaucracy has failed to decrease the demand for drugs while serving to erode minority communities, creating confusion and economic problems for those striving to create a better life for their families. Even with the implementation of anti-drug policies, the United States prison population has seen a five-fold increase especially as it relates to minorities (Mauer, 1999). Most politicians campaign on platforms decrying drugs, taking on a hard line stance. Unfortunately, the war on drugs became a war on impoverished minority communities. The push to sentence drug offenders as a deterrent to crime led to an increase in the prison population, to a point where incarceration rates for non-violent crimes outpace those of violent crimes



(Bureau of Justice Statistics, 2013). The disproportionate numbers of minority inmates increased during the 1980s (Fellner, 2010; Fellner & Mauer, 1998). Before the war on drugs, prisons were more or less predominantly populated by Whites and were geared towards reform rather than pure punishment. In the Deep South, prior to the rush for stiffer sentencing on drugs which affected more minorities than Whites, the sentencing practice embraced a punishment style in order to reform, which showed a disproportionate rate of minorities prior to the influx of the 1980s. According to a study conducted by the Center for Economic Policy Research, in 2008 there were over two million people incarcerated at the local, state, and federal prison levels in the United States (Schmitt, Warner, & Gupta, 2010, p. 2) with about 743 incarcerated individuals per 100,000 people in the United States in 2008-2009 (p. 3). Compared to other countries such as Israel, Poland, France, Denmark, and England, the United States houses more non-violent prisoners than most (p. 3). It is quite remarkable that the United States holds 25% of world prisoners while only representing 5% of the world's total population; there was a significant increase in the incarcerated population after 1980 with a notable increase of drug-related incarceration (NAACP, 2013). The Bureau of Justice Statistics (2013) reported that there are about 1.5 million incarcerated persons in prisons across the United States—a vast majority of individuals, 59.6% to be exact, incarcerated on drug-related charges, and 2.7% incarcerated for violent crimes.

Meanwhile, more researchers petition the criminal justice system seeking alternative methods to sentencing for non-violent crimes thus demonstrating an interest in demand-reduction justice instead of castigating those convicted of drug related offenses (Schmitt et al., 2010). Considering the disparity in minority incarceration for drug

offenses, a succinct re-examination of the war on drugs is imperative in order to develop various methods geared towards treatment, rehabilitation, restitution, and reintegration of minority offenders. Despite reassurance from state and federal government that their drive to combat illegal drugs is working, the policies have displayed superlative failure with 65% of the general population stating that the war on drugs has not achieved notable success (Human Rights Watch, 2000). Unfortunately, it seems that these failed policies are inconsequential and are leaving behind minorities or anyone that would be considered a hindrance to political change.

The United States has the largest minority incarcerated population with the highest per capita incarceration rate of individuals globally (Human Rights Watch, 1999). According to the Justice Policy Institute (2008), approximately a quarter of those incarcerated were convicted of drug related crimes. The estimate is that there are about 6.8 million Americans dependent on drugs or struggling with rehabilitation measures, yet research suggests that stringent sentencing policies breed a community that is marginalized and handicapped (Armour & Hammond, 2009). Throwing minority communities into an underclass only consigns them to function mainly as a system with a never-ending cycle of underemployment, social stigma, and criminalized behavior; and furthermore, produces people who lack the necessary tools and resources needed to act as productive citizens. A minority community already impoverished by the lack of social and economic resources only serves to breed a group of individuals that maintains a cycle of minority recidivism.

## **Research Questions**

While racism is a social construct, the issues of racial disparity in drug-related sentencing, the impact incarceration has on children, and the decline in education caused by the erosion of the family structure created by drug related minority incarceration have now become a nationwide issue that screams for continued systematic studies. I examined and addressed the following research questions: 1) is the over-representation of minorities in detention based on racism or drug related sales and distribution; 2) is the over-representation of minorities in the criminal justice system a direct causation of educational and economic deprivation; and 3) does the incarceration of minorities adversely affect their children and communities, and can restorative justice be applied to drug related offenses as an alternative measure to incarceration?

## **Research Questions**

1. Is the over-representation of minorities in detention based on racism or drug related sales and distribution?

Conflict is often linked to the need for more power. Individuals from different socio-economic and cultural backgrounds may find that they have differing needs such as recognition, security, or safety. Therefore, a determination had to be made as to whether or not the over-representation of minorities in the criminal justice system is based on racism or drug related sales and distribution. For example, an individual from one ethnic group may embrace mores developed by their viewing habits and might not see the need for one form or type of recognition of a certain group, while an individual from a different group may view that particular desire as complex and unnecessary. This may create conflict. By identifying the conflicts surrounding the new drug war as related to

media portrayal, a better understanding of how different groups view racism ultimately leading to conflict could be gained. This study examined disparity surrounding minority drug-related incarceration and the relation to race if any; reviewed whether or not the media's patterns of portraying minorities leads to stereotypical beliefs that may ultimately bias people towards them; and reviewed the impact incarceration has on children and communities.

2. Is the over-representation of minorities in the criminal justice system a direct causation of educational and economic deprivation?

For example, the disparity in sentencing as it relates to the justice system varies across groups. There are issues of demographic and socioeconomic conditions that propel individuals into making profound decisions. These decisions affect their lives and those around them and can often be credited to age, education, and quality of life. Therefore, these differences were examined in order to bring greater awareness and understanding among governmental institutions.

3. Does the incarceration of minorities adversely affect their children and communities, and can restorative justice be applied to drug related offenses as an alternative measure to incarceration?

Restorative justice practitioners have opined that the consequences of incarceration must be considered prior to determining whether prison is a viable option for offenders. Alternative sentencing methods have proven to be successful for most non-violent and even some violent offenders (Zehr, 2002). By using conflict resolution strategies, individuals could make an attempt to understand the extent to which the new

drug war is now the new race war, and how drug-related incarceration impacts children and the community of which the incarcerated minorities are members. Also, by researching the problems of re-entry into the family and how it impacts the formerly incarcerated individual, the children that are adversely affected by the individual's detention, and the community that is often under-supported, it was possible to assess the links viewed as direct causation of the application of harsher sentencing policies for drug related offenses. An eclectic collection of data helped to provide clarification on the implications of minority drug-related incarceration and those most affected by this process. While the current research questions necessitated an examination of both the macro and micro elements surrounding the new drug war and the new race war, the results of this research will also greatly aide in determining what relationships are present between disparity in incarceration and environmental factors that may lead up to sentencing.

### **Define and Operationalize Concepts—Definition of Terms**

**Demography.** Demographics comprise the breakdown of statistics based on specific characteristics, up to and including age, gender, race, and income (Toosi, 2012).

Data taken from the United States Crime Data reported in the Federal Bureau of Investigation Uniform Crime Reports (UCR) and from other government statistics were used throughout this research to estimate incarceration rates, marital status, parity, and the sentencing and recidivism rate of incarcerated minorities. The UCR has been published on an annual basis since 1958 and takes information from the nation's law enforcement agencies to determine statistics on criminal activities. By looking at statistics from the 1980s, 1992, 1993, and 2008, I assessed the significant changes in minority

incarceration as it applied to drug related offenses. The 1980s imprisonment rates for minorities rose sharply due to the increased activities and political wrangling associated with America's new fight against drug related offenses. More and more politicians were using the drug war as a platform to get elected and to combat criminal activities. In 1992 the federal and state minority incarceration population tripled because of longer prison sentences applied to drug related offenses. In 1993 the United States Senate passed a \$23 billion crime bill wherein \$8.9 billion was given to hire 100,000 more police officers, and \$100 million was given to purchase metal detectors for schools (Hawkins, 1995). Therefore, through reviewing the fundamental policies that effectuated changes in how Americans viewed drug related offenses and applied sentencing, I was able to assess how certain policies were directly implemented that ultimately impacted minority communities. By compiling data from these sources, as well as looking at research conducted by independent researchers, a comparison was made about the geographic and socio-economic status of these individuals and how their incarceration impacted their children and families, as well as the community in which they often were accused of criminal activities, and to which they then return to upon their release.

**Racism and Prejudice.** Mann (1993) wrote that "race prejudice is rooted in the belief that one's own race warrants a positive attitude and other races should be viewed negatively" (p. 21). Furthermore, there are actually three forms of racism defined as individual, institutional, and cultural (Jones, 1997). According to Jones, individual racism is defined as others who view minorities as having certain inclusive traits that are morally and intellectually inferior to Whites. For that reason, minorities must and should be treated differently (1997, p. 417). In addition, Jones stated that institutional racism is seen

when certain groups are targeted, covert or overt laws are enacted, and customs and practices are adhered to which institutions such as schools ultimately use to intentionally or unintentionally limit or restrict the said particular group (p. 438). He also stated that when individuals adhere to or embrace these practices, even if they are participating simply to follow the rules, they too are participating in racism (p. 438). Mann noted the pervasiveness of racism by stating that “anyone who claims that racism and discrimination are not pervasive in the United States today, and that these insidious practices have not existed throughout the history of this country, is out of touch” (1993, p. 21). In contrast, cultural racism is a subtle form which is often insidious, stemming from individuals or institutions that claim superiority to the other group and, therefore, act accordingly (Jones, 1997). Often, these beliefs are generational, and such ideological or institutional beliefs are divisive acts that wreak havoc on people (Jones, 1997, p. 472).

Though it may seem that prejudice and racism are terms freely used within society, it is clear that those experiencing the bouts of unfair treatment find them problematic. Psychological research on prejudice emergence was first introduced to the scholastic world in the 1920s (Duckitt, 1992). Duckitt found that prejudice research was based on American and European race theories that were geared more towards white superiority. Garth (1930) stated that “studies taken all together seem to indicate the mental superiority of the white race” (p. 359) and further opined that prejudice was a method used by Whites to address those considered uncivilized (p. 359).

The definition of racial bias was explained by the U.S. Department of Justice Federal Bureau of Investigation (FBI) Criminal Justice Information as:

a preformed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., color of skin; eyes and/or hair; facial features; etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks, whites, etc. (FBI, 2010a)

The gray area in defining the differences between prejudice and racism is often so blurred that the government realized it ultimately needed clarification of the two terms in order for the definition to be clear for governmental, educational, and social purposes. Therefore, the FBI stated that “prejudice is defined as an unreasonable and unjustifiable negative attitude toward a group and its individual members. Prejudice involves prejudgment. It biases one against an individual or group based solely on membership in a particular group” (FBI, 2010a). Further, if one is to take seriously the words embedded in The Declaration of Independence, it is clear that as it relates to certain unalienable rights, justice is only fair when it is equally distributed. For that reason, it is imperative to review the concepts of Ronald Dworkin (1978) who stated in his work entitled *Taking Rights Seriously* that “justice as fairness rests on the assumption of a natural right of all men and women to equality of concern and respect, a right they possess not by virtue of birth or characteristics or merit or excellence, but simply as human beings” (p. 15).

**Racial Disparity.** According to researchers in The Sentencing Project (2008), “racial disparity in the criminal justice system exists when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population” (p. 1); furthermore, racism comes in different formats as it relates to the criminal justice system. Accordingly, there is “illegitimate or unwarranted



racial disparity” (2008, p. 1). When this type of disparity occurs, the treatment of people of a particular race is such that it is not the fairness of justice that is followed, but the condition of racial biases that takes precedence over such sentencing philosophy. In these instances, it is not so much the punishment fitting the crime, but the belief of the sentencing party that association by race is enough to sentence a person to a stiffer penalty (The Sentencing Project, 2008).

### **Outline of the Study**

This dissertation is laid out in five chapters. Chapters two present a literature overview and the theories utilized in this study. More specifically, the literature review in chapter two addresses the issues of conflict as it relates to race and the new drug war, and how the history of America’s war on drug related incarceration subsequently impacts minority communities, especially children and families. Chapter three outlines the research methods, reviewing applicable research questions, and methodology, and is a structured outline addressing the findings on the conflict of race relations and drug related incarceration within minority communities. A comprehensive data analysis on minority incarceration—as a means of determining if and how minority incarceration directly impacts the broader spectrum of the equation as it relates to children, families, and the communities within which the incarcerated adult may have played an intricate role—serves to address the issue of minority drug incarceration’s cycle within minority communities.

Chapter four outlines the results along with pertinent case studies examining minority incarceration’s impact on children and the systemic implications that continue to feed the cycle of incarceration. Further, chapter five presents a discussion section

examining internal as well as external conflicts and discussing policymaking, responsibility of governmental and minority community members, and documenting how the practice of conflict resolution, particularly restorative justice can aid in not only changing the outlook of minority community members, but also aid in effectuating change as it relates to restructuring drug sentencing, educational and rehabilitative assistance, and restoration within these often poverty ridden communities.

## CHAPTER 2: LITERATURE REVIEW

This chapter of the study is presented in four sections. The first section describes a brief history and development of the war on drugs in America. The second section addresses current debates regarding the media's portrayal of minorities, followed by a discussion of how these portrayals may ultimately impact drug-related sentencing. The third section examines theoretical framework and restorative justice, while the fourth section discusses case studies of minority incarceration, and how these types of incarceration impact children and deplete minority communities.

### **Disparity in the Drug War**

While there are some scholars who argue that disparity in sentencing is paramount to blatant discrimination, there are others such as Garland, Spohn, and Wodahl (2008) who state that disparity in no way affirms racism. Yet there appears to be a foundation implying that disparity in incarceration signifies racism which undoubtedly is founded in some criminal justice decisions. Observations have shown that young males of minority descent are more likely to face incarceration at a higher rate for the same crimes as those of white males of the same age (Spohn, 2000). During the Reagan years when the declaration of war on drugs was made, America was in the midst of political and cultural climate change. In response, politicians found it practical to declare a resounding war on drugs, though war would imply a militia stance. By implying that minorities are somehow the enemy and the perceived threat, law-makers implored the citizenry to accept changes such as stringent drug sentencing as a way to keep criminals/minorities away from hard-working members of society. So it is not surprising that Reiman (1998) opined that whenever there is an observed systematic failure in a system, especially in the

case of the criminal justice system, those in power stand to benefit from its control which comes at the expense of those considered ill repute, namely minorities (p. 8). In order for the powerful to maintain their positions in society, there must be a perceived threat to the citizens of the country and a means of resolution and control.

With the shift in attitude on drugs, many politicians found it in their best interests to embrace the new cultural change by exploiting the public's desire to enact costly intervention programs against illegal drugs. There was probably no other time in political history where the legislative and executive branches actually agreed on a policy (Tonry, 1992). In order to prove that each party took the drug war seriously, more policies were created and more legislation was enacted as each side wanted to show that they held the tougher stance in the fight against the war on drugs (Tonry, 1992). The quick passage and funding of drug enforcement initiatives breathed a different life into drug enforcement policies.

### **Origins of the War on Drugs**

While America has fought many military battles against enemies they could see, the war on drugs has been mostly a war against an unknown enemy—an enemy that is apparently more powerful, more stealth, and more precise than a ninja. Therefore, in order to better understand the phenomenon and contextualize this study, the history of the drug war in America and its implications must first be examined.

In 1914 the Harrison Narcotics Tax Act was enacted for the regulation and distribution of narcotics such as heroin and other opiates. Cocaine was inadvertently classified as a narcotic and prosecuted under the same federal law. Later, in 1937 the Marihuana Tax Act was enacted, declaring marijuana a legal substance falling under

federal restrictions. In 1954 the U.S. Interdepartmental Committee on Narcotics was implemented by the Eisenhower administration, and later, in 1970 a federal antidrug policy entitled The Comprehensive Drug Abuse Prevention and Control Act was implemented to govern the prevention, prosecution, and eradication of illegal drugs. In an attempt to end the importation, manufacturing, sale, or use of illegal drugs, the federal government termed these efforts the “war on drugs.” This was an antidrug initiative designed for ending drug use and abuse. Toward this end, on November 27, 1954, President Dwight D. Eisenhower established the Interdepartmental Committee on Narcotics (Bureau of Justice Statistics, 2013). This group was predominantly responsible for overseeing the antidrug efforts.

This history notwithstanding, most scholars tend to credit President Ronald Reagan with the term “war on drugs.” Nixon earlier used the phrase in his June 17, 1971 press conference in which he stated that illicit use of drugs was now the number one enemy of the United States of America (Frontline, 2000b). Nixon stated that drug abuse was “public enemy number one in the United States” (Frontline, 2000b, para. 9). Later in 1986, Reagan officially stated that America was now declaring a “war on drugs” (Frontline, 2000b). During the weekly radio address he promised a concerted effort against all drugs, regardless of the chemical make-up, by stating that America was now facing a battle against drugs, a war that had to be won, and that the citizens would not surrender to the enemy (Frontline, 2000b). His statement implied a military style assault on drugs and anything or anyone that would attempt to prevent this type of eradication. The declaration of war is a colloquial term that significantly shaped and determined the

strategies utilized by the government in fighting the perceived drug war (Robinson & Scherlen, 2007, p. 179).

Around the same time New York State Governor, Mario Cuomo, in his January 1987 annual address, declared that crack cocaine was now an emergency matter that required intense efforts in order to remove such an addictive low cost drug from communities. He went on to further explain that with the increased use of crack cocaine came an increase in violence which meant that the penalties for possession or sale of this substance had to be dealt with on a broader and more intensive scale (Cuomo, 1987).

Some researchers have implied that the war on drugs and impending drugs laws were specifically put in place as a means of minority oppression. Consider that Chinese immigrants were viewed as the force behind opium manufacturing and sale in the 1900s, Mexican-Americans were considered the source of marijuana distribution in the 1930s, and in the 1980s African-Americans laid claim to the crack epidemic (Robinson, 2005). Robinson further stated that these indicators suggest that the conceived drug war of the 1990s was a means of racial and ethnic minority social control in the history of the United States (2005, p. 317). Much earlier in the film *Reefer Madness*, Hirliman and Gasnier (1938) referred to the government as an entity that utilized contradictory statements as a means of inciting public fears which stemmed from melodramatic propaganda on the reality of drug use and its effects. The film also suggested that these episodic sentiments exacerbated the drug issue and drove Americans to moments of moral panic that continued to propel politicians into positions of power as they reacted with policies (1938).

As a contemporary case in point, Schiraldi and Ziedenberg (2003) examined the prison population in New Jersey Criminal Justice System and found the following:

Of the country's 2 million prisoners, 450,000 are incarcerated in prison or jail for drug offenses—more people than the European Union, an entity with a 100 million more people, has in prison for all crimes combined. The 450,000 figure underestimates the role the “war on drugs” plays in the use of incarceration in the country: studies have shown that about a third of America's prisoners tested positive for drugs or alcohol at the time of their offense. (p. 4)

Further, Schiraldi and Ziedenberg stated that “New Jersey's increased use of incarceration for drug offenders has had a concentrated impact on young people, and again, and even more disproportionate impact on youth of color” (2003, p. 11). They additionally found that “while New Jersey has increased its use of prison for young drug offenders, the rate of increase for African American youth (646%) towers over the increased rate for White youth (186%)” (p. 11).

The past two decades have seen a significant increase in initiatives geared towards the war on drugs which contributed to the disproportionate incarceration of minority males (Mauer, 2007). With the implementation of the 1986 Anti-Drug Abuse Act, more and more minorities faced stiffer penalties for crack-cocaine possession. Increased policing geared towards enforcement in inner city minority communities resulted in significantly more crack-cocaine arrests which impacted minority families to a great extent. The act imposed a mandatory five year prison sentence for the sale of five grams of crack cocaine or offenses where someone was found in possession of 500 grams of powder-cocaine. Mauer and King (2007) further stated that with the Anti-Drug Abuse

Act, 80% of minorities found themselves incarcerated for the use of crack cocaine. Mauer (2009) also revealed that penalties for crack cocaine were often applied to those offenders who are everyday traffickers with little or no impact to those organizations responsible for the mass influx of drugs in society. Prior to the 1970s the psychological medical model was utilized as a means of combating drug use and was considered a humanistic method; this model employed rehabilitation programs which relied on the theory that crime is symptomatic and a direct correlation of mental or organic disease (Lehman, 1972). As a standard approach to correctional therapy, this model relied on highly trained professionals to work with inmates in determining what symptoms (psychological or otherwise) can be credited with their desire and need to take or deal drugs. According to the model, once the problem is found, then it could be dealt with in order to prevent or remove the desire.

The 1970s saw a re-emergence of policies that were aimed toward more aggressive enforcement of drug policies (Head, n.d). As the American culture experienced much change in the 1970s, citizens demanded and were given the Rockefeller Drug Laws (Gray, 2009), statutes that carried mandatory minimum sentences anywhere from 15 years to life for possession of four ounces of narcotics. With the creation of Nixon's Drug Enforcement Agency, the fight was on to suppress any type of known illegal substance entering or within the United States (Lyman & Potter, 1998). While some viewed the Drug Enforcement Agency as a means of promoting laws for the protection of citizens, others viewed them as infringement on the rights of minorities. In 1982, with the emergence of crack cocaine, President Ronald Reagan introduced a culture promoting strict intolerance of illegal substances (Reinarman & Levine, 1997).



Unfortunately, this drug was geared predominantly towards minority communities. For that reason, legislators were able to put a face to the drug war. With the inception of the war on drugs, the United States prison population increased at an exorbitant rate. The Bureau of Justice Statistics (2013) reported that as it relates to drug related offenses, approximately 55% of the federal population and 21% of state populations are incarcerated. This works out to be roughly over a half million of the population having been in jail or is currently in jail for a drug related offense. While drug enforcement was implemented to curb the sale and distribution of drugs, the impact has been significantly negative with the illegal drug trade giving way to gangs and a vast increase in homicides that are gang related (Reiman, 1998, p. 43).

When Reagan was elected president, America was going through yet another cultural shift. The era of liberalism was quickly replaced by a more conservative base. The embodiment of attitudes no longer promoted anti-government sentiments, but was geared more towards structure, relative respect for authority, and the need for safety, security, and self-respect (Tonry, 1982). The belief was that recreational use of illegal drugs was no longer acceptable as a new breed of Americans took charge of their lives and settled down to raise families. Interestingly, the National Institute on Drug Abuse reported a significant decline in the use of illegal substances starting in 1982 (Tonry, 1982). Running on the political forum against recreational drug use, Reagan's subsequent election demonstrated a decisive shift in America's perception of drug use with movement towards a different cycle in American life.

A significant increase in the drug war was evident in 1985 when the crack epidemic exploded in New York (Reinarman & Levine, 1997). The November 1985 *New*

*York Times* cover story detailing the impact of the crack cocaine epidemic created a dramatic and more devastating change in the 1980s (Frontline, 2000b, para. 42). Crack was no longer hidden, but became a nationally recognized problem as the media and other outlets profiled how the drug was cheap, easily accessible, addictive, and devastating to inner city neighborhoods. With more and more deaths of prominent athletes and musicians being credited to overdose of crack cocaine, the media seized the opportunity and poignantly reported the risk associated with the use of illicit drugs in general (Frontline, 2000b). Some theorists went so far as to blame the media for creating a moral panic, driving citizens to demand and ultimately receive more stringent drug regulations such as those outlined in the Sentencing Reform Act of 1984 which resulted in the formation of the United States Sentencing Commission (Frontline, 2000b).

With the enactment of the Anti-Drug Abuse Act of 1986 specifically created to fight the drug dilemma and credited with the creation of the mandatory minimum penalties for drug offenses, some civil rights activists felt the war on drugs (especially as sentencing impacted minority communities) began a form of McDonalozation in the criminal justice system. According to Bohm (2006), “operating efficiency has long been a practical necessity [for the government], albeit often times an unrealized goal” (p. 128). Therefore, the Anti-Drug Abuse Act of 1986 was credited with the appropriation of millions of dollars towards the building of new prisons (Abrams, 2010). In fact, the building of prisons reached a point where they are being manufactured and moved from state to state in anticipation of the next group to be housed: namely the minority population (Bohm, 2006). The 1986 Act established a sentencing strategy tying five grams of crack cocaine into the same category as those possessing 500 grams of powder

cocaine (Robinson, 2005). This policy unfairly impacted minorities since they would be more likely to possess crack cocaine, and the possession of crack cocaine was treated the same as powder cocaine by marrying both drugs together into the same sentencing category. Viewed from the point of view of conflict theory it should be understood that the war on drugs conflict issue is not so much about the drugs or conflict, but rather about the individuals in power (Akers, 1991). For example, powerful advisors were put in place via the creation of the Office of National Drug Control Policy implemented to advise the President on drug issues, funding and drug related crimes (Byrnes, 2009).

### **Media's Attitudes on Drugs and Race**

Current attitudes on race relations indicate that the world remains divided especially as those in the media determine who gets featured in the news. Even after the changes that occurred following the *Brown v. Board of Education* (1954) decision for example, people remain divided on race relations. The influence the media holds over society plays a major part in the perception of minorities and how they get treated in society. Regardless of how society has become more open or tolerant when it comes to race, the issues and conflict surrounding the drug war and racism has not decreased. The media's portrayal of minorities, whether correct or incorrect, has somehow metastasized into a mass that is terminal to the very core of the world's systematic social, economic, and educational structure.

The United States has now seen 44 presidents, the first Black being Barack Obama who was first elected in 2008. With his election and re-election most minorities felt hopeful in that a significant step towards change had come to America in terms of the racial divide. This hope was significantly fueled by wide media coverage including the

Internet and social media outlets; yet positive portrayal of minorities has not traditionally been the case. Media researchers, for example, have documented how Blacks were often cast as lazy, over-sexed, and cunning (Fyfe, 1982) or how minorities were often stereotyped on television shows which consequently shaped how they were generally perceived in society (Graves, 1999). More recently Mastro and Greenberg (2000) conducted a study researching the portrayal of minorities on mainstream television. The goal was to determine whether or not the depiction of minorities and Caucasians was balanced, or if there was a clear bias against minorities. These researchers found that the way minorities were depicted on television added to the way they were perceived in society. Further, they found that while the number of Hispanics on television was at a minimum, their roles were better “quality” while Blacks were portrayed negatively.

One of the main purposes of American media is to make money (Mayer, 1987). The existence of the media is business related and for that reason, any news that creates a profit is what publication is designed around. Reinerman and Levine (1990) and Barak (1988) concurred that while exaggeration is paramount in news reporting in the effort to generate money and cement the bottom line, the media also serves its purpose by misconstruing facts and exploiting certain information. The media’s method of communication focuses more on implying that minorities are problematic, and because of their constant drug use, their behavior serves only to erode communities. Thus, the stereotype that blacks are the perceived threat is adopted and accepted by white society as they believe that the interest of the media is to keep them honestly informed, even if keeping them relies on untruths that proclaim minorities as the major problem in the deterioration of society (Balkaran, 1999). Therefore, if the media focuses on drugs as the

major issue, Americans shift their concerns to drugs and the eradication of it. While the media is a social construct and does not specifically bias people to certain groups, issues, or concepts, the influence is powerful enough to bend people towards certain beliefs whether true or not (Cohen, 1963).

Scholars assessing media influence often point out that the power of the media is so vast that political careers can be made or broken by media messages. Similarly, the media is also able to effectively distort perceptions and solidify racial intolerance to the point where white, upper middle classes fear minorities to a certain level and aggressively seek protection from them because they consider the behaviors of minorities detrimental to their way of life (Berger & Luckman, 1966). In fact, the media is so powerful that it is able to distort and objectify certain incidences that they casually relate as news (Koch, 1990), thus influencing social construction of an individual's daily life experience (Schutz, 1962). Walker (1983), Schiller (1981) Lee (1988) all in separate research have determined that the power of the media is such that even realities are often distorted in order to generate more viewership and form the desire for public policies and broad base practices.

When politicians use their forum as a stage to clean up the streets and rid neighborhoods of crime, those crimes are often associated with the dredges of society. Those dredges are more likely viewed as darker skinned and under-educated. For example, based on survey results Burston, Jones, and Robertson-Saunders (1995) determined that respondents (up to 95%) equated drug users with African-Americans because of the automatic ability to relate drug use with minorities. As this platform intends to remove illicit drugs from the street, it often accepts statements that illegal

drugs are the most problematic issues in society (Robinson & Scherlen, 2007, p. 14). This problem is intensified by the fact that people are emotional beings and are quick to pass judgment without actually analyzing the situation (Lodge & Taber, 2005) and so, people can easily become passive or overtly critical. It follows then that people may accept situations without question, and ultimately judge others based on what they view on television, read, or hear.

Additional research demonstrates that people are conditioned (without even realizing it) to automatically assume things without even recognizing that they are imparting prejudicial nuances especially as it relates to things they do not understand (Marcus, Neuman, & MacKuen, 2000). Therefore, it is quite likely that an individual, through frequent viewership of negative stories about a group and without understanding that particular group may assume that all of those in that group are the same (Jernigan & Dorfman, 1996). News stories or television shows that constantly portray minorities as deviant, drug users, drug dealers, or murders suggest this information to be factual for all minorities. Sexual stereotypes are also common, and African-American men and women are often depicted as aggressively sexual. While this stereotype is sometimes twisted into a compliment of sorts, it results in severe consequences. African-American men are more likely assumed guilty of a sexual crime than men of any other race in America. Throughout history people have been led to believe that view of black men that white women are desirous because of their “untouchability” (Dorr, 2004, p. 75). Even “incarcerated women are disproportionately women of color (particularly black and Hispanic/Latina) from low-income communities who have been subjected to a disproportionately high rate of violence” (Richie, 2000, p. 7). There are some scholars

that claim that the biases of the media often perpetrate a fallible perception of male minorities that create erroneous generalizations which others believe (Balkaran, 1999), regardless of the actual situation or conditions. Proving this to be the case, in 1986 Lichter, Rothman, and Lichter conducted a study interviewing roughly 240 journalists. These journalists were termed “media elite” (p. 294) and at the conclusion of the study it was determined that the media was more guilty of objectifying social realities and distorting information in a more liberal sense than was previously suspected. However, in contrast Koch (1990) stated that news is relative and actually constructed in a more conservative manner. For this reason, the new war on drugs, as reported in the media, required and demanded that politicians adapt certain stringent social remedies that would punish offenders for the sake of up-standing members of society. In other words, the preservation of the elite required the war on drugs, and their representatives were admonished if they did not take the initiative to stop the war on drugs. The consequence was that many politicians fought a vehement war denouncing drugs and calling for stiffer offender sentences.

With the insurgence of the military-coined war on drugs, the Reagan administration took the initiative on the war on drugs and propelled it to another level (Robinson, 2005, p. 331). As a result, the news media’s main focus in the 1980s and 1990s was about the need to stomp out illegal drugs. The call was for the public to decry any use of drugs and to realize that drugs were destroying the core of American beliefs (Jernigan & Dorfman, 1995; Robinson, 2005); accordingly, then, this focus undoubtedly resulted in media formation of public opinion. Gitlin (1989) as well as Orcutt and Turner (1993) confirmed the importance of remaining cognizant of how the media supported and

pushed the agenda of the government as it relates to drugs. Robinson and Scherlen (2007) found that political war on drugs policies were not so much specifically created and geared towards reducing or eliminating drug use, but rather served more as a method for creating moral panics in an effort to drive political careers. It was not until the media made it their duty to broadcast the detriments of drug use did the public actually become concerned (Robinson, 2005). While the public was aware of the issues of drugs, they did not find the need to push for illegalization until the government and the media determined that such a move was an urgent necessity. With the media's ability to shape thoughts and beliefs, it became increasingly easy to determine how people think, act, and behave towards minorities accused of breaking drug laws (Frontline, 2000a; Robinson, 2005, p. 330). As such, the media has the power to determine the formation of cultural imperialism, and this happened as the crack issue was one of the hottest in the late 1980s (Frontline, 2000a). In the 1980s, media coverage from the *New York Times* byline scream the arrival of crack to the city to which, *Newsweek* and *Time* quickly followed suit—making it seem like crack usage was widespread, the reports were mostly inaccurate because the use of crack cocaine was a rare occurrence (Orcutt & Turner, 1993; Reinerman & Levine, 1997).

In response those in power quickly seized the opportunity and sought power based off the need to eradicate a drug that was bound to destroy the American way of life. The fear felt by the public carried with it a wave of politicians aimed at cementing their legacy by calling for stiffer laws and sentencing policies geared towards cleaning up society. It was within this context that the Anti-Drug Abuse Act of 1986 emerged. Crack cocaine became known as a cheap, easily accessible drug which was often found in



minority communities (Robinson & Scherlen, 2007). It would seem, therefore, that the harsher drug laws were geared mostly towards minority communities and less toward upper-middle class individuals.

While the masses screamed for the eradication of crack cocaine, there are those that claimed that the alleged drug crisis was manufactured and only imagined to instill fear in the general public. From this point of view the so-called epidemic did not appear to be as significant as politicians and the media led people to believe, but was rather another method of control by those in power (Jernigan & Dorfman, 1996; Mosher & Yanagisako, 1991; Orcutt & Turner, 1993; Reinerman & Levine, 1997). By keeping the newsroom predominantly Caucasian the directors and stock holders could better control that which was broadcast to the general public. Therefore, the sea of faces on prime time television did not show a strong minority representation.

Understanding and harmony would somehow bridge the dangerous, oftentimes treacherous, far reaching, and strong dissidents that were divisive in political and emotional relationships. These divisive arguments often created contentious banter on the issues of racism or accusations of the media's failure to operate responsibly in society. A case in point is Boyce Watkins' 2010 report which stated that

CNN has certainly worked in sync with other networks when it comes to keeping black faces off the air of their prime time news shows. Sure, there are a few black anchors during the day or on weekends, but when we consider the list of branded news names (Wolf Blitzer, Nancy Grace, Anderson Cooper, etc.), there are no black faces in the group. (para. 4)

Yet during this era it seemed that even while people were decrying racism or claiming that race relations had greatly improved, the sea of faces on television remained predominantly white. Fram (2010) highlighted an Associated Press-Univision Poll which found that 61 percent of people overall said Hispanics face significant discrimination, compared with 52 percent who said Blacks do and 50 percent who said women (para. 2). Despite the increase in the Hispanic population, they too, like Blacks, were not faring well on mainstream television (ABC, NBC, CBS, FOX, and CNN) and were almost always stereotyped (Murguía, 2012). Because the media is able to present images that cement messages creating cognitive dissonance which then conveys malapropos, psychological conflict (Goffman, 1974), the population can begin to harbor incongruous beliefs and attitudes. This notion is supported by Tan, Ling, and Theng (2002) who noted that the media has “the [powerful] potential to reach the most private realms of the human psyche” (p. 853) which is often utilized to the detriment of minorities.

An underlying issue at work in the media’s influence is that folklores continue to drive the beliefs of much of society to the extent that certain behavioral traits remain credited to minorities even when that is not the case. Small (2001) and Fellner (2009) found that although media coverage implies that drug use is most prevalent among minorities, that is often not the case as the ratio of Whites to minorities is significantly higher with the population of Whites outnumbering Blacks 6:1. This demonstrates how mental constructs are formed through exposure to media’s messages, and overexposure forms values, perceptions, and beliefs. It follows then that if the concerns of the public are often directly in relationship to the stories in the media, and if the media is preoccupied with an increase in drugs or race related issues, then the public shifts its

concerns to those social axioms (Robinson & Scherlen, 2007). Therefore, if the media focuses exclusively on drugs and depicts those within the criminal justice system as mainly minorities, then people would be conditioned to feel and believe that those groups of individuals are a threat and should be removed from society (Reiman, 1998, p. 139).

The power of the media's ability to exaggerate certain stories is enhanced by visual depictions when relaying stories. While the media would like to portray itself as conservative, unbiased, and a purveyor of truths, reporters rely on inside gatekeepers (producers, etc.) to relay and reveal pertinent information (Lee, 1988). Even when information or reports are unsavory, if effective enough, sensational enough, and provocative enough, the story that sells is the story that is delivered. Thus, in this way the media played a pivotal role in the development of the campaign to fight the war on drugs. News stations fighting for ratings—at the cost of minorities—found it necessary to construct news that showed certain individuals, specifically minorities, as deviants who had to be purged from society. Politicians seeking a voice utilized the power of the media to ride the drug rage, and in so doing often failed their constituents. The new drug war brought out the desires of conservatives who sought and quickly exclaimed that the crack crisis was not only dangerous, but promoted a “dangerous class” (Reinarman & Levine, 1990) that needed to be removed from society. As a result, Ronald Reagan's stand on drugs only further served to undermine the social and economic problems that minorities faced.

Frequent exposure to stories of deviant behavior by minorities, especially drug related ones, immediately conjures up memories that may often be untrue. With that in mind, researchers Nelson, Clawson, and Oxley (1997) determined that frequent exposure

to certain stories is often brought about by how the media relates these particular stories. So despite the impact of media portrayal of certain minorities, there is little factored in about perception especially when money is involved. The problem is connected to the fact that a majority of crimes occur in areas that are predominantly minority and economically challenged, so people are to a great extent not exposed to anyone else in the news except minorities (Walker, Sphon, & DeLeon, 2004, p. 37).

The literature remains consistent as the most cogent evidence shows, minorities are more likely than Whites to be convicted of crimes. According to Tonry and Melewski (2008):

gross racial disparities in imprisonment and entanglement in the criminal justice system result partly from racial differences in offending, but preponderantly from adoption and continuation of drug and crime control policies that affect black Americans much more severely than whites. Much of the harm being done to disadvantaged black Americans and their loved ones in the name of crime control was, and is, avoidable. (p. 3).

The media also has an important influence on the formation of children's beliefs. While analyzing media, especially programs geared specifically towards children, Robinson, Callister, Magoffin, and Moore (2007) found that the media not only determines but reinforces the beliefs which children hold of themselves or of others. In particular images that are dominant during television or movies have a definite impact on racial attitudes, more so than the number of minorities shown on the screen (Greenberg, 1988). Berg (1990) reaffirmed this finding noting that the images portrayed on television form the mental beliefs that individuals use to validate the stereotypes they hold of

minorities, giving the majority populations justification for the way they treat minorities. So in order to reduce negative stereotypes projected from the media, people must be reminded of their similarities especially as related to their beliefs and values (Vrij, van Schie, & Cherryman, 1996). Another counter measure to the problem of negative stereotypes suggests that the media must also be willing to share more positive minority portrayals on the screen and must encourage groups to see minorities differently. In addition, in-depth research as to the impact of attitudes of Whites towards minorities could help to prevent further denigration of the value of minorities.

### **Coping**

Understanding how minorities cope with extensive media coverage of alleged criminal activities will also help to encourage funding of organizations that aid minorities attempting to obtain funds for counseling, especially for families and children dealing with incarceration. In order to give equal footing through liberty and justice, counseling is often necessary to deal with the feelings of abandonment by society and by the system. More research into the aforementioned issues will undoubtedly put voices as well as faces to the people behind the media betrayal, and will hopefully lead to less apathy towards the plight of minorities dealing with incarcerated family members.

### **Extended Family Structure**

Census data on the composition of African-American households often overlook the functional and adaptive importance of the extended family structure and supportive kin networks. This is especially true of households headed by single mothers. Even when single mothers and their children do not reside with other kin, the money, time, childcare, and emotional support that family members lend substantially enriches single-parent

households. Exchanges across households also mean that membership in a given household may fluctuate as children and adult kin move for a time from one household to another. Although single mothers and children live in close proximity to extended family members, frequent phone calls and face-to-face contact reinforce connections that often involve exchanges of social and material resources across households which are needed to meet the demands of daily living.

Consequently, a majority of African-American family structures are more accurately depicted as extended family units rather than single adult nuclear family units. Snapshots of households from survey studies reveal more than seventy different family structures based on the number of generations and the relationships of people living in a single house (Barbin & Soler, 1993). This compares to about forty structures for Whites and certainly underscores the variability of the African-American family structure and the flexible roles family members typically engender (Barbarin & Soler, 1993).

### **Case Studies on Minority Incarceration**

As far back as the 1960s, Alfred Blumstein (1982) conducted a study to explore racial disproportionality in the United States' prison populations; he found a disparaging number of incarcerated Blacks compared to Whites which was cause for great concern. Scholars such as Garland et al., (2008), Hawkins (1995), Petite and Western (2004), as well as researchers for The Sentencing Project revisited Blumstein's method in order to address the issues concerning the over-representation of minorities within the criminal justices system. The additional research compared Blumstein's theory as to whether discriminatory practices or actual criminal activities played a role in the increased presence of incarcerated minorities. These additional studies were conducted to further

research on minority racial disparity within the criminal justice system, specifically reviewing and addressing whether there is any concrete evidence in Blumstein's theory that minorities face more difficulties within the system, despite the same crimes being committed by Whites that eventually leads to racial disproportionality in incarceration. Furthermore, these studies were also conducted to review how minority incarceration has impacted family members and those communities where the incarcerated individual was once a member. These case studies have significantly guided my study in an effort to determine minority incarceration and its impact on communities, children, and families. Most studies on incarceration also looked at minority educational, socio-economic, and other levels that tend to impact those communities.

According to Akpadock, (1996), increased minority incarceration stems from under-education and the increasing desire of the bourgeois to contain the growth of the minority population, probably Blacks in particular. In addition, Balkaran (1999) stated that the increase in minority incarceration not only came from the negative economic conditions in general, but also from shifts in employment demands as a result of technological advancements and the decline of the global economy. The inability for minorities to adjust with the rapid pace of innovation has left some handicapped. The sudden closing of factories is partially to blame for the rise of underground criminal activities. With the erosion of the community brought about by unemployment, some communities were forced to make decisions that would help instead of hinder their progress (Akpadock, 1996). As businesses closed, especially the auto industry plant closings, many minority groups sought immediate stimuli through crime as a means to offset the loss of wages which, however, was only seen as a short-term fix and did not

adequately promote wealth for the middle and lower class. For example, Massey and Denton (1993) in their explanation of race and social stratification found that:

Whether whites care to admit it or not, they have a selfish interest in maintaining the categorical mechanisms that perpetuate racial stratification. As a result, when pushed by the federal government to end overt discriminatory practices, they are likely to innovate new and more subtle ways to maintain their privileged position in society. If one discriminatory mechanism proves impossible to sustain, whites have an incentive to develop alternatives that may be associated only indirectly with race and are therefore not in obvious violation of civil rights law. The specific mechanisms by which racial stratification occur can thus be expected to evolve over time. (p. 54)

Whereas 2000-2005 saw a sudden growth in the economy, the crimes perpetrated prior to this time period were not easily forgotten. Communities vying for safety and security demanded and received more radical policies aimed at disposing of the pariahs of society through increased incarceration (American Civil Liberties Union [ACLU], 2011). The privatization of the prison systems, especially in Florida, also served to prove that law-makers were conscientious of the needs of the citizens and would take drastic means to ensure their safety. At the same time, privatization resulted in a substantial increase in the building of penitentiaries (ACLU, 2011). One argument that seemed to follow was that with increased incarceration, there would be a decrease in crime which, in turn, meant a safer, more attractive neighborhood where businesses and families could prosper. By decreasing crime rates and increasing safety, the communities sought to show investors that their investment in certain communities would be enough to sustain the



economy (Freeman, 1996), providing stability through accountability and increased revenue. Frequently, lawmakers increased the amount of prisons as a way of providing community security (Ziedenberg & Schiraldi, 2002).

This is evidenced by the prison population increase from 500,000 to over 2.5 million prisoners in the 1980s alone (Justice Policy Institute, 2000), but with the increase in the number of prisons/buildings there came a substantial increase in demand for resources to run the prison. So instead of monies being allocated to education or other programs for deterrence, a large amount of system-wide budgets were allocated to increasing prison staff and facility maintenance. Opponents of building new prisons claimed that this was highly egregious as lawmakers should, in all matters, attempt to retool their goals and seek to rehabilitate the prison population. They favored spending more on retraining and rebuilding inmates' psyche, consequently decreasing not only the crime rates, but also rebuilding families affected by absentee parents (ACLU, 2011).

