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## **RACISM IN LAW ENFORCEMENT: DOMESTIC LAW AND TRAFFIC ENFORCEMENT**

Four decades after the Civil Rights Act was approved, Americans are still struggling with equal access to justice and racism. Despite major progress being made in the development of economic and political opportunities for people of color, the exposed confrontations amid law enforcement and minority groups overshadow the progress. For instance, in the United States currently, over 750,000,000 thousand black males are in prison, and close to two million are under correctional supervision including parole and probation. For the black males between twenty five to thirty four years old, an age in which they should be settling down with families or concentrate on their careers, at least one in every eight is behind bars at a given time and day (Kennedy 94). For years now, these results have persistently exacerbated the explosive and tense situation. To some minority leaders in the society, questions of institutional racism, bias, and an alleged culture of racial tactlessness within enforcement of the law compounded the problem. The aim of this paper is to discuss the extent to which race should be used in an area of law enforcement, putting into consideration domestic law and traffic enforcement.



Racism within the police jurisdictions, especially with the minorities, has resulted to inequalities in incarceration among the races. Patent cases of enforcement of the racist law aired in the news are an assurance that racism is eminent in the police departments. Eminent from recent reports is that the number of young black males being imprisoned is greater than their overall populace. A study released by the executive director of the Center on Juvenile and Criminal Justice in San Francisco, Vincent Schiraldi, in 1995 indicated that worldwide about 33 percent of black males ages 20 to 29 were under the authority of the criminal justice in some form, way or shape (Glover 38). This was reported to be an increase from the findings of 1991, whereby about 25 percent of the black males in their 20s were imprisoned on parole or probation.

The racism that leads to the uneven imprisonment of the blacks begins before they are arrested. It all starts with the uneven objective of blacks as suspects. The people of color often complain that they are stopped by police for no good reasons. This occurrence is referred to as 'driving while black' (Harris 17). It is so evident and the complaint has become common news. They complain that it also leads to their death, for instance, the death of Jon Gammage who was suffocated and pinned down in suburban Pittsburgh by white officers after a daily traffic stop.

Apparently, law enforcement is also in domestic violence. The law of Wisconsin authorizes arrests in circumstances involving domestic violence. The mandated arrest law provides immediate safety for domestic violence victims if the police are notified and they find sensible grounds to believe that the person reported has committed or is committing domestic violence and that their actions comprises the

commission of a crime. Besides, the police officer shall arrest if he/she believes that continued domestic violence against the supposed victim is probable or/and there is proof of physical injury to the supposed victim. In order for this law to be effective domestic abuse related incidences have to be brought to the attention of the police officers first.

Research indicates that the relationship between a majority of the African-American populace and the police is not trusting (Colbert 173-176). Therefore, the Wisconsin law has a restricted ability to offer protection to the African- American women who do not trust the police and may choose not to contact them for safety. This is due to the fear they have of what will become of their abusive partners or themselves in the hands of the law enforcers. The fact that a trusting relationship does not exist amongst the African-Americans and the law enforcement officers is apparent throughout the United States, though to varying extents. However, it cannot be denied that the fear is everywhere.

Besides, the African-Americans do not trust the court alongside its actors. Whether as a witness, defendant, or plaintiff the African-American woman faces a number of obstacles in the courtroom to being deemed as a believable and rational person. The recognized judicial attitudes regarding the sincerity of these women limit them in the trial, as well as in all aspects of life. These historically founded obstacles and distrust of the court system and its actors forces the victims of domestic violence to keep off from state resources (Glover 66-68).

Advocates of racism in law enforcement basically do so basing their arguments on statistics, as put forth by Kennedy (501). They cite empirical



information that, in particular jurisdictions, persons linked with certain racial groupings commit an unequal amount of crimes. Current federal data indicates that in 1996, African American consisted of the largest number of individuals arrested for violent and property crimes. Although national statistics supports this allegation, it is perhaps true to say that blacks do not commit higher number of crimes because of their race. It is essential to consider other factors that trigger such actions apart from race.

Some scholars argue that racial profiling may assist in deterring some crimes. Most black men get stopped and searched due to belief that they are greatly involved in committing crimes. The approach of forcefully stopping, inquiring and categorizing young men who drive at the evening and night hours clearly categorizes such drivers. This denies them the secrecy that may be needed by perpetrators to commit a crime. Therefore, racial profiling may prevent possible crimes through thorough scrutiny.

The argument of crime determent through racial profiling is flawed according to some scholars. A study carried out on Stanford students in Stanford Campus showed that both blacks and whites commit equal number of crimes, implying that disparate number of police stops is due to other reasons (Glover 28). Besides, such an argument promotes racism and stereotyping, notions that need to be abolished. Most of the people who are stopped and searched are black men as compared to black women. Nevertheless, the number of blacks, either men or women, still exceeds those of the whites.

Opponents of racism argue their cases based on constitutional matters as well as practical concerns. According to Kennedy, the major argument against racism is founded on the 'equal protection clause' of the United States constitution (Kennedy 42). However, Kennedy admits that some courts are advocating that decisions that differentiate between individuals on racial grounds do not comprise illegal racial discrimination provided that other factors, apart from race, are considered in law enforcement. In order to support this claim, he offers a case between a DEA agent and a youthful black man in the 1990s at Kansas City Airport. The DEA agent stopped and searched the man and he confessed considering race in conjunction with other factors for his action. The court, however, did not term such an action as racially prejudiced, therefore, evading the need to subject the action of the government to stringent inspection. Without compromising his constitutional argument, Kennedy criticizes racism in law enforcement on the basis of social costs. According to the author, racism basically isolates persons of color of social division, and this adds to their anger at the law enforcement officers and institutions (Kennedy62).

Most of the law enforcement officers who believe racial profiling is not bad have welcomed the considerations of the courts. They uphold that stopping and searching African-American is fundamental in lessening crimes as they are believed to commit more crimes as compared to the whites. The law enforcement officers are justified in inspecting the black men more closely and thoroughly.