

By John Lash for [the Juvenile Justice Information Exchange](#)

It doesn't take a lot of research to see that racial disparity in incarceration of both adults and juveniles is alive and well in the United States, but it is not so easy to say why.

When I entered the Georgia prison system in 1985, blacks made up about 70 percent of the inmate population. That same year, blacks were 30 percent of the population of my home state.

I grew up in a town in south Georgia with a large black population, and I had friends in school who were black. But I had no real consciousness of the inequality that existed in the justice system. In prison, all I had to do was look around.

These rates of adult incarceration are little changed today, as reflected in the Georgia Department of Corrections' [latest statistical report](#). The state of the juvenile system here is similarly out of balance. For the last several years between 59 and 63 percent of all youth [committed](#) to the state's Department of Juvenile Justice have been black, but the latest [Census](#) report shows the black population of the state to be a little over 30 percent. Georgia is not alone. Across the country, rates of arrest and incarceration reflect disparity when minority groups are compared to whites.

[The W. Haywood Burns Institute](#) released a [report](#) that outlines the situation in California. Youth there are more likely to be referred to juvenile court for non-criminal acts, instead of mental health and behavioral treatment, if they are black. Besides these overuses of the system for treatment, black youth, who make up 6 percent of the youth population in California, constitute 75 percent of the juvenile justice population. Even more disturbing, they make up 90 percent of transfers to adult court, where they receive life without parole 18 times more often

than white youth.

These numbers bother me. I wonder what they mean for our society, and what we can do to address the problem. Even clarifying what the problems are exactly is maddening.

A lot has been written about racial disparity in the realm of law, but nothing that seems definitive. Historically the justice system has often been used to keep blacks in check. In the South it took the place of the slavery system for many years after the Civil War. Everywhere in the nation it was used disproportionately to keep minorities in their "place."

It is no secret that blacks whose victims are white receive harsher sentences than whites who victimize blacks. A 2010 [report](#) from the Death Penalty Information Center states that the number of white defendants executed for killing blacks was 15. The number of blacks executed for killing whites was 246.

Often poverty is put forward as an explanation, and there is some merit to this. Poorer people usually fare worse in court, and receive harsher sentences, in comparison to wealthier citizens who can afford better representation. But high poverty rates alone do not serve to explain the facts. Per capita blacks have had less income, less education, and have been more likely to be incarcerated for the same crimes when compared to whites, yet even as some social inequalities in education and jobs have been diminished, overrepresentation in the criminal justice system has persisted for blacks in this country.

It seems that even in governmental and academic study of this issue there are no good answers. Searching for statistics that can show clear patterns is made difficult by the way they are presented by the U.S. Justice Department.

A lot of people have blinders on when it comes to this question. I believe in personal responsibility and accountability. Society cannot function long without them, but there exist patterns in our nation that go back to the days of slavery, to the days when blacks were counted as less than human, and to the efforts to maintain this status quo by the dominant society.

This [deep structure](#) continues to be played out today, and until this is squarely faced these kinds of discrepancies will continue. It is guaranteed that the solutions that are required will be complex, but eventually we must. That is the only hope that these issues will be addressed.