Researchers found that the monies spent on retraining citizens were far less than that invested in constructing edifices supposedly geared towards rebuilding citizens (ACLU, 2011). States utilized fear as the driving force behind increasing spending for more penitentiaries. This quick fix only proved to be cyclical, since the absence of human capital development proved more economically detrimental to society (Ziedenberg & Schiraldi, 2002). What seems and remains more troublesome than the increase in misapplied spending is the wanton disregard for the very individuals who could be saved by increased spending. The monies spent to maintain prisoners took precedence with a 4.3% budgetary consumption that is a notable 104% spending increase, while the impact was felt by the sharp decline in the amount allocated to higher education (Ziedenberg &

Schiraldi, 2002). Where prison spending saw a 166% increase between 1985 and 2000, higher education was given 24% to spend on those that could have been properly trained in order to prevent them from entering the prison system in the first place (Ziedenberg & Schiraldi, 2002).

Florida, for instance, has battled the issue of decreased spending for education, and still continues to do so. By comparing funding for higher education versus spending for the prison system, and by using the statistics from the United States Census Bureau, Florida allocates more on prisons than it does on educating and training students. The U.S. Census Bureau (2008) reported that Florida ranks 41st among the 50 states in educational spending per student. In addition, Florida spends approximately \$10,098 annually and ranks 50th as it relates to the amount of money allocated to schools per \$1,000 of personal income which totals \$35.89 (2008). Further, the study stated that as of 2009-2010, it costs \$15,498 to house an adult male in the prison system (FDC, 2013). There are roughly 141 prisons in Florida along with 61 major prison systems and 41 work release systems. However, with the high costs of incarcerating an individual, something appears to be lacking since the recidivism rate is about 33%. This meant that of every three inmates released from the Florida state system, one is guaranteed to be a returning resident within three years of that release (Florida Department of Corrections [FDC], 2013).

Hispanics and other immigrants have always been considered a threat to the American way of life as this population competed for jobs and other socio-economic resources. Delgado (1995) stated that in an effort to control minorities the majority started the war against drugs specifically aimed at moral and social control which is

truly race related. Because of the folkways that are often associated with minorities, Musto (1973) observed that the drug problem was always “identified with foreign groups and internal minorities who were already actively feared, and the objects of elaborate and massive social and legal constraints” (p. 122). As stated previously, and confirmed by the Pennsylvania Crime Commission (1991) and The Sentencing Project (2008), Blacks are often identified as the source of crack cocaine distribution and use while Hispanics and Latinos are identified as drug smugglers or traffickers.

In 1967 Blalock developed what was coined a “threat hypothesis” which looked at the increase in Hispanic numbers over a small period of time, and how this increase in Hispanic population created not only socio-economic conflict, but also created a desire within the majority to maintain social order. Others researchers noted that while the majority may overlook any threats from a small minority group, they are not so favorable when a group rapidly increases in number and then is deemed a social, political, and economic threat (Liska & Yu, 1992, p. 55). The rapid growth of the Hispanic community threatens the larger majority in that the majority is now becoming the minority so their persuasion, power, and socio-economic status seem to be faltering. For that reason, more and more of the current white majority are taking drastic steps in an effort to control the minority group who represent competition and conflict.

### **Theoretical Frameworks**

By looking at a number of theoretical frameworks such as critical race theory, conflict theory, moral panic theory, pyrrhic defeat theory, social action theory, Putnam’s social capital theory, social construction theory, social determination theory, and educational cultural imperialism theory, I hope that these theories can help in

understanding and explaining how minority communities are impacted by incarceration policies which were developed in response to the war on drugs, and how restorative justice could aid in eliminating the obvious disparity in sentencing developed by minority drug-related incarceration for non-violent minority offenders. These policies not only impact the individuals who are incarcerated but also the relationships between the children, families, and communities connected to the incarcerated individuals. The breakdown of the minority community, the children, and families are addressed in these theories linking the broader spectrum of governmental control to racial division, and fragmented minority relationships that contribute to a cycle of self-defeating behaviors continuing a cycle of generational incarceration. To that end, this section of analysis will review key theories that are addressed in an attempt to understand the war on drugs as it relates to race and disparity in the criminal justice systems system of sentencing on minorities. I address the origins, explanation, proponents, application, and limitations of each theory to further enhance the findings as related to this study.

### **Critical Race Theory**

Critical race theory (CRT) was founded in the late 1970s to early 1980s within the legal field by Derrick Bell and other theorists who felt that the civil rights approach alone could no longer relate to race relations in America. Race is undeniably a dominant factor within American society and as such, there can be no distinct “perch outside the social dynamics of racial power from which to merely observe and analyze” (Crenshaw, Gotanda, Peller, & Thomas, 1995, p. xiii). According to Delgado and Stefancic (2001), this theory is the thread that challenges claims of objectivity as well as racial blindness of federal and state laws. This theory bases its foundations on the precepts that allege

neutrality within the laws specifically forms the conditions that perpetuate racism by blatantly and egregiously ignoring those very structural and organizational inequalities governing social and communal institutions. Drawing from various disciplines up to and including history, economics, political science, and feminism, CRT seeks to not only deconstruct, but also to analyze methods aimed at formulating more progressive and constructive racial relationships in both the political and social sphere.

Most of these legal professionals found it problematic that laws were archaic and devoid of the much needed tools to promote racial equality. The theory's founders feared that the Constitution itself was unable to preserve the freedom of Blacks because of its capitalist foundation which, according to them, only served the majority at the expense of the minority (Delgado, 1995). Based on this theory the war on drugs would be viewed as the tool creating system wide policies aimed at preventing the redistribution of change. The prevention of change meant that this was another governmental legalized method for preventing equality through oppressing, ostracizing, and demonizing minorities. According to critical race theorists, in order to create a more equal world, constant criticism of the legal system, particularly the Constitution, had to remain at the forefront to preserve civil unity (Bell, 1992; Crenshaw, et al., 1995; Delgado & Stefancic, 2000, 2001).

Furthermore, Delgado and Stefancic stated that "virtually all of Critical Race thought is marked by deep discontent with liberalism, a system of civil rights litigation and activism, faith in the legal system, and hope for progress" (2000, p. 1; see also Bell, 1976). According to some social conflict theorists, as far as CRT is concerned and its

applicability to the school of conflict and social thought, CRT seeks to address the tenets of race and racism from different interdisciplinary approaches.

**CRT explanation, proponents, and application.** According to the critical race theorists, racism is prevalent within American society and practiced within American culture at such a level that it is often times the foundation by which many governmental, educational, and legal decisions are made. According to CRT theorists, governmental success in minority communities is achieved when government is able to marginalize people of color. Those more privileged are able to determine the organizational structure of governmental, judicial, and educational systems in an effort to continue the reign of Whites while containing those of other race, color, or ethnicity (Austin, 1995). The CRT theory examines liberalism and meritocracy by challenging the notion that if people of color work hard they are able to achieve the American dream of power and wealth which, in turn, guarantees privilege (Brown, 1995). Those practicing critical race theory often claim that it truly does not matter how hard certain people work—because of the systematic inequalities existing in the American culture, it is extremely difficult to overcome institutionalized racism. These are the basic tenets upon which the American judicial system operates (Hunt, 1995). These theorists are committed to social justice with the goal of eliminating any type of repression or oppression that has racial undertones (Franklin & Moss, 2000).

Because the theory relates to conflict resolution and studies minority families and communities dealing with incarceration's impact, CRT addresses the limits of race and disempowerment. Ladson-Billings and Tate (1998) stated that “stories of African Americans are muted and erased when they challenge dominant culture authority and

power” (p. 18). By addressing multidimensionality as it relates to minority oppression, as well as social and educational repression that ultimately impacts minority children dealing with separation through incarceration, CRT admits that there are complexities within the framework of society. Because of these complexities there is the need to examine how race, culture, national origin, and other factors play into oppressions of minorities, often impacting how the law challenges various truths in order to marginalize those less privileged (Delgado, 1994).

Derrick Bell and Alan Freeman found that there were limitations in social reform in the United States, especially as it impacted minorities, and determined that the steps taken in an effort to combat or eliminate racism had crawled instead of moved ahead at a quicker pace. Note that prior to CRT there was another theory, Critical Legal Studies, which was a leftist movement enacted to challenge traditional legal work during the 1970s. In 1989, because of the turn-around of the movement and with the creation of CRT, Richard Delgado, a prolific legal scholar and race critic, broke off from Critical Legal Studies into what is now known as the CRT movement. In addition, other proponents of CRT found themselves dealing with conflict because of who they were and what they fought against, making the drive to gain equality of treatment a vital step within other organizations. The CRT movement birthed other movements geared towards tolerance and fairness within communities. For example, the Latina/o Critical Theory and feisty queer-crit interest group are examples of sub-disciplines within critical race theory. The movements of these groups are concerned not only with social injustices, but also injustices faced by minorities within the legal system (Delgado, 1994).

In order to get a clear understanding of how CRT views disparity in minority sentencing and the disproportionality of minority incarceration, scholars embracing CRT have found that actual criminal activities are usually blamed on one group instead of being credited to all involved. One group in particular—minorities—is portrayed as the only ones who commit certain crimes which leads to “moral panic.” Moral panic is a concept that describes how the majority comes to believe false and misleading, negative statements concerning minorities and certain ethnicities. If one group of people is led to believe that another particular group is a certain way, no matter the actions of that group, they are labeled and believed to be that way. In actuality, it must be noted that CRT scholars have determined that when it comes to crime and criminal activities, reports reveal that white men are credited with committing more violent crimes than minorities (DiIulio, 1996). However, conflicts arise over sentencing, suggesting that the punishment received by minorities is often racially motivated by the ways that federal laws, specifically laws involving crack cocaine or powder cocaine, often applies stiffer sentences to minority men than for white men. Brownstein (1995) stated that of the 15,000 black prisoners serving time because of federal crack cases only a fraction of them were actually crack related sentences. He concluded that 3,100 minority men were found guilty of trafficking in 1993. Yet, there is another aspect to this. As DiIulio points out, “most drug offenders have long criminal histories. Indeed, in the year prior to incarceration, most prisoners commit at least a dozen serious crimes, excluding all drug crimes” (1996, p. 5). With the seemingly considerable amount of minority men within the penal system, it would appear that there is a war on minority men. Cornel West (1993) calls this method of minority incarceration the “nihilistic threat to... [the] very existence”



of the black community, the “monumental eclipse of hope, the unprecedented collapse of meaning, the incredible disregard for human (especially black) life and property” (p. 12).

In another finding Wilbanks (1990) found that statistics have shown that Blacks are 50 times more likely than Whites to commit violent crimes against Whites than the other way around. The psychological impact on black citizens can be powerful. For example, in November of 1993 Reverend Jesse Jackson addressed the issues of violent crimes as it relates to blacks or minorities stating that “there is nothing more painful for me at this stage of my life than to walk down the street and hear footsteps and start to think about robbery and then look around and see it's somebody White and feel relieved. How humiliating” (as cited in Cashill, 2013, para. 9). Among scholars of the CRT camp, Jackson’s statement suggests that some blacks actually embrace and believe the teachings of the school of moral panic theory since society has patterned certain beliefs about minority groups so that even if they are not guilty of a crime, they are “guilty” simply because they belong to the group. These are the very social constructs that CRT proponents fight against, indicating that CRT adherents must remain concerned about the balance of power within the justice system as there continues to be a wide gap in sentencing and race relations. This gap further drives the conflict concerning how offenders are viewed which, in turn, may eliminate their chances of fair and just trials.

Further, while commenting on America’s racial problems in 1995 President Clinton stated that it was important for Blacks to understand why Whites fear them in this country. Clinton also stated that because of the prevalence of violence, especially in urban communities, people who view the news every night or who experience the violence themselves often experience these crimes as being perpetrated by black

individuals which would signal a downward spiral within minority communities. He stated that “this issue of race is not about government or political leaders, it is about what is in the hearts and minds and life of the American people” (Clinton, 1995, para. 38).

Clinton also recognized that the economic, social, and legal standings of Blacks and other minorities are far below the levels of the majority and should be rectified (Clinton, 1995) which is something that CRT scholars highly favor. West would probably respond to this statement by stating that:

the liberal/conservative discussion conceals the most basic issue now facing Black America: the nihilistic threat to its very existence. This threat is not simply a matter of relative economic deprivation and political powerlessness -- though economic well-being and political clout are requisites for meaningful Black progress. It is primarily a question of speaking to the profound sense of psychological depression, personal worthlessness, and social despair so widespread in Black America. (1993, pp. 12-13)

West also viewed the issues eroding minority communities as those necessities that are being controlled by the “economy, government, criminal justice system, education, mass media and culture” (1993, p. xiv). He wrote that “nihilism is to be understood here not as a philosophic doctrine ... it is, far more, the lived experience of coping with a life of horrifying meaningless, hopelessness, and (most important) lovelessness” (1993, p. 14). For the critical race theorists this statement indicates that society has to not only look at the resources or lack thereof, but they must also look at leaders and determine what society is offering or aiming to control in order to silence a certain group for the benefit of another. It is not so much that society remains unaware of the issues of race within it;

rather, it is that society refuses to publicly acknowledge the issues of race and the often festering racial tensions that seemingly only surface when certain hot button issues present themselves, such as the recent Stand Your Ground laws that result in more and more minority males being gunned down by white men claiming that they are protecting themselves from violent offenders.

However, according to Brooks and Newborn (1994), the downward spiral of minority communities started from the legal community and can be seen in the passage of laws that served to create biases where Whites were led to feel superior with Blacks and other minorities feeling inferior. Further, Brooks and Newborn wrote that without a doubt, white racism (the belief in white superiority) was the primary motivation behind the separate-and-unequal policy. These very beliefs are what scholars of CRT fight against choosing to find other measures that would serve to bring about fair and positive change within society (Brooks & Newborn, 1994).

For CRT proponents, the aforementioned issues would be the integrated threats that are weakening minority communities which, in turn, have created the great divide within society. CRT's goal is then focused on finding resources within the legal environment that would perfect a system of fairness, restoring the dignity of minorities, but only those, of course, that are deemed restorable while protecting society from the problems that plague them. Other theorists concerned with the laws that ultimately impact minority communities remain cognizant of the negative value placed on people of color and the impact this creates because of imbedded racial conflict. Cornel West keenly observed that "Black people in the United States differ from all other modern people owing to the unprecedented levels of unregulated and unrestrained violence directed at

them” (2003, p. xiii). Further, he stated that “no other people have been taught systematically to hate themselves—psychic violence—reinforced by the powers of state and civic coercion—physical violence—for the primary purpose of controlling their minds and exploiting their labor for nearly four hundred years” (2003, p. xiii). This would indicate that race relations are problematic because of the unwillingness of most to actually accept the fact that race is a constant within American society. It would seem then, that until people actually admit and deal with these differences, transitioning to an era without racial division is truly unattainable.

The nonviolent activist turned black nationalist, Stokely Carmichael, is credited with being the overseer and author of the “Black Power” movement in America, and credited with coining the term institutional racism, which as he explained stemmed from society’s inability to see past color, thus continuously oppressing and instilling negative situations on minorities (1968). According to Carmichael, until society accepts the fact that race is a powerful issue within society, there is really no hope for people to exist in a world where color is not precedent. Further, if Carmichael was to look at Critical Race Theory his take would probably lie somewhere in the balance of trepidation. He firmly believed that the black man is defined by his color since that is how society first views him and that regardless of his accomplishments, under no condition will his blackness be a non-factor (Carmichael, 1968). It would seem, therefore, that the critical race theorist must move beyond what is presented on paper into the broader issues that hinder minorities within their communities. At no time can such a theorist move outside of the scope of race without addressing all the other factors that determine the effectiveness of change or a lack thereof. When Carmichael took on his concept of “Black Power,” he did

so as a means of changing the minority stance from nonviolence and the civil rights rhetoric towards bringing forth change into what some scholars call a more resistant, somewhat militia sense of style to force change. The critical race theorist, like Carmichael, started out by embracing the beliefs of the civil rights movement, advocating nonviolent methods in order to get the passage of the Voting Rights Act of 1965. However, when it became clear to some that while effective, the civil rights movement, especially as it pertained to legal and educational reform, was crawling at a slow pace and at times standing still, most advocated that change would come if change was forced (Carmichael, 2003). The idea of integration was frowned on by most within the CRT field since this concept was viewed as a measure that served to continuously undermine minorities, especially Blacks. Integration was viewed as troublesome as the terminology connotes the belief that being Black or being minority was a societal disease, one in which the only cure came from Whites being the superior race, and the only way for minorities to be redeemed would be for them to embark on this anti-separatist journey seeking inclusion into the white domain. In order to be accepted, to have a decent house, and to have a good education, minorities could only find these desirables within the white neighborhood. These reinforcements then became the underlying concept that further propelled the racial divide instilling in minority youths during the formidable years that being Black meant being inferior and the only cure is integration (Hornsby, 1991).

The problem that CRTs saw, however, is that while the laws may be on the books, the issue of race continues to plague society thus preventing the concept from being cemented within society. When revisiting the Supreme Court decision in *Brown v. Board of Education*, CRT saw this as a message that things (especially those issues concerning

race) must change (Hornsby, 1991). According to Brooks and Newborn (1994) “signaling the end of three and one-half centuries of de jure and de aequitate racial segregation and discrimination, Brown gave birth to our current civil rights policy: formal equal opportunity (FEO)” (p. 795). This formal equal opportunity required that society treated everyone the same. The measure then remains troublesome for those growing up and taking prominent roles for change. CRTs are, therefore, counting on the youths to ultimately create the change that America so desperately needs. Most youths of today are not so caught up with the separate-but-equal clause as they are caught up with the idea that most are able to see past the color lines. Therefore, if CRTs can continue to embark on change by utilizing this momentum, it is a possibility that at some level, change can take place based on the times and the different rules within society which may somehow reconstruct the beliefs that color develops character.

In examining how restorative justice aligns with CRT, Collins (1998) and Fernandez (2006) opined that this particular theory reveals the true relationship between minority family issues and concerns within American society. Further, because “individuals have potentially conflicting overlapping identities, loyalties, and allegiances” (Few, Stephens, & Rouse-Arnett, 2007 p. 456), the like of which always seems to be generating obstacles often affiliated with racial undertones, minorities often find themselves dealing not only with oppressive laws imposed by societal requirements, but also the inability to rise to certain powerful positions within society that often forces them to deal with conflict on a broader level. CRTs determined that minorities often find themselves dealing with inner-group conflict (Few et al., 2007) which creates a sphere of

unequal political, judicial, and educational positions which leads to continued societal conflict (Delgado & Stefancic, 2001).

To properly tie minority disparity in sentencing with restorative justice and CRT, it must be noted that CRTs find that often, and on a broader spectrum, “minority status presumes a competence for minority writers and theorists to speak about race and the experiences of multiple oppressions without essentializing those experiences” (Collins, 1998, p. 931). Therefore, it is imperative that restorative justice be revisited as a vital method towards creating the tools for engaging the messengers necessary for developing a forum through which minorities can actually have a voice within the criminal justice system (Collins, 1998). Those voices would as a consequence assist in the passage of laws viewing non-violent drug offenders as those that could better benefit from restorative justice and other governmental resources such as rehabilitation, educational skills, mentoring, and additional programs to aid in solving the conflict, instead of penalty through immediate incarceration that only stimulates deprivation in minority cultural, socio-economic, and educational forums which further create and amplify the very conflicts that society are desperately seeks to weed out (Zehr, 2002). Restorative justice then would provide a buffer that, according to Bell who stated that CRT was not designed as a method to “provide a social formula” (Tate, 1997, p. 211), would serve as a tool for weeding out minority oppression.

**Limitations of CRT.** CRT is often criticized for attempting to circumvent the very constitutional tenets upon which America was founded since the movement seems to doubt that there was any possibility of the legal system’s ability to change as the times change. Those scholars who are critical of CRT often leave conflict resolution

practitioners unequipped to deal with racism, racial tension, and aggression especially where it permeates both the domestic and global levels (Pollack, 2004; Razack, 1999; Razack & Jeffery, 2002).

Others claim that CRT often embraces the Marxist belief which blames the Constitution, viewing the document as a period of history which practiced and advocated capitalism. This would, therefore, mean that under no circumstances could the Constitution develop or encourage a system wherein equality could be gained since there was no room for redistribution of wealth. According to critics, the limitations of critical race theory lie within the fact that the theory does not view the Constitution as operating for the good of all people but rather only for the majority. Further, if one was to take a close look at the Fourteenth Amendment which requires equal treatment for all, CRT teaches that this particular amendment would only allow for remedy when it can be proven that discrimination occurred, and was so extreme that only legal recourse could possibly rectify such injustice. The line seems blurred in that the foundation addresses the concept of white supremacy which, therefore, calls for a certain inequality of the white majority. Bell himself, as the founder of CRT, stated that as it relates to the decision of the Supreme Court in *Brown v. Board of Education* the decision was only handed down as a means of pacifying the global community, thus making it seem that white America was capable of changing with the times (1995).

Upon further study of CRT it can be noted that some practitioners experience internal conflict. For example, there are those practitioners who suggest that the plight of minorities is directly related to the actions of Whites and not through any actions or inactions of their own. For that reason critics see CRT as limited because the discipline



seems to attempt to excuse minorities from responsibility for their crimes, instead stating that minority institutionalization is because of the nefarious villains, that of the American governmental and judiciary system, which were set up specifically to serve the interest of the white majority. This system strives to maintain a certain level of disservice that would ensure that minorities remain institutionalized within their own community and by their own actions. In other words, for their own protection there was no other choice but to further institutionalize them educationally, socially, and judicially.

Still other critics of CRT state that the discipline significantly focuses on anti-black conspiracies to the point of its own failings. Austin (1995) stated that “we live in conspiratorial times. Almost everyone has a favorite conspiracy theory or two” (p. 1042). In fact, many of the great black leaders such as Marion Barry, Clarence Thomas, Malcolm X, and O. J. Simpson, because of their failure to conform to certain behaviors, were subjects of the whims and desires of the white majority (Austin, 1995). They either failed the minority community, or were so militia-minded that they were caught up in the anti-black conspiracy theory designed specifically to eradicate or eliminate these subjects by any means necessary. Austin also lamented that the theory was so broad and widespread that it left society with the belief that the white majority intended to eliminate blacks by planting diseases that would “white-out” the majority of the population. Even the AIDS virus was thought to have been “specifically developed to ravage African peoples or resulted from uncontrolled biological experiments conducted by the U. S. Government” (Austin, 1995, p. 1043). She admits, however, that “anti-black conspiracy theories are not uniformly accepted by black people, not the least because the theories often rest on the slenderest of factual foundations” (p. 1043). With the revitalization of

certain theories that draw on the concept of anti-blacks or anti-minorities, it is not surprising that Graumann and Muscovici (1987) found that conspiracy theories often create a perceived enemy that provides the needed justification or gives an excuse for actions or beliefs. Minorities as a whole tend to be inherently distrustful of the government or of those claiming to conduct medical research. Most remember the Public Health Service Tuskegee Syphilis Study where black men were prevented from receiving medication in an attempt to determine the impact the disease would have (Jones, 1993).

Other critics have stated that CRT was founded with such bias that the founders themselves lost the concept of equality within which they claimed to operate. The arguments were so inflexible that the discipline was not seen as credible because the founders stated that Whites were unable to represent minorities in race relations issues, but they failed to realize that there were actual Whites that did march with Dr. Martin Luther King, Jr., and fought for justice when it seemed unreachable during the Civil Rights Movement (Hayman, 1995). However, others state that it is imperative that scholars, especially as it relates to CRT and conflict resolution, look at the issues of crime and how those crimes, the ones committing the crime, and the victims are impacted by criminal activities.

### **Conflict Theory**

The school of conflict resolution acknowledges that Karl Marx was the founder of conflict theory. This theory states that those in power often make decisions governing society while implementing policies and rules of law for their own benefit. Since the need for power is the driving force behind social structure, the power gained from said policies often determined class stratification (Akard, 1992). Therefore, for the existence of a drug

war, there has to be an enemy, since one simply cannot fight a winnable war against oneself. The majority of white Americans have long held sentiments against minorities and other ethnicities, seeing them as the actors in anything corrupt and dysfunctional. The drug rhetoric was skillfully designed to embrace the majority view that minorities must be feared because of their illicit behavior that often carried with it drug abuse and sexual violence (Ellwood & Jencks, 2004).

Since the vast majority of society is complex with complex people living within sub-cultures, existing in cultures, there will always be conflict. Society is a complex arena with fickle and often emotional individuals. There are numerous systems often implemented which most find suppresses and often eradicates equality. People are often fighting for change, and sometimes those changes are characterized through complex and violent means in an effort to bring about social change. Race relations are often trying, fragile, and complex with the minority often striving to get on the same level as the majority. The majority, in turn, often through complex maneuvers and precision when implementing rules and regulations, utilize structures and policies geared towards maintaining a system of power in their favor. Because of the culture in America where race was never truly dealt with, Americans in general are missing an opportunity like none other. We are blessed with a president that is bi-racial. Instead of this being a platform for change, the only fight seems to stem from the fact that he, the president, identifies as black. What seems lost in the equation is that his mother was a woman of Caucasian descent. Conflict theory admits that because of the intricate and often problematic issues within society, people in general, often fail to embrace those standards or the concept is not readily available to them. For instance, those issues that can and

should generate changes are often lost on the fact that a minority might have been the individual to think about those changes. Conflict theory is not only found within the political forum, but it is evident in sports where society often does a “double-take” about white males who are prominent in fields such as basketball as that is considered out of the norm. For those who were not born into or did not experience the prestige that goes along with wealth, relating to the limitations often felt by the lack of power that might create a cusp, thus, preventing them from achieving success, is a far more familiar experience. Conflict theory does not say that success is impossible; what it says is that society limits the chance of success based on one’s zip code. Marx often questions the ability for people to remain poor in a society or culture that boasts to the world that it is the wealthiest in the world. American society prides itself on being free, with liberty and justice for all, yet there are those who would state that such complexities often prevent equality based on their abilities, and rather bases “equality” according to the color of their skin.

Social class determines and shapes how individuals function in society. Further, Brown (1998) clarified that that the higher up on the rung one lives in society, the more opportunity an individual is afforded, which means the chance of success is easier to come by. Therefore, if conflict is experienced, the more and better the available resources means the easier it is to get rid of the conflict. For those individuals being arrested for drug related incidences, if they are able to afford and secure a good attorney to represent them, their chances of being released back into society is significantly higher than the individual that is represented by a public defender. Therefore, not only does conflict theory admit that the way society works leans more towards the exploitation of the minority at the expense of the elite minority, but that society exists on the platform of

class inequality. Further, conflict theory states that social order is maintained by the ability of the elitists to use coercion and other types of power in order to maintain social order. Conflict theory then dictates that those in society exist within groups that are constantly struggling for resources both on the economic and social front. Those that hold political, economic and other valuable resources are therefore, able to maintain the power within society because of their hold on those resources. Those that have the power often unify in an effort to keep the power; this, according to Marx, forms commonality because the elites, in an effort to secure a common interest, will work together for the protection of that particular interest. For that reason, minorities who tend to fall into the struggling class are bound by the expression of power held and controlled by the powerful. (Ellwood & Jencks, 2004). Conflict theory then recognizes that inequality remains not because it exists within an unchangeable system, but because those in power hold a disproportionate share of those much needed resources which, if shared equally, would provide some relief for the masses. What remains clear, according to the conflict theorists is that the powerful actively utilize a system of coercion that brings about and continues to feed social control moving away more and more from conformity. Groups do not exist for the benefit of common people, but for the advancement of their joint interests which continues the cycle of power, fight for power, and the battles that exist within this fight. Conflict theory acknowledges the theme that age, race, and gender are imperative to the power struggle within society, because these factors account for the ability for the powerful to implement rules, values, and beliefs that fit into their plans, making it is easier to maintain the separation that determines who holds what within society.

A politician's tough stance on drugs shows concern and determination to resolve the issues surrounding problems that are detrimental to the wellbeing of Americans. By assuaging the citizens' fear of violence through the development of drug policies, those enacted policies afforded the federal government an opportunity to present a front that embraced an implacable dedication to the proposition that anyone standing in the way against the policies on the drug war would be quickly eliminated. Therefore, instead of looking at restorative justice as a means for resolving a lot of the minority issues surrounding drug-related offenses, most policymakers stressed the need for stiffer drug sentencing instead of programs that would possibly eliminate and retrain non-violent minority drug offenders that would, in turn, positively impact minority communities. In light of this, West (1993) stated that when minorities save themselves, they can leave the world a little better for those coming after.

**Conflict Theory explanation, proponents, application, and limitations.**

Conflict Theory looks at inequality as it relates to the relationship between those that control wealth distribution and those that depend on those resources. It seems that the majority who are controlling those valued resources would do anything to justify their control. They are the ones in power that emphasize social control through the advancement of self-interest by securing social resources. Because of the inequality of those resources the continuum progresses through power struggles and racial or social inequality. According to scholars of conflict theory more and more attention is relegated to gender, class, and race as these drivers propel the never-ending struggles that exist within society.

Conflict Theory's main focus lies within the negativity that is often found within society and social relationships. The conflict theorists call for social revolution if it means that there would be some type of social change. In other words, the bourgeois are those in power forcing social order on the less powerful by enacting laws, status quo, and other social reforms that benefit them at the expense of the weak. The tumultuous social order of the 1960s created a turn for conflict theory which tied into Marx's belief that economics played a greater role within society as it related to conflict. According to conflict theorists, any group that has more power controls and fiercely protects their interests at the expense of those depending on those tightly guarded resources.

Unfortunately, America's history boasts a "peculiar institution"—a legacy of slavery that carries within it the baggage of racism felt not only by the slave but the slave master (Berry & Blassingame, 1982; Franklin & Moss, 2000; Quarles, 1996). Because of the impact of this "peculiar institution," certain policies, practices, and ideologies have undoubtedly affected the American culture, as well as its governmental, educational, and judicial institutions, and in turn have impacted race relations which bring not-so-uncommon conflict to the average individual. Lawrence (1987) observed that racism is neither unintentional nor intentional on any level, but can be credited to race and racial influences. The conflict theorists recognize that racism may indeed be founded within certain statues and laws which in turn, while obvious, must bring about changes that empower society, encourage behavioral patterns and changes, and manifest through practices aimed at remedying social change (Hernández, 1990).

Critics of conflict theory would go so far as to state that the limitations are found in the fact that the theory itself is connected with socialism and statism (Williams, 2006).

Conflict theory acknowledges that there is inherent goodness in all of humanity with occasional flaws created by those societal elements such as class rule that in and of itself may be a major cause in differentiating and creating factions leading to dissention. Therefore, once the dominant class is removed, noticeable changes in behaviors will occur as the masses will freely cooperate. Conflict theory considers any humanitarian efforts as methods of mass control wherein the wealthy aim to preserve their status while maintaining social order for their beneficial purposes (Andersen & Taylor, 2009).

### **Moral Panic Theory**

Stanley Cohen first developed the theory of Moral Panic in 1972. He looked at the media as a foundation for determining what society was exposed to which, therefore, led to how certain cultures, groups, or ethnicities were perceived by the general public. According to Cohen, “societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or group of persons emerges to become defined as a threat to societal values and interest” (2004, p. 1). This would mean that the media is capable of promoting fear in such a way that the majority feels that there is a need for politicians to maintain social order by demonizing certain groups.

#### **Moral Panic Theory explanation, proponents, application, and limitations.**

Society seeks and always desires to maintain order, and anything incongruous to those perceived notions is deemed incompatible and conflicting. Further, Cohen stated that when someone or something is different than expected, that threat is “presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people” (2004, p. 1). Therefore, anything that “upsets the apple cart” is deemed an impetuous temperament to the war on



drugs. Moral panic theory shows how those fearing for social order may ostracize or attempt to eradicate those whom they feel are a threat to familiar social constructs.

As it relates to Moral Panic, Marxism views the media as a bourgeois ideology of the wealthy in society whose main goal and aim is to act in the interest of those hoping to maintain control of the weak and poor in society. This view would seem to prove that any forum entertaining restorative justice which would provide minorities with some form of community control would be an unwelcomed concept. Restorative justice would, indeed, provide an element of self-sustenance that would create a balance within minority communities (Zehr, 2002). The use of restorative justice would empower instead of weaken those non-violent offenders dealing with drug-related charges. If the idea of restorative justice was pushed by the media, chances are this theory would not be as welcoming as the idea behind stiffer sentences for drug-related offenders. Since the media is used to promote hegemony alluding to the fact that society promotes the same values, interest, and norms, then there must be a standard of democracy and freedom which should and can be enjoyed by all. The concept, therefore, would mean that, while the bourgeois control a certain amount of the valued resources, the elite are in total control of what occurs and when. Hall and colleagues (1980) wrote that concerns about muggers was so widely reported in the media that a moral panic was created spurring the elite to continue strengthening their methods of policing and controlling society. According to Hall et al. (1980) moral panics are developed through the media by the bourgeois as a means of maintaining control through fear. The proletariat, by viewing these crimes on television would call for more police without realizing that more police simply meant more social control by the elite (Hall et al., 1980). Critics such as Berger

(1982) state that as it relates to Marxism, the school of moral panic is another flawed concept that embraces another ideology further preventing subjectivity. Marxism embraces a class that eschews involvement in traditional as well as social policies as a method for avoiding moral or practical theories.

### **Pyrrhic Defeat Theory**

Pyrrhic defeat theory is utilized as a means of explaining how the failure of the war on drugs actually benefits those holding the power. Reiman can be credited for the concept of Pyrrhic Defeat Theory. He borrowed concepts from other theorists such as Emile Durkheim, Kai Erickson, Karl Marx, and Richard Quinney. Reiman (1998) determined that there were inadequacies within the criminal justice system. He further argued that the criminal justice system ignores white collar crimes while paying attention to crimes that ultimately impact minorities. Certain crimes that ultimately impact minority communities are usually drug related.

#### **Pyrrhic Defeat Theory explanation, proponents, application, and limitations.**

By fighting only certain crimes, the criminal justice system functions to keep crime from getting out of hand (Reiman, 1998). Reiman also stated that the power of the criminal justice system rests in the fact that it is able to keep crime in the forefront of citizens' minds so that there remains a need for control. Furthermore, crime is a necessary function of society that is never reduced and can never be eliminated thus allowing those within the criminal justice system a great amount of power by reinforcing the belief that the poor are to be blamed for most crimes (Reiman, 1998). According to Reiman, the criminal justice system promotes an image that is favorable to the powerful in society 1) by refusing to remove poverty which, according to the equation, is the central force behind

criminal activities and which continues to promote crime in society; 2) by failing to label criminal activities committed by the upper class as dangerous, the criminal justice system fails since it refuses to vigorously enforce laws against the bourgeois; and 3) by promoting an image that criminal activities are committed only by the poor at the expense of the elite (Reiman, 1988, pp. 8-9).

While there is not enough policing on crimes, there is just enough to keep the fact that crime exists at the forefront of people's mind. Reiman also argued that the criminal justice system is designed to fail. He stated that crime is fought only to a certain extent, and only to the extent that it benefits the wealthy and powerful. The pyrrhic defeat theorists argued that America, although a democratic and somewhat free nation, is still the only nation that practices and enacts the death penalty. With its vast amount of wealth, it is shameful that in America the crime rate is at the level it is (Reiman, 1995, pp. 18-19).

Essentially, only a certain amount of crimes are actually fought by those in charge, but crime is never fought to the point where it is reduced or, in fact, eliminated (Reiman, 1995, p. 7). To this end, the criminal justice system actually is beneficial to the influential while giving off the impression that the poor are the ones committing crimes and as such the rich must save society from them. Reiman's pyrrhic theory borrowed from the school of Emile Durkheim who felt that the functionality of crime is essential for society. Karl Marx stated that as it relates to crime in society, public policy serves only one true purpose, and that is to benefit the upper class of society at the expense of the poor and weak. Richard Quinney (1970) and Kai Erikson (1962) stated that the very institutions that were designed to combat crimes actually are the institutions that

encourage crime, ideas that also contributed to Reiman's development of the pyrrhic defeat theory.

There are three main arguments that support Pyrrhic Defeat Theory. They are as follows:

1. If society wanted to eliminate crimes then they would ultimately remove poverty or any elements of poverty that contributed to the creation of crime.
2. The criminal justice system is a failure in and of itself in that to a great extent the wealthy are immune for crimes they commit while the poor are vigorously prosecuted.
3. Because of these failings, the criminal justice system portrays crime as acts committed by the poor while failing to hold the wealthy responsible for actions that are criminal. This perception then leaves society with the false belief that criminal activities are truly and only the creation of the poor. This image, while untrue has been perpetrated for so long that the interests of the bourgeoisie are protected which, in turn, protects the powerful from acts they are indeed guilty of. (Reiman, 1995, pp. 8-9)

America's criminal justice system boasts that they are the biggest fighter of illegal drug distribution, taking an anti-drug stance, but failing to do anything that would really eliminate drugs. The war on drugs exists but is contradictory in that drug companies are paid an exorbitant amount to produce legal drugs, while nothing is truly being done to assist those struggling with drug addiction (Reiman, 1995). If more programs were put in place to assist those with drug problems then the reduction of crime would be inevitable

(Reiman, 1995). As Reiman sees it, the judicial system does not “reflect the reality of crime; it has a hand in creating the reality we see” (1995, p. 55).

Because drug addicts have to find means of supporting their addiction and are often unemployed, they may resort to stealing or other socially immoral actions to support their habits, therefore, resources should be afforded them in order to reduce crimes that are closely aligned with drug use (Reiman, 1995, p. 7). Further, the best defense against crime is education which reduces the stronghold of drug kingpins in inner-city communities. Reiman determined that when asked, most people state that a criminal is young, black, violent, and often from a poor urban community which is the carnival mirror that the legislative body has painted and that which society relates to (1995, p. 55). The elite have managed to bamboozle the American society into believing that criminal threats arise from the bottom rung of the economic ladder, those people—the ones who are poor, lower-class, chaise, and having little economic freedom—are the great threats to the middle and upper crust (Reiman, 1995, p. 61).

He further states that the criminal justice system is so effective in weeding out the elite from the system that when data is derived, the only people occupying a vast area within the penal system are those within the lower class ranks, tired and poor (Reiman 1995, p. 10). Reiman states that if society continues to accept the legislative systems’ idea of what crime is, seeking rather to believe the definition of crime as painted by our political system, people are forced into a cocoon leaving all open to the impact and detriment of actual criminal activities that will inevitable destroy society (Reiman 1995, p. 61).

There are different systems working together that ultimately determine what should or should not be labeled crime (Reiman, 1995, p. 59) which form the foundation of the pyrrhic defeat theory. Reiman hypothesized the following five decision trends: (1) Legislators decision: defining crime as it pertains to criminology does little to reflect the most dangerous or only actions that are considered or deemed antisocial behavior; (2) Police and prosecutor decision: decision to arrest and charge far outweighs those that are actually the most dangerous to society, choosing instead to arrest particular people for particular acts especially when those acts are inevitable and will undoubtedly create the behaviors leading to incarceration, then the justice system is failing if those behaviors cannot be legally or constitutionally defined as criminal acts; (3) Judge and jury decision: convictions are not fairly handed out; (4) Sentencing judges' decision: sentencing crime, not for the actual activity or that of dangerous behavior, but solely because of the criminal is criminal in and of her or himself; (5) All decisions combined especially as it relates to hypotheses 1 to 4: if the decisions are made solely for the protection of the mirror, and not in true justice form, then crime is identified by the person committing it and not by the actual crime committed.

There are other social conflict theorists who are not sold on the concept of the pyrrhic theory and find that there are other underlying issues which are blatantly ignored in order to remove blame from minorities placing it instead at the feet of society. For example, Van Den Haag (1995) opined that the weakness in the pyrrhic theory can be found in the views that Reiman presents to defend the theory (pp. 326-331). According to Van Den Haag, Reiman spends little time focusing on the need for order within society and more time focusing on the crime. In other words, instead of taking the time to

actually address why the death penalty is necessary, instead Reiman's focus is shifted on to the criminal and not the actions that brought the criminal to the seat of justice in the first place. At the same token Reiman states that there are indeed harms to legalizing certain drugs, and that at times his arguments may somehow imply that he is against criminals, especially those on the lower economic scale being sentenced to prison. He states that the pyrrhic theory is concerned about the portrayal of crime; criminal activities; whom the legal system actually portrays as criminals and as committing criminal activities; and who are actually being sentenced for crimes while others, because of their rank in society, are often times excused for their egregious behaviors.

Society has to somehow move beyond pre-conceived notions of who is most likely to commit a crime in order to move forward in changing race relations and other social conflicts that continue to prevent people from working cooperatively in society. Reiman (1998) admits that it is essential and imperative for society to understand that crime is not committed only by the lower class but throughout society, and if the system is to actually remain unbiased then justice must be meted out equally regardless of the individual and how far reaching their pockets are able to take them. Greenberg and Humphries (1982) state that the pyrrhic theory fails because it does not clarify that the economic situations of people do not create the severe jump in crime rate but actually political crises (p. 604). Further, according to Chiricos and Delone (1992), severe economic conditions of countries often show a significant increase in criminal activities especially within certain communities. What is clear is that the pyrrhic defeat theory can be applied within the conflict resolution school of thought since it relates to restorative justice to a certain degree. While restorative justice does not in any way, shape, or form

promote a lack of sentencing, it does promote finding the source and reasons behind why certain acts were committed, and finding alternative methods of dealing with non-violent criminal activities. Further study of pyrrhic theory will serve to expand a greater understanding of the mindset of the American and global community as it impacts and affects the criminal justice system and determine what, if anything, can be done to change the varying ideologies embraced by some at the expense of others.

### **Social Action Theory**

Personal attitudes and behavior are often segue-ways into preventing, initiating, or escalating conflict. How individuals alter or embrace behavior often determines the outcome. Social Action Theory can be credited to its founder Max Weber. Weber held the belief that the dominant forces within society could be credited to bureaucracies employing individuals to carry out social actions which were specifically designed to achieve set goals (Leventhal et al., 1984).

Within this theory is found the structural or macro theory and the interpretive or micro perspectives. The micro theory is viewed as social action perspective and researches the behavior of sub-groups within society. Functionalism which is credited to Durkheim is closely tied to social action theory and is also concerned with how society clicks. The main focus is how those within society relate to each other and how, in turn, those relationships impact society on a bigger level (Leventhal et al., 1984).

According to Max Weber, one way of determining interstices of society is to view social action theory as an integrative framework towards a better understanding of behavior and behavioral patterns (Leventhal, Zimmerman, & Gutman, 1984). Social action theory reflects and reviews social interdependence concerning how people interact



during conflict. Durkheim and Weber found that any action within society is often contained or controlled by governmental or systematic institutions designed to carry out the rational thoughts of those governing. Emphasis is placed on personal behavior and how to modify those habits which often contribute to life altering actions (Leventhal, 1984). Those actions lead to mechanisms requiring change within society. Social action theory embraces social-contextual models while attempting to determine how environmental structures often influence cognitive dissonance which may or may not stymie minority personal empowerment. The message within Social action theory focuses on determining how relationships between minorities and the majority may lack change and understanding that are often found within those needs, creating cognitive dissonance and expanding and miscalculating the gaps that tie the drug war and race into close proximity (Kuhn, 1976; Rappaport, 1987).

**Social Action Theory explanation, proponents, application, and limitations.**

Social action theory explains that individuals are capable of making their own decisions and are, therefore, their own social receptors. Those receptors then determine their motives which, in turn, lead to interpretive actions propelling them to use drugs, break laws, or refrain from those actions, consciously honoring the laws and controlling their behaviors. Using social action theory, therefore, clarifies and provides explanation for those stages of conflict that lead to sentencing structures that incorporate various mechanisms encouraging individual regulation while embracing and implementing identifiable, causal, and environmental mechanisms (Gurevitch, Bennett, Curran, & Woollacott, 1982). These constructs are not only challenging in the war on drugs, but often requires political, social, economic, and individual desired changes.

## **Social Capital and Issues within Communities**

Robert Putnam can be credited with studies relating to politics and how politics impacted communities. Putnam started his discourse by reviewing the relationship between economic modernization and institutional performance. According to his studies conducted in Italy, Putnam realized that there was a strong link between politics and civic existence. This link was coined 'the civic community' and it was determined that in such a community there was what Putnam classified as civic engagement, equality in politics, an existence of trust and compassion, and also a strong connection between people. Putnam realized that in order for communities to be successful, the leader or leaders must accept and realize that there is great value in social networks. Combining all social networks by linking people together, fostering growth, and caring about the welfare of each other not only forms a community built on trust, shared information, individual and community benefits through cooperative alliance and the creation of networks, but also creates value within the community, as well as value for those related to the community in some way. According to Putnam, social capital promotes prosperity. He supports this claim by stating that "systematic inquiry showed that the quality of governance was determined by longstanding traditions of civic engagement (or its absence)" (1995, p. 66). Further, Putnam stated that "networks of civic engagement foster sturdy norms of generalized reciprocity and encourage the emergence of social trust. Such networks facilitate coordination and community, amplify reputations, and thus allow dilemmas of collective action to be resolved" (1995, p. 67).

Putnam realized that benefits are evident when people become more informed about resources and what is happening around them. In order to understand one's

community, one must know what is occurring within the community. Therefore, the need to educate is essential in building relationships, friendships, and securing political reciprocity. According to Putnam (1995) people should not simply elect someone to office, but must learn about these people; further, solidarity is formed when people from different backgrounds, ethnicity, and races—who work together for the common good—are better able to sustain and maintain social networks that serve to protect and benefit society. The concept of social capital is that trust builds relationships, and those built relationships working for the greater good of the network proves that collective action fosters new growth. Social capital is like a spider's web; it is not saying that the web will not suffer damage, but with the inclusion and the network mentality, even though there may be a break in the web, it is not irreparable. Putnam described social capital best when he wrote:

Whereas physical capital refers to physical objects and human capital refers to the properties of individuals, social capital refers to connections among individuals—social networks and the norms of reciprocity and trustworthiness that arise from them. In that sense social capital is closely related to what some have called “civic virtue.” The difference is that “social capital” calls attention to the fact that civic virtue is most powerful when embedded in a sense network of reciprocal social relations. A society of many virtuous but isolated individuals is not necessarily rich in social capital. (ECPR News, 2000, para. 19)

Further, as it relates to democratization, social capital helps to clarify why some regions are more successful politically than others (Putnam, 2000). The idea that social capital is concerned with the relationship between people, and that there is need to cooperate and

work towards the greater good, is directly in line with the school of thought covering restorative justice. Putnam states that society must recognize that there is a need for individual empowerment while empowering the community. This, according to the social capital theory, it is evident when Putnam emphasizes the benefits of social organizations and trusts within society, and clearly shows that when society is concerned about the welfare of all the pieces, then everyone benefits. The goal of restorative justice is to reconnect the networks, re-establish trust, and gear society towards becoming more efficient. That would set the stage where people realize that laws, while effective, must be fair and not simply implemented for the good of the majority holding power while destroying those in its path. Society, as revealed by social capital, is more than a single community; it is the greater community that depends on the way the pebble falls. The ripple effect not only impacts those in its path, but touches those outside who are affected by the waves that are created. In other words, America's political decisions greatly impact the rest of the world. In the most recent presidential elections, the world watched and anxiously waited to see who would be elected President. The feeling was that things would change, and maybe change detrimentally if one candidate was elected over another. The network is then shown in this sense because social capital theory would show that civil society was not only people living in America, but also all nations that depended on America for sustenance in one way or the other. When describing civil society Putnam stated:

The concept of "civil society" has played a central role in the recent global debate about the preconditions for democracy and democratization. In the newer democracies this phrase has properly focused attention on the need to foster a

vibrant civic life in soils traditionally inhospitable to self-government. In the established democracies, ironically, growing numbers of citizens are questioning the effectiveness of their public institutions at the very moment when liberal democracy has swept the battlefield, both ideologically and geopolitically. In America, at least, there is reason to suspect that this democratic disarray may be linked to a broad and continuing erosion of civic engagement that began a quarter-century ago. High on our scholarly agenda should be the question of whether a comparable erosion of social capital may be under way in other advanced democracies, perhaps in different institutional and behavioral guises. High on America's agenda should be the question of how to reverse these adverse trends in social connectedness, thus restoring civic engagement and civic trust. (Putnam, 1995, p. 77)

Social capital stresses the importance of built relationships. Sound and trusting relationships created by civil interactions not only allows for people to build communities, but it also provides a sense of security that creates bonds which people rely upon and depend on to be honest, fair, kind, and cordial, as well as to treat each other morally and ethically. In other words, social capital means that people know where they belong and respect the social fabric of their communities. The 'I' mentality is lost in social capital since the 'we' concept is what it takes to build social networks.

**Social Capital explanation, proponents, application, and limitations.** While many are praising social capital as a phenomenal method towards rebuilding society, other scholars question the concept of social communities. While the idea of networking is sound, there are those that look at the basis of how communities are now set-up and

question the rationality with the concept of social connectedness. Stolle and Hooghe (2005) argued against Putnman's social capital beliefs by stating that

communitarian authors put forward a one-sided description of social trends as a result of their exclusive focus on the disappearance of traditional mechanisms. Meanwhile, the communitarians are said to be neglectful of emerging participation styles and methods that are rapidly replacing the old ones. (p. 159)

What seems to be problematic is that even those that are from affluent communities are showing more signs of breakage. Children are more violent, going so far as to exhibit more signs of hate and terroristic behaviors which, if looked at honestly, can be seen more so within society where people are more affluent. Social science theorists then question the use of social capital as a network system of connectedness in that if those with affluence are struggling with holding onto connectedness, it is clear then that social capital is not a one-size-fits-all concept. Political involvement for instance, especially in economically deprived communities is challenging to maintain. The idea that it does not matter who is elected since they will not do anything to change the existence of those within certain communities is often prominent in certain socio-economical debates in communities that are struggling with under-employment, poverty, and educational systems that are failing. While implementing social capital for the good of the community in some way would help to bring about structure and community empowerment, there will definitely be challenges since groups operate differently based on the resources they have at their disposal. Communities dealing with racial and drug related issues are often caught up with the nuances that these systemic concepts bring about, and might not be as

open to the idea that they may have to allocate much needed resources to implement programs that they may not want, or might even find intrusive.

### **Social Construction Theory**

Social construction is interesting on all levels. This theory can be credited to Berger and Luckmann and subsequently to Burr in 1995. The greater influential force behind social constructionism is credited to the teachings of Mead, Marx, Schutz, and Durkheim (Burr, 2003). This theory is instrumental in clarifying the views of grounded theory. According to social constructionists, knowledge is created, and society in and of itself is both subjective and objective (Schwandt, 2003). Interestingly, according to the social constructionist, one's race, gender, ethnicity, class, and other issues that seem to be problematic within society are meaningless. Society decides how to group, class, or designate meaning to the fabrics of life thereby determining what concepts are acceptable and what are unacceptable. These concepts then are the dividing forces within a group, a community, a relationship, a class, a network, or society on the humanistic level. This theory embraces the concept of understanding the lived experience, since understanding the lived experience shapes the beliefs and meanings of peoples' stories. The concepts of life are often the creation of thoughts by those dealing with the conflicts, socio-economic, ethical, moral, and philosophical concerns of life. People 'know' based on what they experience, and those lived experiences shape their reality. Those realities then shape the way people understand their human world. By trying to make sense of humanity, people then define their own reality (Steedman, 2000). Knowledge, according to the social constructionist is gathered from how society operates, and the nature by which people interact socially. Individual truth is validated when one has certain beliefs which they are

confident enough to accept as their truth (Hamilton, 2002). In other words, minorities who are constantly serving sentences for drug-related charges, while noticing that their white counterparts, committing the same crimes are given probation or not serving time at all, determine that irrespective of what society may hold as their truths, the individual truth far outweighs what is evident since their experience is their known truth (Hammersley, 1992). Therefore, knowledge is constructed based on relationships, experiences, or status, and the constructed knowledge is then significant to human experience and existence within society (Berger and Luckmann, 1991).

It is clear that how knowledge or social information is constructed within society determines how expert knowledge is developed. Such development allows certain groups to have jurisdiction over a particular knowledge. For instance, medical and legal experts became experts because they formulated their own concepts, assuming more control over medical or legal terminology and medical and legal information which, in turn, gave them control over certain situations (Hammersely, 1992).

#### **Social Construction explanation, proponents, application, and limitations.**

Social construction theory explains that individuals construct their own truths based off their individual experiences. Therefore, their truths far outweigh the pre-conceived truths within society. Because of their experiences with either the legal or medical system, people are able to gauge what works for them, and what works against them. They are able to understand that social reality does not always fit into actual reality. Their actual reality is the lived experience. A lived experience is what forms the knowledge that people have. If minorities are always finding themselves on the lower economic scale, and constantly struggling to make ends meet, then their truth is that society does not work



in their favor or for their greater good. Since people construct their truths and therefore, construct their reality based on their exposure and their experiences, using social construction as a tool when sentencing individuals for certain activities, while allowing others facing the same charges to go free, creates division that breaks down those necessary bonds within society.

There are scholars who deem the realist-relativist views of social constructionism as a conformist measure rather than one wherein theory can strive. (Craib, 1997). Other theorists that find social constructionism troubling state that the nihilist argument (Hammersley, 1992) is formulated in a way that turns on itself (Craib, 1997). If social constructionism is indeed a social construct based off the lived experience, then the line between truth is blurred (Burr, 2003). Therefore, the ability to construct information in a way that stretches it beyond what is the norm for certain groups in society permits those in control to hold claim that they are expert within fields that negatively impact some for the benefit of others, and as such, they can enjoy certain status or economic position without much concern for those that are impoverished. For this theory to be beneficial in minority communities, a greater understanding of minority truth within their cultures and sub-cultures has to be developed, respected, and genuinely understood.

### **Social Determination Theory**

Self Determination Theory is credited to Deci and Ryan in 1985 as a theory explaining the motivators that propel humans to create goals or take action. Deci and Ryan (1985) determined that there are two types of motivators that humans deal with; they are intrinsic behaviors that are inherent, or extrinsic motivators that are causation or creators of another behavior. Similarly, Ryan and Stiller (1991) determined that intrinsic

motivators brought about the innate drive that the individual seeks in order to achieve or enjoy something in particular. When comparing extrinsic behavior to that of minority communities dealing with socio-economic challenges, I find that extrinsic behavior can be credited for the reason people behave the way they do. When an individual obeys the law because they do not want to return to jail, the individual is quite aware of the reasons why they conform to the rules of society. Even though they are obeying the law, they are not doing so because it pleases them, but because they realize that to do so will bring them some form of gratification even if they resent the process through which they have to conform. Studies also show that intrinsic motivation is not always for the benefits of rewards, but for some form of enjoyment (White, 1959). It is clear, therefore, that acts committed on the social level are not done for any other reason, but for a form of gratification or a release of pressure. Humans are naturally curious and explorative; the development of social and cognitive skills increases knowledge, and creates a greater understanding of the world around them (Ryan, 1982). Thus, while society generally calls for people to be college graduate, if we are to apply the theory of self-determination in its intended format, it is clear that not everyone has the desire to go to college. For that case, as it relates to the applicability of restorative justice, educators have a duty towards students to teach skills that will benefit them later in life. For instance, the need to teach shop, which teaches skills that can be utilized directly out of high school, would not only serve to foster self-reliance in people, but would also increase the employability of future Americans. In turn, self-determination, especially when an individual is armed with information that can benefit them, not only adds value, but it empowers. Empowerment

increases self-worth, and self-worth motivates people to act in ways that are beneficial to them.

**Social Determination explanation, proponents, application, and limitations.**

Social determination theory explains that individuals have motivators that are both intrinsic and extrinsic in nature. Both intrinsic and extrinsic decisions are made for the benefit of accomplishing something, conforming to the whims of society, or done simply because an individual enjoys a particular thing. These motivators then determine how people behave, which, in turn, lead to actions that end up writing their story either positive or negative. When people are propelled to behave a certain way because something brings them pleasure, they may or may not conform to the requirements of society. For instance, a person that breaks the law simply because they get a rush from the prospect of getting caught or getting away with the act determines by his or her free will to consciously behave a certain way for personal benefits. Social determination theory distinguished between the intrinsic and extrinsic actions of people that either present conflict or incorporates mechanisms that are identified through lived experience which, in turn, determine certain behaviors (Gurevitch et al., 1982). While the war on drugs continues to impact minority communities in the negative, social determination theory also implies that regulators, educators, and media have a certain responsibility to remain consistent in their efforts to encourage change by taking steps towards honoring those changes.

**Educational Cultural Imperialism**

The use of the word cultural imperialism began in the mid-twentieth century and credited to Karl Marx and Herbert Engels. Herbert Schiller was also credited as one of

the founding fathers of the theory. In 1976, Schiller wrote in his book, *Communication and Cultural Domination*, that the media and other organizations were utilized as a means of dominating developing countries. The media was able to subtly force third world countries to embrace cultural imperialism through well placed strategies that forced people to look at their differences. Those differences, in turn, often led to cultural violence. Thus, the way America has managed to influence many countries is directly related to how communications techniques were utilized in developing countries.

**Educational Cultural Imperialism explanation, proponents, application, and limitations.** According to Schiller (1992), through the use of the media, America's influence was so great that it forced young countries to adapt through domination either by force, bribery, or cultural factions by encouraging them to shape their institutions into those that closely promote the values and beliefs of the dominant culture, namely America.

So great is the influence of American media that even the folkways of American beliefs are imbedded in other cultures, thus forcing them to enact and embrace mores about other ethnicities and races even when those common views are invasive and untrue. Boyd-Barrett (2010) stated that media imperialism is seen as "cultural invasion" stemming from the minority country being led by the power of the majority. Similarly, on the local level in America, West (1999) wrote that labeling a community a 'hood' instead of a 'neighborhood' makes a great difference in how people value the basic necessity in society. With the war on drugs, cultural violence is often created. West (1999) spoke about the need for minorities to get a college education stating that receiving an education should teach people the value of non-materialistic things. He states that there is a good in

moving away from the 'bling' and finding the good in other things. West (1999) also wrote that the value of a good education in the hands of minorities go beyond what most can conceptualize. This study attempted to show how universal cultural imperialism has impacted the U.S. creating divisions that have produced more conflicts for those desiring protection from unsavory members of society.

The socio-economic influence propels the need for dominance which often means that those economically challenged must be left to forage among the sewers subjecting themselves and society to those means and methods that are often unsavory. Galtung (1971) stated that "neoclassical economic doctrine" promotes cultural imperialism. This doctrine is based on economic incidences that often create a divide among classes. The selling or use of drugs is seen as a measure that develops its own self-fulfilling prophecies of despair and an imbalance of power. Cultural imperialism is utilized to show how the media play a role in the drug war, often impacting and affecting minority communities because of labeling and other units of measure that embrace cultural invasion.

### **Ground-Breaking Theoretical Considerations**

All of the theories incorporated into this study were used to address the conflicts closely associated with minority incarceration. Not only are the theories vital for understanding drug-related incarceration's impact on minority communities, but they also provide insight into the disproportionality of incarceration's weight on the lives of children and families of those who receive disparaging sentencing because of the new drug related laws. These theories are prominent in studies addressing minority incarceration and the impact on children, families, and communities, and are utilized as a

means of providing a sense of the experience of minorities and the constant struggles that certain barriers create within families dealing with the varying degrees of, post-arrest, incarceration, and ultimately sentencing.

The theoretical frameworks presented within my study call for more intensive theoretical models geared towards a greater understanding of the complexities of socio-economic, educational, developmental, racial, and legal spheres that ultimately determine systemic factors impacting minorities. New and already developed theoretical findings such as social theory and others addressing race relations from the historical perspective can help to reveal minority cultural and world experience, which in turn could create valuable models providing an understanding towards a level of rediscovery that could change the views of leaders. Restorative justice is addressed by Zehr (2002) in *The Little Book of Restorative Justice* which is a great discourse for providing options different from incarceration for non-violent first time offenders. The concept of restorative justice, according to Zehr, is to actually hold the offender accountable while striving to provide the victim with a sense of control. The idea of restorative justice is a much needed social tool as society develops and people continue to live well into their nineties and beyond. Society is becoming more complex, people are more diverse, and what applies at one end of the paradigm's spectrum often no longer applies as people are forced more and more to interact with each other. Thomas and Znaniecki (as cited in Lemert, 2010) postulate that people are defined by positive or negative social identities which are gained or lost by their personal assessment or interpretation of themselves as an extension of the dominant group; these "identities" can be credited to social theory which postulates that individuals always have a need to belong to something.

Lemert introduces social theory as “a basic survival skill” (2010, p. 1), and even though social theory is a skill that is considered a discipline in academia, there are numerous extrinsic areas that attribute to one gaining knowledge in the field of social theory. In other words, social theory is not necessarily gained through books or by being affiliated or associated with the right people, but through experience and knowledge of those experiences that essentially form and condition individuals who are observant enough and tuned in enough to question the world around them as well as how they and others exist within society.

Authors Thomas and Znaniecki (as cited in Lemert, 2010) also wrote that individuals who committed crimes with little regard to the social stigma it created do not think, accept, or adapt to their environment but rather find the new culture harsh, offensive, and unrealistic. They are often without a support system and find justification in their rebellious acts as a means of survival. Those that are incapable or unwilling to reason logically will act irrationally and, in turn, blame society for failing them. Therefore, according to the authors “the prevalent general social unrest and demoralization is due to the decay of the primary group organization, which gave the individual a sense of responsibility and security because he belonged to something” (Thomas & Znaniecki as cited in Lemert, 2010, p. 256).

More importantly, where social theory demands that society face ugly truths, those truths often force unwilling participants to conform or fight against unwelcome change that is at times frightening but is also demanding by the precept of the new world order where the minority is no longer so much the minority without a voice, but a group demanding to be heard, treated fairly, and expecting respect equal to that of people who

either inherited or by virtue of status already have respect, even if it is done so grudgingly. Understanding those behaviors that impact minorities economically which, in turn, affect the sanctity of family life and community will serve as a map towards promoting new theoretical ideas, ideas such as the criminal justice system embracing restorative justice for non-violent drug offenders charged with drug-related offenses. These theories would serve to empower minority communities through education and cultural developmental programs geared towards minority success within their family and communities, and less towards incarceration.

### **Restorative Justice**

There are many practitioners who point to the concept of restorative justice as a practical means for approaching these problems, especially as it relates to decreasing the prison population. These practitioners feel that since minorities are adversely affected by more stringent sentencing procedures, there is a strong possibility that restoration practitioners can aid in bridging the gap between hardened criminals and those that can eventually be changed. Some tried to deracinate the prevalent racial and ethnic influences that still have a stronghold on this country, while others attempted to assuage the matter by pleading to the world for tolerance and forgiveness.

Restorative justice is a concept known worldwide with influence on and relevance to judicial systems, school systems, neighborhood watches, peer services, and other areas where victim restoration and offender culpability is necessary to redeem the offender. It seems evident from my prior academic class readings and responses on discussion boards concerning the issue of restorative justice that students and scholars exhibit major concerns as it relates to restorative justice, the concept, and assets, as well as the



relationship that restoration has or is limited by as seen in the judicial system. Some scholars have stated that although restorative justice as a concept is a good idea, there remain grave concerns that the very powers established and guaranteed by the Constitution of the United States for the protection of citizens that do abide by the law will be lost or reversed with the marriage of restorative justice and the judicial system (Ikpa, 2007).

Still, I feel there are those that may actually utilize restorative justice as a tool to further injustice for their own personal gains as the privatization of prisons is now a money making endeavor in which some businesses such as Corrections Corporation of America are willing and quick to invest. Since the Sentencing Reform Act of 1986 called for and implemented increased sentencing for those convicted on drug charges, the prison system becomes a great place to look for and find cheap labor. Despite these serious issues, I believe that the criminal justice system can still be sound if the voice of victims is ensured with the use of restorative justice which would not only give the victim a sense of control to a certain extent, but would also ease the cost of prison incarceration. Scholars such as Zehr (2002) and Marshall (1999) have pointed out the benefits of marrying restorative justice with the judicial system. According to Zehr, restorative justice accepts the fact that crime is harmful and leaves the victim at a disadvantage (2002, p. 19). The purpose of restorative justice is to open up the lines of communication, in order to engage victim, offender, and community in a process of healing in the hopes of finding solutions for problematic issues stemming from crime. This is done in order to hold the perpetrator accountable for his or her action and partake in some type of reparation (Umbreit, 2001, p. xxv). The goal is for restorative justice to be a

complimentary tool with the justice system as a means of safe-guarding not only the needs of the victims, but also the needs of the offender so as to stymie past actions and prevent recidivism.

The United States is known as a strong proponent for democracy and within those walls of democracy exist conflict and the potential for restorative justice. What makes the system conflicting is that as it pertains to the U.S. court system, crimes are not considered only as an individual wrong but also as a state wrong. Olson and Dzur (2004) opined that “restorative justice is a form of informal justice growing rapidly among criminal justice practitioner” (p. 139). While proponents strongly favor a system that embraces the idea of criminals paying their debt to society by serving a particular sentence, restorative justice practitioners state that when a criminal act is committed, it is the duty of the perpetrator to repay their victim as well as pay restitution to society.

Zehr (2002) presents the core elements of restorative justice in what is now viewed as his series of “threes” which provides the principles and concepts vital to the practice and implementation of restorative justice within the criminal justice forum and within communities. It should be noted that restorative justice is widely practiced within the United States, but often found more so within churches and community forums as a means of resolving issues that are vital to community preservation.

Zehr’s principles are helpful when it comes to conceptualizing restorative justice; however, through various studies, other scholars have also determined that restorative justice is a tool that helps in building values which often create interventions and restore victims to the place they were before being victimized. Furthermore, the inception of restorative justice serves as a tool of collaboration that creates vehicles towards positive

change (Braithwaite, 2002; Latimer & Kleinknecht, 2000; Latimer, Dowden, & Muise, 2005).

Within the United States, restorative justice has found its way into many prison systems. One prison that has embraced restorative justice is seen in Richmond, Virginia. Richmond City Sheriff C. T. Woody Jr., who runs the Virginia's Richmond City Jail was convinced by Angela Patton, who runs Camp Diva, a Richmond nonprofit aimed at empowering young girls, to allow access to the fathers by holding a father-daughter dance within the facility. The goal of the dance is to restore a relationship between fathers and their girls. Studies have shown that girls need a father figure in their lives, especially one that will provide a semblance of structure, and will maintain a positive relationship geared towards growth, security, love, and the building esteem. While these fathers are behind bars, restorative justice, if implemented properly, will help to maintain a relationship between the girls and their father, and that relationship, in turn, provides a sense of security and a sense of familiarity, and further builds on a broken relationship that can ensure that once the fathers leave the prison system, they are still viewed as authority figures. This relationship allows for easier immersion back into the family because the lines of communication remained open, and the bond, although interrupted because of glass, was maintained because of the inclusion of restorative justice (Osunsami, 2013). While most of the men are serving time for drug charges, it is clear that the dance had a significant impact on them. This measure is another way of showing restorative justice at work. Restorative Justice, according to Zehr (2002), goes way beyond the prison system. It is a measure that ensures that broken relationships are fixed before it is too late. Further, restorative justice is practiced within the Illinois prison

system, especially systems that house juveniles. Studies on restorative justice have proven that the practice aids in the reduction of youths re-offending and even reduces their chances of having continued contact with the criminal justice system (McGarrell, 2001; Rodriguez, 2007). Bazemore and Umbreit (2001) determined that the practice of restorative justice has increased in popularity within the United States, especially where juveniles are concerned. The United States is mainly a retributive justice system. Operating under the philosophy that the safety of law-abiding citizens must be protected at all cost. For this reason, mass incarceration, particularly affecting minority communities, has been the norm. The United States outpaces all nations in incarceration with statistics proving that 743 adults per 10,000 within this country are incarcerated, and such increase has brought the United States to the top ranking country boasting the highest per capita incarceration rate in the world. With the ability to utilize restorative justice within the prison systems of the United States, it is easier to maintain family as well as community support to those incarcerated individuals who might otherwise not have received any.

The goal of restorative justice is to guide people into realizing how their actions or inactions have affected those hurt by certain behaviors (Amstutz & Mullet, 2005, p. 21). Therefore, restorative justice is a state of reconciliation between the victim and the offender, and the offender and the community (Zehr, 2002, p. 19). Since people are connected in a multitude of ways through different venues, the goal of restorative justice is to provide offenders with methods that enable them to restore their victims and the community to the original form they were in prior to the commission of the crime (Zehr, 2002, p. 19).

## **Restorative Justice and Culture**

Different cultures approach restoration through different avenues by utilizing various concepts all geared towards wholeness and resolution. The United States bases justice on the effectiveness of the judicial system and its ability to convict and then quickly forget about the offender. Kurki (2000) wrote that “restorative justice has evolved from the first victim-offender reconciliation programs in the early 1970s to a comprehensive approach toward crime” (p. 235). There are many that borrow from faith-based teachings as a means of adapting and bridging the gaps within their community in restorative justice programs. Society has different social and philosophical beliefs as it pertains to crime and the enactment of justice. Those beliefs often play a great role in how restorative justice is implemented. Within cultures are sub-cultures, and within those groups are formed dynamics that greatly impact the relationship and effectiveness of restorative justice practices. The relationship within culture and economics is often forced to play out on the political spectrum especially when representatives seek votes (Griffiths, 1999). In Detroit, Michigan, one young, prominent black leader, Kwame Malik Kilpatrick, had an opportunity to make a difference, but because of criminal activities, he lost his seat. Many young minority males had once looked at him as an individual that could pave the way for change for the city. Another black politician, Marion Barry, a politician in Washington, D.C., was caught on tape smoking crack. The impact felt by the minority community from the downfall of these minority politicians took its toll as the media attached itself to these cases with such ferocity that it was difficult to separate the good from what was considered political ostracizing. While

restorative justice allows for some criminals to avoid lengthy sentences or even convictions in some instances, it does not excuse the behavior.

In the cases of Kilpatrick and Barry, the minority community seemed to have a certain desperation in preserving their reputation—not because the politicians were not guilty—it just seemed that culture dictated that they be protected because minority men in positions of power were often few and far between. The desire to protect fallen minority politicians may be troubling in the sense that the need to preserve or even save their reputation, seeking to keep them in a position of high esteem despite wrong doing, sends the wrong message to minority children. When minority politicians are found doing wrong or operating out of social norms, because of racial tension, minority communities may seek other methods for facilitating change. In instances where this occurs, it would seem more beneficial if cultural narratives called for restorative justice to be embraced in ways that sought to teach stability through the facilitation of forgiveness and certain historical practices that embrace open forums instead of attempting to cover up the wrong (Sue & Sue, 1990). This is often seen when minority males commit certain crimes. Families become so conditioned to such behavior that more money is spent on the inmates card while incarcerated, than would be spent to facilitate change through educational methods. Economic factors often play a negative role in the implementation of restorative justice in certain minority communities. When the government spends a majority of its budget on fighting crimes, which adversely affects minorities, it is rather difficult to convince these groups that restorative justice is actually a beneficial tool that would promote community healing and support. What remains problematic is that those financial resources that could be utilized within certain minority communities are often

allocated elsewhere. There are also concerns that certain cultures tend to be a bit skeptic, finding it difficult to air their dirty laundry in public. Cultures often have certain long held beliefs and traditions. This would mean that although restorative justice is an effective tool, it would take the influence of someone from that community that holds a position of trust to encourage the acceptance and implementation of restorative justice.

Scholars looking at restorative justice as it relate to cultural or cross-cultural concepts have found that the underlying, workable theme is one wherein the development of sensitivity towards groups is paramount. Cultures and sub-cultures have varying viewpoints, different practices, and even different concepts when dealing with conflict and implementing change within their communities (Ridley, 1995). For restorative justice to work, those dynamics must be understood. Restorative justice practitioners are realizing that communication styles, cultural beliefs, and even the implementation of certain programs are different from one culture to the next. Biases hinder positive change, and anything that prevents growth in restorative justice only serves to continue differences that broaden gaps and escalate issues that may create biases (Duryea, 1994). Those from the upper-class levels of society often cannot relate to those from the lower-class. Therefore, what works for Hispanics in Boca Raton, Florida may not necessarily hold true for Hispanics living in Little Havana, Florida. Just like the school of conflict resolution emphasize the need to understand business culture, so too do restorative justice practitioners realize the need to understand the customs and practices within cultures (Umbreit, 1997). The way people talk, walk, and greet each other, communication methods, nonverbal cues, cultural experience, and other factors may seem strange to a researcher, but those that are genuinely interested in implementing programs that bring

about change must learn how to understand and relate to those with whom they want to work.

When considering restorative justice, “the benefits of restorative justice extend not only to the victim, who has a chance to share his or her story and the harm he or she has suffered, but also to the institution that has a chance to explain the reasons for its choices and the changes it intends to make in the future” (Grimes, 2006, p. 1728). Zehr also observed that “the problem of crime, in this worldview, is that it represents a wound in the community, a tear in the web of relationships. Crime represents damaged relationships” (2002, p. 20). One problem with attempting to introduce restorative justice in such a volatile case is that society calls out for homage within the courthouse; the promise lies, however, in the fact that restorative justice could probably do more healing than time spent in the courthouse.

Restorative justice practitioners view the wholeness of restoration as a promise between the victims and the defendants. An advantage of a restorative approach is that other avenues which promote healing can be explored to secure mental and physical health. With restorative justice comes the knowledge that alternative methods of sentencing can be implemented if there is dialogue between victims and offender and the court system. In his research Braithwaite (1999) observed that “If we take restorative justice seriously, it involves a very different way of thinking about traditional notions such as deterrence, rehabilitation, incapacitation, and crime prevention” (p. 2). Restorative justice conjures up the idea and belief that transformation is possible despite “criminal jurisprudence” and other hindrances people face on a daily basis when battling for their beliefs (p. 2).



While the court is a system operating to prevent continued chaos in society, it is not always the best or most effective place to get resolution, especially when there are no answers to certain questions. Restorative justice is the face that would present that missing voice for both victim and offender. It is the concept that sees beyond the concrete laws that are geared towards certain didactic and sentimentally well-written dialogue that honors homiletic speakers vying for a partnership in a law firm. These same attorneys construct sermon-like phrases bent on convincing the judge that he or she is most versed and, thus, should win the case regardless of the construction or destruction that affects the lives of those within the walls of the courthouse.

Without restorative justice, families like attorneys, take the path of fastidiously seeking justice and a certain wholeness that eludes them because there is a lack of real communication. They aim to retrieve a sense of loss that certainly can never be regained unless faces are put to voices and voices have meaning bringing clarity and hope—hope may be shrouded by pain, yet relegated to a prominent symphony that can only be penetrated when cryptic instructions are removed from what the courts try to conceal.

### **Relationship of Restorative Justice to Legal Justice**

There is a big difference between restorative justice and the criminal justice system. Justices, as well as attorneys, may argue that whatever due-process exists may be lost if restorative justice is allowed full submersion within the judicial system, and that whatever power the judicial systems holds may over-power the intention of restorative justice (Marshall, 1999). Further, Ikpa (2007) stated that there are those that are totally opposed to the combination of both the judicial and restorative system. She pointed out that the judicial system is there to uphold the systems of laws, while restorative justice is

in a class of mediation or arbitration and has simplistic ideologies. Marshall stated that “it is, in fact, difficult to see how, in practice, two independent systems could co-exist. There is bound to be some influence each way, and therefore the problem cannot be avoided” (1999, p. 8). While there are vast differences in the judicial system and restorative justice, it is clear that both should be intertwined especially in situations where there will be an improvement in the effectiveness of how punishment is handed out and the quality of effective change on the lives of the victim and the perpetrator (Zehr, 2002).

The beauty in the relationship of the criminal justice system aligned with the restorative justice system is that the two concepts are focused on achieving the same goals, albeit differently. Restorative justice accepts the old principles of the judicial system but attempts to hold people more accountable for their actions. Restorative justice is not a concept of releasing people and freeing them from their responsibilities, but it is an alternative to prison for the right individuals (Howarth, 2000). There is the reality that when a wrong is done there must be some form of restoration even if it means that there are cases that are strictly for the judicial system. When restorative justice is applied within the court system there is the rich potential to realize a positive impact on an offender as opposed to a prison sentence. Prisons are known to be an excellent training ground for offenders to acquire additional tools on how to keep offending and how to be better at offending. The goal is that both processes would complement each other by working with each other to free up some of the court’s time. When there are cases that can be resolved through restorative justice, it would be beneficial to reinforce such a system.

### **Limitations of Restorative Justice**

Since restorative justice relies on cooperation and the willingness for both, or either party, to be willing to participate, there is a significant decline in the possibility of achieving great success. Without agreed upon consent, restoration is thrown out the door, and the court system is once again left to make decisions that are sometimes detrimental to the well-being of the victim and the offender. Restorative justice cannot fix every situation and has limitations because of the crime that may have been committed (Marshall, 1999). However, Marshall further pointed out that “experience has indicated... that the majority of individuals offered a chance to participate would like to do so, and the rate of agreements is also high” (1999, p. 8).

While the judicial system was designed to be fair, there are definitely major limitations because the system is handled by human beings who can struggle with objectivity and be biased in their reasoning. Where the criminal justice system fails and may dole out sentencing based on racial, ethnic, or gender biases, restorative justice moves beyond the scope of the individual and looks at the problem and the impact of the action on the victim. Amstutz and Mullet (2005) wrote that “within the punishment approach, consequences are selected without meaningful connection between the misbehavior and the punishment; e.g., suspension for stealing sneakers and trashing the locker room” (p. 21). Marshall also pointed out that another limitation of restorative justice “is the existence of social injustice and inequality in and between communities...social divisions also make voluntary participation less likely or less effective” (1999, p. 8).

## **Incarceration**

During an address to a Joint Session of Congress on February 27, 2001, President Bush stated that racial profiling was wrong and vowed to end such an act in America (Department of Justice, 2003). The problem with profiling is that while legislation such as the Fourteenth Amendment and the Constitution may frown upon profiling, the laws are still implemented by people who are at times biased or even prejudiced against certain groups.

Factors such as terrorism and escalated violence have increased the use of what some deemed to be legalized profiling. These acts mostly impact minorities, Arabs, and other ethnicities that do not look like the typical American. Some people even favor a Bill signed in to law on April 23, 2010 by Governor Jan Brewer of Arizona, known as Arizona SB 1070 which stated that individuals appearing to be illegal immigrants must be stopped and must produce papers to confirm they were indeed in the state legally. While the bill was struck down by the Supreme Court, it is still viewed by outsiders as another method of profiling under the umbrella of legality.

Further evidence of motivation to incarcerate can be found in the 1980s when the term “driving while Black” was coined to explain how more and more minorities found themselves allegedly targeted by police officers who stopped them for minor traffic infractions and then found reasons to search the vehicles for drugs (Harris, 1999). The incidences of police brutality have continued and will continue unless society accepts that social behavior towards minorities especially during initial encounters with police officers must be addressed and changed (Harris, 1999).

Researchers have confirmed that the crucial stages within the criminal justice system are not at the sentencing phase, but rather at post-arrest, arrest, sentencing, and imprisonment (Reiman, 1998, p. 120). These are the critical phases in the criminal justice experience that determine if an individual is viewed as guilty or innocent. Concerns have been voiced repeatedly about the criminal justice system being a pipeline from school to the jail system (American Civil Liberties Union, n.d.).

Minorities are not treated the same in the criminal justice system so there is a greater chance that they face higher repercussions during the criminal justice phase (Small, 2001). Reiman (1998) confirmed that minorities are more likely to face arrest and conviction at higher rates than Whites convicted of similar crimes. In fact, according to Stevenson (2006), America has now surpassed countries such as Japan and Russia when it comes to mass incarceration of their citizens. When it comes to mass incarceration, “the scale of the penal system is usually measured by an incarceration rate. The incarceration rate records the number of people in prison or jail on a given day per 100,000 of the population” (Western & Wilerman, 2009, p. 226). Therefore, it appears that the criminal justice system is being used as the main source of rehabilitation instead of other social resources that could be utilized as a means of effectuating positive change in underprivileged minority communities.

With the increase in the American prison population (Stevenson, 2006), there seems to be no end in sight for incarceration of American citizens since this is the major form of deterrent utilized in a system that gears itself more towards punishment and less towards to rehabilitation.

Recall that President Reagan, in his quest to get tough on drugs, signed the Anti-Abuse Drug Act of 1986 which required mandatory sentencing without leniency (Sterling, 1999). While mandatory sentencing was implemented as a measure of deterrence, it also created the influx of minorities within the prison system (Gray, 2009). Therefore, the concerns of groups such as Human Rights Watch, the NAACP, and the ACLU about mandatory sentencing seem legitimate since fixed sentencing policies in place, more and more minorities found themselves imbedded in the prison system for commission of acts deemed non-violent and often minor instances of drug possession.

Through additional decisions of the United States Sentencing Commission, mandatory sentencing has seen an increase over recent years calling for a five to ten year span regardless of the seriousness of the crime, the defendant's record, or criminal history, and it is imposed because of the guidelines written governing such decisions (Robinson, 2005, p. 221). With the implementation of mandatory sentencing, judges are forced to impose sentencing on offenders that they would not have done otherwise. In fact, Robinson credits the war on drugs as the biggest factor in the enactment of mandatory sentencing (2005, p. 207).

There is also a significant amount of research which addresses criminal sentencing that focuses on the impacts of race on a defendant's sentencing outcome (Kramer & Steffensmeir, 1993; Spohn, 1995). Several researchers have concluded that black offenders historically were more likely to receive harsher sentencing structures than their white counterparts (Petersilia, 1985; Welch, Gruhl, & Spohn, 1984). However, other studies determined that sentencing was either similar or balanced (Klein, Petersilia, & Turner, 1988; Myers & Talarico, 1987; Wilbanks, 1987). The U.S. Bureau of Census

reported in 1993 that Hispanics may be growing in numbers but because of how they are classified, either as black-Hispanic, other, or white-Hispanic, it is somewhat difficult to determine sentencing structures or outcomes when comparing the plights of Hispanics to Whites and Blacks (Del Pinal & Garcia, 1993).

The case of *United States v. Booker* (2005) was a step towards removing the mandatory sentencing structures that have infiltrated the criminal justice system. In their decision, the United States Supreme Court gave judges discretionary measures in sentencing. This means that judges are able to decide whether they would follow the mandatory sentencing guidelines or use their own discretion when handing out sentencing (Department of Justice, 2006). The concern, however, is that most judges do not divert from the mandatory sentencing structures and choose instead to remain within the realms of the guidelines taking into consideration the issues surrounding certain cases. This stance could further drive disparity in sentencing and further create an influx of minorities within the prison system. While Whites and Blacks are usually on equal footing when it comes to being sentenced for criminal activities, Robinson (2005) noted that there is a greater divide when it comes to drug offenses with minorities being sentenced for drug related offenses more than Whites.

Therefore, it seems that the actions of the penal system do not stem from a Machiavellian duplicity with ire for minority male control. This psychological impediment, it seems, prevents minorities from utilizing distinct reasoning thereby handicapping them, which blocks any discernment prior to them engaging in volatile and self-deprecating behaviors. These egregious behaviors then require their removal from society. While this may be the case in some situations, proponents of the judiciary system

remain cognizant of the perceived draconian concepts that place blame solely on the criminal justice system.

Ethnicity and economic standing also greatly determine and stigmatize a defendant's ability to exit the criminal justice system without much damage (Turk, 1969). Further, researchers Liska, Logan, and Bellair (1998) found that when crime or criminal activity is something to be feared (moral panic) and when individuals that are ethnically, culturally, or racially perceived as more threatening to society are involved, people come to expect harsher sentencing to be applied despite the type of offense or the kind of individual perpetrator. Two additional studies also concluded that punishment often does not fit the crime, especially when individuals are socially inept, and their social positions are more than likely utilized as a gauge during the sentencing phase of the criminal procedure (Steffensmeier, Kramer, & Ulmer, 1995; Steffensmeier, Ulmer, & Kramer, 1998).

As of 2005, it was reported that black males aged 18 to 35 years are usually incarcerated at rates of 42 and 56 percent respectively. This was mind boggling at the time because Tonry and Melewski (2008) determined that this shows a disproportionate presence of minorities over Whites in the United States prison population. They viewed this as a system that seems more radically biased on racism than appropriate sentencing procedures. In 1993 Mann reviewed the Uniform Crime Report and subsequently determined that for 1986 alone, Blacks had a 33.7% arrest rate which was broken down into violent crime arrests of 46.5% and 30.2% theft or property crimes. In that same study figures showed a 27% arrests rate for Blacks in the nation. Even though there is not a great correlation between imprisonment and employment, it is clear that the impact of



incarceration on the families of incarcerated men spills over into the communities and is so vast, that without substantial support, there is inevitably a negative impact on the family unit (Watts & Nightingale, 1996). Another study determined that stringent sentencing policy breeds a community that is marginalized and handicapped into an underclass functioning mainly as a system with a never-ending cycle of underemployment, social stigma, and criminalized behavior, and additionally breeds people lacking the necessary tools and resources needed to act as productive citizens (Armour & Hammond, 2009). A community already impoverished by the lack of social and economic resources only serves to breed a group of individuals that maintain a cycle of self-destruction to a certain degree.

In general, men are more likely to be incarcerated than women (Kelley, 1996). Moreover, Blacks face the greater likelihood of being incarcerated than Hispanics, and there are more Blacks housed in newer prisons than any other race (Kelley, 1996). In these same prisons the guards are usually Whites with limited education which seems closely akin to the white slave master ensuring that his property remains safe by putting the overseer in charge of his property—that property of course being Black and minority inmates dealing with racial and economically divisive issues. In another study Mauer (1999) found that of the total prison inmate population, roughly 49% are Blacks, which is disheartening since Blacks make-up 12% of the overall population. Mauer further disclosed that 32% of black males ages 20-29 are either in jail, are dealing with probation, or are on parole. Whereas a black male born in the year 1991 faces a 29% chance of being incarcerated in his lifetime, his Hispanic counterparts have a 16% chance of facing jail time. A 1991 study of the prison population of both the United States and

England determined that “In the United States, 51% of the inmates were white (including 14% white Hispanics and 37% white non-Hispanics), and 45% were black (including 2% black Hispanics)” (Lynch, Smith, Graziadei, & Pittayathikhun, 1994, p. 11).

### **Parental Incarceration and Impact on Children**

While there remains an increased interest in the disparity between minority prisoners and Whites, little investigation has been done concerning how incarceration affects the communities and most definitely the families, specifically the children of incarcerated individuals. One reason for the lack of reporting on incarceration’s impact on family dynamics may stem from the stigma that goes along with family members being incarcerated. Meanwhile, there is an overwhelming burden felt by governmental assistance programs to keep adequate information on children of incarcerated adults.

One of the first researchers to study the impact of parental incarceration on families was Morris (1965) who found that the behavior of children with incarcerated fathers deteriorated considerably because of the father’s incarceration. According to another study by Osborn and West (1979), overall, it was found that in comparison, up to 40% of males who had fathers with a criminal background were more likely to become criminals themselves while roughly 13% of males with non-criminal fathers were likely to become criminals. This difference may be related to the challenges families can face in acquiring resources to better aid them in dealing with the stressors of an incarcerated parent or parents which may, in turn, further the cycle of incarceration. Working jointly with the Federal Resource Center for Children of Prisoners, Seymour and Hairston (2001) determined that many children have been victims of parental incarceration at one time or the other. As of 1991, roughly 5.7% of children deal with an incarcerated parent.

This trend shows no immediate sign of decreasing, and black children are more likely to face the prospect of an incarcerated parent than any other group of children (Seymour, 2001).

The experience of an incarcerated parent can significantly impact children educationally. Up to 50% of children dealing with the issues surrounding incarcerated parents exhibited problems in school (Sack, Seidler, & Thomas, 1976). Further, an additional study reported that up to 16% of those children ages six to eight showed a fear of school, and refused to attend up to two months after the parent or family member was incarcerated (Sack, 1977). Also, students dealing with incarceration or fathers who knowingly deny them upon parole from prison have been found less likely to engage in programs of literacy (Stanovich, 1986).

The implication is that a child's earning potential substantially declines when they are educationally unsuccessful (Marzano, 2004). Indeed, those that are not successful in school often find themselves earning somewhere in the \$10,000 bracket which places them at poverty level according to United States Census Bureau standards (Marzano, 2004). Even if these children are able to leave school and embark on a college degree, the chances of them completing the degree declines after each completed semester (Olson, 2005). So the repercussion that follows is the tendency for children to identify with what is familiar in the community context, often going down the same path as those already incarcerated.

In addition to problems at school, children of incarcerated parents, especially males, exhibited disciplinary problems (Fritsch & Burkhead, 1981). Through different clinical studies of young boys, Sack (1977) and Gabel and Shindledecker (1991)

determined that those with incarcerated parents were not only more likely to display antisocial behavior, but also a tendency to be more aggressive and volatile. As a result, children often struggle with basic life skills. This also means they were more susceptible to low school performance and misconduct. Studies show that children dealing with the pressures of incarcerated fathers tend to perform worse on certain tests (Friedman & Esseinstyn, 1965; Sack, 1977).

The reality is that incarceration affects more people than just the parent or family member serving time within the criminal justice system (Johnson & Waldfogel, 2002). When a parent is incarcerated, the child or children are also incarcerated since they must deal with the surrounding issues as well as responsibilities that often come with the now absent individual from the household. Children dealing with absent family members because of incarceration find that they must deal with feelings of abandonment, must either deal with adult situations quicker than they should have, or find that they suffer because of loss of financial support or displacement both at home and school, and often exhibit grief.

Further, Johnson and Waldfogel (2002) emphasized that certain social and economic traits often span generations so that in the context of incarcerated parents or family members, coping strategies such as dependency on government assistance and so on can become cyclical unless preventive measures are implemented. Criminal activities and behaviors are often repeated over generations unless there are interventions aimed specifically at changing the family dynamics. Scholars would then have to consider the extent of the impact on children and families as the nationwide trend as more and more

parents are incarcerated, often for drug related crimes and this trend seems to continue upward (Bureau of Justice Statistics, 2013).

Studies have also revealed that there are significant social or systematic stigma associated with incarceration which affect children's self-esteem (Gabel, 1992; Hungerford, 1993; Kampfner, 1995). Children that deal with the stressors of incarceration may also exhibit signs of feelings of abandonment and other emotional issues (Johnston, 1995b). The emotional issues may be a direct result of anxiety (McGowan & Blumenthal, 1978) brought about by the feelings of distress (Henriques, 1996) coupled with depression (Hungerford, 1993) that leads to further behavioral issues often displayed by aggression (Bloom & Steinhart, 1993) and inappropriate behavior (James, 1994).

Too often communities forget children of incarcerated parents (Moore & Clement, 1998), and these children are also ignored by the criminal justice system that incarcerates their parents. Because these children also face stigmas from social services and educational programs implemented to help them cope with the various issues that incarceration often generates, Marzano (2004) suggests the counter measure of notifying the caretakers of children with incarcerated parents and providing these caretakers with the necessary resources to aid in restructuring children's learned traits into something more positive. In this way the caregivers can serve as re-enforcers towards self and community improvement.

### **Poverty's Role in Incarceration**

Not every individual that has faced or has been incarcerated was unemployed. However, those who did work often did not earn enough to sustain a decent way of life which may be an underlying factor leading to incarceration (The Sentencing Project,

2008). Low-level wages coupled with social deficiencies only served to place minority males in jobs with reported incomes at or below the poverty line.

With a lack of education comes a drastic reduction in income. Researchers have determined that poor minorities tend to inhabit neighborhoods that are predominantly segregated and economically deprived. Those that have been released from the criminal justice system often return to the same neighborhoods where they were victimized and from which they were removed. Demographics and geography show that economic and racial handicaps factor greatly into the staggering incarceration figures that aid in eroding poor communities (The Sentencing Project, 2008). Lack of resources, therefore, creates a greater concentration of economically and socially deprived minority communities. Therefore, education may aid as a divergent when it comes to incarceration prevention within minority communities (The Sentencing Project, 2008).

### **Education as it Relates to Incarceration**

The inability to find viable employment is often a clear sign of the lack of quality education which fosters a background of minimal skills. In turn, lack of employable skills contributes to the inability to earn a living wage which then contributes to the continuous incarceration cycle. A unique factor that shows up in the language of most educators is the need for the importance of education being instilled in children during their formative years. More education usually means more options, and more options means access to more resources.

For years statisticians, economists, and other scholars have argued for the importance of educational attainment. The correlation between income and education has remained at the forefront (Bureau of Labor Statistics, 2013) wherein educators pointed

out the fact that college educated individuals not only have higher earning potential, but also have higher life expectancy (Schepp, 2011). Higher education has been shown to make a difference in socio-economic conditions up to and including the likelihood of being incarcerated (Greenstone & Looney, 2012).

Data from the Bureau of Labor Statistics (2013) showed the significant difference between those graduating from, and those dropping out of high school. Those who are successful in high school and go on to college have a significantly higher earning potential. Greenstone and Looney (2012) further reported that those who have less or no education are more likely to remain single, live in poverty, and raise children out of wedlock. However, it is clear that the need for higher education often determines intergenerational potential (Guryan, Hurst, & Kearney, 2008).

While it is clear that education is a necessity, there is evidence that black children are arriving in school more and more academically challenged than their white counterparts (Hanushek & Rivkin, 2006). While there is a wide gap, it is not one determining factor, but many factors, especially school quality, that affect minority students (Hanushek & Rivkin, 2006).

Social scientists have related the school system to the punitive system noting direct correlations between how the educational system is set-up and the prison system. For example, while school disciplinary policies are supposed to be in place to foster growth, more and more minority students find that they are criminalized by these policies and therefore, are being penalized by the very system that is supposed to foster their educational growth. According to Devine (1996) school systems serving predominantly minority populations are finding that the criminal justice system is closely aligned with

the public education system. The presence of uniformed police has become commonplace on school grounds, and surveillance cameras are now so prevalent in public schools that minority children have become used to being policed even before they are drawn into the criminal justice system (Hirschfield, 2008). As of 2002, 76 percent of the new schools that were built were equipped with surveillance (Kupchik & Monahan, 2006), and in 2007 the National Center for Education Statistics reported that video surveillance doubled from 14 to 32 percent between 2000 and 2004 (Laird, DeBell, Kienzl, & Chapman, 2007). All the while many schools have adopted zero tolerance discipline policies thus closely aligning their discipline methodologies with that of the criminal justice system (Skiba & Peterson, 1999). In addition, the media's portrayal of schools as dangerous places seems to support the need for the vast increase in school security as a form of disciplinary measure (Simon, 2007). Yet, before an argument can be made that crime was reduced because of the increased surveillance, it should be noted that this decrease was detected in 1993 before the implementation of zero-tolerance policies or increase security was implemented (Skiba & Peterson, 1999).

There also appears to be disparity in the way disciplinary policies are executed. According to a National Center for Education Statistics report, urban schools that are predominantly minority based have taken a stricter stance, implementing more punitive disciplinary measures than schools that are predominantly white (Planty et al., 2008). A report prepared by Packaged Facts (2000) shows that after Columbine and other instances of violence in suburban high schools where shootings were rampant between 1997 through 1998 there was an increased call for more security measures. As schools responded with increased security measures to prevent such fatalities, there was a notable



increase in security presence in urban schools even though there were no noted “rampages” in these schools (Hirschfield, 2008). Noguera (2008) framed the problem poignantly with his observation that even though the increased violence in suburban schools showed the perpetrators to be white males, urban youths were still subjected to mass security measures and were more likely to be coined “problem students” regardless of statistical data stating otherwise.

The National Center for Education Statistics reported that as of 2005 black students were subjected to a six percent increase in surveillance, 24 percent more security or police presence, and roughly six percent more metal detectors in their school facilities compared to their white counterparts (Berkner et al., 2005). The United States Department of Education through the National Center for Education Statistics (n.d.) also reported that schools with high percentages of low-income minority students were twice as likely to conduct drug sweeps compared to schools with privileged students. These trends and actions align with educational disparity, and scholars find that most often this can be credited to racial biases (Gordon, Piana, & Keleher, 2001; Noguera, 2008). Others, however, will credit this measure as the need to remove illegal substances from the schools. (Mincy, 2006)

### **Substance Abuse**

Researchers are usually quick to credit their education as the driving force behind the professional achievements and endeavors. While this is so in many cases, most minorities living in poverty are not fortunate enough to find support from parents who are usually over-burdened by the requirements of life, or teachers who are teaching to tests and too tired to give additional counseling to troubled pupils. Unfortunately, this is an

everyday occurrence that affects inner-city kids who are being eradicated from the educational system (Mincy, 2006). When the plight of poor Blacks and often uneducated men is left up to the fate of the criminal justice system as increased stiffer sentencing for drug offenses is implemented, there is little hope that disparity will decrease (Mauer, 1999).

While scholars address the importance of education, criminologists, psychologists, and those in the legal system are crying out for preventive measures that can and will deter children from going down the path of drug use. According to a 2011 National Survey on Drug Use and Health, 10.8% of youths reported being involved with illicit drugs, 7.9% used cigarettes, and roughly 7.5% used alcohol (United States Department of Health and Human Services, 2012, p. 70).

The need for education about the effects and impact of drug use is essential in prevention and restraint. While there is a need to deter students against the use of illicit drugs, the need for alcohol prevention is also important (European Monitoring Centre for Drugs and Drug Addiction, 2006).

The previously reviewed literature has already pointed to the numerous inequities contributing to the rising prison population of men who are being taken from families and communities. Yet with proper training and rehabilitation, it is possible to help these men shift from a “ghetto mentality” in an effort to save themselves, their families, and their communities. Unfortunately, training and rehabilitation is not the focus because recreational drugs are considered illegal, and like other criminal issues, users and distributors are quickly prosecuted with an aggressiveness that depletes poor minority communities. Most state prosecutors find that their success is measured by the amount of

drug related arrests they make, and not on the ability to use life altering measures in an effort to educate, stimulate, and motivate poor minorities.

### **Children of Incarcerated Minorities**

The experience of parental separation at any age is difficult, and children who are forced to deal with this separation, especially at an age when they are keenly aware of the situation, are more likely than most to be traumatized. However, proponents of strict penalties in the war on drugs argue that it is important to use the criminal law to punish users of certain drugs in order to protect children from the dangers posed by these drugs, and to send the strongest possible signal of societal intolerance of illicit drug use. So while there are those who claim that the need to punish drug users is for the protection of children, they often fail to take into consideration the underlying fact that separation from loved ones brought on by incarceration further propels children into the very behaviors law enforcement is seeking to deflect (Bowlby, 1980; Holzer, Raphael, & Stoll, 2006).

### **Marriage and Minorities: Single Parenting**

Studies have found that after 1965, black women especially experienced a constant decline in marriage (Ellwood & Jencks, 2004). Researchers also determined as of 2000, less educated black women were less likely to be married as opposed to their white counterparts (Wilson & Neckerman, 1986). The low rate of marriage in poor black communities can be credited to the shortage of men who are being taken out of the community through the process of increased incarceration. With the increase in minority male incarceration, minority women are finding that they are being deprived of suitable marital partners or suitable partners capable of economically sustaining families (Lichter, LeClere, & McLaughlin, 1991).

The 1965 study on single-parent families by Daniel Partick Moynihan eventually became the “bible” on single parents for many social scientists (Sklar, 1997). According to Moynihan, the family structure, in particular the matriarch of black families, “is out of line with the rest of American society [which] seriously retards the progress of the groups as a whole” (as cited in Staples, 1999, p. 7). This group, as Moynihan sees it, is the black single-parent, mother-driven household. In his comparison of black and white families, Moynihan stated that black boys raised by a single parent were most likely to become delinquents, criminals, repeat offenders, and drop-outs. Moynihan resonated with many other scholars who point to how the absence of fathers in minority-led households breeds children with criminalist views, violent behaviors, and unsavory practices which can by association be credited to female dominated households that he identified as “broken families.” Moynihan’s study confirmed his view that black males from female headed households lacking male relationships were unable to acquire “any stable relationship to male authority...(or develop any) rational expectations about the future” (Moynihan as cited in Yoest, 1996, p. 26).

Moynihan’s study became the tool for social researchers used to applaud the American concept of the ‘core’ family structure, because many social science scholars utilized Moynihan’s findings as means for validating ‘whole’ families and linking problems of children from single-parent families to the reasons behind minority social and socio-economic problems (Mackey, 1998; Maginnis, 1997; Yoest, 1996). Other researchers, however, found Moynihan’s claims problematic and opined that problems exist in both single and two-parent led households, and thus, could not be blamed on single-parent families alone (Skolnick & Rosencranz, 1997; Wright & Wright, 1994).

Scholars have determined that almost 75 percent of American children living in fatherless households will experience poverty before the age of eleven, compared to only 20 percent of those raised by two parents (Moniyah as cited in Staples, 1987). Children living in homes where fathers are absent are far more likely to be expelled from or drop out of school, develop emotional or behavioral problems, commit suicide, and fall victim to child abuse or neglect. The males are far more likely to become violent criminals (Moniyah as cited in Yoest, 1996). As a matter of fact, men who grew up without fathers currently represent 70 percent of the prison population serving long-term sentences (Horn, 1999, p. 39). Concerning females Whitehead (1997) observed that:

Girls in single-parent families are at much greater risk for precocious sexuality, teenage marriage, teenage pregnancy, non-marital birth, and divorce than girls in two-parent families ... Boys are at greater risk for dropping out than girls, and are more likely to exhibit aggressive, acting-out behaviors. (p. 29)

Researchers have also found that children residing in a single-parent household are not raised with the basic qualities needed to operate properly in society (Horn, 1999; Yoest, 1996). This lack of social skills impacts children's ability to become good citizens on every level. In contrast, children from a two-parent household develop good beliefs and value systems which help them to abide by certain rules and to conduct themselves as valuable, productive citizens (Coontz, 1999).

However, researchers such as Skolnick and Rosecranz (1997) and Young (1997) present the counter-argument that behavioral problems cannot be attributed to children residing in single-parent households. They opined that while single-parenthood contributes to certain social and economic factors and while being from a single-parent

household in and of itself may show some symptoms of correlation, there was not substantive proof of causation. According to Coontz (1999) “most children of single parents do not drop out of school, get arrested, abuse drugs, or suffer long term emotional distress” (p. 48). Further, Coontz stated that those children finding themselves “stuck in high-conflict marriages or ones in which a father is angry and withdrawn often have worse long-term problems than children in single-parent families” (p. 46), and for children living with two parents it is “more possible for two-parent families to hide problems of abuse, incest, and alcoholism from the outside world than it is for one-parent families” (p. 46).

What remains problematic, however, is that a great deal of blame for crime and delinquencies is placed on single parents. There is agreement amongst several scholars who recognize that with all of the stressors of single-parenthood, many mothers are unable to provide the basic moral and ethical foundations needed by children to properly adopt appropriate life skills (Popenoe, 1996; Regoli & Hewitt, 1997; Whitehead, 1997; Yoest, 1996). These scholars state that because of the lack of these skills, most of these children have no idea how to deal with conflict which propels them towards the criminal justice system. While it is recognized that family financial support often leaves when fathers leave the home (Weissbourd, 1996, p. 53), nevertheless, this does not mean that a mother raising children by herself is unable to provide emotionally or financially for her children. Often these mothers have the support of extended families that support the children emotionally, co-exist in ways that are beneficial to the children, and provide other means of support that an absent father is unable or unwilling to do.

While society often blames parents for delinquencies, minorities in general are also often blamed by association because many minority children come from single-parent households (Weissbourd, 1996). Yet, about 85 percent of minority children are raised in a single-parent household but do not exhibit more behavioral problems than white children (Weissbourd, 1996).

While society may easily ignore the fact that minorities raised in single-parent/mother households can and are successful, “the negative impacts of single parenthood, interestingly, tend to be greatest among groups whose cultural values emphasize two-parent families and paternal authority and least among those who have a history and tolerance and support for single mothers” (Coontz, 1999, p. 50). The reality is that a mother’s educational value helps to promote successful minority children (Hrabowski, Maton, & Grief, 1998). For example, Brown (1998) documented the experience of a young man named Conover who credited his single-mother for his success. According to Brown:

in Conover’s life his mother has been everything to him: the father figure who taught him how to defend himself, the mother who feared for his safety, the mentor and coach who guided him toward the right decisions, and ultimately, the woman who taught him to be a man. (p. 163)

Minority mothers are, in fact, often surrounded by extended family members who help them cope with everyday stressors, and are often surrogates that aid in the support and emotional growth of their children (Collins, 1999). There are many reported incidences of single-parents that raised successful men (Hrabowski et al., 1998).

The African American family structure does not normally fit the nuclear family requirements which often characterize American society (Scott & Black, 1999). The female support often found and attributed to this group remains off the radar for those proponents striving to blame single-parent households for social inequities. Therefore, what the researchers seem to be claiming is that single mothers, especially minority single mothers, are capable of and do raise successful children.

### **Incarceration's Impact: Conflict of Re-entry**

Incarceration not only affects the health of individuals and families, but also greatly impacts earning potential which further erodes families and the communities of the incarcerated individual (Wildeman & Western, 2010). Furthermore, incarceration has been shown to create a vicious cycle that significantly impacts children, creating social hindrances that prevent most children of incarcerated parents from living lives of unimpeachable rectitude and integrity (Wildeman & Western, 2010).

Reports reveal that children of incarcerated fathers are more likely to replicate the negativity associated with incarceration. The lack of a positive role model tends to lead to aggression and anti-social behavior which affects their sense of belonging and further escalates into continued disciplinary problems. While not all children will follow the path of the incarcerated parent, researchers find that those who have a high disregard for laws and authority are more prone to exhibiting aggressive behavior, and often replicate antisocial behaviors. Yet, not all children suffer when a parent is removed from their lives because not all children held meaningful relationships with their parents prior to the parent being incarcerated (Furstenberg, Morgan, & Allison, 1987).



When children have parents that are incarcerated, those children are often left in the care of foster parents or extended family members (Gabel & Johnston, 1995) who may or may not provide them with the emotional care or necessary resources for them to break the cycle of incarceration. In addition, there seems to be a deeper impact on children when mothers are incarcerated. Children find themselves twice as likely to be negatively impacted when a mother is incarcerated as when a father is incarcerated, especially if the mother was the primary caregiver prior to incarceration (Gadsden & Rethemeyer, 2003). Evidence have been presented showing that 16% of mothers within the federal prison system compared to 36% of those within the state prison system were actively living with their children prior to being incarcerated, while 45% of fathers in the federal prison system and 56% of those in the state system were already absent from the child's life prior to incarceration (Mumola, 2000). Therefore, it is highly likely that an absent mother has more of an impact on a child than a father. It is also significant that conflict often develops when a father who has been in the child's life sporadically returns to the home after incarceration (Kampfner, 1995).

Typically, children (usually under the age of 7) are often present during the time of arrest and, therefore, have to deal with the emotional scarring as a result of experiencing the removal of the family member from the household by authorities (Johnston, 2001). The experience can have a range of effects. For example, in 1995 Kampfner interviewed 30 children who witnessed the arrest of their mother and found that these children reported having nightmares of the incident and spoke of the fear of having to relive the incidence again (1995). When parents are removed from the household while a child is in school, there is an emotional and social impact felt by the

child who is left to deal with unanswered questions as to what could have created the shift in family dynamics (Fishman, 1983).

While some families deal with incarceration as an open book, a majority of families dealing with incarceration refuse to talk about it. Often silence is a coping mechanism utilized as protection. Johnston stated that

there may be a very good reason for such a forced silence; family jobs, welfare payments, child custody, and even housing may be jeopardized when others become aware of the parents' whereabouts. However, children of prisoners are more likely to have negative reactions to the experience when they cannot talk about it. (1995a, p. 74)

While the majority of incarcerated females enter the system with small children with whom they have already bonded, roughly 6% of mothers become mothers while incarcerated (U.S. Department of Justice, 2003). These mothers must relinquish their child after a few days and do not form the much needed bond that is necessary and critical for development in the relationship (Gabel & Girard, 1995). It has also been noted that upon release the mother often finds herself dealing with a young child that is detached, exhibits behavioral and emotional problems, and often resents her presence in the home (Myers, Smarch, Amlund-Hagen, & Kennon, 1999).

Furthermore, parental incarceration creates an emotional disruption that adversely impacts the parent-child relationship especially when the relationship is already fragile (Thompson, 1998). It is well known that everyday societal changes such as divorce and change of residence or new parent often disrupt the parent-child relationship (Thompson, Lamb, & Estes, 1982), but drastic circumstances have been found to have an even greater

negative impact on parent/child and child/peer relationships which, in turn, is often linked to a child's cognitive development (Sroufe, 1988). Baunach (1985) found that roughly 75 percent of minors dealing with an incarcerated mother developed psychological and cognitive problems. Further complications may develop because children often deal with their problems by internalizing them, showing signs and symptoms of anxiety, guilt, or violence as methods of coping with the absent family member (Bloom & Steinhart, 1993).

Children dealing with incarceration sometimes develop eating disorders, (Fishman, 1983) and some become more prone to violent behaviors (Gaudin & Sutphen, 1984) often exhibiting behavioral problems in school (Kampfner, 1995) as a method for coping. Interestingly, research suggests that the level of sentencing for parents rearing children differed significantly from sentencing for parents absent from the home. The courts, it seems, are more likely to take into consideration the responsibilities the individual has towards maintaining a sense of security for the child (Flavin, 2001). However, parents that are absent tend to receive stiffer sentences as it is determined that the absent parent does not have as much influence over the children and is less likely to share the daily responsibilities of child-rearing. Daly (1987) found that judges who pronounce harsher sentencing on absent parents have little respect for the individual and often base their sentencing decisions on the fact that they may feel the absent parent is irresponsible.

While it has been proven that incarceration greatly affects health, impacts earning potential, and disrupts families (Flavin, 2001), it has also been proven that extended incarceration has more of a detrimental impact on children than originally thought. While

most researchers would state that it is imprisonment that actually impacts children the most, others find that while incarceration is problematic among families, it is often the stigma associated with the incarceration that is one of the most efficacious processes that often influences the long term behaviors of children.

For those parents seeking to establish their roles after release, the internal and external challenges are often unanticipated. The newly released inmate/parent not only has to establish a foundation by attempting to become a productive citizen, but they must make a concerted effort to face all the challenges handed down by society and still shy away from criminal activities. Some fathers find themselves grappling with the huge debt they must pay upon their release as mothers still hold them accountable for the financial stability of the children they left behind when they went to jail; further complicating matters is the fact that they must often cope with paying off legal fees that did not disappear during their time of incarceration (McGowan & Blumenthal, 1976). This additional conflict further destabilizes an already fragile parent-child relationship and only serves to erode the security that the child needs to develop (Kampfner, 1995). According to McGowan and Blumethal (1976), when incarceration further erodes family bonds because of the limits in contact between parent and children, there are noted long-lasting emotional and psychological damages that are often irreparable.

### **Development of Behavioral Constructs**

A study conducted by Wright and Seymour (2000) revealed that of the 37% men and 47% women that were incarcerated, these individuals had one or more family members that were incarcerated one time or another in their lifetime. Instead of being provided with resources that would aid in preventing further incarceration, these

individuals found that after one incident most families become complacent and incarceration is seen as the norm.

Another similar study revealed that out of 166 children, 70% dealing with an incarcerated mother suffered academically while 5% of these children also showed signs of behavioral problems (Stanton, 1980). Without a parent-child relationship, the long lasting effects are detrimental to the family unit. When a parent is absent from the home, especially when it is due to a drug related crime or any crime, if the bond is broken because of the lack of telephone conversations or visitation, it is often problematic for the parent and child to resume their roles upon the release of the parent from the criminal justice system. In the 1976 seminal study by McGowan and Blumenthal the researchers examined the effects and importance of maintaining or destroying the bonds between incarcerated parents and children. This study has been widely cited by many social science researchers and serves as a reminder of the importance of the relationship between children and incarcerated parents. Because prisons are often remotely located, it is often difficult for children to maintain a relationship with the absent parent unless circumstances are such that factors allow for the preservation of this relationship. Thus, conflict often develops in the home when a parent returns from prison and immediately seeks to resume the matriarchal or patriarchal role.

Further, another study by Murray and Farrington (2005) examined incarceration and its potential to produce similar cycles between children of those incarcerated parents. The study proved that children of incarcerated parents are more likely to display similar behavior, often leading them down the same path as the incarcerated parent. It seems that incarceration has an ineffable stigma that descends upon the families of incarcerated

parents. This leaves these children feeling devoid of much needed formal social guidance which provides the kind of sapience that comes from the experience of having an insightful parent guiding them about future choices. While there are researchers who are considered sagacious critiques of the current state of incarceration on the impact on children (Johnson, 2005), there are studies that aim to find methods that can be utilized as didactic works, teaching communities how to best implement measures that can effectuate changes in the lives of families as a means of breaking the incarceration cycle.

### **Recidivism and the Incarcerated Minority**

Because of the stigma associated with incarceration, ex-felons often face increased difficulties in finding and keeping gainful employment. Because of this fact the chances of them committing future crimes and re-entering the criminal justice system increases. Based on their research Watts and Nightingale (1996) found that most individuals were deemed recidivists because of their affiliation with unsavory characters' and the tactics used in order to gain the necessary resources they needed for survival.

Most of those that were re-incarcerated indicated that they could not find reasonable employment, and when they were able to find jobs, they were often meaningless, low-earning, and did not provide enough income to aid them or their families. They often returned to the streets and their previous lifestyle in order to find the resources they needed that were lacking in the formal sector.

### **Governmental Dependency: Welfare and Foster Care**

Researchers have found that barriers are constant for incarcerated parents. While the state requires absent parents to aid in the support of their children through certain mandated programs of assistance, the difference between what can be done to fulfill those

obligations by an absent parent is totally different than what is possible for an incarcerated parent.

National survey data that looked at trends in parental incarceration were utilized by Johnson and Waldfogel (2002) to study an 11-year trend. Through analysis of survey data they concluded that since the 1980s, there has been an increase in the amount of children currently in the foster-care system because of parental incarceration. They also determined that a majority of children with incarcerated parents are placed with other caregivers who often rely on governmental assistance to aid them with the needs of these displaced children.

### **Community Impact: Through the Lens of the Family Unit**

Incarceration means that those who have committed a crime must eventually pay their dues to society. Although retribution is paid to society, the punishment is not only felt by the incarcerated individual but also the family, especially the children and the community as a whole (Johnson & Waldfogel, 2002). The dynamics of communities are so closely intertwined that the pattern and process of change directly related to incarceration sets disequilibrium into motion. There is a period of adjustment between opposing or divergent influences or elements as it relates to those most affected.

There has to be maintenance of equipoise between frugality and commonsense erring on the side of caution and respect for the law. Often, the children who deal with incarceration feel emotionally scarred, and may start exhibiting some of the same behaviors as those that the perpetrator displayed prior to the incarceration (Johnson & Waldfogel, 2002). This type of behavior becomes cyclical and may be seen as acceptable.

Such behavior then becomes normative and destructive to the family unit, the child, and the community.

### **Disappearing Species: Minority Males**

The Center for Disease Control documented that minorities, especially Blacks have reported the highest cases of HIV/AIDS in recent years. Florida, especially Broward County, has been on the list as an area leading the way with this disease (Centers for Disease Control, 2011). With the increased incarceration of minority males, besides the potential for STDs, there is a noted detrimental impact on the family unit. With more and more individuals being separated from families by way of incarceration, the family structure undoubtedly suffers which leaves more communities impoverished. While Garland et al. agree that the removal of criminals is a necessity in many cases, they find that “large-scale removal of relatively low-level offenders can carry the unintended consequence of pushing struggling communities further into the depths of disrepair” (2008, p. 9).

### **Disenfranchisement and the Incarcerated Male**

Adding to the problems already facing minority communities is the problem of revoked voting rights. Roughly 3.9 million individuals have found themselves without their voting rights because of national voting policies that affect minority males who are more likely to serve time in the prison system (Fellner & Mauer, 1998).

### **Weakness with Studies**

While there are multiple weaknesses in some of the reviewed case studies, there are those that have utilized Blumstein’s approach and expanded on his findings. While



Blumstein approached his case studies through the use of the Uniform Crime Report (UCR), he failed to take into consideration that racial involvement is not necessarily the major factor in crime reporting. Studies have shown that most crimes are not reported to the police, and therefore, since the UCR only reports crimes known by the police, it is somewhat impossible to determine what factors related to race have to do with disparity in incarceration. So while race is a dominant factor in some issues of incarceration, it is not always the major factor. Where there are those cases with questionable consistencies in racial patterns and victim reports, the type of discretion utilized by the police when reporting those crimes must be determined. Therefore, one major weakness in the reviewed research would be the accuracy of incarceration data. Criminologists coined the term the “dark figure of crime” as a means of describing unreported or undisclosed crimes. The under-reporting of these undisclosed crimes would also seem to call into question Blumstein’s approach. Where variables fail to live up to the expected requirements, such as discrimination and validity in post arrest discrimination, it would seem that the relationship between increased minority incarceration and criminal activity is suspect.

Another weakness in the studies is that the UCR does not collect all relevant data. Crime data about the victim, offender, and circumstances of homicide is usually the only collected data. Another criticism while looking at Blumstein’s method is that he utilizes surveys on the prison population without taking into consideration the length of sentencing or the years of the sentencing. Blumstein also failed to take into consideration the comparative measures associated with unexplained racial disparity in incarceration stemming over multiple states. While Garland, Woodahl, and Spohn (2008) did not do as

extensive of a study as Blumstein, they also utilized the UCR paying particular attention to the black to white ratio in incarceration. What is problematic is that although minority disparity in incarceration is high, the studies failed to identify the rate of disproportionality that is based on discrimination and which parts are due to crime rates.

Those studies that address disparity in incarceration tend to look more closely at race and less at the extenuating circumstances that led up to incarceration. While studies look at the impact of incarceration on families, children, and communities, more needs to be done in determining how long-term maltreatment affects and later impacts the lives of children who then become offenders. None of the studies seem to take an approach to determine a reasonable method of overcoming the underlying issues in order to address policymakers in a call for change in unreasonable laws. Studies reveal that there are patterns and behaviors that recur in human behavior even within the complexity of humanity. The problem, however, seems to be that more investigation is required to examine certain fundamental principles.

Therefore, by looking at how minority male incarceration affects families, children, and communities, I researched the impact of incarceration and its hold on those directly in its path. With increased incarceration, minority males are being removed from their communities in mass exodus. With the demise of the communities, families themselves are struggling emotionally, financially, and psychologically. This study addressed issues surrounding children dealing with incarceration that are often caught up in the devastation that accompanies violence. Certain types of violence and even addiction often propel them on the same journey as their parents. For self-sustenance, young minority males are now more volatile and are more likely to use guns or other

weapons as methods for protecting their turf. Those children that do have the opportunity to go to school may find themselves classified as problematic, often caught up in a system that ushers them from school to prison. The research questions here are importance in order to examine the underlying issues that ultimately determine sentencing disparity in minorities and whether families and communities are taking enough responsibilities to create change.

### **CHAPTER 3: DATA ANALYSIS AND PRESENTATION**

This chapter presents the methodology for the qualitative study and reviews the data collection methods used in determining the findings of this research. The first section addresses narrowing the problem and stating researchable questions which allowed me to further develop the theory of incarceration's inequity impacting children, families, and communities of incarcerated minorities. The chapter then briefly discusses how the new drug war relates to the new race war along with the impact on minority children and families through qualitative data collection methodology. In the third section, the development of the interests and intent of the study is addressed, leading into a review of the qualitative approach case study methodology and a review of various scholars, up to and including Creswell and Mustakas' take on transcendental phenomenology. The sample selection techniques are also discussed, reviewing the lens of triangulation and process tracing which I utilized in determining the impact of the criminal justice system on minorities. Finally, the issues of record retention, data analysis, and data review and validity are presented to close out this chapter.

To increase our understanding on the new drug war or the new race war and how incarceration impacts minority children, families, and communities, we must be resilient about gathering facts. The research found within my case studies analysis, and those published information by scholars is straightforward. Through analysis of my case studies, the goal was to examine the impact of drug-related incarceration on minorities, in relation to analyzing the traditional demographic data of minority incarceration on a domestic level, and specifically within Miami-Dade County criminal justice system. I took into consideration age, educational level, income, family culture, and overall

societal norms to understand if these various factors played any significant role in minority drug related incarceration. I also analyzed how race contributes to incarceration, and how such incarceration impacts minority children, families, and communities. The use of, or lack thereof, of restorative justice within the criminal justice system is an essential component of my study. Racial influences, including societal established beliefs of minorities, and how restorative justice could aid in resolving most of America's minority non-violent drug-related incarceration's influx, is indeed a major element required in my research. Overall, I wanted data with integrity.

I used sources such as journal articles, historical articles, published books, public statements, internet news sources, and local media to gather my data. For the purposes of this dissertation, I have used primary and secondary modes of data collection that have been published within the field of conflict resolution, medical, and legal fields, and are academically accepted sources that help to bring clarity to the new drug war, race issues and concerns, and the impact drug related incarceration has on minority children, families, and communities. The interviews and surveys conducted of minorities convicted of drug related offenses, as well as with their family members, friends, and community members occurred during the process of scholastic research and were analyzed from those sources. The interviews conducted by the researchers from which I conducted my analysis are first-hand interview accounts that captured the phenomenology, or the 'lived experience' of each subject (Berko, 2009; Speckhard & Akhmedova, 2006). For example, the case study analysis conducted by Blumstein that is presented in chapter four relied on facts gathered from raw data (Speckhard & Akhmedova, 2006).

Furthermore, in chapter four, I present the Blumstein case studies addressing the disproportionate findings of minority related incarceration within a broader geographic area as it pertains to the American criminal justice system. Blumstein reviewed the American criminal justice system, providing data and other relevant tools wherein he made a determination as to the plight of minorities. With each individual case study, the facts gathered were reliant on raw data collected by the scholars. Additional journal articles have been used to gather data presented in the case studies analysis. Journals include the *Corrective and Social Psychiatry*, *Journal of Behavior Technology Methods and Therapy*, *American Journal of Sociology*, *American Sociological Review*, *Journal of the Community Development Society*, and *Journal of Black Psychology*, to name just a few. Further, major research studies conducted by The Sentencing Project depict the role of the government, criminal justice system, the educational system, and the media in minority drug related incarceration.

My focus with the case studies analysis is to understand the reason for the existence of the minority disproportionality within the American criminal justice system. Also, I explored restorative justice to gain a better understanding, other than what history has determined, of minority drug related offenses, and whether race may be a contributing factor in the disparity of minorities within the prison system. For example, historical data analysis has portrayed minority drug offenders as uneducated, violent, and poor. These factors have been deemed as misleading, since the evolution of scholarly research has proven that regardless of socio-economic conditions and regardless of demographics, the trigger of an individual to become involved in the drug trade remains unknown (The Sentencing Project, 2008).

I must state that to focus on minority drug-related incarceration, minority children, families, and communities, does not create a biased analysis that favors my theory that restorative justice is a necessary tool in restructuring the American prison system. On the contrary, there remain consistent biases in accounts broadcast by the media, published by various newspaper or journal articles that are often predisposed in finding that minorities involved in drug-related offenses are often undereducated, violent, irresponsible, and unstable individuals that must be removed from society. News stories have created this persona that minorities involved in the selling or usage of drugs often do so because it is within their nature to be less than stellar citizens (The Sentencing Project, 2008). Nonetheless, according to those that believe the old adage that minorities should know their place, those that continue to fuel the fire of race as it relates to modern day society still stand on the premise that

Barack Hussein Obama is neither a winsome human being nor a winsome president. I doubt that he would have become a winsome attorney. He is, however, a winsome speaker particularly to groups of Americans who carry grudges....urban blacks, homosexuals and friends, feminists, the Maureen Dowd college harpies and females without brothers and fathers, Latinos and Latinas new and unaware of the cultural American way, traditionally antiChristian leftwing Jews, and/or males who fought their conservative fathers to find new paths, the illiterate university and other perpetually teenaged masses, and the most powerful gang of all anti-America all of the above particularly housed in the present atheistic, nihilistic, drugged and sexed programmed staff and “students” of today’s American “education” empire. (Ray, 2014, para. 7-8)

Despite the beliefs of those that find that most minorities are lacking certain essential tools necessary to lead the “new” America, I find that almost all minorities are normal individuals, seeking the same things that the majority desire: to live comfortably, to provide for their families, and to not worry about where their next meal is coming from. I also found that despite what the media may attempt to portray, minorities are actually graduating high school, attaining some level of college education, and are not impulsive, violent, or delusional.

Therefore, the intent of my study, through an objective perception based on published data within journal articles, book publications, and news articles, as well as gathered information from the media, was to understand the logic behind increased minority drug-related incarceration, and to determine the true role of restorative justice in rebuilding minority communities and the American prison system as it relates to non-violent offenders.

Further, the methodology of my study was based on analyzing case studies of minority incarceration as it relates to the new drug war or the new race war and how such incarceration impacts minority children, families, and communities. These case studies will be presented in chapter four. In this section, I introduce my methodology on how I analyze the disparity in sentencing as it impacts minorities and those directly linked to them based on my research questions. The research questions associated with my study, as identified earlier, include:

- Is the over-representation of minorities in detention based on racism or drug related sales and distribution?



- Is the over-representation of minorities in the criminal justice system a direct causation of educational and economic deprivation?
- Does the incarceration of minorities adversely affect their children and communities, and can restorative justice be applied to drug related offenses as an alternative measure to incarceration?

The goal of my study was to determine if the government, criminal justice system, educational system, race, and the media play a contributing role in minority drug related incarceration in relation to my theory that restorative justice can significantly resolve the over-representation of minorities within the American prison system.

To understand minority drug related incarceration and its impact on minority children, families, and communities, a qualitative approach was needed. In my case study analysis, I had to use the qualitative approach to test my theory that restorative justice can unequivocally diminish the disproportionate amount of minorities convicted of non-violent drug related offenses that are currently within the American criminal justice prison system. By analyzing the case studies, it would seem that restorative justice is the only way to solve the current state of the American prison system.

The qualitative approach of my case studies analysis focused on the lived experiences of the minorities within the prison system of the United States. This is a phenomenological approach that is used as a mode of data collection by Blumstein (1967, 1982, 1993) and Cohen-Jennings (2009), who interviewed incarcerated minorities and members of those minority communities from which the detainees were from. The qualitative approach in research is a useful method for building models and connecting theories (J. Campbell, personal communication, June 2013). Qualitative methodology is

useful with the case analysis of both the Blumstein approach and Cohen-Jennings' study on the Miami-Dade County Rehabilitation Center, as this method reaches the inner circumferences of the dynamics of the culture of minority drug-related network, community support for those incarcerated on drug related offenses, and the community and family members of those left behind to deal with the impact increased detention creates. These emotional and often deep-seated concerns often cannot be captured through the lens of quantitative analysis.

It is imperative to note that while the quantitative approach relies primarily on gathered data from empirical measures as a source to validate findings, this method fails to capture the true essence of the subject, because it fails to capture those drivers that often motivate and reinforce the mentality associated with justifying the reasoning behind why minorities in particular engage in drug-related activities. For a better understanding, the lens of these varying degrees are best captured by qualitative research methodologies, specifically phenomenology, which is a research process focused on understanding the "lived experiences" of its subjects (Campbell, 2012). Quantitative analysis often measures patterns and behaviors; however, this method fails to provide the lived experience of any particular groups, especially minorities who are closely aligned or affiliated with drug and racial conflict. Quantitative analysis fails to provide the necessary explanatory analyses of the elements and factors associated with why individuals get involved with either the selling or usage of drug which, in turn, often finds them closely linked to the criminal justice prison system. These minorities who, without qualitative analysis would not have a voice, are the main vehicle behind the drug-

related crisis that disparagingly impacts certain races and without their voices, there truly is no lived experience (Campbell, 2012).

Therefore, for the purposes of my dissertation, understanding the phenomenology of minorities closely related to the new drug war is vital for understanding how race may play a role in non-violent drug related minority sentencing and how restorative justice should be utilized as a tool to fix the American prison system. We can also use the qualitative approach to prevent the increase in minority drug-related incarceration as explored by The Sentencing Project's (2008) study, *Reducing Racial Disparity in the Criminal Justice System: A Manual for Practitioners and Policymakers*, and Howard Zehr's (2002) publication, *The Little Book of Restorative Justice*. A major part of these studies are used as reference in my case study analysis. Both studies provide an overview of the role of the government, criminal justice system, and educational system as it pertains to drug-related minority incarceration and race relations through a qualitative lens. The Sentencing Project (2008) identifies that race relations and political goals of those in power are often significant attributes in the disproportionality of minority drug-related incarceration, while Zehr (2002) acknowledges that restorative justice is a vital tool, if embraced fully by the criminal justice system, can help to alleviate a lot of the prison overcrowding that often depletes minority communities. I have also used Blumstein's (1967) methodology as a guide for my methodological structure presented in chapter four.

The method of qualitative approach is essential to determine motivational factors of the new drug war, specifically with developing constructs of the lived experiences, which enables us to gain a deeper understanding of why this concept has negatively

impacted minorities. The qualitative analysis provides a visual of the significance of the new drug war as it relates to minority exploitation through radical criminal justice sentencing ideologies. It is my belief that the qualitative approach is needed to identify probable solutions to prevent further increase in minority presence within the criminal justice system.

To test my theory that restorative justice can resolve minority disproportionate representation within the American criminal justice system, I used a methodology that includes a focused comparison in conjunction with Blumstein's method of reviewing minority incarceration and Cohen-Jennings' study of minority detainees within the Miami-Dade Corrections Rehabilitation Center. The methodological structure that I used is similar to Blumstein's (1967) methodology in his research. Blumstein's correlative analysis provides numerical justification for my theory, which can assist with understanding the drug-related criminal justice process through common patterns identified within each individual minority drug-related case, and how these sentencing processes impact minority children, families, and communities. I provided detailed analysis of historical cases of civil rights issues, racial concerns, and legal issues that identified the common dynamics that predict outcomes.

Testing my theory concerning drug related incarceration and restorative justice required three main steps. The first step was presenting the historical data, or the background information of the new drug war. Thereafter, I explored the influence of the government, criminal justice and educational system, as well as the media, as it relates to politicians and increased drug-related sentencing policies; and those radical sentencing structures that have contributed significantly to the increased presence of minorities

sentenced for drug-related offenses within the criminal justice system. Finally, I presented the community behavior towards minority drug-related incarceration. The precise time-frame for the case studies analysis is ten years, from 2000 to 2010.

## **Methodology**

The goal of my study was to provide additional information to existing research literature on the topic of the new drug war and how this war is directly impacting minority communities, especially children and families. Research shows that the new drug war is a means of controlling minorities to the point where minority incarceration is disproportionate in the criminal justice system compared to other race and ethnicities (Blumstein, 1993). Although the issue of increased minority incarceration has been widely addressed, it is clear that more research needs to be conducted to get a better understanding of whether the criminal justice stance on drug related incarceration or minority criminal involvement remains the main reason why there are more minorities incarcerated within the American prison system (Blumstein 1993; The Sentencing Project, 2008; Tonry, 1995). My research is concerned, largely, with the impact of minority over-representation within the criminal justice system and how such incarceration impacts minority communities, especially children, and how restorative justice can solve the plight of the American prison system. Literature that addresses how minority children cope with family incarceration does so without much in-depth research to substantiate their findings (The Sentencing Project, 2008). The empirical educational research that focuses on the school system presents empirical data to substantiate findings of children that are complacent or at times more violent than other races which tends to

undermine the actual concerns or issues surrounding minority communities (Sum et al., 2009; Swan, 1981).

I have designed my theoretical framework similar to Blumstein's (1967) framework in *The Racial Disproportionality of United States Prison Populations*. While Blumstein (1967; 1982; 1983) conducts both qualitative and quantitative study analysis on minority disproportionality throughout the United States, my focus was to study minority disproportionality related to drug-related incarceration in the United States and then specifically in Miami-Dade County, Florida. The goal for using a qualitative content based analysis with the case studies was to attain a distinct and shortened description of the phenomenon and the outcome of the categories that describe the phenomenon based on a deductive approach. The purpose of my categories was to test my theory that the new drug war or the new race war occurring within the American criminal justice system can be resolved through restorative justice, and that restorative justice can aid in healing minority children, families, and communities. The phenomenon is the narratives of the minority incarcerated individuals, family members, and community that have been collected and published by academic scholars.

My methodological framework is designed with a deductive approach. My definition of a deductive approach arises from the organization of already collected data in a way that categorizes and codes the research. The deductive approach "is often used in cases where the researcher wishes to retest existing data in a new context...it is generally based on earlier work such as theories, models, and literature reviews" (Elo & Kyngas, 2007, p. 110).

As part of the deductive approach, I fully developed the initial foundation of my framework composed of my criteria: government, criminal justice, education, and the media. Thereafter, I broke off and created three major categories, which I then divided into two parts. The first part of my methodology is composed of descriptors, including the causes of the social and political drivers that seem to feed the systems that create drug-related sentencing structures. The second part of my study includes the outcomes of social environments. The three major categories include historical analysis, embracement of drug-related sentencing structures, and internal and external influences in relation to minority drug-related incarceration. In the first part, I specifically focused on the historical analysis of the new drug-related or race-related conflict. The purpose of studying the historical analysis was to determine how and why the new drug related-sentencing structures were introduced into a vulnerable environment already spread thin by past racial division.

Part two precisely sought to determine how restorative justice ideologies are embraced within the criminal justice environment, based on external and internal influences. Thereafter, I studied the impact of drug-related minority incarceration on children, families, and communities at the individual level. In addition, within each case study, a content based analysis was conducted with the application of the categories and criteria to determine if my dissertation descriptors supported varying elements of my theory that restorative justice can resolve the over-representation of minorities within the criminal justice system. The elements of my theory of renewed restorative justice practices within the criminal justice system includes cognitive capabilities, education, and renewed consideration for alternative measures that will create rehabilitation. Thereafter,

within each category, I applied a coding system designed to organize my research, which I discovered on the basis of the research themes and patterns.

In the first part of my methodological framework, I conducted a qualitative content based analysis on the American justice system where minority over-representation has become the major method of sentencing within the American prison system, specifically within the Miami-Dade County justice system. It must be noted that published researched by scholars both domestic and globally have been derived from the criminal justice system, the systems which impact minorities specifically, and the effect of restorative justice. I distinctly introduced the overall historical analysis within each of the realms of my study to determine how and why drug-related sentencing guidelines are impacting minorities. I distinctively attempted to understand the vulnerabilities that exist in each environment which may somehow create further division, and may, in turn, break down communication that continues the cycle of conflict.

By analyzing the communication style of the published information of scholars, I was able to analyze the content of the documents to further broaden my understanding of the new drug war as it relates to race and the role of restorative justice within the criminal justice process. This categorized phenomena served as the test of the theoretical elements developed to understand the data. This data was then coded through a methodological process derived through a systematic and objective method (Elo & Kyngas, 2007, p. 109). In Cohen-Jennings' (2009) study I have found that the theme surrounding minority incarceration stems from the premise that under-employment, initial stage of minority introduction to the criminal justice system, family and community relationships, and even



education all play a great role in over-representation of minorities within the criminal justice system.

### **The Coding and Phenomenological Approach in Qualitative Research**

By reviewing the interviews and the surveys of the published cases, I attempted to determine what patterns and techniques were found by the scholars, especially as it related to questions, content, and context, and took into account the race and gender of the scholars conducting the various research. These methods enabled me to create my own coding system through the identification of these specific patterns in the themes of the various studies since this process allowed me a better understanding of the published academic data. In Blumstein I found that disparity in criminal justice sentencing as it impacted minorities was already in existence, and most was stemming from a generation where Whites were the ones in power. Those in power then had the ability to determine how and who were impacted within the criminal justice system. Further, it is clear that because of America's past history with slavery that further created racial division, minorities were more vulnerable on both individual (micro level) and social (macro) levels (The Sentencing Project, 2008).

Before digging into phenomenology, it is important to provide some definitions on the theory. According to Creswell (1998), phenomenology is described as the "researchers search for essentials, invariant structure (or essence) or the central underlying meaning of the experience and emphasize the intentionality of consciousness where experiences contain both the outward appearance and inward consciousness based on memory, image and meaning" (p. 52). Patton (2002) stated that

a phenomenological study...is one that focused on descriptions of what people experience and how it is that they experience what they experience. One can employ a general phenomenological perspective to elucidate the importance of using methods that capture people's experience of the world without conducting a phenomenological study that focuses on the essence of shared experience. (p. 71)

In my study, because of my interest in the new drug war or the new race war and incarceration's impact on minority children, families, and communities, not only did I look at case studies, but I also looked at phenomenological research as a method of gathering, deciphering, and understanding information. Because a phenomenological study looks at the lived experience of several individuals, this process is vital in addressing not only the lived experience, but in conceptualizing those experiences or phenomena. The case studies within my research utilized Moustakas' method of transcendental phenomenology as this method is best suited in research where studies are conducted to gain a better understanding of the meaning of people's experiences. Moustakas' transcendental approach allows researchers seeking information on the lived experience to determine what philosophical methods are best suited when approaching the study from an objective and subjective viewpoint. See Table 1 below.

Table 1

*Moustakas' Transcendental Approach in Phenomenology*

<p><b>Processes</b></p> <p>Epoche Setting aside prejudgments and opening the research interview with an unbiased, receptive presence</p>
<p>Phenomenological Reduction Bracketing the Topic or Question Horizontalization: Every statement has equal value</p> <ul style="list-style-type: none"> <li>• Delimited Horizons or Meanings: Horizons that stand out as invariant qualities of the experience</li> <li>• Invariant Qualities and Themes: nonrepetitive, nonoverlapping constituents clustered into themes</li> <li>• Individual Textural Descriptions: An integration, descriptively, of the invariant textural constituents and themes of each research participant</li> <li>• Composite Textural Description: an integration of all of the individual textural descriptions into a group or universal textural description</li> </ul>
<p><b>Imaginative Variation</b></p> <p>Vary Possible Meanings</p> <p><b>Vary Perspectives of the Phenomenon:</b> From different vantage points, such as opposite meanings and various roles</p> <p><b>Free Fantasy Variations:</b> consider freely the possible structural qualities or dynamics that evoke the textural qualities</p> <p>Construct a list of structural qualities of the experience</p> <p><b>Develop Structural Themes:</b> cluster the structural qualities into themes</p> <p><b>Employ Universal Structures as Themes:</b> Time, space, relationship to self, to others; bodily concerns, causal or intentional structures</p> <p><b>Individual Structural Descriptions:</b> For each co-researcher, integrate the structural qualities and themes into an individual structural description of the experience</p>
<p>Synthesis of composite Textural and Composite Structural Descriptions</p> <p>Intuitively-reflectively integrate the composite textural and composite structural descriptions to develop a synthesis of the meanings and essences of the phenomenon or experience</p>
<p><b>Methodology</b> Preparing to Collect Data</p>

<ol style="list-style-type: none"> <li>1. Formulate the question: Define terms of question</li> <li>2. conduct literature review and determine original nature of study</li> <li>3. Develop criteria for selecting participants: Establish contract, obtain informed consent, insure confidentiality, agree to place and time commitments, and obtain permission to record and publish</li> <li>4. Develop instructions and guiding questions or topics needed for the phenomenological research interview</li> </ol>
<p><b>Collecting Data</b></p> <ol style="list-style-type: none"> <li>1. Engage in the Epoche process as a way of creating an atmosphere and rapport for conducting the interview</li> <li>2. Bracket the question</li> <li>3. Conduct the qualitative research interview to obtain descriptions of the experience. Consider: <ol style="list-style-type: none"> <li>a. Informal interviewing</li> <li>b. Open-ended questions</li> <li>c. Topical-guided interview</li> </ol> </li> </ol>
<p><b>Organizing, Analyzing, and Synthesizing Data</b></p> <p>Follow modified van Kaam method or Stevick-Colaizzi-Keen method  Develop individual textural and structural descriptions; composite textural and composite structural descriptions, and a synthesis of textural and structural meanings and essences of the experience</p>
<p><b>Summary, Implications, and Outcomes</b></p> <p>Summarize entire study</p> <p>Relate study findings to and differentiate from findings of literature review</p> <p>Relate study to possible future research and develop an outline for a future study</p> <p>Relate study to personal outcomes</p> <p>Relate study to professional outcomes</p> <p>Relate study to social meanings and relevance</p> <p>Offer closing comments: Researcher's future direction and goals</p>

*Source:* Moustakas (1994, pp. 180-182)

Rossmann and Rallis (1998) concluded that “phenomenological analysis requires that the researcher approach the texts with an open mind, seeking what meaning and structures emerge” (p. 184). Scholars who approach their studies from a phenomenological standpoint tend to focus on universal commonality or worldviews such

as postpositivism and constructivism. Postpositivism, when conducted properly, takes the researcher through logical steps that provides elements geared towards constructivism taken from case study interviews relying on the participants lived experiences in order to understand the different perspectives and generated meanings found from gathered data. See Table 2 which follows.

Table 2

*Creswell's Four Worldviews Elements*

<b>Postpositivism</b>	<b>Constructivism</b>
<ul style="list-style-type: none"> <li>• <b>Determination</b></li> <li>• <b>Reductionism</b></li> <li>• <b>Empirical observation and measurement</b></li> <li>• <b>Theory verification</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Understanding</b></li> <li>• <b>Multiple participant meanings</b></li> <li>• <b>Social and historical constructions</b></li> <li>• <b>Theory generation</b></li> </ul>
<b>Advocacy/Participatory</b>	<b>Pragmatism</b>
<ul style="list-style-type: none"> <li>• <b>Political</b></li> <li>• <b>Empowerment issue-oriented</b></li> <li>• <b>Collaborative</b></li> <li>• <b>Change-oriented</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Consequences of Actions</b></li> <li>• <b>Problem-centered</b></li> <li>• <b>Pluralistic</b></li> <li>• <b>Real-world practice oriented</b></li> </ul>

*Source:* Creswell, 2009, p. 6.

During phenomenological research, the researcher is seeking information that will provide answers to help understand and determine the “how” and “what” factors that surround the lived experience (Moustakas, 1994). The experience of those participants then provides the descriptors for the composite profile of each individual experience. In other words, phenomenological researchers often seek to determine that which is experienced on a universal scale by every single individual. Van Manen (1990) states that for the lived experience, it is clear that phenomenology breaks down those universal individual experiences in an effort to “grasp of the very nature of the thing” (p. 177)

allowing those working through the lens of qualitative research to identify the specific elements or phenomenon. Van Manen coined this the “object” of whatever universal experience that individuals, no matter their socio-economic, cultural, racial, or ethnic make-up, must experience (1990, p. 163). For instance, everyone, no matter where they are located in the universe, experiences pain; they experience sadness, loss, anger, love, and depression (Moustakas, 1994), and those experiences, as viewed by qualitative researchers, fall within the lens of identifiable phenomenon that connects humans on the greater schema of things.

### **Inception of Phenomenological Research**

When looking at phenomenological research, credit must be given to Edmund Husserl (1859-1938), a German mathematician who looked beyond the scope of the theory and into the philosophical process within the school of thought. Further, phenomenology is widely embraced within social and health sciences. It is clear that the researcher using the phenomenological concept seeks to consciously understand those lived experiences that provide the analyses of the perspectives of all social creatures experiencing a particular and sometimes significant incident (Moustakas, 1994; Stewart & Mickuna, 1990; van Manen, 1990).

Therefore, it would be safe to state that the main purpose in utilizing the phenomenological approach in qualitative research is so that the researcher is able to bring forth specific identifiers that are lived by those actors participating in certain life situations. The gathering of this type of information is done through various methods such as conducting interviews, holding discussions, and observation of the participants (Creswell, 2008) who are willing to share their perception of identifiers that ultimately

reveal their perspective on their phenomenon. Further, it is important to understand that with phenomenological research, the goal is to gain a deeper insight into the personal, subjective, lived experience of individuals by removing the researcher's personal biases in order to gain a deeper knowledge of the participants' interpretation of those lived experience. At times, phenomenological research is intertwined with other qualitative measures such as ethnography or hermeneutics approaches (Husserl, 1970). However, in pure phenomenological research, the study strives to determine those descriptors pertinent to the lived experience, instead of attempting to explain those experiences by removing preconceived ideologies (Husserl, 1970).

While some researchers would love to claim that they are often free from biases or preconceived notions, I have found that statement to be weak. The reality is that we are humans with built in notions, or through our lived experiences, we form certain opinions whether true or untrue that lead to certain biases. More feminist researchers are now acknowledging this fact. They state that as it pertains to research, researchers have to acknowledge those biases in order to properly interpret those 'frames'. Those 'frames' are social and personal perspectives which allow the researcher to be a thinking, rational being interested in understanding and interpreting the lived experience of the participants, instead of coming across as the detached, unfeeling, methodological actor who is impartial in findings (Plummer, 1983; Stanley & Wise, 1993).

Van Manen (1990) not only considered the lived experiences of individuals as conscious experiences, but argued that those experiences have formed commonalities. Further, Stewart and Mickunas (1990) shared their ideas of what is now considered philosophical ideologies fashioned within the school of phenomenology:

1. Return to what is considered the traditional movement within philosophy: Since the 19th century viewed philosophy as “scientism”, which embraced a more empirical method, the researchers argued that a better concept would be for phenomenologist to return to the Greek methods, a process that sought wisdom and understanding instead of plain empirical study.
2. Removal of presuppositions: Researchers must now focus on the epoche, which calls for suspending prior judgments.
3. Conscious intentions: Husserl states that conscious thinking is founded in one’s perception of or “reality” of their perceived particular experiences or object.
4. Refusing what is considered the subject/object dichotomy: One’s reality, and the way they feel about that conscious reality stems directly from the meaning they place on that reality.

Qualitative researchers all seem to agree on one particular fact, that is, the phenomenological research process takes into consideration not only the perspective of those participating in the study, but also addresses those meanings or major concerns of the lived experiences of those individuals (Schwandt, 2000). Husserl (1970) said it best, when he stated that “we can only know what we experience” (p. 13). Therefore, and with certainty, researchers can only address those facts that are not absolute, and provide a process that focuses not only on the pre-existing supposition of an individual’s truth, but also looks further, by seeing the underlying essence of those experiences that brought about those long held beliefs or current knowledge shared within what the participant views as his or her lived experience. For how can we understand what someone is living, if we have never been where they are, experienced what they have experienced, to relate



to why they behave the way they behave? Husserl (1970) found that while researchers branch off into methods towards establishing knowledge, they must first look at the participant's reality, and must respect and acknowledge the phenomena which create the characteristics of the participants viewed or experienced as psychological facts. This is understood by conducting interviews in order "to find out what is in and on someone else's mind" (Patton, 1990). Interviewing creates a theme which is specific in the phenomenological study in gathering information that reveals the lived experience of those living the phenomenon (Giorgi, 1985), and the researcher who serves as the source for studying the phenomenon. The job of the researcher is to remove personal biases and instead detach her or himself while being cognizant of her or his own experiences that might create biases especially when it comes to the interpretation and analysis of the gathered data.

Creswell (1998) proposed the following procedures when doing phenomenological research:

1. The researcher needs to understand the philosophical perspectives behind the approach, especially the concept of studying how people experience a phenomenon.
2. The investigator writes research questions that explore the meaning of that experience for individuals and asks individuals to describe their everyday lived experience.
3. The investigator collects data from individuals who have experienced the phenomenon under investigation. Typically, this information is collected through long interviews.

4. The phenomenological data analysis: the protocols are divided into statements or horizontalization, the units are transformed into clusters of meaning, and then the researcher ties the transformation together to make a general description of the experience, including textual description (what is experienced) and structural description, i.e., how it is experienced.

Minorities are seeking to build or rebuild lives after slavery and racial division. They are seeking to determine their roles, striving for positions of power that resulted in high vulnerabilities after the civil rights movement, and for those reasons, the reasons that are supported by vulnerability, minorities often find that certain unsavory practices run a higher risk of being utilized within their communities, further creating a cycle of depravity and hardships. Crack cocaine was easily accessible, easier to hide, and more addictive, minorities were targeted by organized drug groups because of their vulnerability (Hirliman & Gasnier, 1938; Mauer & King, 2007; Reiman, 1998; Robinson & Scherlen, 2007; Robinson, 2005; Schiraldi & Ziedenberg 2003; Tonry, 1992), need to gain easy access to money, and the fact that minorities often felt displaced and forgotten by the American system. Throughout my qualitative analysis I tested my theory that restorative justice can solve the majority of American criminal justice prison system, especially as it relates to minority over-representation. By reviewing how restorative justice is accepted in a vulnerable environment based on public policies, conflict resolution practices within the criminal justice system itself, and the acceptance of the restorative justice theory by those in power, I was able to determine how restorative justice could positively impact offenders and victims from post-arrest to sentencing. By testing the theory of the power of restorative justice within the criminal justice field, I

was able to measure the outcomes of varying social environments, in an attempt to not only determine, but also validate what—if anything—had changed within society about established beliefs in regards to minorities, and how such transformation came about which, in turn, might have led to an increase of minorities within the American prison system.

I not only collected qualitative data from peer reviewed journals such as *Journal of the Community Development Society*, the *Journal of Black Psychology*, but I also relied on global research conducted by scholars such as Zehr, who looked at restorative justice as an applicable and doable tool within the American criminal justice system, scholars from the United Kingdom who conducted a study from 2004 to 2008 spearheaded by Professor Joanna Shapland, and other renowned scholars such as Professors Sherman and Strand who studied the impact of restorative justice on the offender and victims. Further, I collected data published by Mastro and Greenberg, Mauer, Human Rights Watch, scholars studying the media as it relates to race and incarceration, as well as media outlets such as Frontline and CNN. These resources served to provide historical and current accounts of drug-related minority involved incidences on the local and global arena. They also serve as supporting evidence for the application of my theory, confirming that restorative justice is a doable and reliable method for resolving many of the problems within the American judicial system. Further, if restorative justice is embraced by the various platforms that create legislation and educational policies affecting minorities on the individual and community level, this process can begin to spearhead the platform of accountability and healing that has never been fully addressed as it pertains to race and healing within the United States. Moreover,

I sought to determine if the increased amount of incarcerated minorities within the criminal justice system could be credited to racial bias, criminal activities, or the limited use of restorative justice within the legal system as a means of rehabilitation. For example, Ipka (2007) found that there are members of the criminal justice system who have deep held concerns about utilizing restorative justice during the sentencing phase. Those concerns may also contribute to pre-conceived ideologies and long held beliefs that impact the application of federal sentencing guidelines. For all intensive purposes I have integrated a diagram outlining the collection and analysis of my data within my methodological framework.

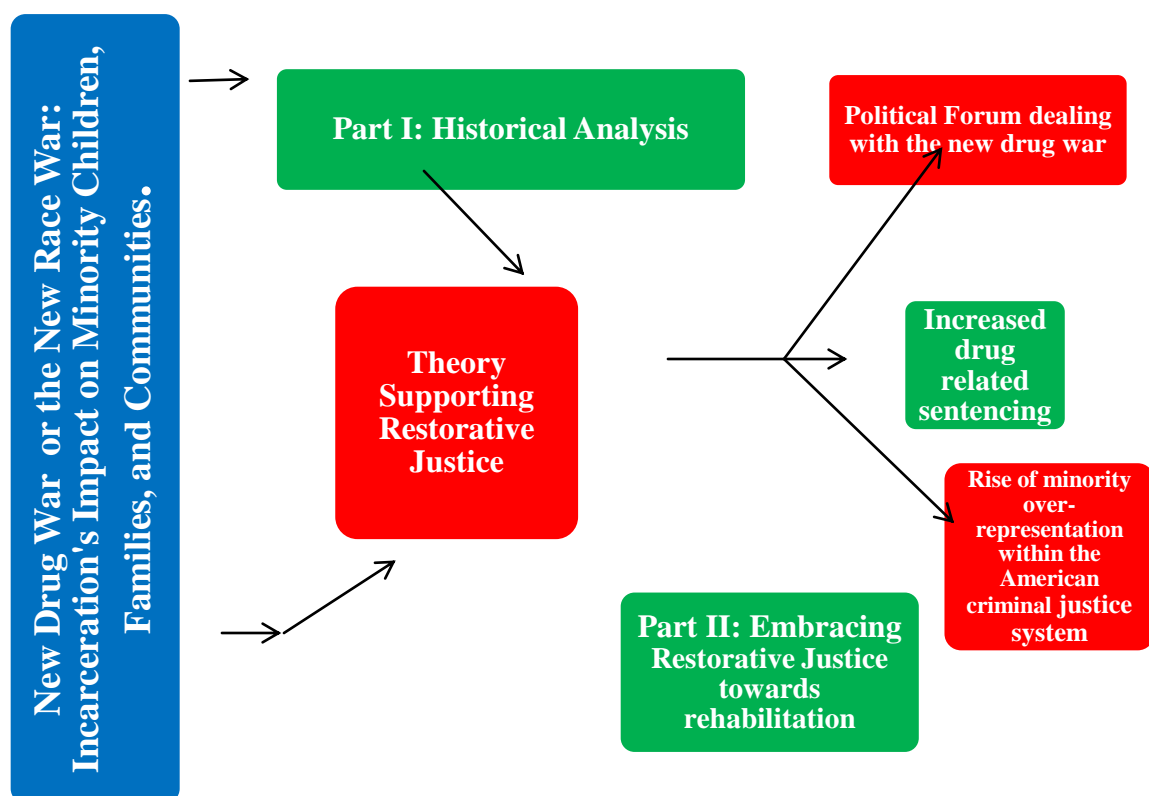


Figure 1. Guide to methodological data/collection analytical process.

My theoretical framework further enabled me to determine that at the social level, racism is a social construct, and the way the media portrays certain groups, as well as the way that people behave towards each other is a conditioned behavior that often negatively impacts minority at the benefit of the majority. My case study analysis is presented in chapter four, with the first study focusing on Blumstein's method wherein he utilized gathered data from the UCC to assess if racism is present within the criminal justice system. My next case study focused on Cohen-Jennings who reviewed minority incarceration within the Miami-Dade Rehabilitation Center, wherein she sought to find their lived experiences by focusing on their individual, criminal, educational, and family relationships that held deeper connections towards answering my research questions.

The first case study focuses on the Blumstein method which is based on various mixed methods studies drawn upon by other scholars attempting to determine the link between the new drug war and race as it relates to minority incarceration. This study also used phenomenology and a statistical regression analysis. The qualitative methodology included in-person interviews and surveys (Blumstein 1967, 1982, 1993). Disseminating the Blumstein method is the first section of my case study. I present the historical analysis and the concepts utilized during these studies in assessing the existence of race as a possible deciding factor during the sentencing phase of minorities. In the Blumstein studies, the phenomenological approach was presented as a qualitative method in that 'the lived experiences' were recorded through the identification of possible motives towards why the new drug war was more detrimental towards minorities and within minority communities (Blumstein 1993).

I present the Cohen-Jennings study which provides insight into minority incarceration within the Miami-Dade, Florida criminal justice system. This section presents the final step in my theory that restorative justice can solve majority of the problems minorities face within the American criminal justice system. This case also employs phenomenological analysis. The findings include discovering that socio-economic as well as educational systems are indeed processes that contribute to increased minority incarceration, and that with the help of restorative justice it is an extremely strong possibility that rehabilitation through restorative justice can redirect and re-energize minority communities. Restorative justice would further lead to more minority involvement in higher and more attainable educational and political goals, which in turn creates minority empowerment towards self-sustainability and creativity.

Within each case, I provide an invaluable explanation on the need for restorative justice not only as a promotable tool during the criminal justice process, but as a tool for teaching minority children, families, and communities about how to cope with incarcerated individuals who are later released back into those very communities that they preyed upon, and how to develop tools and find resources through organizations that will allow the communities to become the greater part of the American whole.

I examined the impact of the drug war as it relates to race. Specifically, the objective of the study was to draw from the meta-analysis lens of qualitative research found within the literature. The data allowed me to build upon the existing body of research as it relates to the determined analysis. By approaching the research from a historical/critical methodology standpoint, I determined the subject matter of incarceration, how incarceration became a conflict, why the conflict has adversely

impacted minorities, and what is happening because of policies—why it is happening and what can be done differently to resolve the conflict. Secondary analysis and law enforcement data from the Federal Bureau of Investigation and UCR were utilized for data collection. In the interest of safety, I elected not to engage in direct observation of subjects in order to avoid situations that might be dangerous; for direct observation the researcher needs to deal with groups in the minority community that may view a researcher's presence as a threat to their cultural institutions. Surveys would also be extremely difficult to use because it involves interacting with governmental and minority individuals who may not understand the reasoning behind the research and therefore, be resistant to participation.

The sources that guided the study included archival documents, law enforcement agency files, magazine and journal articles, and newspaper information. The aim was to find objective sources and determine the core correlation between the new drug war and whether sentencing guidelines are promoting a new way of removing or depleting minority communities which, in turn, can be viewed as a new race war.

At the micro level it was essential to review how the war on drugs impacts minority communities while steering clear from majority communities. This subject is relevant to the field of conflict resolution because racism and racial bias continue to remain a cultural and societal issue. Most conflict practitioners are unable to deduce the political and social implications of the issues surrounding the drug war and race. Others fail to realize that despite the inexplicable desire for people to systematically control the process of race, the media, and the inevitable outcome, there are still unexplained issues surrounding the actual relationship between the perceived drug war and race war.

The approach of the study was to examine and gain an understanding of the macro-level causes that perpetrate or contribute to the conflict surrounding the drug and race war. By looking at education and socio-economic conditions utilizing a prescriptive and process tracing method through the lens of authentic/unbiased researches, I hoped to determine what is currently happening in society today, what ought to or should happen, and what might happen if the educational and socio-economic paradigms were to change.

I paid particular attention to how inequalities are constructed, created, and manifested. When society claims that a certain group is devious, it often means that there are deviant behaviors within that group or associated to that group. Therefore, it was imperative to determine what the constructs of deviance imply and where it leads. In an effort to test the theories, I also looked at literature from the viewpoints of different scholars such as criminologists, sociologists, and national organizations, in addition to what conflict resolution practitioners, psychologists, and other scholars have said about this socially constructed conflict model. In the effort to gain a better understanding of relationships in the drug war conflict, determining the relationship of the data was greatly benefitted by the process tracing method.

The current investigation examined disparity in sentencing as it affects minorities, children, and communities and the impact such disparity in the criminal justice system of sentencing has on the foundation of minority families. The selection of the historical/critical qualitative case study research approach is supported by Creswell (1998) as well as Wiersma and Jurs (2009). Specifically, Wiersma and Jurs stated that “historical research is a systematic process of searching for the facts and then using the information to describe, analyze, and interpret the past” (2009, p. 223). Further, the



authors wrote that “case study research is used extensively in qualitative research and historical organizational case studies and observational case studies are the two most commonly used designs” (p. 211). Creswell posited that “a case study is an exploration of a ‘bounded system’ or a case (or multiple cases) over time through detailed, in-depth data collection involving multiple sources of information rich in context” (1998, p. 61). Therefore, because of the framework and qualitative design of this study, the selection of the historical/case study tradition was suitable to help examine, guide, and investigate documents found within the parameters of this particular study.

The study also used process tracing. According to David Collier (2011), process tracing is a “fundamental tool of qualitative analysis” (p. 823), which provides guidelines for implementing a method in an effort to study the causal mechanisms that link the drug war to minorities. Using process tracing helped to determine if the causes of the drug war are closely related to the outcomes of criminal behavior, media and race relations, and governmental policies and race control. This enabled me to determine the set or sets of causes that contribute to the new drug war as a new race war and the degradation of minority families and communities.

Process tracing is a method utilized in qualitative research to help describe political as well as social concepts in order to review and evaluate varying claims (George & Bennett, 2005). One critical aspect of process tracing is to focus on change, cause and effect because these are essential in ensuring that the studied phenomena is properly and adequately described (Mahoney, 2010). When utilizing process tracing in the case study format, the researcher must make sure that careful attention is given to detail as well as to the different variables that impact the research. For instance, the

dependent and independent variables must be recognized and known so that the sequences can help to advance the research (Mahoney, 2010). Through process tracing I reviewed causal mechanisms which aided in reviewing social processes as they relate to intentions of the government when addressing the new drug war, as well as expectations of sentencing as it relates to drug related incidences, information, and strategic interaction (George & Bennett, 2005). According to Beach and Pedersen (2011), there are three clearly identifiable variants of process tracing. They are:

- 1) theory-testing PT that deduces a theory from the existing literature and then tests whether there is evidence that a hypothesized causal mechanism is actually present in a given case;
- 2) theory-building PT that has the ambition is to build a theoretical explanation from the empirical evidence of a particular case, resulting in a systematic mechanism being theorized;
- and 3) explaining outcome PT, which is a case-centric method that attempts to craft a minimally sufficient explanation of an outcome using an eclectic combination of theoretical mechanisms and/or non-systematic, case-specific mechanisms. (p. 2)

Process tracing also enables access to archival and other valuable documents which allowed for testing theories and determining correlations within multiple cases (George & Bennett, 2005). Further, from the historical standpoint when reviewing case studies, a barrage of relevant scholarly documents existed which addressed the drug and race related theory, and those documents not only provided tools for process verification and validity, but also provided other alternative means to finding differing casual directives (George & Bennett, 2005).

### **Narrowing the Problem and Stating a Researchable Question**

Misunderstanding of the reasons behind racial disparity perpetrated by the criminal justice system and the impact of the drug war may be the reason why society has remained predominantly incensed when it comes to this volatile issue. A better approach to assisting minorities in dealing with inner turmoil stemming from the impact of the war on drugs on their communities is to enable them to see past the stigma that goes with racism by taking into consideration the individual—the thinking, feeling, breathing person.

### **Research Questions**

While racism is a social construct, the issues of racial disparity in sentencing, the impact the drug war has on minority communities, and the decline in education caused by the erosion of the family structure created by incarceration has now become a nationwide issue that screams for continued systematic studies. For this study I examined and addressed the following research questions: 1) whether or not the drug war is a form of legalized race control; 2) is the over-representation of minorities in the prison system based on racism or crimes committed; and 3) whether the drug epidemic is indeed an epidemic or a form of minority social control by the majority.

The disparity in sentencing as it relates to the justice system varies across groups. There are issues of demographic and socioeconomic conditions that propel individuals into making profound decisions. These decisions affect their lives and those around them and can often be credited to age, education, and quality of life. This research examined the drug war as it relates to race, crime, and prejudice, and whether or not the portrayal of minorities in the media vastly biases people towards minorities. More than that was the

attempt to understand the extent to which the drug war impacts minority communities and what systematic changes are necessary to produce a sustainable group of people. A collection of eclectic data helped to provide clarification on the implications of minority incarceration on those most affected by this process.

This research utilized a case study pattern (Yin, 2002) in order to not only examine the disparaging inconsistencies of over-represented minorities in the prison system brought on by sentencing for drug related crimes, but also the impacts felt by families and communities who are segregated by poverty and race as they deal with incarcerated family members. Information from the most scholarly voices in minority communities dealing with the unsympathetic actions of the media especially as it relates to minorities was helpful in this research. It is a given that minorities have been dealing with racism from the early 1800s, and the restoration of minority familial relationships is often a central discourse with public figures today.

When addressing case study design, Creswell (1998) stated that case studies “are an exploration of a bounded system of a case or multiple cases over time through detail, in depth data collection involving multiple sources of information rich in context” (p. 61). Moreover, the value of case studies is that they provide a vast amount of knowledge which allows the researcher access to information that might otherwise not have been accessible. Case studies are explored for their uniqueness, their values, and their common causes. People want to share their stories and people are interested in shared stories; furthermore, by approaching case studies from an inquisitive point of view, the researcher’s interest is peaked, and the desire to learn aides in expanding world and people’s knowledge (Stake, 1995).

### **Interests of the Study**

This study was formulated with three specific thoughts toward the school of understanding as it relates to the drug war, and they are:

1. Determine the impact of the drug war on communities of low-income and racially segregated ethnicities;
2. Understand the role the media plays on how minorities are perceived as it relates to drugs, and if that perception stereotypes them leading to some of the inherent beliefs that are present in sentencing decisions;
3. To understand if the over-representation of minorities in the criminal justice system is because of crime or racism; and the impact of drug related incarceration on minority communities, and the role of restorative justice.

### **Qualitative Approach Case Study**

Due to the sensitive nature of the subject matter and context of this study, I employed a meta-analysis qualitative approach along with a maximum variation sampling strategy. The compilation of more than one case study constitutes a collection, especially if it relates well to the gathering of knowledge on a distinct idea or concept (Creswell, 1998). Therefore, this research compiled and used prior case studies, information taken from the United States Census, the FBI, The Sentencing Project, and other researchers who gathered information by way of narration from individuals who were displaced by a system they felt failed them because of the color of their skin. Considering the subject matter of the study, I used the maximum variation sample strategy approach. According to Cohen and Crabtree (2006), maximum variation sampling is defined as a “purposeful sampling strategy.” Further, the benefits associated with utilizing this strategy is that

“researchers want to understand how a phenomenon is seen and understood among different people, in different settings and at different times” (Cohen & Crabtree, 2006). This process of gathering information allows researchers to get a narrative account of the life story of the individuals (Freedman & Combs, 1996).

For this study the gathered information (data) were produced by researchers who utilized various research strategies and instruments to determine impact, outcome, and overall practices. These could be geared specifically towards improving the necessary systematic changes aimed at helping minority families dealing with incarceration, and families dealing with children of incarcerated male parental figures. As a result, the best practice was to use a qualitative methodology given the use of the gathered information, the type of sampling, and collection of open-ended data (Creswell, 2003) that served to improve race relationships and restore families and communities.

Race relations, as well as social and systematic conflicts are often revealed through qualitative methodological research. Meaning, process, and context in disparity in sentencing and race relations conflict often subscribe to the methodological traditions that are found in pragmatic theoretical contents (Alvesson & Sköldbberg, 2002; Creswell, 1998; Denzin & Lincon, 2003; Fetterman, 1998; Marshall & Rossman, 1999; Weiss, 1994). There are five qualitative research concepts which are grounded theory, ethnography, case study, biography, and phenomenology (Creswell, 1998). The current research utilized the qualitative dimension towards an investigative meta-analysis historical methodology as it pertains to disparity in sentencing, particularly as it impacts minorities, children, and minority communities. This form of qualitative tradition outlined and expanded on by Creswell. I selected the case study method for my research

in anticipation that disparity in sentencing is experienced not only within a confined setting, but that the process, underlying assumptions, traditions, behavioral patterns, and systematic concepts are prevalent themes that continue to emerge. Case study allows investigators to narrate and document the known and unknown experiences and impact of disparity in sentencing.

This study examined the communal, social, and economic issues surrounding America's drug war and race relations. The reviewed case studies, especially as it relates to the Blumstein method utilized surveys that were conducted on minority males, and also surveyed their family members to gather more information on the impact of incarceration. The case studies also looked at minority parolees and examined their educational attainment, employment prospects, family structure, as well as criminal and incarceration history to determine the impact sentencing has on them and their communities.

Based on the goals, limitations, sensitivity, and overall focus of this study, I felt the best research method was to implement a meta-analysis qualitative case study approach. This qualitative approach is the most reasonable framework and is best suited to this type of research because it has been utilized in an assortment of settings, including religion and education (Tesch, 1990). Traditional archival research was the primary method of data collection. By looking at the similarities (amongst participants in the selected case studies) as it relates to experiences in the criminal justice system, this study also examined issues derived from educational handicaps, such as lack of or low income that produced cyclical recidivism incarceration.

The use of the historical/critical methodological qualitative research tradition was selected because this methodology has been employed in other scholarly research studies aimed at examining holistic, corroborative, triangulation processes seeking a greater understanding of the meaning, context, and process in an attempt to improve the credibility of academic inquiry. Stake (1995) stated that the case “is an integrated system” (p. 2). Therefore, by using a bounded system (Smith, 1978), I was able to employ a delimiting (Smith) historical process in order to get a better understanding of the general nature of whatever underlying issues or forces may have contributed to disparity in sentencing as it impacts minorities, children, and minority communities. Merriam (1988) referenced qualitative case study research as an “intensive holistic, description and analysis of a single instance, phenomenon, or social unit” (p. 21). Merriam further stated that case studies are done in order for the researcher to make a valiant attempt in analyzing variables pertaining to the subject or subject matter that is being studied. Case studies encompass detailed investigated materials or resources of social units, groups, institutions, or individuals all aimed at sanctifying the research with the intent of ascertaining the impact of certain phenomenon of a particular case and not of an entire population (Stake, 1988). By utilizing the historical/critical methodological approach the research aimed at deciphering and understanding particulars of the complexity of disporting in sentencing especially as it impacts minorities. The intent was to focus less on generalizing and more on systematic habits.

Secondary data documented the relationship between drug arrests, convictions, and sentencing as it directly relates to the continued war on drugs and the racial make-up of those being processed through the criminal justice system. In order to better assess,



analyze, and interpret the findings in the case studies, several theoretical perspectives were employed as foundational constructs in this research.

Utilizing the qualitative research method was beneficial because this research method is “less likely to impose restrictive a priori classifications on the collection of data” (Cassell & Symon, 1994, p. 4). According to these authors, qualitative research is “more concerned with emergent themes and idiographic descriptions” (p. 4). Qualitative research is, therefore, utilized to bring clarity to certain subjects, utilized towards the development of hypotheses, hypotheses testing, and development and evaluation of theories (Kelle, 2001). Denzin and Lincoln (2000) defined qualitative research as follows:

Qualitative research is a situated activity that locates the observer in the world. It consists of a set of interpretive, material practices that make the world visible. These practices transform the world. They turn the world into a series of representations, including field notes, interviews, conversations, photographs, recordings, and memos to the self. At this level, qualitative research involves an interpretive, naturalistic approach to the world. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of the meanings people bring to them. (p. 3)

Qualitative research embraces synthesis. Synthesis is never ending during analysis and combines single units into wholes. The found data allows the researcher the opportunity to bring cohesiveness to the more complex issues, providing accountability by imparting knowledge through the compilation of multiple types of information that are later revealed in the bigger picture. This type of research takes on a holistic aspect of the

extreme and complex phenomenon being studied. The goal of qualitative research is to look at the bigger picture and then attempt to understand the nature of the specific contexts.

Qualitative arguments also stem from determining the significance of found information, clarifying and making findings more relevant to the readers by attaching sense to sensibilities, by accepting and realizing that there are different meanings for different or even the same information, and by providing varying explanations and conclusions. Through the lens of description and interpretation, “an interesting and readable report provides sufficient description to allow the reader to understand the basis for an interpretation, and sufficient interpretation to allow the reader to appreciate the description” (Patton, 2002, p. 503). A researcher can then assume that valid arguments are built from review of the rich complexity of linked or related evidence which then becomes clear and concise logic with details and description. Interpretation can only be delivered after rich description is achieved through the conveyance and clarity found in the illuminated details (2002).

When reviewing the case study research technique, Hartley (2004) opined that case study research “consists of a detailed investigation, often with data collected over a period of time, of phenomena, within their context,” and the ultimate goal is “to provide an analysis of the context and processes which illuminate the theoretical issues being studied” (p. 323). In fact, case studies are now “one of the most common ways to do qualitative inquiry” (Stake, 2000, p. 435). Yin (2002) concurred by stating that “the distinctive need for case studies arises out of the desire to understand complex social phenomena” since “the case study method allows investigators to retain the holistic and

meaningful characteristics of real-life events,” such as systematic processes that aim towards a more unified understanding of complex social conflict (p. 2). In addition, Stake also stated that “case study is not a methodological choice but a choice of what is to be studied. By whatever methods, we choose to study the case” (2000, p. 435). Yin further stated that as it relates to case study research, this method is most effective when researchers seek to determine “why” or “how” factors, when control factors, and the phenomenon being studied borders on real life concerns (2002, pp. 5-10). In addition, investigators must be able to identify with the following components: (1) the question, (2) propositions, (3) analysis, (4) logic, linkage, and data to the propositions, and (5) criteria for interpretation of findings (Yin, 2002, 21-28).

Theory development is imperative when researchers are approaching the design phase of qualitative research (Yin, 2002, pp. 28-29). However, Hartley (2004) suggested that while theory development is necessary in qualitative case study research, and because case study methods are geared towards reviewing issues in depth, depending on such things as the literature or the focus of broad and often open ended questions, the constructed theoretical framework initially developed may change significantly towards the end of the research (p. 328). Yet the researcher should be mindful of the fact that the development of theory is not the only tool necessary and vital to the fundamental steps of data collection, and that theory development provides generalization about potential case study results (Yin, 2002, pp. 31-32).

A review of a case study conducted by Cohen-Jennings (2009) of the Miami-Dade County jail facilities reveals the disproportionate amount of minorities within the criminal justice system. Cohen-Jennings’ study clearly shows that because minorities are

more likely than not to be charged with drug related crimes, in instances where there are non-violent offenders there should be alternative measures for punishment. For this reason, I strongly feel that a major way to address the disparity in minority incarceration within the American criminal justice prison system would be for law-makers, educational administrators, and other prominent governmental figures to work with mediators in instituting more restorative justice measures to ensure that the system will work in a justifiable and equally beneficial way for all those dealing with the judicial system.

### **Sample Selection, Technique, and Population**

Most of the examined case studies, especially those dealing with drug related charges and the impact of incarceration on families and communities, utilized a purposive sampling frame. The researchers stated that their goals were to collect, in exquisite precision, data that would maximize information in order for them to discover a theme or particular nuance that could help to identify the conditions and instruments creating over-representation of minorities in the criminal justice systems as it relates specifically to the war on drugs.

Researchers provided data showing that they conducted in-depth interviews with incarcerated males, utilized surveys, and conducted polls in an attempt to further understand the experiences of individuals dealing with incarceration. They also looked at media biases and the degree to which and how the very system that they fought against could help them restore familial and community ties. Each of the case studies specified the inclusion criteria particularly paying attention to varying ages for a better sampling development. Intentional care was given to young males, ages 18-35 who were parolees, minority, had family and communal ties, or were considered recidivist. Documents

examined for this research included information from government resources, Prison Improvement Plans, and checklists of instructional strategies that were used.

Overall, by using these case studies, I: 1) examined how the war on drugs may have created the disparity in minority incarceration that systematically affected not only the incarcerated individual but their families and the community; 2) determined whether the rise in stiffer drug sentencing has negatively impacted low-income, racially and economically segregated communities; 3) examined the professional decisions made by the media to aid in portraying minorities; and 4) revisited literature on the knowledge of minority leaders with regard to racial inequities, incarceration disparity, and how the combined process of the drug war continues to impact minority communities.

### **Data Collection**

Data collection consists of “examining, categorizing, tabulating, testing, or otherwise recombining both quantitative and qualitative evidence to address the initial propositions of a study” (Yin, 2002, p. 109). Furthermore, data collection and analysis are “developed together in an iterative process” (Hartley, 2004, p. 329). Six possible sources of evidence exist in the collection of case studies information, and they are ascertained through interviews, participant-observation study, archival records, physical artifacts, direct observation, and documents (Yin, 2002, pp. 83, 85-96). A strong and effective trait of the case study method is “its ability to deal with a full variety of evidence—documents, artifacts, interviews, and observations” (p. 8).

I utilized the historical method of data collection. Assessment of pre-existing data from the United States Census Bureau and governmental depository materials, and analysis of data from primary data banks in determining the correlation of the drug war

and status of minorities in America allowed for the creation of a conflict model with potential to resolve the existing drug and race war problem. The collection of tacit knowledge (Altheide & Johnson, 1994) which is credited to ethnographic studies was gathered from data to analyze the information on minority incarceration. Criminal justice practices were studied by examining case studies designed by researchers such as Blumstein (1982), Wright and Seymour (2000), The Sentencing Project (2009), case studies conducted by the United States Census Bureau on minority over-representation in the criminal justice system, articles on race and the media, and other prominent research facilities. These studies defined and described the history of the drug war and race in the United States.

Because this research covers such a volatile subject, it was imperative that the research was conducted without any preconceived notions as to whether or not race plays a distinctive part in every incidence that affects minority incarceration. I realized that there is a real dissimilitude between race and racism, and people should never evaluate or analyze one based on the precepts of another. In order to avoid such bias I utilized reflective journalism (Morrow & Smith, 2000) to record my reactions, assumptions, prejudices, biases, stereotypical beliefs, and biases as a means of adding rigor to the qualitative inquiry as it relates to research conducted in this area.

### **Record Retention**

Records were maintained physically and electronically in Fort Lauderdale, Florida. Physical records were safeguarded in a fire-proof filing cabinet. The cabinet housing the research records remained locked unless it needed to be directly accessed by the primary research investigator. All electronic records were maintained and stored on a

secure computer owned and accessible by the primary researcher. For data security and integrity, the prevention of unauthorized access, and confidentiality process the computer remained free from internet access. Data integrity was protected on diskette and through hard copies. Access to data in all forms was provided to the primary investigator and administration at Nova Southeastern University as required. Documents including any type of scholarly articles, books, newspapers, or notes have also been secured for future reference and use. These documents will not be shared with other sources unless required by my research committee members.

### **Data Analysis**

The general analysis of case study research involves cyclical processes and iterative operations or procedures as a means of understanding issues on a small to a larger scale (Creswell, 1998; Palys, 1997; Silverman, 2000). Further, by reviewing existing written records researcher can not only codify data but also identify pertinent and salient themes, structures, or concepts (Payls, 1997).

Multiple case studies often produce distinct thematic revelations. Discernment can and does allow the researcher to extrapolate information that tells of levels of failure, inclusion or exclusion, and separation or joining. This process of using analytical concepts to develop themes is known as clustering (Miles & Huberman, 1984). How the themes are interpreted is crucial to the research findings because these significant links often establish connectedness to other systematic or theoretical issues (Schmidt, 1983).

According to Neuman (1997), “data analysis means a search for patterns in data” (p. 426). Moreover, the identification and interpretation of a particular pattern is

usually assessed based on particular types of social theories allowing the qualitative researcher to journey from the descriptive, social, or historical setting into a more neutral based context arriving at what is deemed general interpretation (Neuman, 1997, p. 426). Ultimately, the goal is “to uncover patterns, determine meanings, construct conclusions and build theory” (Patton & Appelbaum, 2003, p. 67). There are three general analytic strategies for analyzing cases including the reliance on theoretical propositions, moving outside the construct to the broader view by being cognizant of different explanations, and ultimately developing a succinct description of the case or cases being studied (Yin, 2002, pp. 111-115).

Qualitative content analysis is “probably the most prevalent approach to the qualitative analysis of documents” as this method “comprises a searching-out of underlying themes in the materials being analyzed” (Bryman 2004, p. 392). Bryman further defines qualitative content analysis as follows:

An approach to documents that emphasizes the role of the investigator in the construction of the meaning of and in texts. There is an emphasis on allowing categories to emerge out of data and on recognizing the significance for understanding the meaning of the context in which an item being analyzed (and the categories derived from it) appeared. (Bryman, 2004, p. 542)

Case study research provides a multi-dimensional perspective that is often utilized when the researcher aims to reveal a shared view in the hopes of getting a better understanding of a particular conflict (Remenyi, Money, Price, & Bannister, 2002). This is a challenging process as Eisenhardt (1989) confirmed that “[a]nalyzing data is the heart of building theory from case studies, but it is both the most difficult and the least codified



part of the process” (p. 539). “The key point is that before a theory can be validated, it must be constructed” making qualitative content analysis an appropriate method for not only analyzing information but also for interpreting case study research (Patton & Appelbaum, 2003, p. 65).

Content analysis is “the study of recorded human communications” (Babbie, 2001, p. 304), and is “essentially a coding operation” so coding, therefore, is seen as “the process of transforming raw data into a standardized form” (p. 309). Similarly, Ryan and Bernard (2000) wrote that content analysis is a “major coding tradition” which “forces the researcher to make judgments about the meanings of contiguous blocks” (p. 780). This system or method provides “the heart and soul” of complete text analysis (Yin, 2002, p. 110). Overall, techniques like those utilized when addressing content analysis may be used “to transform what is essentially qualitative evidence into some sort of quantitative evidence” (Remenyi et al., 2002, pp. 5-6). However, these authors also admitted that while this may be a great process, it is “not a particularly satisfactory approach,” and they claim that “it is not infrequently used” (2002, p. 6).

Content analysis’ development can be credited to the development of mass media and international politics (Mayring, 2000; Titscher, Meyer, Wodak, & Vetter, 2000). Specifically, the significance given to content analysis stemmed from dramatic and innovative expansion of mass communication beginning from the early 20<sup>th</sup> century (Mayring, 2000). Harold D. Lasswell has been credited as the father of theoretical context by his analysis of contents found in his model of mass communication (Mayring, 2000). Shannon and Weaver were also credited with the news transmission model which utilized

content analyses as a fundamental method of content significance when relaying information (Titscher et al., 2000, pp. 56-57).

Wiersma and Jurs (2005) stated that “analysis in ethnographic research consists of synthesizing the information from the observation, interviews, and other data sources. Typically hypotheses are not tested using statistical procedures as is often the case with experimental and survey data” (p. 258). During the analysis process, considering that there is a need to determine cause and effects, this research was conducted in order to bring meaning to an issue that has plagued society for years and should no longer be ignored. However, it is clear that simply because something is believed to be the case does not necessarily mean that it is. While racism is a plague in society, the possibility exists that other factors may be at work where over-representation of minorities in the criminal system is concerned.

A best practice method of analyzing qualitative data is to employ the constant comparative methodology wherein the researcher diligently reads gathered information, taking care to properly construct relevant concepts, and then determines the recurring themes in the data (Strauss & Corbin, 1998). Analyzing data is a time consuming effort; therefore, records must be carefully and properly maintained. The transcription process gives the researcher an opportunity to become better acquainted with the data (Riessman, 1993). I created Microsoft Word files specifically for documents and journal entries.

Another method I utilized was the area of context analysis as an investigative tactic. This method requires that the researcher understand the context within which the drug war and race relations are operating. Context shapes and provides meaning to many

things and was most effective in determining what was happening, why it was happening, and what might happen later as time progresses.

Through the use of thematic analysis which is a method for relating, merging findings across cases, or constituting a theme (Stake, 2000), I analyzed the various cases and theories related to this study. I also used Braun and Clarke's (2006) analysis guideline which follows these steps: 1) get to know the data, 2) read documents and books dealing with the topic to review any type of cross-case analysis that may be present, 3) review the recurring themes, and 4) produce relevant reports.

### **Phenomenological Data Analysis**

Concerning data analysis, qualitative researchers opined that reduction of the methodology is vital when conducting phenomenological data analysis (Creswell, 1998), as this process hinges on the fact that the researcher must remove biases from the meat of the equation in order to get to the essence of the lived experience. Further, the researcher's goal when conducting phenomenological inquiry is to determine one's own truth before attempting to understand those commonalities that are ever present within each universal human relationship or experiences (Moustakas, 1994). When utilizing phenomenology, the main focus should be found in the "descriptions of what people experience and how it is that they experience" (Patton 1990, p. 71). In order to determine what those essences or shared views are, Patton explains that the process of identifying the 'essence' must flow in direction connection through epoche wherein the researcher must strive to eliminate and provide clarity in regards to biases and preconceived ideologies. Making sure that whatever prejudices do exist, they are able to remove those far enough from their study in order to ethically conduct a valid research.

Further, Creswell (1998, p. 78) described the general structure of phenomenological study as:

1. Introduction: problem and questions
2. Research procedures: phenomenological and philosophical assumptions, data collection, analysis, outcomes
3. Significant statements
4. Meanings of statements
5. Themes of meanings

Table 3

*Characteristics of Five Qualitative Approaches*

Attributes of Approach		
Type	Focus	Unit of Analysis
Narrative Research	Exploring the life of an individual	Studying one of more individuals
Phenomenology	Understanding the Essence of the experience	Studying several individuals who have shared the experience
Case Study	Developing an in-depth description and analysis of a case or multiple cases	Studying an event, a program, or an activity of more than one individual
Ethnography	Describing and interpreting a culture sharing group	Studying a group that shares the same culture
Ground Theory	Developing theory grounded in data from the field	Studying a process, action, or interaction involving many individuals

Source: Creswell, 2007, p. 78

Moustakas (1994) describes the heuristic process of phenomenological analysis as:

- Immersion: the researcher is involved in the world of the experience;
- Incubation: a space for awareness, intuitive or tacit insights, and understanding;
- Illumination: active knowing process to expand the understanding of the experience;
- Explication: reflective actions;
- Creative synthesis: bring together to show the patterns and relationships. (p. 103)

When conducting phenomenological research certain ground work is required and essential to conduct human science research as outlined by Moustakas (1994):

1. Discovering a topic and question rooted in autobiographical meanings and values, as well as involving social meanings and significance.
2. Conducting a comprehensive review of the professional and research literature.
3. Constructing a set of criteria to locate appropriate co-researchers.
4. Providing co-researchers with instructions on the nature and purpose of the investigation, and developing an agreement that includes obtaining informed consent, ensuring confidentiality, and delineating the responsibilities of the primary researcher and research participants, consistent with ethical principles of research.
5. Developing a set of questions or topics to guide the interview process.
6. Conducting and reporting a lengthy person-to-person interview that focuses on a bracketed topic and question. A follow-up interview may also be needed.
7. Organizing and analyzing the data to facilitate development of individual textural and structural descriptions, a composite textural description, a composite

structural description, and a synthesis of textural and structural meanings and essences. (Moustakas p. 103)

Since phenomenological research generates large interview notes, recordings, and other data, analysis is often tedious because there are times when the data does not fit a particular category, or just might fit into more than one. A feasible method is to properly read through the data with the intention of getting a feel as to what information can be gathered then identify the key elements and themes in order to develop a semblance of the information. Using a mind-mapping system or other methods of recording the notes will generate lists from which I was able to further break-down the information and summarize them.

### **Data Review and Validity**

A critical step in case study data analysis is reviewing the copious amount of information presented by researchers in order to gain overall knowledge of the depth and breadth of the evidence collected in the various studies. For this process I developed notes in an attempt to get a clear view of the full works through detailed information, allowing for a better understanding of the material through conceptualizing information in a narrative discourse schematic. This led to a broader understanding of how the participants' stories were deconstructed by the researchers.

### **Qualitative Research Credibility**

Validating research is necessary in determining whether or not my drawn conclusions “truly measure that which it was intended to measure or how truthful the research results are” (Golafshani, 2003, p. 599). Qualitative studies that are conducted to

address core concerns within the social science field require a certain amount of validity that moves away from scientific data and relies more on legitimate truths of those conducting such research (Denzin & Lincoln, 2003). Therefore, for research utilizing the qualitative methodology, biases must be almost non-existent or if existent, only to a limited scope so as not to have the research sullied with the assumptions or beliefs of those conducting the research (Denzin & Lincoln, 2003).

The validity of the study must also be considered as social and behavioral scientists commonly critique the validity of certain methodologies (Creswell & Miller, 2000). Therefore, there are multiple aspects of validation that can and must be utilized for research to withstand such criticism (Creswell & Miller, 2000). The use of triangulation and researcher reflexivity derived from the various forms of documents, journals, and data acquired throughout the research helped to determine whether or not the findings of my research accurately reflects the situation, and if those findings are indeed supported by the acquired evidence.

Through the use of triangulation, social science researchers are able to establish validity through analytical measures of the proposed questions from multiple perspectives (Patton, 2002). With the triangulation technique the researcher is able to utilize varying sources of information to increase the validity of the study. Some of the sources used in this research were from identifiable stakeholders up to and including other researchers, community members, governmental institutions, and educational facilities. Findings were analyzed to determine if there are any divergences or agreements among the groups (Patton, 2002).

Another triangulation concept is that of methodological triangulation which I utilized to study the researched questions. Results from case studies, journals, and documents were compared to determine similarities. If the conclusions from the varying methods were similar, then I was able to establish validity. Also, with the use of research reflexivity I was able to align information with past and current situations in the attempt to answer the proposed research questions. According to Steedman (1991), as far as research goes, the research relates closely to research reflexivity because knowledge is that of the knower (p. 53). This is because whatever data or facts are utilized by the researcher, these documents are constructs or results of interpretation.

### **Ethics in Qualitative Research**

This research analyzes information from case studies and historical documents, but does not involve the use of human subjects. Even so, I successfully completed Nova Southeastern University's Research Institution Review Board (IRB) requirement, ensuring that no human subjects would be included or harmed in my research.

In every aspect of research there is the certain expectation that the researchers must hold themselves to higher standards knowing that their compiled information serves a wide variety of individuals who may be most affected by and subjected to the revelations therein (Leahey, 2008). Social scientists who conduct research do so with the strong held beliefs that their results and the information they produce will serve society and may very well effectuate positive changes (Leahey, 2008).

According to Golafshani (2003), within a study there must be long term consistency in terms of the representation of the population being studied is actually represented within the study in order for researchers to prove that their studies are



reliable. Empirical science therefore, simplifies data that was once presented through quantitative measures by using replicability to reproduce the observations methods that were used (Denzin & Lincoln, 1998). While some social scientists claim any form of replicability is useless within the field of qualitative study, other researchers embrace replicability as a valid concept, finding that it meets the standards necessary for testing for credibility and consistency (Morrow, 2005) in qualitative research. Researchers within the social science field state that far as qualitative research is concerned, reliability and validity are essential tools and measures of concerns that determine the standards for successfully completing qualitative research (Morrow, 2005). Furthermore, the design of the study along with the analyses greatly determines the trustworthiness of the qualitative research thereby convincing the audience that the findings are worth examination (Seale, 1999).

The commonality that exists between ethics and regulation relies on the fact that both systems strive for participant protection during research (Leahey, 2008). When research is conducted properly there is little doubt in the magnificence that graces the lives of those dependent on the results (Dintz, 2008). And because most sexual and gender biases are also affected by cultural experiences, learning, and beliefs, the need to study and understand different cultural behaviors is essential during research. Ethics in a broader sense borders on the uncertainty. The psychosocial and philosophical whims of those with desires to complicate matters and behave unjustly for monetary gain are often practiced within the research profession and therefore, rules and regulations must be applied (Flory & Emanuel, 2004). The use of ethics is delineated clearly and concisely with the purpose of creating a silhouette leaving little doubt as to the conduct of those

involved. Little is left to the imagination and those that would attempt to circumvent the rules are often met by sagacious critiques intent on instilling the kind of sapience about ethical behavior that proves fruitful and discerning.

The goal of qualitative research is to develop a better understanding of a social issue, including a better understanding of the participants' culture, actions, and beliefs. Therefore, qualitative research focuses more on investigation and credibility when reporting the findings (Denzin & Lincoln, 1998). Most scholars find that when conducting qualitative research the best method for gathering information is through the interviewing process since it allows for revelation of sensitive issues within a confidential setting (Denzin & Lincoln, 1998). Qualitative research should be fundamentally sound which requires proper design and a certain level of expertise that will provide tangible results beneficial to the school of thought related to the research.

## CHAPTER 4: RESULTS

The current research investigation closely examines the inner-relationship, inter-relationship, and psychological often mendacious impacts between the contexts of inmate incarceration, family separation, and psychological responses to racial conflict. In attempting to abdicate the alleged and much challenged theories about racism, separatism, and incarceration, and the veracity of these relationships (Caplan, Crawford, Hyde, & Richardson, 1997), theories on minority incarceration, as well as impacts on children, family, and communities are formulated through the use of qualitative measures. These measures examine racial and criminal affiliated theoretical assertions that test the soundness of minority incarceration, as well as the impact and effects of these types of incarceration on children, families, and minority communities. To understand the process and meaning of racial conflict, minority incarceration, and familial impact, this study examined qualitative methodologies conducted through relevant case studies on minority incarceration conducted by recognized scholars, using the lens of Blumstein who conducted a study (in 1979, released in 1982, and revisited in 1993) on the disparity in minority incarceration. A later study conducted in 2008 by Garland et al. titled *Racial Disproportionality in the American Prison Population: Using the Blumstein Method to Address the Critical Race and Justice Issue of the 21<sup>st</sup> Century* was reviewed, and a poignant case study conducted by Blumstein in 1967, revisited in 1982, and 1993, also a study conducted by Cohen-Jennings (2009) surveying inmates at the Miami Dade County Rehabilitation Center was also utilized throughout this research to determine the links between minority incarceration and their over-representation in the criminal justice system as it related to children, families, and communities. The study by

Cohen-Jennings is detailed in this chapter which shows the harvested personal stories from minority incarcerated individuals, in an attempt to explore relationships between minority inmates and the criminal justice system, the education system, and the types of impact these relationships held as they pertained to the children of those incarcerated, their families, and their communities. Through this case study, it has remained clear that in relationship to non-violent drug related offenders, the use of restorative justice is not only a valuable tool for eliminating much of the disparity in minority incarceration, but also as a method which could be utilized for reassessing how the war on drugs could be more effective through varying conflict management tools.

## **Results**

Data taken from the Centers for Disease Control and from other government statistics have been used throughout this research to determine incarceration rates, marital status and parity, and the sentencing and recidivism rate of incarcerated minorities. By compiling data from these sources and also looking at research conducted by independent researchers, a comparison could be made about the geographic and socio-economic status of these individuals and how their incarceration impacted their children, families, and communities.

The Center for Justice and Health (2010) reported that a study conducted in 2009 revealed that the high rate of minority incarceration was purportedly higher than their white counterparts in that for every “4,749 African-American” males incarcerated there were “708 White” males incarcerated at the same time. This is a ratio of 7:1. Further, the Center also found that Hispanics were 2.5 times more likely to be incarcerated than Whites with black females reportedly facing incarceration of 333 to white incarceration

of 91 which roughly means that black females were 3.5 times more likely to be incarcerated and Hispanic females were 1.5 times more likely than their white counterparts to serve a prison sentence. This can be credited to the increased sentencing policies applied because of the ferocity prosecutors have employed when it comes to fighting drugs.

Nelson (1995) reported on a New York State study conducted by the Office of the Justice System Analysis which determined that the possibility of minorities being detained for felony criminal activities was increasingly higher than that of Whites. The study found that if comparability remained consistent when it came to detention, those 10% detained minorities or the additional 33% detained minorities would have been released post-arraignment if they were afforded the same treatment as other white detainees in the state (Gainsborough & Mauer, 2000).

Further study revealed that African-American inmates hold a 38% incarceration rate compared to the 13% African-American make-up of the over-all general U.S. population. It was also determined from the study that the disparity continues in that Latinos made up the general incarcerated population at a rate of 19% while they constitute 15% of the general population (Gainsborough & Mauer, 2000). This would then mean that there are more minority men incarcerated than there are in the general population, and this, in turn, decreases the amount of viable marital partners for minority females, and even more so, removes minority fathers from their children at an increasingly terrifying rate.

A study on racial disproportionality in the American prison population using the Blumstein Method to address critical race and justice issues was conducted by Garland et

al. (2008). The study found that instead of the birth of minority males being celebrated, it seems that the entrenched reality according to the research conclusions is that “a black male born in 2001 has a 32% chance of spending time in prison at some point in his life, a Hispanic male has a 17% chance, and a white male has a 6% chance” (Garland et al., 2008, p. 2). The Federal Bureau of Investigation (2007) reported that African American juveniles constituted 17% of the youth population but represent 46% of the juvenile population; 31% of these juveniles were referred to the juvenile court system, while another 41% were sent through the adult court system.

While it is important to look at the systemic problems associated with racial disparity, Blumstein (1982) determined that there has to be a cohesive social structure that effectuates a greater understanding of what promulgates the actions that lead to the disparities. Further, he opined that as far as race being absent from the criminal justice system, that is obviously not the case since minorities are incarcerated at a higher degree than are Whites (see Table 4).

Table 4

*Demographic-Specific Incarceration Rates<sup>a</sup> in U.S. State Prisons<sup>b</sup>*

Demographic Group	Total <sup>c</sup>	White	Black	Black/White Ratio
Total Population	124	72	493	6.9
Males	233	142	1012	7.1
Males, 20-29	755	425	3068	7.2

Source: Blumstein, 1982

(a) The "demographic-specific incarceration rate" is the ratio of prisoners in the indicated demographic group to the population within that demographic group, in prisoners per 100,000 population.

(b) The estimates of state prisoners within each demographic group is derived from a survey of state prisoners conducted in 1979 by the Bureau of Justice Statistics.<sup>3</sup> The estimates of the population within each demographic group are obtained from the United States Bureau of the Census.<sup>4</sup>

(c) The totals for both prisoners and population are based only on black and white groups. Other races are omitted from the calculations.

According to Blumstein (1982), “the group with the highest incarceration rate, black males in their twenties, suffer an incarceration rate that is twenty-five times that of the total population” (p. 1260). Further, he concluded that “on any given day, one can expect to find over three percent of that group in state prisons” (p. 1260). During the time of his study, while reviewing the over-representation of minority within the American criminal justice prison system, Blumstein was alarmed because “finding as many as one person out of thirty-three from any demographic group in prison is strikingly high and represents a source of considerable concern” (1982, p. 1261).

While disparity does exist, researchers have tried to determine whether the increased sentencing rates for minorities is due to the high rates of crimes committed by minorities and/or the lack of viable resources for minorities who are dealing with fragile economic conditions, or if the disparity stems solely from governmental policies or inherent racial biases (Street, 2002). In a 2008 study released by Garland et al., the researchers determined that “there is irrefutable evidence that blacks comprise a disproportionate share of the U.S. prison population” (p. 4). Harrison and Beck (2006) reported that “at the end of 2005, there were 1,525,924 persons incarcerated in state and federal prisons; 40 percent of these inmates were black, 35 percent were white, and 20 percent were Hispanic” (p. 10). The scholars further stated that when it came to incarceration and the reason, it is clear that at a rate of 23 percent to 14 percent respectively, Hispanics were often incarcerated for drug related offenses more so than Whites and that Blacks were incarcerated for drug related offenses at a rate of 25 percent.

Like Prohibition marrying the Eighteenth Amendment in the 1900s, so too is the profound impact felt by the war on drugs in the 1980s. The consequences of being caught

with drugs were felt by those less apt to have the necessary resources to stay out of the criminal justice system. According to Mauer and King (2007), “blacks are incarcerated at 5.6 times, and Hispanics 1.8 times, the rate of whites” (p. 35). It was also clear from their statistics that “In 2005, 8.1 percent of all black males age 25 to 29 were in prison, compared to 2.6 percent of Hispanic males and 1.1 percent of white males” (Mauer & King, 2007, p. 35).

The enacted laws governing the war on drugs at both the federal and state level adversely affected minorities who are more likely to be stopped by police officers using profiling, but then seize the opportunity to search the car for drugs (Mauer & King, 2007). All 50 states have enacted laws that require mandatory sentencing for drug offenses. The influx began in 1993 when some states automatically enacted a life sentence after three strikes without taking into consideration the offense or the offenders (Mauer & King, 2007). The federal government also enacted the three-strike law which was directly in relation to the unfortunate incident dealing with a young Polly Klaas who was murdered by a repeat offender (Harrison & Beck, 2006). Beiser (2001) stated that if lawmakers had taken the time to properly assess the impact or look at the rationality of the resultant laws, there would have been better discourse and analysis prior to legislation supporting such stringent measures.

### **Case Study #1: Blumstein method**

Concerning crime and punishment, numerous case studies attempt to discern the reasons behind increasing minority incarceration. One prominent study that has been addressed and revisited by scholars seeking clarification on increased minority within the penal system has been that of Blumstein. In 1967 Alfred Blumstein was commissioned to



head a taskforce and the results were outlined in *The Challenge of Crime in a Free Society*. This research helped to shape how criminologists and other criminal justice practitioners reviewed sentencing, prison populations, deterrence, and other policies. Later in 1982, Alfred Blumstein conducted a case study wherein he calculated disproportionality within the prison system by examining disparity in incarceration rates as it pertained to blacks versus white arrest rates. His research determined how race or ethnicity played a role in explaining the differences in arrests, and whether such disproportionality represented discriminatory practices within the criminal justice system.

Blumstein revisited his studies, researching the crimes of 15 minorities to determine once again, whether disproportionality in incarceration occurred based on criminal activities or treatment of minorities at the hands of the justice system (Blumstein, 1993). To conduct his studies, he reviewed information taken from a 1974 Department of Justice survey that researched state inmates as well as the 1974 Uniform Crime Reports which analyzed crimes against persons, drug offenses, and property crimes. Using his disproportionality equation, Blumstein was able to assess the actual disproportionality as it related to incarceration for all types and degrees of crime through statistics taken from the reports. The hypothesis was that if blacks and whites committed the same crime, then they should be jailed at the same rate. Therefore, if 35% of blacks were deemed murderers, then the criminal justice system should have a representation of 35% of blacks that committed murders (Blumstein, 1993).

According to Blumstein, if there is no discriminatory practice within the criminal justice system, his formula for comparing the ratio of incarceration to the ratio of actual observed incarceration makes it possible to determine what is actually creating the

disproportionality of minorities within the criminal justice system. In order to determine whether criminal activities or discrimination impacted the disproportionality of minorities, Blumstein figured that when the ratios of arrests for certain crimes are known, he could compute whether the same amount of people convicted for that crime are arrested and serving time. In other words, if blacks were convicted at the same rate as whites for drug use, then the same amount of blacks and whites should be incarcerated. If that is not the case then the margin or error would determine the possibility of discrimination in sentencing. When both variables are known, using Blumstein's formula, then it is certainly possible to determine racial distribution within the criminal justice system which would then provide information as to whether or not the criminal justice system fairly or discriminatorily hands down sentencing to minorities (Blumstein, 1982).

Further, he stated that statistically, if one is able to determine the difference between the fractions of those arrested for a particular crime, and those serving time for the same crime, it is indeed possible to determine the level of post-arrest discrimination (Blumstein, 1982). Using the UCR report from 1970 to 1979 and then expanding on the report again in 1991 (reported in the literature in 1993), Blumstein revisited his findings by increasing the number of years from which he would pull data and also increasing the amount of prisoners that were surveyed in an attempt to validate his findings. The goal was to determine what role, if any, criminal activities played when it came to sentencing for minorities. Blumstein found that as it pertained to drug related arrests, education, socio-economic, and criminal histories played a significant role in how sentences were handed down (1993). Further, he also determined in this later study that when it came to

incarceration, minorities were arrested and convicted more on drug related charges, usually at a rate of 48.9% of the minority incarcerated population (1993).

Blumstein determined that the prison system in the U.S. alone boasted a ratio of 7:1 with Blacks factoring in at the highest rates of incarceration. While he considered this problematic because this ratio suggested discrimination, he also considered the possibility that a theory of discrimination may not be congruent with the known facts as presented. In an attempt to delineate the disparity with as much accuracy as possible, Blumstein reviewed crime rates, arrests, and imprisonment in an attempt to determine whether or not race, or other factors were the main contributors to the higher incarceration rates for Blacks.

In his results he found that race was a prominent factor that led to the black majority incarcerations in the 1970s. Blumstein also determined that the variations associated with crimes and how inmates are processed is a factor in minority over-representation in the prison system (1982). He made this determination by looking at criminal records, educational level, systematic practices such as biases or leniency, and the type of offense committed by the perpetrator. This is relevant because there are times when discrimination may play a bigger role in how minorities are processed in the jail system; however, one should also realize that the type of crime may lead to more extenuating circumstances which mitigates which sentencing structures are applied. Regardless of these differences, Blumstein opined that since the criminal justice system is controlled by people, perceptions factor into how harshly minorities are treated by those in power. Adding weight to Blumstein's findings, Loïc Wacquant (2002) wrote that as it pertains to race and crime control, Americans work to maintain the historical racial

dominance and majority hierarchy through the establishment of cultural patterns or cultural imperialism which are equally applied through certain criminal justice practices that enable them to establish and maintain race control. Therefore, it would seem self-evident that in order to remove racism from the criminal justice system, it would prove beneficial to implement restorative justice as a means of justice, especially where the crime committed is primarily drug related without any violence perpetrated. While Blumstein looked at the American criminal justice system across all 50 states, it was vital that my research took into consideration another case within Florida, specifically in Miami-Dade, a Florida county that boasts a large minority population, in order to determine what, if anything different, could be a contributing factor in minority incarceration, and what role, if any could restorative justice play in this arena.

### **Case Study #2: Cohen-Jennings 2009 Miami-Dade County, Florida**

Cohen-Jennings' (2009) study on the topic of the overrepresentation of young black and Hispanic males within correctional institutions, specifically reviewed incarceration rates of minorities in Miami-Dade County, Florida. She found that minorities resided within the Miami-Dade County jail facilities at a higher rate than Whites. Her study revealed that most minorities often experience the justice system for the first time under the age of 12, and that Blacks are even more likely to be incarcerated at an earlier age than Hispanic males (see Table 6 below).

The case study was conducted at the Miami-Dade Corrections Rehabilitation Center in an attempt to determine what, if any co-relations exist between race and racial disparity (Cohen-Jennings, 2009, p, 6). During the research 128 male defendants ranging in age from 14 to 24 years-old were surveyed, taking care to review not only

demographics, but also criminal, family, and socio-economic background. The survey was administered to “86 juvenile male detained by MDCR at the Turner Guilford Knight Correctional Center and 42 juvenile males detained in the MDCR Boot Camp Program” (2009, p. 7). Cohen-Jennings stated that 76.56% of those surveyed were Blacks, 21% were Hispanics, 0.78% Whites, and 0.78% fell into other racial categories. She determined that of the detainees who participated in the survey, 59.18% of Blacks and 66.66% of Hispanics had a high school diploma. Concerning families, Cohen-Jennings found that 63.28% lived with their single mother, 3.01% resided with their fathers, 17.18% came from a household headed by both parents, and 15.63% lived with either their grandparents, in a foster parent environment, or were being raised by an older sibling (2009).

According to Cohen-Jennings, minorities were usually under age 12 when they experienced their first arrest (2009). The arrest rates of those under 12 were 6.12% for Blacks and 7.41% for Hispanics, and for those between ages 12 and 15 the arrest rates were usually 56.12% for Blacks and 29.63% for Hispanics. Her data showed that Blacks in Miami-Dade County were more likely to be unemployed at the time of their arrests, and were exposed to the justice system at an earlier age than Hispanics or other races. In addition, the unemployment rate was 82.65% for Blacks and 78.57% of these were residents of northern communities in Miami-Dade County (2009). The unemployment rate for Hispanics was 78.57% at the time of their arrest, and 66.66% of them usually resided in the southern communities of Miami-Dade County (see Table 5). Cohen-Jennings was particularly troubled to learn that of all the detainees within the Miami-

Dade County criminal justice system “40(31.25%) of the sample population residents lived in Liberty City” (2009, p. 5).

Table 5

*Miami-Dade Community Neighborhoods and Detainees by Race*

<b>Neighborhood Data</b>	<b>Black</b>	<b>Hispanic</b>
<b><i>North Miami-Dade Communities:</i></b> Hialeah, Liberty City, Little Haiti, Miami Gardens, North Miami, Opa-Locka, and Overtown	78.57%	33.33%
<b><i>South Miami-Dade Communities:</i></b> Goulds, Homestead, Kendall, Little Havana, Perrine, Richmond Heights, and South Miami	18.37%	66.66%
<b><i>Communities Not Identified</i></b>	3.06%	0%

*Source: Miami-Liberty City demographics as cited by Cohen-Jennings, 2009.*

Liberty City is located in North Miami, Florida within the Miami-Dade division and is well-known as an area that has low-income housing. Liberty City houses more than half of Miami-Dade’s Blacks. It is known for its high rate of unemployment with a high crime rate. This is common knowledge to almost anyone residing in South Florida. Regardless of its high crime rate, level of unemployment, and the fact that the city was named for the Liberty Square Housing Project built in the 1930s particularly to house low-income Blacks, Liberty City has produced many of Miami’s rap artists and can boast that Udonis Haslem, member of the Miami Heat, and other professionals have managed to make their way out despite coming from single parent homes.

The 2013 PRC Miami-Dade County Community Health Needs Assessment Household Survey Report summarized that within Miami-Dade 26% of Blacks, 17% of Hispanics, and 10% of white non-Hispanics lived below the federal poverty level (p. 6). Further, the report reveals that:

Median annual family income for Hispanics was \$45,000 while it was \$39,000 for African Americans and more than double for white non-Hispanics, at \$84,000. Disparities in educational attainment are also apparent; 92% of non-Hispanic whites possess a high school diploma or better, while the same is true of only 73% of Hispanics, and 72% of African Americans. (2013, p. 6)

Even though some minorities are not fortunate enough to move beyond the handicaps that often create more recidivism, there are still those that are successful enough to show that despite the disease of drugs, change is possible. However, there are still systemic toxins; Cohen-Jennings noted societal factors that contribute to what ultimately determined higher rates of minority youth incarceration compared to Whites (2009). For instance, Cohen-Jennings referenced Devine, Coolbaugh, and Jenkins (1998) who explained that socioeconomic factors, educational factors, family make-up, and even the justice system itself all play a great role in how youths are exposed and ultimately incarcerated or detained (see Table 6).

Table 6

*Underlying Factors Contributing to Minority Overrepresentation in Prison*

Juvenile Justice System <ul style="list-style-type: none"> <li>• Racial/ethnic bias</li> <li>• Insufficient diversion options</li> <li>• System “labeling”</li> <li>• Barriers to parental advocacy</li> <li>• Poor juvenile justice system/community integration</li> </ul>	Socioeconomic Conditions <ul style="list-style-type: none"> <li>• Low-income jobs</li> <li>• Few job opportunities</li> <li>• Urban density/high crime rates</li> <li>• Few community support services</li> <li>• Inadequate health and welfare resources</li> </ul>
Educational System <ul style="list-style-type: none"> <li>• Inadequate early childhood education</li> <li>• Inadequate prevention programs (early dropouts)</li> <li>• Inadequate education quality overall</li> <li>• Lack of cultural education, cultural role models</li> </ul>	The Family <ul style="list-style-type: none"> <li>• Single-parent homes</li> <li>• Economic stress</li> <li>• Limited time for supervision</li> </ul>

*Source: (Devine, Coolbaugh & Jenkins as cited in Cohen-Jennings, 2009)*

When looking at the general population as it relates to Blacks and Hispanics, Cohen-Jennings (2009) found that the role of parents played out for detainees, as follows: 65.31% of blacks versus 55.56% respectively came from a home where the mother was the primary caregiver. Further, Hispanics were subjected to more abuse than Blacks ranging from rates of 38.78% versus 62.96% respectively. When asked what substance, if any was abused at the time of first arrest, 62.50% of the sample population indicated some form of “alcohol, marijuana, cocaine, heroin, ecstasy and/or methamphetamine” (Cohen-Jennings, 2009, p, 8) and 37.50% indicated they had not abused any type of drugs. As to the reasons why the crimes were committed 59.18% blacks and 74.07% of Hispanics admitted to abusing marijuana. Fifty percent of those surveyed revealed that the main reason for committing a crime was for money. Of the surveyed population, 53.06% Blacks, and 40.74% Hispanics admitted that the driving force behind their acts could be credited to the need for money. Even though they found themselves detained,



the surveyed group admitted that at the time they were first arrested they were attending school with grades ranging in the “C” average. When grades of Blacks and Hispanics were compared there was about a 5% variation (see Table 7).

Table 7

*Academic Rating of Black and Hispanics in MDCR*

Academic Rating	Black	Hispanic
A	2.04%	3.71%
B	27.55%	11.11%
C	43.88%	44.44%
D or F	17.35%	22.22%
No Response	9.18%	18.52%

*Source: Cohen-Jennings, 2009, p. 10.*

Cohen-Jennings’ case study proves that the application of restorative justice at an early age would significantly decrease the amount of incarcerated minorities within the Miami-Dade Rehabilitation Center. Restorative justice does not excuse the offender, it provides a segway for the offender and victim to restore what was lost, ownership for actions or inactions, and methods for victim and offender empowerment. A 12 year-old within the criminal justice system does nothing more than increase the knowledge of how to better offend (Zehr, 2002), restorative justice, however, would be a welcome tool to provide the resources needed for rehabilitation on various levels. Education, for instance is vital in most cases, and should be used as a preventative tool towards empowerment. Knowledge empowers, and empowerment breeds people who are self-sustainable.

As it relates to education, researchers at Northeastern University concluded that the level of education is a strong indicator of a person’s likelihood of being incarcerated

(Sum, Khatiwada, & McLaughlin, 2009). The study found that African Americans who have educational issues are more likely to become members of the prison population (2009). However, research conducted by James Forman, Jr. (2011) found that Black and minority men who obtain college degrees are less likely than white men to be incarcerated. In 2011 the Bureau of Justice Statistics reported that with the decrease in importance placed on the education of Blacks and Hispanics, there is increased likelihood of these men serving prison sentences (Guerino, Harrison, & Sabol, 2011). Thus, it would be beneficial for community preservation to increase educational funding in order to positively impact communities riddled with criminal activities.

Minority civic leaders have echoed the need for an increase in education spending. They have touted the importance of education as a means of lowering the crime rate, as well as changing the culture and philosophy of minority men. In 2012, Marion Wright Edelman decried the plight of education in impoverished neighborhoods, claiming that minority students were on a path from the cradle to prison.

According to Dan Lips (2006) an education analyst at the Heritage Foundation, the Department of Education increased its spending for elementary and secondary education from \$27.3 billion in 2001 to \$38 billion in 2006. Some civic leaders claim that even with the exorbitant cost to maintain the prison systems, monies were being allocated that only perpetuated a cycle of systematic slavery continuing to erode minority communities. Whenever more money is being allocated to a prison system bypassing an educational system, the end results can only be detrimental to those impacted by the negative cycle. For that reason practitioners of restorative justice feel that alternative means must be utilized in the incidences of non-violent criminal sentencing.

Restorative justice practitioners have opined that the consequences of incarceration must be considered prior to determining whether prison is a viable option for offenders. Alternative sentencing methods have proven to be successful for most non-violent and even some violent offenders (Zehr, 2002). As long as racism remains a pungently pervasive disease that poignantly impacts society, those within the judiciary system may be more likely to embrace sentencing strategies on those offenders with which they actually relate. In other words, attorneys and judges who can sympathize with a group because of cultural experience may be more willing to accept alternative means of sentencing (Gainsborough & Mauer, 2000). For this reason, researchers emphasize the need to develop different strategies in order to save people from themselves. It has become obvious that there needs to be more education, more training, and more resources allocated to communities that are segregated demographically because of economic and educational disparities. The need for more education all around is essential in dealing with the inequities that are blatant and obvious within the criminal justice system. However, there must also be additional resources provided for educational, psychological, and training programs that can provide training to offenders, provide resources to children of those offenders, and provide the programs needed that can reach and teach these children in an effort to prevent them from becoming members of the criminal justice system.

Society continues to hide the reality of the racial divide while continuing to practice the same philosophies that have failed to promote healing. Gibbs (1988) wrote that society has certain labels that are applied to black men; words such as “dope addicts, dropouts, street-smart, and pimps” (p. 2) are often used to describe black males

especially. Hispanics also face labeling such as lazy, more brutal, and lacking in intelligence (Anderson, 1995). They are often rated below or on the same scale as Blacks and for that reason are often characterized as holding the same if not worse qualities than Blacks. Although these labels are often egregious, they are applied nonetheless and are often utilized by judges when sentencing.

Despite what ideals people want to promote in public, it is clear to scholars dealing with conflict that the promotion of ideals is often different than the actual lived experience. For example, Steffensmeir, Kramer, and Streifel (1993) observed that most judges often apply the concept of blameworthiness, and consider recidivism as well as a defendant's history when deciding a case, yet they often may resort to the defendant's attributes such as social class, structure, or other social position when determining sentencing. More than likely, those defendants falling into these categories are minorities who may have committed the crime as a result of economic deprivation. Selling drugs in most underprivileged minority communities is often deemed necessary for the very existence of the individual and families that depend on the income for survival.

Through a set of case studies, Gastwirth and Nayak (1997) looked at *Stephens v. State* and *U.S. v. Armstrong* in order to examine statistical aspects of racial discrimination in drug sentencing. The qualitative research compared the Stephens and Armstrong cases in an effort to review claims of racial disparities in drug offense sentencing; the researchers also compared the cases with others where racial discrimination was brought into play. By applying statistical techniques the researchers reviewed how data may have played a significant role in aiding the defendants in the cases. From the two cases the authors concluded that by utilizing the Cornfield methods (a statistical tool for assessing

risks or cause-and-effect relationships) they could better determine if race was a factor in these drug-related criminal cases (Gastwirth & Nayak, 1997, p. 603).

When judges deal with a sea of Black or Hispanic faces on a daily basis they come to rely less on the offense and more on attributes of minorities in making sentencing decisions. Restorative justice would serve as a tool within the court room to give judges an idea of how different resolution tools could better serve certain non-violent offenders (Zehr, 2002). Gastwirth and Nayak stated that “ever since the United States Supreme Court adopted statistical testing in the *Casenada v. Partida* jury discrimination case, statistical evidence has been used in many types of cases concerning discrimination regarding race, age, or sex” (1997, p. 583). Further, the researchers observed that:

when a plaintiff in a civil case claims disparate treatment, or a defendant in a criminal case introduces statistical evidence as part of their prima facie case, the purpose is to show that otherwise comparable individuals of the protected class are being treated less favorably than those from the majority group. (p. 603)

It does not help that Hispanics and Blacks often find themselves on the lower socio-economic spectrum when it comes to failing educational systems, unemployment, poverty, and lack of viable resources necessary in breaking certain social concerns (Anderson, 1995). Swigert and Farrell (1976), Pennsylvania Crime Commission (1991), and The Sentencing Project (2008) all noted that there are certain stereotypical misconceptions or perceptions that are predominantly held by Whites as it relates to Blacks and Hispanics. Furthermore, with the increasing numbers of Hispanics entering America, and with the long-held beliefs and stereotypical discriminatory attitudes

towards them, they too like Blacks are finding it more difficult to survive the criminal justice system within this country (Healey, 1995, p. 374). In different studies, Myers (1987) and Tonry (1995) identified an additional obstacle faced by Blacks who more often are reliant on public defenders because of the lack of resources; this, in turn, makes them more susceptible to the harsher penalties handed down by judges.

In 1967 Blalock developed what was coined a “threat hypothesis” which looked at the increase in Hispanic numbers over a small period of time, and how this increase in Hispanic population created not only socio-economic conflict, but also created a desire within the majority to maintain social order. Yet, while the majority may overlook any threats from a small minority group, they are not so favorable when a group rapidly increases in number and then is deemed a social, political, and economic threat (Liska & Yu, 1992, p. 55). The rapid growth of the Hispanic community threatens the larger majority in that the majority is now becoming the minority so their persuasion, power, and socio-economic status seem to be faltering. For that reason, more and more of the majority are taking drastic steps in an effort to control the minority group the majority deems competitive and conflicting.

According to her findings, Cohen-Jennings (2009) determined that there was a small gap in how the inmates were represented while dealing with their cases (see Table 8). However, she stated that “Hispanics were satisfied at a higher percentage than Blacks, respectively 77.78% vs. 56.12%” (p. 11). However, as noted in the following table, it is clear that more Hispanics exercised their rights for self-representation than did Blacks.

Table 8

*Type of Legal Representation by Race*

<b>Type of Legal Representation</b>	<b>Black</b>	<b>Hispanic</b>
Public Defender	54.08%	55.56%
Private Attorney	36.73%	33.33%
Self Representation	2.04%	11.11%
No Response	7.15%	0%

Some of her more pertinent findings were from those detained at Miami-Dade Correction and Rehabilitation Department facility. Of the respondents, 68.37% of blacks and 48.15% of Hispanics indicated that they have had family members who have been or were currently incarcerated. However, 4.08% of black inmates admitted that while the primary parent was employed, their income was subsidized by whatever illegal activities were being conducted by the inmate prior to arrest (Cohen-Jennings, 2009, p. 11). Compared to Blumstein's previous findings, there are not too many significant differences within the criminal justice system as it relates to minorities. It seems, however, that the incarceration of Blacks rose slightly and does not show any real drop in numbers as outlined by Blumstein's findings. Garland et al. (2008) state that "blacks and Hispanics—and particularly black and Hispanic males—are substantially more likely than whites to be locked up in our nation's prisons" (p. 32). By reviewing the table below it is clear that while crimes differ and those that commit certain crimes can be credited to certain groups, it still remains a fact that minorities are more likely to be incarcerated at significantly higher rates than Whites (see Table 9).

Table 9

*Estimation of Black Percentage in Prison, Assuming No Post-Arrest Discrimination*

Crime Type	White Arrests	Black Arrests	Black + White Arrests	Black Arrest Percentage (Bj)	Offense Distribution Among State Prisoners (F)	Expected Percentage of Prisoners (by crime type) that are black (Rj)
<b>VIOLENT</b>						
Murder & Attempted Murder	4,457	6,407	10,864	59.0	13.8	8.1
Manslaughter	1,468	417	1,885	22.1	4.4	1.0
Sexual Assault	6,339	5,865	12,204	48.1	5.1	2.5
Robbery	22,728	37,043	59,771	62.0	22.6	14.0
Assault (other than sexual)	186,831	117,668	304,499	38.6	4.8	1.9
<b>PROPERTY</b>						
Burglary	94,339	48,621	142,960	34.0	18.0	6.1
Larceny	225,710	118,848	344,558	34.5	6.5	2.2
Auto Theft	25,784	14,892	40,676	36.	6 1.7	0.6
Forgery, Fraud or Embezzlement	80,236	56,833	117,069	31.	5 4.3	1.4
Drug	239,673	75,276	314,949	23.9	4.3	1.0
Other	2,022,306	741,046	2,763,352	26.8	14.5	3.9
TOTAL						42.7 = R

Source: Blumstein, 1993

During his research, Blumstein looked at the UCR (1974) and compared the crime type and arrests for Whites and Blacks 18 and older. His table indicates that while reviewing the report in each category, the arrest records for Blacks were significantly higher than Whites even when totaled. Garland et al. wrote that “the strength of the Blumstein method in searching for unexplained disparity is that it offers broad geographic coverage to detect potential discrimination” (2008, p. 31). Blumstein’s findings show that when Whites committed the same or similar crimes as Blacks, even at a higher rate, Blacks were more likely to be sentenced. Blumstein stated that

if there were no other sources of differential treatment after arrest within the criminal justice system because of race, the expected proportion of total prisoners



who are black and are imprisoned for each of the crime types (R) is obtained by multiplying the black arrest percentage for that crime type (B<sub>j</sub>) by the fraction of the prison population associated with that crime type (F<sub>j</sub>). This is the percentage indicated in the last column. (1992, p. 15)

Further, Blumstein's (1993) studies on minority over-representation in the criminal justice system found that because of serious offenses, there is a noted link indicating why there are more minorities within the prison system. And according to Pettit and Western (2004) found that "like incarceration rates, the cumulative risks of imprisonment fall with increasing education. The cumulative risk of imprisonment is 3 to 4 times higher for high school dropouts than for high school graduates" (p. 153). Pettit and Western (2004) discovered that a call for stiffer penalties for drug-related offenses greatly impacts minority communities more than other groups.

### **Florida Department of Corrections**

**Inmates and inmates' life within the system.** According to the Florida Department of Corrections (2013), there are a total of 100,444 inmates occupying 60 state prisons of which 93% are male and 7% are female. The Department also reported that as of July 2012, the average age within the system ranges anywhere from 14 years to 93 years young. From July 1, 2011 through June 30, 2012, it was recorded that there were 32,279 inmates admitted in the Florida prison system, and a total of 34,463 were released (FDC, 2013).

The time period also placed 80,880 offenders under community supervision while releasing 80,626 from community supervision and supervising 115,000 offenders. There are 23,700 employees in the roles of correctional or probation officers. Again, the

recidivism rate in Florida was reported to be roughly 30%, with inmates returning within a three-year period of their release. While this may seem like a small number, the Florida Department of Corrections website clearly states that the 30% reported recidivism rate fails to take into account those Florida prisoners that are habitual offenders moving through Florida or other state criminal justice systems (see Table 10).

Table 10

*Community Supervision Statistics*

Primary Offense of Offenders on Community Supervision on June 30, 2012			
Primary Offense	Length of Supervision	Average Age at Offense	% Offenders
Murder/Manslaughter	15.0 yrs	28.4 yrs	1.6
Sexual Offense	10.2 yrs	34.5 yrs	4.3
Robbery	6.3 yrs	24.0 yrs	3.7
Violent Offenses	3.8 yrs	32.0 yrs	15.5
Burglary	3.9 yrs	25.8 yrs	11.2
Theft, Forgery, Fraud	4.0 yrs	32.3 yrs	26.1
Drugs	3.1 yrs	31.8 yrs	25.8
Weapons	3.1 yrs	29.9 yrs	2.4
Other Non-Violent	2.9 yrs	35.4 yrs	8.5

Source: FDC, 2013

The state of Florida Department of Corrections reports that as of June 30, 2012, offenders on supervision comprised 75.4% males, 24.6% females, 63.3% Whites, 31.5% Blacks, and 5.2% other. From July 1, 2011 through June 30, 2012, 32,279 inmates were admitted to prison, and 34,463 inmates were released. During that same period, 90,880 offenders were admitted to community supervision, and 90,626 were released from supervision (see Table 11).

Table 11

*General Characteristics of Offenders on Supervision*

General Characteristics of Offenders on Supervision on June 30, 2012	
Gender	% Offenders
Male	75.4
Female	24.6
Race	
White	63.3
Black	31.5
Other	5.2
Prior Supervision Commitments	
None	60.5
1	21.2
2	9.1
3	4.4
4	4.8

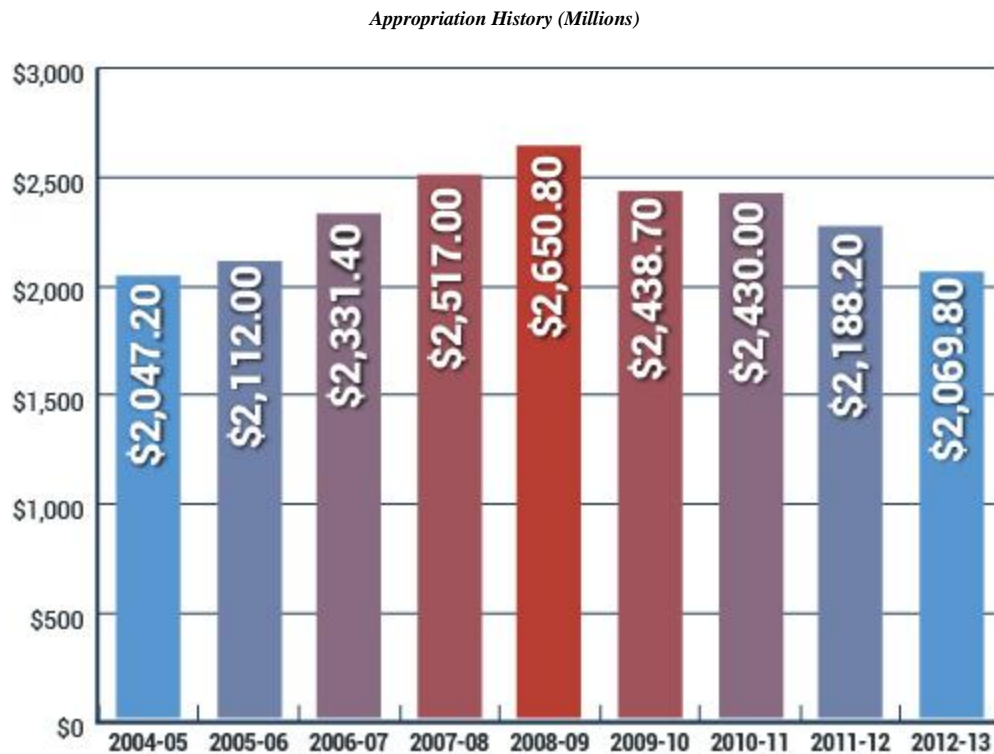
*Source: FDC, 2013*

### **The Public Cost of Incarceration**

While criminologists and statisticians attempt to document the economic impact of the cost of public incarceration, Florida's prison system reports that it costs approximately \$19,473 to take care of one inmate which calculates to roughly \$53.35 per day (Franceschina & Haughney, 2011).

The annual income for a certified correctional officer starting at entry level pay is about \$31,000 per year, and an entry-level probation officer takes home \$34,000 per year (FDC, 2013). Florida indicates that with more and more prisoners, one step towards teaching them responsibility is to allow them to earn their keep while incarcerated. Prisoners in the justice system for the 2011 through 2012 fiscal year worked about 5.8 million hours (FDC, 2013). The money saved by not hiring regular employees was

reported to have saved Florida taxpayers more than \$46 million dollars (FDC, 2013) (see Figure 2).



*Figure 2.* Florida Department of Corrections Appropriation History (FDC, 2013).

In August 2011 the Vera Institute of Justice conducted a survey and requested information from states about the cost of funding prisons in those states. It determined that in 2010 the Florida Department of Corrections reported a budget of:

\$2.05 billion in prison expenditures. However, the state also had \$29.4 million in prison-related costs outside the department's budget. The total cost of Florida's prisons—to incarcerate an average daily population of 101,324—was therefore \$2.08 billion, of which 1.4 percent was costs outside the corrections budget. (Vera Institute of Justice, 2012)

The Institute also reported that private prisons in Florida were being monitored by the state's Department of Management Services' Bureau of Private Prison Monitoring, overseeing seven private prisons in Florida and spending a total of \$2.2 million in 2010 (Vera Institute of Justice, 2012). It was also determined that in 2009 the Florida Department of Corrections (FLDOC) "incurred \$6.7 million in indirect costs (such as auditing or information technology) paid by state administrative agencies. Indirect costs related to prison operations provided by these agencies were determined using the Statewide Cost Allocation Plan (SWCAP)" (Vera Institute of Justice, 2012) (see Figure 3). What is necessary and vital to Florida's criminal justice system is the need for politicians and members of the criminal justice institute to address minority concerns regarding violent crimes and community impact.

FLDOC prison budget \$2,053.2	\$2.05 billion
Other state costs	FLDOC prison budget
Underfunded retiree health care \$20.4	\$2.08 billion
Private prisons \$2.2	Total state cost of prisons
Statewide administrative costs \$6.7	\$20,553
Subtotal: Other state costs \$29.4	Average annual cost per inmate
<b>TOTAL TAXPAYER COST \$2,082.5</b>	

*Figure 3.* Cost to Florida taxpayers to house prisoners (Vera Institute of Justice, 2012). Taxpayer costs (dollars in millions) include expenses funded by state and federal revenue. Apparent discrepancies between subtotals and totals are the result of rounding.

Most black community leaders claim that the emergence of violent crimes coupled with a lack of formal education and the breach on families have greatly impacted the spirit of their community (Street, 2002; Sum, Khatiwada, & McLaughlin, 2009). More crimes are being committed through violent means because of the need to survive

economic plagues often created by the mass exodus of black males from communities by way of incarceration, death, or wanton disregard for the sanctity of sound relationships.

In June 2012 Florida released a report of the top 10 offenses of inmates citing that 8.8% of those incarcerated for violent offenses committed those offenses with the use of a weapon, while 8.3% burglarized homes, and another 8.3% were convicted of either the sale or purchase of illegal drugs (FDC, 2013). Another 6.7% of offenders were convicted of drug trafficking, and the list of offenses range from first degree murder to possession of deadly weapons (see

Table 12). Information gathered by researchers on conviction rates in various Florida counties will serve to educate those seeking to gain a better understanding of minority conviction within the state.

Table 12

*State of Florida Top 10 Offenses of Inmates*

Top 10 Offenses on June 30, 2012		
Primary Offense	# Inmates	% total inmates
Robbery With Weapon	8,852	8.8
Burglary of a Dwelling	8,356	8.3
Manufacture, Sale or Purchase of Drugs	8,344	8.3
Capital (First Degree) Murder	6,780	6.7
Drug Trafficking	6,753	6.7
Lewd and Lascivious Behavior	4,828	4.8
Second Degree Murder	4,734	4.7
Robbery Without Weapon	3,623	3.6
Aggravated Battery	3,280	3.3
Weapons Possession	3,083	3.1

*Source: FDC, 2013*

There are 67 counties within the State of Florida. The Florida Department of Corrections reported that of the 67 counties, there are 10 counties with high rates of conviction (2013). However, the State of Florida determined that these 10 counties reporting the most convictions are counties that are populated predominately by minorities. Miami-Dade reports an 8.1% conviction rate, Duval has 7.8%, Hillsborough reports 7.6%, and Broward County reports a 7.5% conviction rate (FDC, 2013).

Without any doubt the concentration of minorities are found in neighborhoods where unemployment, despair, and poverty run rampant. By reviewing the report released in June 2012 on the top 10 counties of conviction within Florida, it is clear that Miami-Dade has the highest amount of convicts within Florida's criminal justice system as shown by Table 4 below. In the absence of a combined group working towards



restructuring, revitalizing, or rebuilding communities for the sake of young minority males, it is likely that the incarceration rate will continue to increase (see Table 13).

Table 13

*Top 10 Counties of Conviction in Florida*

Top 10 Counties of Conviction on June 30, 2012		
County of Conviction	# Inmates	% total inmates
Miami-Dade	8,095	8.1
Duval	7,859	7.8
Hillsborough	7,576	7.6
Broward	7,508	7.5
Pinellas	6,368	6.4
Orange	5,568	5.6
Palm Beach	4,456	4.4
Polk	3,793	3.8
Brevard	2,981	3.0
Escambia	2,794	2.8

Source: FDC, 2013

**Miami-Dade County Incarceration**

The Florida Department of Corrections (2013) reported that Miami-Dade County, Florida had an estimated population of 2,591,035 people as of 2012. Florida's total population is estimated at 19,317,568. According the Bureau, Miami-Dade had a 3.8% population change from April 1, 2010 to the time of the report in 2012. There are roughly 19.2% Blacks, 0.3% American Indians and Alaska Natives, 1.7% Asians, and 64.3% Hispanics reportedly living within Miami-Dade County as of 2012. The report also revealed that of the total population, 26.2% of those residing in Miami-Dade County held a Bachelor's degree or higher level of education, and 77.6% of the population 25 years

and older holds a high school diploma. Further, the median income range for those living in Miami-Dade County from 2007-2011 was reported at \$43,957. For the years 2007-2011 17.9% of those in Miami-Dade lived below poverty level. However, 14.7% of those living in the State of Florida were reported as living below poverty level (FDC, 2013).

According to a Bureau of Justice Statistics (2013) report, of the top 50 largest jails in America, Florida holds six places on the list. Miami-Dade County ranks eighth and reports housing 5,770 inmates on any given day, Broward County ranks thirteenth and houses 4,583 inmates, Orange County ranks nineteenth and houses 3,604 inmates, Pinellas County ranks twenty-eighth and houses 3,225 inmates, Palm Beach County ranks thirty-second and houses 2,901 inmates, and Polk County ranks forty-third and houses 2,268 individuals on any given day in the prison system (Bureau of Justice Statistics, 2013). Florida expanded its research to make a determination as to what types of crimes were committed more often and by whom (FDC, 2005).

In 2005, the Florida Department of Corrections released its 2004-2005 Annual Report which noted that 30 percent of the reported crimes were drug related and could be credited to a majority of offenders newly admitted to the system. The report also showed that of the number of incarcerated males within the Miami-Dade prison system about 2,700 of those were convicted of some type of drug offense (FDC, 2005). About 17 percent of the reported crimes for women inmates in the same age group were accounted for by some type of drug related charge. The report also showed that of those admitted to prison in 2004 and 2005, 67.2 percent of these individuals were sentenced to three years or less with the average sentence being 14.6 years (FDC, 2005).

According to the Florida Department of Corrections, roughly 8,200 of those incarcerated within the State of Florida are from Miami-Dade County. Of these 96 percent are males and four percent are females. Miami-Dade County is reported as being the sixth largest jail system and holds approximately 7,000 inmates either serving sentences or waiting to be tried (FDC, 2013).

Meanwhile, the minority inmate population continues to escalate as more youthful minority offenders enter in the criminal justice system. The Florida Department of Corrections (2013) reported that there are roughly 8,000 males between the ages of 19 and 50 within the prison systems. Of those in the 19 to 35 age group there are roughly 3,500 inmates, and of the 312 Miami-Dade County females in the 19 to 50 age group range there are 277 inmates. There are 235 inmates ranging in age from 19 to 35.

### **Nationwide Minority Incarceration**

Studies conducted by the U.S. Justice Department have estimated that in 2006 there were about 4.86% African American and 4.8% Black non-Hispanic men incarcerated nationwide (Maguire, 2013). In addition, Kacera (2011) observed that “women are overrepresented among low level nonviolent drug offenders. Women make up only 7% of today’s prison population, yet the number of all women in prison in the last 30 years has increased by 400%; women of color by 800%” (para. 4). In fact,

more than two-thirds of women in prison are mothers, 70% of which were convicted of committing a nonviolent crime. The majority of women in prison have less than a high school diploma, many suffer from mental illnesses, others from alcohol and drug dependencies. Over half of all women in prison have

experienced some form of sexual violence prior to entering the prison system. (Kacera, 2011, para. 4)

The U.S. Department of Justice (2003) estimated that about 1,398,800 children under the age of 18 had parents that were incarcerated in both state and federal prisons. This trend is visible in Florida, especially in the counties. For instance, in 2008 alone there were more than 15,000 children who had parents that were incarcerated in Miami-Dade County, Florida (Service Network for Children of Inmates, 2008). Of the more than 2.5 million incarcerated individuals nationwide, roughly 721,500 counted themselves as parents (Mumola, 2000). Further, of the nation's children, 2.1 percent deal with social stigmas associated with having a parent either in the state or federal criminal justice system (Mumola, 2000). Bernstein (2005) stated that roughly 2.4 million children were products of incarcerated parents in 2004. Of this amount, the Bureau of Justice Statistics (2013) reported that over 15,000 of its children were included in the reported number of those having parents incarcerated in the prison system. Furthermore, children of incarcerated parents face many difficult situations both emotionally and economically (Mauer & King, 2007). They are more prone to exhibiting deviant behaviors and often find themselves suffering from “not having a transgenerational transition as a means of coping” (J. McKay, personal communication, July 8, 2013) which makes it more difficult to stop the cycle of incarceration that families with these traits are known to exhibit. Most of these children then depend on social services to provide tenets for change because they exhibit behavioral problems, have educational difficulties, and are often found living in poverty (Johnson & Waldfogel, 2002).

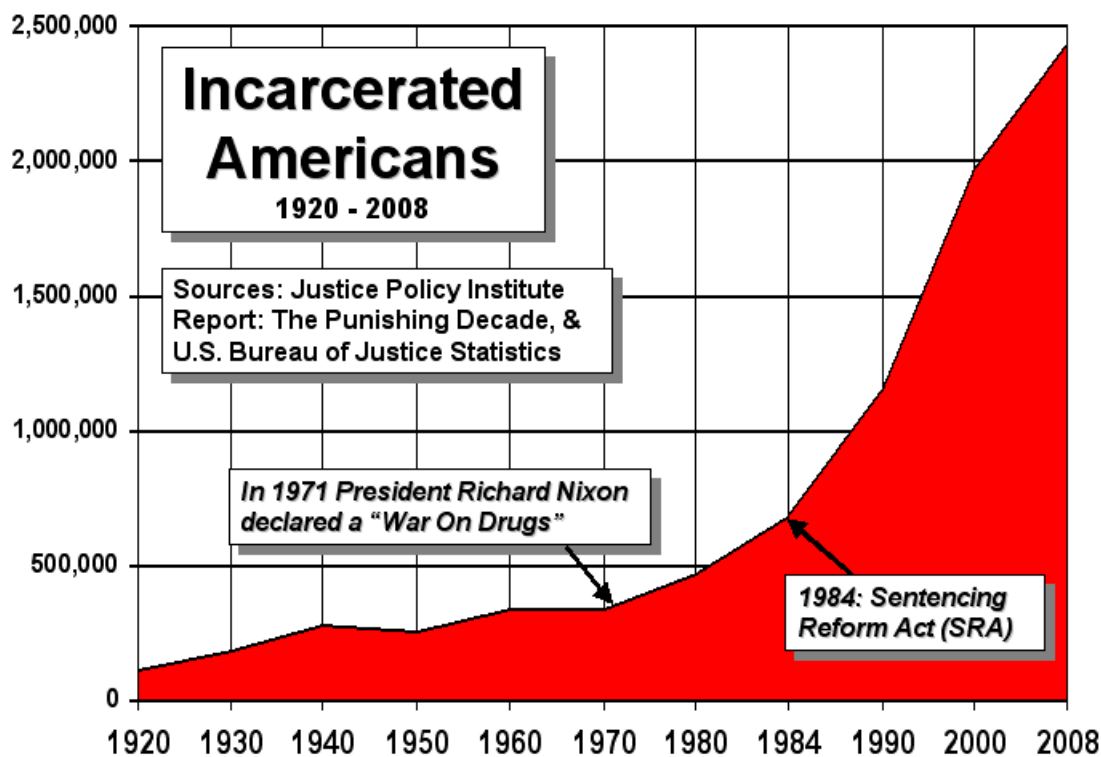


Figure 4. Graph of incarcerated American population 1920-2008 (Bureau of Justice Statistics, 2013).

According to Count the Costs, “as with wars throughout history, the negative consequences of the drug war fall heaviest on the most vulnerable, excluded and marginalised” (2013, para. 1). Further, concerning minorities, the group stated that

Despite similar rates of drug usage, African-American men in the US are sent to prison on drug charges at 13.4 times the rate of white men, resulting in one in nine 20- to 34-year-olds being incarcerated on any given day, primarily as a result of drug law enforcement. (2013, para. 5)

In 2006 there were 45.1% blacks in prison for drug offenses, 20.8% Hispanics, and 26.4% Whites in prison for drug offenses (Sabol, Couture, & Harrison, 2006). Additional research showed that:

Black men comprised 41% of the more than 2 million men in custody, and black men age 20 to 29 comprised 15.5% of all men in custody as of June 30, 2006. Relative to their numbers in the general population, about 4.8% of all black men was in custody at midyear 2006, compared to 0.7% of white men and 1.9% of Hispanic men. (Sabol, Minton, & Harrison, 2007, p. 9)

These same researchers found that Black men are usually incarcerated about 6.5% more than any other males (Sabol et al., 2007). Tonry and Melewski (2008) commented on how the matter-of-fact state of high black incarceration rates:

the litany of ways crime control policies disproportionately affect black Americans by now is so familiar as to be unsurprising. Blacks constituted 12.8 percent of the general population in 2005 but nearly half of prison inmates and 42 percent of Death Row residents. Imprisonment rates for black men were nearly seven times higher than for white men. About a third of young black men aged 20–29 were in prison or jail or on probation or parole on an average day in 2005. (p. 2)

When U.S. local, state, and federal prison systems are considered together, there are a reported 2.3 million people currently serving time (Walshe, 2012). This does not include the five million or more who are being supervised by the legal system. Walshe also reported that men are more likely to be incarcerated than women, with African-American men facing a seven times greater likelihood of being incarcerated than their white counter-parts. Due to the uncorroborated and under-reporting of the actual number of minorities in jail, data pulled from governmental resources tend to paint these people as invisible which ultimately skews the demographics of the prison population (Walshe,

2012). Lyons and Pettit (2011) also blame the collection methods utilized by the government for the invisibility of incarcerated minorities, and find that the discrepancies in the collection have greatly failed the underprivileged. The same study found that because of under-reporting, employment rates for black youths remain stagnant or particularly non-existent (Lyons & Pettit, 2011). An additional study conducted by the University of Washington from 1992 to 2000 found that within five counties in Washington State there were clear signs of ethnic and racial disparities that occur during the juvenile criminal process (Pettit & Western, 2004). The study found that at post-arrest, it was more likely that minorities would be held over for questioning than their white counterparts (2004).

In their research on different ethnic and racial classes, Bobo and Hutchings (1996) found that it is often difficult to label Hispanics as their social class varies across regions and demographics. For instance, Latinos can be grouped as Hispanics, Mexicans, Puerto Ricans, Peruvians, or Brazilians to name a few. This is evidence of Feagin and Sikes's 1994 finding that stereotypical beliefs, thoughts, and actions have become so commonplace that it is now a constant practice to link the different subgroups into one regardless of cultural or social factors.

With the exclusion of the inmate population in governmental reporting, there are questions about the 42% unemployment rates amongst Blacks as the inclusion of inmates would further increase that 42% figure by an additional 26% (Sullivan, 1989). Such a change in statistical reporting would clearly be detrimental to the alleged incorrect information provided by the government to the public and impact policy-making decisions. Pettit and Western (2004) would agree as they have argued that an increased

understanding by policymakers about the implications of under-employment in the minority community would aid in bringing the systematic challenges faced by minority families into better focus.

Thus, the evidence is clear. By definition, racial disparity is found when the incarceration of a certain group or groups far exceeds the groups' presence in society (Nellis, Greene, & Mauer, 2008). While America exists on the platform that it is a safe haven for the broken, down trodden, ill fated, and impoverished, the social research reviewed thus far has revealed that societal factors greatly and harshly impact disparity in minority incarceration. Discriminatory practices, economic and educational factors, along with the ever-present unevenly applied sentencing drug laws, preventive measures, and correctional methods have unfairly exposed minority families and children to the harsh realities of the criminal justice system. The main factor that seems to elude society is that when family members are incarcerated, not only are they dealing with the emotional issues of the criminal justice system, but family members (and especially children) find themselves imprisoned without actually being locked behind bars.

### **Disproportionate Incarceration**

Whether or not there is a significant increase or decrease in the prison system, the need for deterrents as it relates to the justice system has remained consistent. According to the U.S. Sentencing Commission of 1989, the goal of providing judges with federal sentencing guidelines was done specifically to ensure that ethnicity would prove irrelevant when judges sentenced defendants. The creation of guidelines also suggests that the main goal was to provide judges with rules that would in the long run diminish disparities in sentencing.



Criminologists, sociologists, and psychologists have for years agreed and disagreed on the effectiveness of states utilizing the prison system as a deterrent for offenders of non-violent crimes. A 2006 report entitled *Punishment and Inequality in America* suggested that there are issues concerning not only for the safety of the community, but also for the provision of resources that would serve as tools procuring growth and favorable behavior, instead of pushing through system wide policies that vastly impact one group over another (Western, 2006).

### **Majority Change: Demographic Change in Future American Society**

In 2012 the Census Bureau reported that minorities were defined as any individual who is not single-race, white, and non-Hispanic (United States Census Bureau, 2012b). According to the report there were approximately 114 million minorities in 2011, or 36.6 percent of the United States population, while in the year 2010 it stood at 36.1 percent (2012b). The report also identified majority-minority states in 2011 as: Hawaii with a 77.1 percent minority population; District of Columbia with a 64.7 percent minority population; California with a 60.3 percent minority population; New Mexico with a 59.8 percent population; and Texas with a 55.2 percent population (2012b). However, no other state reported a minority population above 46.5 percent (Mackun & Wilson, 2011). The report also noted that the majority of baby boomers are Whites (United States Census Bureau, 2012b). The Bureau further reported specific highlights of each race group to include Hispanics (2012b). These highlights covered the national, state, and county levels and are as follows:

## Hispanics

- Hispanics are seen as the most populous minority groups numbering in the 52 million range as of 2011. They are also the fastest growing with a population increase of 3.1 percent as of 2010. In 2010 the reported Hispanic population was at 16.3 percent; however, in 2011 the increase was 16.7 percent.
- California reported housing 14.4 million Hispanics as of July 1, 2011 with the largest reported increase within the Hispanic population seen since April 1, 2010: 346,000. New Mexico reported housing the highest percentage of Hispanics at 46.7 percent.
- Of any county, Los Angeles had the largest Hispanic population reporting 4.8 million in 2011 and largest numeric increase of 73,000 as of 2010. Starr County reported the highest share of Hispanics at 95.6 percent.

## Blacks

- At 43.9 million individuals in 2011, African-Americans were reported to be the second largest minority group in the United States. This increase was slightly up 1.6 percent from 2010.
- Of any state as of July 1, 2011, New York had the largest Black or African-American population with an estimated 3.7 million blacks. Texas also reported a large increase of 84,000 as of July 1, 2011 with the District of Columbia housing the highest percentage of Blacks at 52.2 percent followed by Mississippi reporting 38.0 percent blacks.
- Cook County, Illinois (Chicago) had the largest Black or African-American population of any county in 2011 (1.3 million), and Fulton County, Georgia

(Atlanta) had the largest numeric increase since 2010 (13,000). Holmes County, Mississippi was the county with the highest percentage of Blacks or African-Americans in the nation (82.9 percent).

#### Asians

- The Asian population was reported at 18.2 million in 2011 on the national level, and they are the second fastest growing minority group. As of 2010 Asians reported a 3.0 percent increase.
- In July 2011, California had both the largest Asian population of any state (5.8 million) and the largest numeric increase of Asians since April 1, 2010 (131,000). Our nation's only majority-Asian state is Hawaii with people of this group comprising 57.1 percent of the total population.
- Once again, Los Angeles had the largest Asian population of any county reporting a 1.6 million Asians in 2011 and the largest numeric increase of 16,000 since 2010. At 61.2 percent, Honolulu had the highest percentage of Asians in the nation.

#### Non-Hispanic White Alone

- As of 2011, California had the largest population of single-race, non-Hispanic whites of any state with 15.0 million reported. Since 2010, Texas had the largest numeric increase in this population group of 80,000. Maine reported a 94.3 percent non-Hispanic population which is considered the highest percentage of the non-Hispanic, white alone population. (United States Census Bureau, 2012b)

Looking ahead, in December of 2012, the United States Census Bureau projected that by 2060 the population of the United States will be significantly older and more ethnically diverse. According to Acting Director of the Census Bureau, Thomas L. Mesenbourg, “the next half century marks key points in continuing trends—the U.S. will become a plurality nation, where the non-Hispanic white population remains the largest single group, but no group is in the majority” (Cooper, 2012, para. 3). Compared to projections released in 2008 and 2009, this new report signaled that the population would probably expand at a slower pace within the next several decades. Significantly, the report stated that those in the 65 years group would see a double fold increase between 2012 and 2060 from 43.1 million to 92.0 million, and those 85 and older will see a population rise anywhere from 5.9 million individuals to 18.2 million which is about 4.3 percent of the total population (United States Census Bureau, 2012b). Individuals born between 1946 and 1964 will represent 76.4 million in 2012, roughly one-quarter of the United States population. According to the data, when these baby boomers are 96, they will represent 2.4 million individuals or 0.6 percent of the total population (see Figure 5).

### Population by Age and Sex: 2012, 2035 and 2060

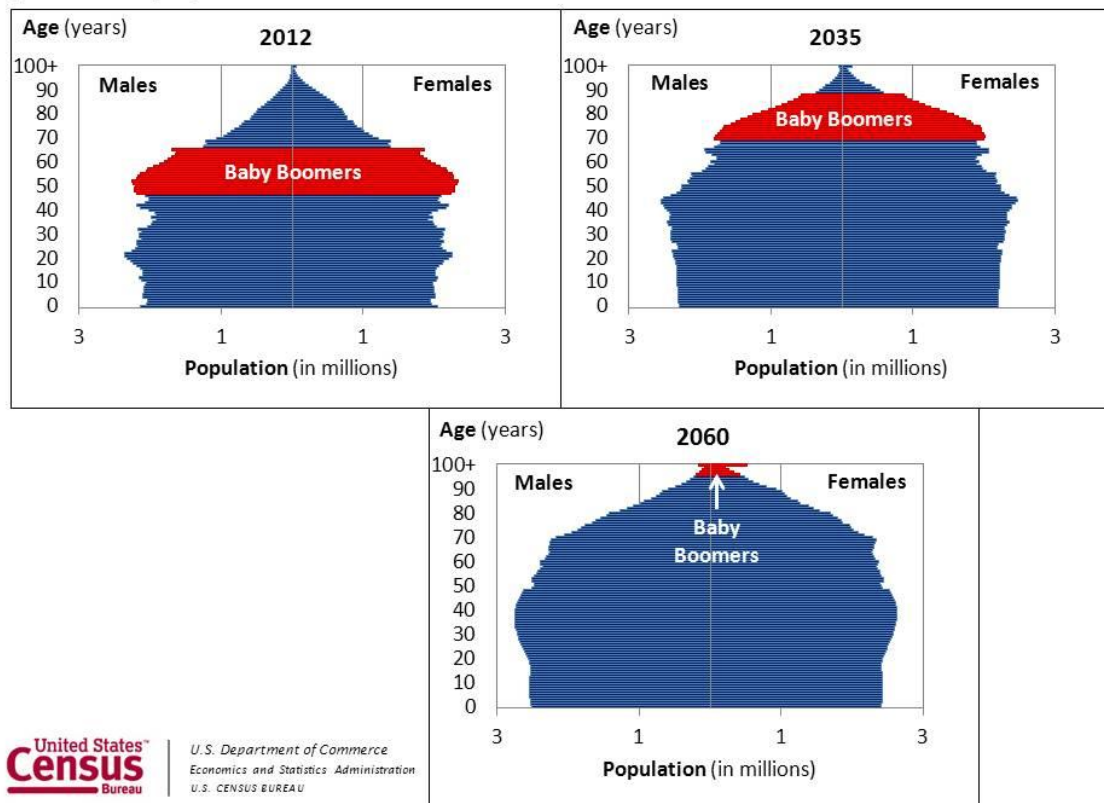
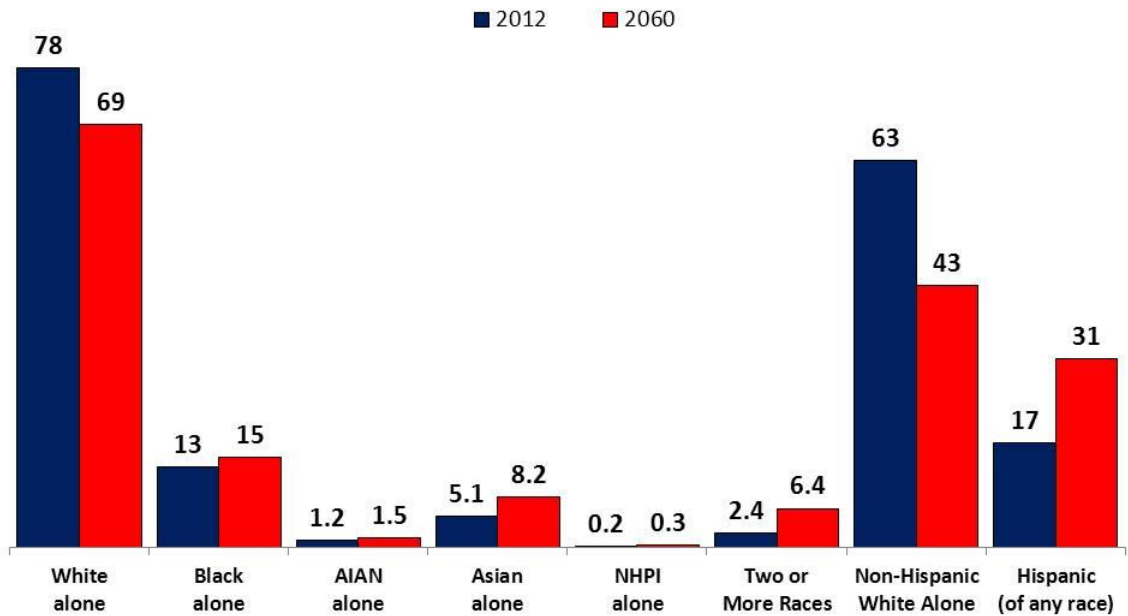


Figure 5. Census Bureau population by age and sex (United States Census Bureau, 2012a).

According to the report, the non-Hispanic white population should see a peak of 199.6 million in 2024, up from 197.8 million in 2012. Further, it was determined that the Hispanic population would double from 53.3 million in 2012 to 128.8 million people in 2060. The black population will see an increase from 41.2 million to 61.8 million over the same time period rising from 13.1 percent in 2012 slightly to 14.7 percent in 2060. Asians would also see a rise from 15.9 million in 2012 to 34.4 million in 2060 (see Figure 6).

### Population by Race and Hispanic Origin: 2012 and 2060

(Percent of total population)



AIAN=American Indian and Alaska Native; NHPI=Native Hawaiian and Other Pacific Islander

*Figure 6.* United States Census Bureau percent of total population projected comparison for 2012 to 2060 (United States Census Bureau, 2012a).

A revised United States Census Bureau released in June 2013 signaled a major shift in the current and later demographics of the United States (2013). However, in 2012, the Census Bureau had already reported that the white majority, up to and including non-Hispanic white Americans, had fallen to minority status (2012b). This shift was attributed to high rates of birth especially among Hispanics where the birth rate has quickly skyrocketed. The Census Bureau's acting director, Thomas Mesenbourg, stated that according to the current growth rate, white babies under five years are expected to be in the minority category by 2043. While this may come as a surprise to some, scholars have opined that a shift was eminent since Hispanics, Blacks, and Asians have threatened the demographic hegemony that has been dominated by Whites for years. Further, the

reported stated that within five years it is possible that the white population will be ousted because of aging baby boomers.

According to the census numbers, the following were prominent:

- The population of those younger than five was reported to be estimated at 49.9 percent minority in 2012.
- In more than a century, and for the first time, the Census reports that there were more deaths among Whites than there were births. What should be noted, however, is that the white population is still seeing a slight increase which is credited to immigration by Europeans.
- The non-white population increased by 1.9 percent to 116 million, or 37 percent of the United States. The Bureau also stated that the fastest percentage growth is among multiracial Americans, followed by Asians and Hispanics. Non-Hispanic whites make up 63 percent of the United States; Hispanics, 17 percent; Blacks, 12.3 percent; Asians, 5 percent; and multiracial Americans, 2.4 percent.
- It is estimated that out of the 3,143 counties in the nation, 353 or 11 percent are now considered “majority-minority.” Six of those counties tipped to that status last year include Mecklenburg, NC; Cherokee, OK; Texas, OK; Bell, TX; Hockley, TX; and Terrell, TX.
- In the year 2000 the Bureau reported that only 13 states and the District of Columbia had an under 5 age group considered “majority-minority”, now the report cites that 25 states and the District of Columbia holds a minority make-up of more than 40 percent of those under age 5.

- What is most notable is that the Bureau reports that for those within the under 5-age group, 22 percent lived in poverty and those groups were usually found in rural states such as Arkansas, Louisiana, and Mississippi. Painfully, black toddlers were more likely to be poor with a report of 41 percent, closely followed by Hispanics at 32 percent, whites at 13 percent, and Asian toddlers bringing up the rear at 11 percent poverty rate. (United States Census Bureau, 2012b)

Sentencing seems more like a subjective perception and can often be attributed to the perceived rather than independent frame of mind. Those subjective stimuli are affected by outside influences, and the identifiers (such as the media's bias on their portrayal of minorities) also have an adverse effect on how they are viewed by the general public. If more law-makers would introduce the idea of rehabilitation for non-violent drug offenders, restorative justice would become a well-placed, well-defined, and equitable means of freeing up the prison system from high numbers of minority offenders. The idea of restorative justice would not only help to empower minority communities, but it would also serve to present a greater understanding of individual ownership of behavioral construct and individual responsibility for individual action. However, the goal of the media, along with most politicians, seems to be to continue to give the elite what they desire: continued control of minorities through almost any means necessary. The means necessary would be tied in many cases to the war on drugs which subsequently has a tremendous impact on minority communities. This impact continues to deplete minority communities of fathers, brothers, mothers, or those that could assist in training the next generation, preventing them from repeating the cycles that are often



expected of them by those in society seeing minorities as problematic, unsalvageable, and only worth being locked away in a prison cell. Restorative justice would give a voice not only to the non-violent offender, but also to the children, family members, communities, and the victim. However, referring back to the literature review there is great racial disparity especially as it relates to media exposure or placed values on minorities when they are reported as missing. The obvious inequities are so blatant with the media focus showing a preference for white, blond, blue-eyed, women and children, leaving minorities constantly fighting to have them self-portrayed as people of value. The findings concerned with racism in the media tie closely into the disparity in sentencing because of the impact the media has in determining peoples' beliefs and viewpoints. Therefore, if the media deems minorities as valueless, it is more than likely that legislative groups along with those in the criminal justice department will continue to hold those inherent untruths.

### **Race and the Media Especially as It Relates to Minorities**

While this research focuses on the disparity within the criminal justice system especially as it pertains to minority males, the other part of the research finds that there is a strong disparity within the media and technology information unit. Research information addressing media disparity and how the media deals with the portrayal of minorities were taken from The Federal Bureau of Investigation (FBI). This data was collected for 2007 along with data from The American Society of Newspaper Editors, The National Crime Information Center (NCIC), The Journalism in Color Survey, and the RTNDA/Ball State University Annual Survey conducted in 2005. These data are combined on the various websites and are available for use by local as well as federal law

enforcement agencies or other agencies interested in the edification of society in general concerning the number of incarcerated minorities.

The media is a powerful tool to help fight the war on drugs. However, there is an associated increase in the prison population as it relates to the drug war which stems from moral panics that can be credited to media stories (Robinson, 2005). Lending credence to this association is Jernigan and Dorfman's (1996) observation that minorities are usually the ones most depicted in the media as perpetrators of drug related crimes. Therefore, since street crimes are often portrayed in the media as crimes exclusively perpetrated by minorities, the majority of Americans, even minorities, often credit any drug-related crime to minorities.

To measure the impact of under-reporting of incarcerated minorities in the United States prison system I collected reports on websites that provided the percentage of incarcerated minorities which encompass members of other ethnicities as they were compared to the percentages of incarcerated Whites. According to the FBI the calculation of reported incarcerated minorities were statistically reliable since the data was received from law enforcement agencies from around the country. The data for the analysis were based on combining the information on the percentage of incarcerated people for different racial groups. The other agencies also utilized the data provided by the FBI but went further into looking at the overall structure of the employment make-up of major corporations.

Scholarly research has definitely and unequivocally summarized that minorities are not afforded the same type of media exposure as Caucasians. The 2010 Journalism in Color Survey on Race and the Media found that of the 400 people surveyed regarding

poor media coverage of minorities in the media, “95% of respondents did not think mainstream media adequately covered stories regarding racial issues in a multiracial society” (Fontaine, 2010, para. 4).

Furthermore, the same survey determined that “only 1 in 7 believed that coverage of racial issues by the mainstream media had improved U.S. race relations while nearly twice as many believed it had worsened race relations” (Fontaine, 2010, para. 6). While the survey covered racial disparity in the reporting of minorities, the 2005 RTNDA/Ball State University Annual Survey reported that a distinct handicap for some of the lack of minority reporting is the alarming disparity in the number of minorities employed by major media players (Lloyd, 2005). For example, the RTNDA survey determined that “minorities comprised 21.2 percent of local television news staffs in 2004, compared with 21.8 percent in 2003. But local radio minority workforce fell to 7.9 percent in 2004 from 11.8 percent in 2003” (Lloyd, 2005, para. 4). This research revisited these studies and others to expound on the issues of race relations and how the attitudes of groups effectuate changes.

The American Society of Newspaper Editors (2012) estimated that the total number of minorities holding journalistic positions that were employed at newspapers was roughly at 13%, while only 22% made up the workforce in television newsroom. The issue still remains, however, that cultivating racial tension via the media negatively impacts everyone—which leads to and bolsters the need for the addition of qualitative research addressing how these attitudes prominently impact racial relations. Racial relations and perceptions of minorities represent only an overview of the issues that

culminate in the ever-present yet torturous and sometimes unsalvageable relationship between the media and minorities.

## **CHAPTER 5: DISCUSSION AND RESEARCH IMPLICATIONS**

This research study offers insight to the conflict analysis and resolution field, and encourages further study into the impact of drug related sentencing and its effect on minority children, families, and communities. Through an in-depth study on the over-representation of minorities in the criminal justice system and how incarceration impacts children, families, and communities, this research makes a contribution to educators, civic organizational leaders, legislators, and criminal justice researchers. Because of daily conflict, scholars determined that individuals from diverse backgrounds often find themselves engaged in conflict over demographic, social, and socio-economic issues (Edin, Nelson, & Paranal, 2004). I have found through my research that misconceptions often foster certain beliefs that eventually erode relationships. Because of these types of conflicts, further research needed to be conducted to facilitate a better understanding between the criminal justice and educational systems as these organizations ultimately impact minority communities.

This study's recommendations fall into four specific categories: 1) increased investment in education, especially in minority communities; 2) increased resources allotted to restoring minority families; 3) community structures; and 4) restorative justice coupled with reintegration for incarcerated minorities.

It became evident from my comparison of the different theories found within this study that the need for diversity enrichment programs would be effective within criminal justice systems through certain events, allowing for a better understanding of minorities. This research project sought to provide key connections between drug-related incarceration and race relations, especially as it relates to children and communities, and

reviewed cases that negatively or positively prove the relationship between the new drug war and race relations within minority communities. The outcome of this research provides valuable information to communities, legislators, educators, and families who are seeking alternative methods and different ways to integrate social and communal responses, offering solutions for peacemaking within communities that will support deterrents and minimize drug-related minority incarceration.

### **Changing Unfair Policies and Providing Proper Drug Treatment**

In a 2013 report concerning voting rights for convicted felons in the state of Virginia, Brentin Mock (2013) stated that

Gov. Bob McDonnell announced that he would lift the permanent civil rights ban for those convicted of nonviolent felonies, but he'd have to do it on a case-by-case basis. This means, for the thousands who currently can't vote (or run for office) due to a nonviolent felony on their criminal record, the governor will send a letter to each person he can find telling them their rights are restored. (para. 1)

Virginia and Florida were considered two of the worst states when it came to minority disenfranchisement as it relates to voting. While the governor of Virginia is valiantly attempting to restore full voting rights to disenfranchised felons, Florida quickly struck down that law, finding reasons why voting rights should not be restored to felons. President Lydon Johnson can be credited with the start of disenfranchisement during the civil rights movements, and this unfair practice has taken hold and remained cemented in political rife for the past 50 years (The Sentencing Project, 2000). While many would state that those who have paid their debts to society should have their voting rights restored, there are still countless others who would disagree. One of the major problems I

determined is that disenfranchisement negatively impact minorities. The over-representation of minorities in the criminal justice system means that even upon their release, rebuilding their lives is not only a difficult task, but they have also lost their voices in determining who the major players will be in elections. Because the majority of those facing incarceration for drug related charges are minorities, it would be pro-active to have their voting rights restored upon release in order to facilitate their ability to restore their voice which would also provide them a morale boost, functioning as members of society with all of their rights.

Adding to the problems already facing minority communities is the problem of revocation of voting rights (Behrens et al., 2003). Roughly 3.9 million individuals have found themselves without their voting rights because of national policies that affect minority males who are more likely to serve time in the prison system (Human Rights Watch, 1999).

The majority of those affected by the war on drugs are minorities. My research determined that minorities are often profiled by police officers who then use the stop as an opportunity to search for drugs. While not all minorities charged with drug possession are innocent, there are those who have been dealt a bad hand. The problem is that minority males are being carted out of their communities in droves. Instead of applying incarceration policies, the federal government should enact laws that would create programs geared towards providing drug treatment for first time offenders rather than applying direct sentencing without other interventions. This would significantly decrease the cost of housing prisoners and more importantly would aid in restoring the individual, the family, and the communities.

## **Discussion**

The discussion of the information garnered from the studies documenting disparity between minority and white male incarceration coupled with the negative impact of the media and the portrayal of minorities to society follows.

**1. Poverty's Role in Incarceration.** Not every individual that has faced or has been incarcerated was unemployed (Mumola, 2000). Further, Hodgkinson (2001) wrote that “twenty percent of U.S. kids are below the poverty line today—exactly the same percentage as 15 years ago—even though most of the nation is less segregated and wealthier. This poverty rate is inexcusable in the wealthiest nation on earth” (p. 7). In reality, even one percent of U.S. children living in, or facing the possibility of existing in poverty is unacceptable and should be rectified as soon as possible. After my review of prior studies dealing with minority incarceration it became clear that the underlying factor is that most of those who did work, usually did not earn enough to sustain a decent way of life. Low-level wages coupled with social deficiencies only served to place minority males in jobs with reported incomes at or below the poverty line.

With a lack of education comes a drastic reduction in income (Hagan & Dinovitzer, 1999). Demographics and geography show that economic and racial handicaps factor greatly into the staggering incarceration figures which further erode poor communities (Hairston, 1989). Researchers have determined that poor minorities tend to inhabit neighborhoods that are predominantly segregated and economically deprived (Hairston, 1989). Those that have been released from the criminal justice system often return to the very neighborhoods where they were victimized and removed.



Therefore, lack of resources creates a greater concentration of economically and socially deprived minority communities leading to higher crime and incarcerations rates.

**2. Education.** Inability to find viable employment is often a clear sign of the lack of a good education leading to a background of minimal skills (Sampson & Laub, 1993). According to Hodgkinson (2001), “*Nothing is distributed evenly across the United States*. Not race, not religion, not age, not fertility, not wealth, and certainly not access to higher education” (p. 10). Lack of employable skills contributes to the inability to earn a living wage which then contributes to the continuous incarceration cycle.

**3. Substance Abuse.** Researchers are usually quick to credit their education as the driving force behind the achievements in their professional endeavors. While this is so in many cases, my research determined that most minorities living in poverty are not fortunate enough to find support from parents who are usually over-burdened by the requirements of life, as well as teachers who are teaching to test achievement goals (rather than genuine skill development) and too tired to give additional counseling to troubled pupils (Seeman & McEwen, 1996). Furthermore, there is no support from parents who may be incarcerated.

Mincy (2006) referred to this phenomenon as an unfortunate everyday occurrence affecting inner-city kids who are being eradicated from the educational system. Maurer (1999) wrote that not only is the plight of poor, black, and sometimes uneducated men left up to the fate of the criminal justice system, but with the increased implantation of stiffer sentencing for drug offenses, there is little hope that the disparity will decrease. The blatant discrimination and resultant inequities are so evident that prison cells continue to fill up with men who are being taken away from families and communities. I

believe that these social structures could be restored and conditioned with proper training in order to teach economically deprived minorities how to remove themselves from the ghetto mentality in an effort to save themselves, their families, and their communities. Because recreational drugs are classified as illegal, like any criminal issue individuals who use or distribute recreational drugs must, therefore, be quickly prosecuted with an aggressiveness that depletes poor minority communities. Most state prosecutors find that their success is measured by the amount of drug related arrests they make, and not on the ability to use life-altering measures in an effort to educate, stimulate, and motivate poor minorities.

**4. Children of Incarcerated Minorities.** Separation at any age is difficult. I, for one, realize that children who are forced to deal with separation, especially at an age when they are keenly aware of the situation, are very likely to be traumatized. Further, based on my research of children dealing with separation, especially when it involves a close family member being incarcerated, I found that children have a more difficult time coping with the stressors that are often triggered by this type of separation. Proponents argue that it is important to use the criminal justice system to punish users of certain drugs in order to protect children from the dangers posed by these drugs and to send the strongest possible signal of societal intolerance of illicit drug use. While there are those who claim that the need to punish drug users is for the protection of children, these same people often fail to take into consideration the underlying fact that separation brought on by the stigma of incarceration further propels children into the very behaviors law enforcement seeks to deflect (Bowlby, 1980; Holzer et al., 2006).

**5. Marriage among Minorities.** Ellwood and Jencks (2004) reported that after 1965, black women, especially, experienced a constant decline in marriage. Further, researchers determined that as of 2000 less educated black women were less likely to be married as opposed to their white counterparts (Wilson & Neckerman, 1986). Other researchers have stated that the low rate of marriage in poor black communities can be credited to the shortage of men who are being taken out of the community through the process of increased incarceration. With the increase in minority male incarceration, minority women are finding that there is a shortage of suitable marital partners or suitable partners capable of economically sustaining families (Lichter et al., 1991). Most men who leave the prison system do not identify themselves as either being married or having children, which researchers found problematic in the case studies on the impact of incarceration on families. Lopoo and Western (2005) stated that even with research confirming that black women may be less likely to marry because of the increased incarceration of minority males, they found that men with convictions are not considered attractive partners by women who are subsequently seeking desirable mates.

**6. Education and Training While Incarcerated.** Through my research I found that prisoners in the Florida Prison system are required to work. The Florida Department of Corrections reports that of the total inmates, there are 84% that work either doing laundry, prison maintenance, cooking, and other required employment. This is done through certain agreements with counties, municipalities, and non-profit organizations (FDC, 2013).

In comparing information found while conducting my research I realized that instead of honoring the pipeline from school to jail concept, state legislators must work

with federal and local governments to develop programs that enhance the lives of children. I believe that more monies should be invested in education, training, and programs that will provide the needed resources to enhance a child's esteem, provide an outlet for anger, and provide the tools that will give them the structure to remain productive citizens. Florida spends more for housing prisoners than it does on education. When this is the case, it is clear that there is a most pernicious issue at work influencing a destructive philosophy detrimental at best and deleterious at worst. Funding for education should take precedence over prison funding for mass prison production. With this change, poor minority children will have the similar opportunities as those afforded to wealthy children, and will have the tools needed to move from the stigma of incarceration to the benefits of a good, sound education.

Schools must be equipped to support children dealing with social issues. For those dealing with incarcerated parents or family members, a system must be in place that will aid and provide instructions to help them move beyond the stigma and strive for excellence. Investments in more Big Brother and Big Sister programs are essential tools to progress. Other programs geared towards assisting children of incarcerated parents must be established to ensure that those children will not follow in the footsteps of the parents. The education system must be designed for the betterment of those more likely to slip into oblivion instead of being a system that quickly stigmatizes them as problem children. There has to be group effort coming from the private and public sector aimed at saving the children. There has to be a call for programs and community action.

### **Incarceration's Impact**

Research has proven that the health of the individual and families is not the only thing affected by incarceration. The biggest impact is felt in earning potential which further erodes not only families but also the communities of the incarcerated individual (Wildeman & Western, 2010). Scholars further state that incarceration is a vicious cycle that greatly impacts children and generates social hindrances preventing most children of incarcerated parents from living lives of integrity (Wildeman & Western, 2010). This fault further diminishes families creating the need for mentors who must often be utilized for the main purpose of guiding them to break the cycle of offense.

Reports reveal that children of incarcerated fathers are more likely to replicate the negativity associated with the incarceration (Shapiro & Schwartz, 2001). In comparing my findings, I determined that the lack of a positive role model tends to lead to aggression and anti-social behavior which, in turn, affects their sense of belonging and further escalates into continued disciplinary problems. I also understand that while not all children will follow the path of the incarcerated parent, most tend to have a high disregard for laws and authority, are more prone to exhibiting aggressive behavior, and often replicate antisocial behaviors.

Research shows that the level of sentencing for parents rearing children can differ significantly from sentencing for childless adults because the courts are more likely to take into consideration the responsibilities the individuals have towards maintaining a sense of security for the children (Flavin, 2001). However, parents that are absent tend to receive stiffer sentences because it is thought that the absent parent does not have as much influence over the children and are less likely to share the daily responsibilities of

child-rearing. According to Daly (1987), judges who pronounce harsher sentencing on absent parents have little respect for the individual and often base their sentencing decisions on the fact that they may feel the absent parent as irresponsible.

While it has been proven that incarceration greatly affects health, impacts earning potential, and disrupts families (Flavin, 2001), it has also been proven that extended incarceration has more of a detrimental impact on children than originally thought. In addition, while most researchers state that it is imprisonment that actually impacts children the most, others find that while incarceration is problematic among families, it is often the stigma associated with the incarceration that is one of the most efficacious processes influencing the long term behaviors of children.

### **Development of Behavioral Constructs**

According to one study, of the 37% men and 47% women that were incarcerated, these individuals had one or more family members that were incarcerated at one time or another within their lifetime (Wright & Seymour, 2000). Instead of being provided with resources that would aid in preventing further incarceration, these individuals found that after one incident most families become complacent, and incarceration is seen as the norm. Scholars examining the impact of incarceration on children tend to see strong similarities between the incarcerated parents and the children who have or are experiencing the cycle of incarceration.

A study conducted by Murray and Farrington (2008) investigated the impact of incarceration and its potential to produce similar cycles between children of incarcerated parents. The study proved that children of incarcerated parents are more likely to display behavior similar to that of the incarcerated parent or family member, often leading them

down the same path as the incarcerated parent. Through my evaluation of the Murray and Farrington study and that of Wright and Seymour, it seems that incarceration has an ineffable stigma that descends upon the families of incarcerated parents. This leaves these children feeling devoid of much needed formal social guidance which provides the kind of sapience that comes from the experience of having an insightful parent, guiding them about future choices. While there are researchers who are considered sagacious critiques of the current state of incarceration on the impact on children (Johnson, 2005), there are studies that aim to find methods that can be utilized as didactic works, teaching communities how to best implement measures that can effectuate changes in the lives of families as a means of breaking the incarceration cycle and the constant contact with governmental agencies present after the main bread-winner becomes incarcerated.

### **Children and Governmental Programs**

In 2009 an investigation into the impact of governmental programs on children of incarcerated parents was conducted by Western and Wildeman. The investigators determined that children of incarcerated parents are at higher risk of being subjected to homelessness, as well as placement in the foster care system. Further, research has found that children exhibit more instances of behavioral problems when they experience incarceration of mothers (Gabel, 1992). With the increase in maternal imprisonment, there are also increased risks for children to exhibit more social problems up to and including increased criminal behaviors and social inadequacies that lead to greater problems as adults (Comfort, 2008).

Over the last thirty years “radical changes in crime control and sentencing policies led to an unprecedented buildup of the United States prison population” (Roberts, 2004,

p. 1271). I found that while this continues to be the case, other researchers have found that most minority men will deny having children prior to or even after being released from prison. These children are often dealing with the stigma of having an incarcerated parent, but find it even more problematic when the parent refuses to acknowledge their existence (Block & Potthast, 1998). The social impact of incarceration on families and communities is a centuries old transformative experience that usually impacts minorities and occurs in far greater numbers for minorities than other ethnicities.

### **Governmental Dependency: Welfare and Foster Care**

It became evident in my comparison of past research findings that researchers have found that incarcerated parents constantly face barriers. While the state of Florida requires absent parents to aid in the support of their children through certain mandated programs of assistance, the difference between what can be done to fulfill those obligations by an absent parent is totally different than what is possible for an incarcerated parent.

By looking at an 11-year parental incarceration trend as found in national survey data, Johnson and Waldfogel (2002) were able to analyze the data from surveys and came to the conclusion that since the 1980s there has been an increase in the amount of children currently in the foster-care system because of parental incarceration. They also determined that a majority of children with incarcerated parents are placed with other caregivers who often rely on governmental assistance to aid them with the needs of these displaced children.



### **Recidivism and the Incarcerated Minority**

In comparing my findings, I was able to determine that because of the stigma associated with incarceration, ex-felons often face increased difficulties in finding and keeping gainful employment. Because of this fact, the chances of them committing future crimes and re-entering the criminal justice system increases. Watts and Nightingale (1996) found that most of these individuals were deemed recidivists because of their affiliation with unsavory tactics used to gain the necessary resources they needed for survival.

Most of those that were re-incarcerated often indicated that they could not find reasonable employment, and when they were able to the jobs were often meaningless with low wages and failed to provide enough income to aid them or their families. They often returned to the streets and their pre-incarceration lifestyle in order to find the resources they needed for survival.

### **Children, Family, and Community Dealing with Re-entry**

Furstenberg (1995) opined that prisoners are often disappointed with the familial roles that typically change upon their attempts at re-entry into the family. Because of the issues and concerns faced during reunification, most prisoners not only have to deal with unrealistic complications, but also struggle with making successful adjustments that are needed in order for them to remain out of the system (Hagan & Dinovitzer, 1999). According to Travis, “the imprisonment of millions of individuals and the disruption of their family relationships has significantly undermined the role that families could play in promoting our social well-being” (2005, p. 120). Further, Laub and Sampson (2003) found that the family relationship is often one of the optimal forces in determining

success or failure once an individual is released from the prison system. My findings determined that the issue surrounding family relationship is important as studies revealed that at least three quarters of those formerly released from the penal system rely on family members for their basic needs which often means financial support, emotional support, a place to live, or rebuilding self-esteem (La Vigne, Visser, & Castro 2004; Nelson, Dees, & Allen 2011).

In research conducted for the Bureau of Justice Statistics Report, Mumola (2000) observed that former prisoners often find that their incarceration greatly impacts and affects their relationship with their children and other family members once they are incarcerated. This impact is also felt upon their release which requires further adjustments from everyone who previously had to adjust when the individual was initially incarcerated. According to Mumola (2000) most of the incarcerated have two or three children, about 55% of those incarcerated are parents, and 44% of those incarcerated were living with their children prior to being imprisoned. Once they are removed from the household other members have to adjust and learn to live without that individual. However, upon release, there is another significant adjustment made as the individual may not be able to accept the loss of his role in the household which creates more conflict, bringing about other stressors that often negatively impact both the recently released individual and those who must now reverse their adapted family roles.

In a study of prisoners incarcerated in Chicago, La Vigne et al. (2004) found 71% of those prisoners reported that family support was essential in order to stay out of the prison system. Behrens, Uggen, and Manza (2003) further stated that family involvement, family support, and family intervention are optimal when it comes to

prisoner support. In addition, Irwin (1970) stated that strong family influence and support is needed for successful reintegration. Further, Irwin found that family influence and support during incarceration is a good buffer for those expecting to be reintegrated into the family system (1970). According to Seeman and McEwen (1996), most incarcerated individuals found spirituality to be a source of emotional support and helpful for coping. Also, the support provided by family members when an individual is incarcerated provides them with the tools needed for successful re-entry upon release.

Several studies found that lower recidivism rates can be linked to family relationships during a prisoner's incarceration (Adams & Fischer, 1976; Holt & Miller, 1972; Klein, Bartholomew, & Hibbert, 2002). However, I found that while this may be the case, others reported that children and families are often negatively impacted financially by the absence of incarcerated parents (Adalist-Estrin, 1994). Further, Hairston and Hess (1989) as well as Swan (1981) found that the absence of parents, especially through incarceration, creates emotional and economical problems for children who often have to deal with other concerns besides the absence of the parent.

In my review, I found that studies conducted in the United States that deal with the experiences of families when an individual is incarcerated and then reintegrated into the family are sparse. However, Zamble and Quinsey (1997) conducted a study in Ontario, Canada in which they interviewed 311 males re-entering the prison system with regard to their relationships when they were released. Of all the concerns and issues that the males reported after being released, interpersonal conflict was paramount. These prisoners shared common experiences with losing their positions in the family, losing the respect of their partner and children, and the overall feeling of being devalued by others

in the community. Those post-release experiences were identified as contributors to the men's return to prison. Another study of 400 men in Ontario, Canada conducted by Waller (1974) found that most of the men cited their inability to spend valuable time with their children, either because of resistance from the children or from the partner who found it difficult to share the responsibility or relinquish the role that was taken over once the man had been incarcerated. Burnett (1992) stated that those men that reported having difficulties or conflict with family members often were the ones that continued to participate in criminal activities, because they felt that they did not have the support needed to improve their circumstances.

### **Community Impact: Through the Lens of the Family Unit**

Incarceration means that those who have committed a crime must eventually pay their dues to society. Johnson and Waldfogel (2002) stated that although retribution is paid to society, the punishment is not only felt by the incarcerated individual, but also the family, especially the children and the community as a whole. My research resulted in the finding that the dynamics of communities are so closely intertwined that the pattern and process of change directly related to incarceration set into motion certain disequilibrium. There is a period of adjustment between opposing or divergent influences or elements as it relates to those most affected.

My review of prior research also found that there has to be maintenance of equipoise between frugality and commonsense erring on the side of caution and respect for the law. Often, the children who deal with incarceration feel emotionally scarred, and may start exhibiting some of the same behaviors as those that the perpetrator displayed prior to the incarceration (Shapiro & Schwartz, 2001). This type of behavior becomes

cyclical and may be seen as acceptable. Such behavior then becomes normative and destructive to the family unit, the child, and the community. There are also the concerns of disease that may or may not impact the family relationship leading to other struggles that further complicate matters.

### **Disappearing Species: Minority Males**

The Centers for Disease Control documented that minorities, especially Blacks, have reported the highest number of cases of HIV/AIDS in recent years (2011). Florida, especially Broward County, has been on the list as an area leading the way with this disease. With the increased incarceration of minority males, besides the potential for STDs, there is a noted detrimental impact on the family unit. With more and more individuals being separated from families by way of incarceration, the family structure undoubtedly suffers which leaves more communities impoverished. While Garland et al. (2008) agree that the removal of criminals is a necessity in many cases they find that “large-scale removal of relatively low-level offenders can carry the unintended consequence of pushing struggling communities further into the depths of disrepair” (p. 9).

### **Profiling**

The term “driving while Black” was coined in the 1980s when more and more minorities found themselves allegedly targeted by police officers who stopped them for minor traffic infractions and then found reasons to search their vehicles for drugs (Human Rights Watch, 1999). There have also been other cases of blatant racism, most notably Rodney King who was so beaten by a group of white police officers that people demanded changes in the way police handled the treatment of minorities. The incidences

of police brutality have continued and will continue unless society accepts that social behavior towards minorities must be addressed and changed.

### **Cost of Incarceration to the Taxpayers**

In August 2011 the Vera Institute of Justice (2012) conducted a survey wherein it requested information from states about the cost of funding prisons in those states. The Vera Institute determined that in 2010 the total cost to Florida for running the Florida Department of Corrections had a budget of “\$2.05 billion in prison expenditures. However, the state also had \$29.4 million in prison-related costs outside the department’s budget. The total cost of Florida’s prisons—to incarcerate an average daily population of 101,324—was therefore \$2.08 billion, of which 1.4 percent was costs outside the corrections budget” (Vera Institute of Justice, 2012).

The Institute also reported that private prisons in Florida were being monitored by the state’s Department of Management Services’ Bureau of Private Prison Monitoring, overseeing seven private prisons in Florida and spending a total of \$2.2 million in 2010 (Vera Institute of Justice, 2012). Further, in 2009 the FLDOC “incurred \$6.7 million in indirect costs (such as auditing or information technology) paid by state administrative agencies. Indirect costs related to prison operations provided by these agencies were determined using the Statewide Cost Allocation Plan (SWCAP)” (Vera Institute of Justice, 2012).

### **Expected Contributions: Anticipated Changes**

This study has a more expansive impact on the school of conflict resolution. Through an in-depth study on the over-representation of minorities in the criminal justice

system, this research makes a contribution to educators, civic organizational leaders, legislators, and criminal justice researchers.

This research project provides key connections between incarceration and family relations, especially as it relates to children, and produced findings regarding the mutual relationship between the findings. The outcome of this research provides valuable information to communities, legislators, educators, and families who are seeking alternative methods and different ways to integrate social and communal responses. Families must also accept the greater responsibility in that they have a duty and a requirement to work with those charged with creating the laws and doling out the sentences that affect them and their loved ones. Petitioning and working to change laws requiring mandatory, supervised, court-ordered drug treatment instead of prison sentences for first-time offenders is essential in creating a continuum of change. These changes will show that certain crimes can be categorized as a lived experience that destroys lives but also impacts those directly related to the incarcerated individuals.

While laws are created as a deterrent, it was clear from my research that incarceration will not prevent someone from taking drugs or continuing on the track that afforded them the relationship with the criminal justice system in the first place. What is certain is that the cost to taxpayers for housing a prisoner far exceeds the cost allotted to education, training, and other resources that could provide the tools needed for individuals to become productive citizens of their communities. It is essential and vital to the minority community that people are given a chance to prove that they can be treated, that the pipeline from school to prison can be blocked with limited tickets given for that train (NAACP, 2013), and that overall, if given the tools, children can change, deal with

their social issues, and behave in a manner conformable to the expectations of society if they are provided with the resources and skills to do so.

### **Limitations and Strengths**

Not everyone believes that criminals should be given a second chance. Most believe that people cannot change, and will not change, even when given opportunities to do so. While I find that this is true in some cases, the fact remains that treatment in most cases is better than automatic life sentences. It is difficult to predict how people change or to determine how best to analyze behavioral patterns. Just because some issues may seem simple does not mean others, especially the participants, may not be biased based on their life experiences which, in turn, may lend bias to the findings of the research making it invalid.

While this research takes a case study approach, I remained cognizant to the fact that people have their own personal beliefs and values that were revealed throughout the research. It is essential for a researcher to analyze and conceptualize in order to address the crucial stages of the research process. The researcher cannot assume that all obtained information can be taken at face value. So effort must be made to remain unbiased, with the realization that the pernicious influences on individuals, families, and communities may create ideologies that could have been exploited by antipathies and hidden prejudices.

### **Political Will**

Politics unites or divides countries. There are subjects that are volatile and because of this, while politicians may run on the forum of change, very few address change after being elected. The main issue then becomes who has the resolve or the drive



to take on the issues surrounding disparity in sentencing and implement the steps vital to securing those changes. After that the question continues with whether or not the political will of America is ready or even willing to address the problem of racism. Until racism is addressed and dealt with, no one can truly claim that “all men are created equal.” Dr. Martin Luther King, Jr., gave his *I Have a Dream* speech that is known the world over, yet morally and ethically, countries fail to recognize that the dream should not remain a dream, but rather should be a reality. The will of the people must move beyond the courthouse, find itself out of the outhouse, and be effectively dealt with in the White House. No one should embrace change while utilizing the same concepts without expecting the same results. Change is not that which can be, but that which must be, involving families, children, and communities to take responsibility for what happens to those around them.

### **Family and Community Responsibility**

While this dissertation looked at racism and how incarceration impacted children, families, and communities, the overall consensus is that families as well as communities have a certain responsibility that must be accepted. While minority communities constantly acquiesce to the pressures of incarceration, the men, women, and children must take vital steps to preserve the younger generation. Minority men must act the act, talk the talk, and walk the walk. These men should not view childrearing as a woman’s responsibility, but as a family opportunity (Travis, 2004). For how can a man move from woman to woman and procreate while nonchalantly leaving his seed behind and refusing to see this method as problematic? I believe that women also have the responsibility of setting and holding certain standards that demand equal partnership before intimacy. Of

course, I am not saying that mothers with children out of wedlock have committed a great disservice to those children. Rather, what I am saying is that for those mothers that find themselves in this position, it is imperative that boys are taught that being a man does not mean multiple children or disrespecting the other gender. Women should not blame a young female for the actions of her son who was an equal partner in a relationship. Women must also realize that her strength lies within her character and not her vagina. By teaching children responsibility from an early age, teaching them the value of an education, teaching them morals, and self-respect and other-respect there is hope for saving minority communities.

Men at one point or the other must stand up and recognize Dr. King's dream. There must be a moment when the cycle of the absentee father is considered taboo. The underlying beliefs, behaviors, and attitudes must be addressed, and those systematic beliefs dealt with from birth to being a man. Men in minority communities must move beyond their immediate desires to the long-term need of saving the next generation. The drive must not be about the next new thing, the next best thing, or the other sweet thing, but instead be about the children coming after who view men of minority communities as role models. The vision and goals should be about positive growth and development instead of ego development. When the community comes together, there is hope. When the community reaches out together to teach, feed, and clothe each other, there is hope. When the community passes down acceptable behavior to the younger generation, then there is hope. I feel that in order to see effective change within minority communities there must be a shift in minority community thinking. There must be a desire to be a better person, build a better ship, and dream a better dream.

The school system also has a responsibility to socio-economically deprived communities. In general, the higher the tax bracket, the better the schools. However, when minorities are barely making it, it is often impossible to get the same level of education as another child in a more affluent school zone. More and more schools are “teaching to the tests” instead of teaching children how to handle real life issues. Children need to be taught skills that support their ability to become productive citizens instead of leading them right out of high school straight into the streets. More educational investments need to be made by the government as a means and necessary measure of saving low income communities.

It is impossible to fix a broken system without fixing the children. To fix the children, the school systems must be fixed. People replicate and duplicate what they know. If all children see are the police constantly raiding their neighborhoods, drug addicts on the street, and dope dealers selling dope and living well, the inspiration then comes from the dope dealers. If the school system works hand-in-hand with the parents of these broken systems to develop strategies that will not only enhance but also change the dreams and beliefs of children residing in broken neighborhoods, then the fix is possible. The system must not only embrace change, but also embrace that fact that there are those that are still struggling with the issue of race, the stereotypical beliefs, and the disease of hate, and in so doing, these issues must be addressed.

### **Racial Disparity**

To fix racial disparity the country and communities must first address the issues of race. When President Obama was re-elected to a second term in office, racism was so clear that people, for a moment, failed to adequately hide their true self. This country can

never move past this subject until all people are willing to accept that while some may not be racist, some are indeed prejudiced. Those prejudices or racism are coming from somewhere. They are being nurtured and fed by someone or some concept that has somehow survived from generation to generation. This nation must “hold these truths to be self-evident,” and while holding these truths people must realize that these truths are not always pretty. People must accept the fact that these truths are sometimes bitter, but they are truths. These truths of racism, hatred, prejudices, and anger can no longer be swept under the rug. If they remain there, eventually people are going to trip up and wake up in the emergency room with a nasty, incurable case of them-against-us “race-a-titis”. When this happens, and if racial issues are not dealt with as a collective body, people will fail every generation following because they too, will be bound to past curses and future destruction.

Finally, social science researchers must strive to find the source of racism and the instruments that continue to fight against positive change. There must be more speakers willing to address this issue on the racial forum as a means of finding out what resolutions can be reached to address the problems of racism and race inequities. The need to teach tolerance, respect of self, and respect of others is vital in this conflict and should never be taken lightly as racism reaches far and wide, often at the expense of minorities, families, and communities dependent and desperately needing positive change.

### **The Benefits of Restorative Justice in Non-violent Drug Related Offenses**

The war on drugs is noted as probably one of the longest running wars with which Americans have had to contend, even lasting longer than the Vietnam War. Not that this

war—the drug related war—is not vital to bringing some semblance of order within American society, but it remains clear that this war is not being won nor is it favorable towards minorities. What remains clear is that restorative justice seems to be the only way to solve the American prison system dilemma. The drug war as it relates to minority related sentencing undoubtedly affects minorities charged or convicted of non-violent drug offenses, and cannot be resolved without restorative justice being introduced as an intricate part of the criminal justice system.

The United Kingdom government commissioned a study on restorative justice which was conducted between 2004 and 2008 by a team of scholars, spear headed by Professor Joanna Shapland (2008). In this study, the team found that of all the victims that were offered the opportunity to participate in the restorative justice forum, 77% of those victims actually embraced the opportunity to do so (Shapland et al., 2006). Further, Shapland et. al. stated that “a key element of restorative justice and a potential difference from some sentencing justifications is that it is not only past-, but also future-oriented” (2006, p. 516). Therefore, by implementing restorative justice on a full scale model within the judiciary forum, especially where it concerns non-violent offenders, there is a better chance of rehabilitating offenders.

Undoubtedly, restorative justice is in its early stages, and it is a process that most criminal justice practitioners are a bit unsure of. However, “restorative justice has typically been introduced as a measure for young offenders, often not breaking through subsequently to use with adult offenders. As a result, we would argue, some key theoretical assumptions about the tasks of restorative justice and its expected out.” (Shapland et al., 2006, p. 506) The benefits of restorative justice was again proven by

Professors Sherman and Strang (2003) who determined through their study that for those offenders who participated in restorative justice programs, approximately 27% fewer crimes were committed than by those who did not participate. Further, Sherman and Strand (2003) determined that if offenders participated in restorative justice prior to being released, 33% of those offenders being released are less likely to return to jail. It was also determined that for those offenders that participated in restorative justice, instead of being given prison sentences, 55% were less likely to commit a crime after the implementation of restorative justice as a part of their punishment or conflict resolution rehabilitation requirements. Further, Strand and Lawrence stated that as it pertains to restorative justice, when the criminal justice system ignores the victim by focusing solely on the offender, “the jurisprudence of the retribution” removes the actual interest of the victim which is ultimately unjust (2003, p. 16). Similarly, Shapland et al. concluded that “each restorative justice event is unique, because each offence and consequent set of participants is unique. In other words, our thesis is that restorative justice, by definition, is created anew each time a set of participants come together to consider that offence and what should happen as a result” (2006, p. 507). Therefore, it is critical for healing, for the process of restoration, if the victim feels that he or she is a crucial part of the judiciary process. Clearly, restorative justice is an imperative forum to free up the amount of minority offenders within the prison system who are facing long jail terms for non-violent drug related offenses.

Not only will minority children, families, and communities benefit from this obviously unique program, but the overall benefits to the offender and the victim is that restorative justice would not only provide the necessary resources and valuable tools to

introduce the offender back into society, but the program would also prove beneficial to those that were victims of non-violent drug related crimes. Since minorities face a greater chance of being convicted on a harsher scale because of drug related offenses, the use of restorative justice would also be vital in keeping minority families together. Again, this would prove beneficial to minority communities in that most offenders would be provided with a source of empowerment instead of being thrust into an overcrowded system that only serves to sharpen their skills at becoming professional criminals. Professional criminals are just that, and certainly the elite have more to lose the more knowledge offenders acquire. Commonsense would show that the use of restorative justice would be the only way to fix the American criminal justice system as it relates to non-violent minority drug related offenses.

### **Implementing Restorative Justice**

Restorative justice is starting to show signs of prominence within the United States. In order to remain effective, more and more community leaders have to be sold on the concept, and more and more individuals have to be educated on the value of the program which strives to make the victim whole after a crime has occurred. According to Zehr (2002) the restorative justice model boasts five components which include: 1) Offender involvement, 2) Victim involvement, 3) Victim-offender relationship, 4) Community involvement, and 5) Problem-solving accomplished through restorative justice. It should be clear, that restorative justice does not excuse the offender from the act committed, but instead, gives the offender an opportunity to take responsibility for their action, change their behavior, and take steps towards making the victim whole as before the act was committed. The offender is not just responsible for admitting to the

wrong, but the underlying factors that brought about the action is taken into consideration (Pranis, 1998). The need to deal with the underlying issues and not just social behaviors are paramount in restorative justice. One way to deal with the issue is to address them in an effort to determine what causation exists when the offender acted during the commission of the crime.

When victims participate in restorative justice it gives them an opportunity to express how they feel and how they felt after the commission of the act (Llewellyn & Howse, 1998). Prior to the victim participating in the restorative justice, the victim must feel and understand that she or he will be protected during and after the process (Zehr, 2002). This is a measure towards building a bridge for victim wholeness. The ability to relate to the offender and to share how the victim felt is also another way for the victim to start the healing process. The victim now has a voice, may be given some form of restitution (Zehr, 2002), and may even be able to determine the process or steps of how the offender provides restitution.

Often the offenders commit the crime within their own community to which they must return after serving their sentence or after being given probation. Community members must deal with the issues of safety as they tend to deal with the offender, especially when an offender is a resident within that community (Maloney & Holcomb, 2001). In instances where restorative justice is occurring, the community has knowledge of the restorative justice process, and those that were victims of the offense are encouraged to participate in the process, with the offender often being required to provide some form of restitution to the community (Zehr, 2002).



The implementation of restorative justice is a community wide development. Community is not only where the victim and offender reside, but the general population on a whole. There have been various concepts in regards to the implementation of restorative justice, and it is vital that steps are taken to embrace this process as a means to a positive change (McGarrell, Olivares, Crawford, & Kroovand, 2000). Community involvement in restorative justice practices are essential tools towards rebuilding damaged relationships. Almost all offenders are required to meet with a probation officer. (Zehr, 2002) A probation officer that embraces restorative justice will often seek to involve the police, the prosecutor, the victim, and the family members of the offender. (McGarrell, Olivares, Crawford, & Kroovand, 2000). A probation officer is more than an overseer ensuring that the offender fulfils those requirements put in place him by the courts. An effective probation officer embracing restorative justice involves the community by providing life changing community service work to the offenders. Further, a probation officer can aid in the implementation of restorative justice by reaching out to the community and encouraging community participation in change. There are times when communities must get involved if they seek to bring about positive change; those are the times when people refuse to simply stand by and watch crimes being committed without getting involved (Braithwaite, 1989).

### **Implementation of Community Reparative Boards**

Some states such as Illinois and parts of Indiana have what is known as community reparative boards which are also a form of neighborhood accountability (Maloney & Holcomb, 2001). Courts refer hearings to these forums in non-violent situations in order for the community members and local citizens to determine the

outcome of a violation. Before anyone can become a member on the board they would have to be properly trained in restorative justice and mediation practices.

### **Family Group Conferences**

Most inmates do not have the family support they need to get through the process and adjustment that comes after prison release. This is often problematic and leads to recidivism. Restorative justice practitioners are often advised to encourage both the victim and the offender to bring family members to these programs as support systems (Umbreit & Fercello, 2000). Facilitators are then present and aid in how the process occurs. Through the process both victim and offender can express their feelings and come to some agreement as to what should be done to make the victim whole (Zehr, 2002).

### **Educational Circles**

Schools are encouraged to implement restorative justice as a measure of making others whole. Society today embraces violence and with the rise of social media, more and more people are encouraging anti-social behavior as a means of securing “likes” on Facebook and Worldstar Hip Hop. Restorative justice calls for the creation of programs in schools that serve to encourage students to be more responsible, to act as mediators in conflict, and to serve as arbitrators when problems do occur. There are schools that have student courts which are effective methods for resolving issues within the school community before the problem escalates. The challenge with student courts is that there are not enough community leaders that are available or willing to take the time to promote and support these programs in order for them to become effective. Restorative justice encourages communication between educators, government agencies, and the

criminal justice system as a means of prevention so that students can and will be effective citizens.

There are countless methods of restorative justice geared towards restitution, retribution, and accountability. Again, restorative justice does not excuse the behavior, but strives on some level to make whole a wrong. People always seek to know why something happens and why they were victimized; those victims often are left out of the equation when the court system takes full control of a case. In instances where children are exposed to the justice system at a young age, communities are encouraged to align themselves with the police department, probation officers, and other rehabilitative facilities that can change their path before it is too late. Not only should the offender take responsibility for his or her behavior, but families must be trained to understand that certain actions of one or more members of the family that negatively impact society, also impacts the family. Families have to know that their support, once the offender is no longer incarcerated, is necessary and vital to that offender being successful after release. More and more communities are calling for the implementation of restorative justice conferences while the inmate is incarcerated. This would present the opportunity for the inmate to understand the pecking order of the family post-incarceration. By keeping open doors and exposing the children to the incarcerated individual, chances are, that individual can persuade the children from becoming members of the criminal justice system.

## **Conclusion**

While remaining cognizant to the reality that race is a social construct and that the media is a business that cannot be controlled, the beauty in life is that there is hope as

long as people are willing to work together. Utilizing restorative justice within the criminal justice forum would be a great start to rehabilitative measures. The Sentencing Project (2008) detailed the impact of incarceration on the male minority population while Mastro and Greenberg (2000) observed how negative racial stereotyping on television negatively impacts not only minorities but also the general population. While incarceration depletes minority communities, more and more theorists are realizing that social prejudices must be addressed and dealt with from the ground up (Peffley, Shields, & William, 1996). Legislators, the police, educators, and families must take some responsibility towards ownership of the over-representation of minorities within the criminal justice system. While incarceration deconstructs the family unit, more attention must be given to children who are considered products of these environments (Seeman & McEwen, 1996). Through my research I came to the conclusion that young men must be afforded responsible male role figures who can aid them in dealing with the problems that society lays at their feet. Furthermore, lawmakers must look at the suffrage of disenfranchisement and the impact it has on minority communities stripped of those rights. Resources must be geared more toward training and treatment and less towards supporting and running prisons. Restorative justice is a tool that must be implemented within the criminal justice system to begin the process of healing. My research has proven that restorative justice is the only way to solve the division and existing problem of minority over-representation within the American criminal justice system. There must be new policies that take into consideration the individual, and the crime, instead of the crime itself that often leaves minority communities struggling to survive in a world where race seem to take precedence over the stability of family and community structure.

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