

Civil and Human Rights

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1.

"Black and Hispanic Americans, and other minority groups as well, are victimized by disproportionate targeting and unfair treatment by police and other front-line law enforcement officials; by racially skewed charging and plea bargaining decisions of prosecutors; by discriminatory sentencing practices; and by the failure of judges, elected officials and other criminal justice policy makers to redress the inequities that become more glaring every day."

Source:

Weich, Ronald H., and Angulo, Carlos T., Leadership Conference on Civil Rights, "Justice on Trial: Racial Disparities in the American Criminal Justice System" (Washington, DC: Leadership Conference on Civil Rights, May 2000), p. vi.

2.

The report Justice on Trial from the Leadership Conference on Civil Rights notes that though "blacks are just 12 percent of the population and 13 percent of the drug users, and despite the fact that traffic stops and similar enforcement yield equal arrest rates for minorities and whites alike, blacks are 38 percent of those arrested for drug offenses and 59 percent of those convicted of drug offenses. Moreover, more frequent stops, and therefore arrests, of minorities will also result in longer average prison terms for minorities because patterns of disproportionate arrests generate more extensive criminal histories for minorities, which in turn influence sentencing outcomes."

Source:

Welch, Ronald H., and Angulo, Carlos T., Leadership Conference on Civil Rights, "Justice on Trial: Racial Disparities in the American Criminal Justice System" (Washington, DC: Leadership Conference on Civil Rights, May 2000), p. 7.

3.

"In both 2002 and 2005, white, black, and Hispanic drivers were stopped by police at similar rates, while blacks and Hispanics were more likely than whites to be searched by police. About 5% of all stopped drivers were searched by police during a traffic stop. Police found evidence of criminal wrong-doing (such as drugs, illegal weapons, or other evidence of a possible crime) in 11.6% of searches in 2005."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

4.

"Police issued tickets to more than half of all stopped drivers and arrested about 2.4% of drivers. Male drivers were 3 times more likely than female drivers to be arrested, and black drivers were twice as likely as white drivers to be arrested."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

5.

"Of the 43.5 million persons who had contact with police in 2005, an estimated 1.6% had force used or threatened against them during their most recent contact, a rate relatively unchanged from 2002 (1.5%). In both 2002 and 2005, blacks and Hispanics experienced police use of force at higher rates than whites. Of persons who had force used against them in 2005, an estimated 83% felt the force was excessive."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 1.

6.

"Of persons who had contact with the police in 2005, about 9 in 10 felt the officer or officers behaved properly (table 4). Blacks (82.2%) were less likely than whites (91.6%) to feel the police acted properly during a contact. Racial differences in opinion about police behavior were not found across all types of contacts. No differences were found in the percentages of whites and blacks who felt the police behaved properly when helping with a traffic accident or providing assistance, such as giving directions. Blacks were less likely than whites to believe law enforcement acted properly during traffic stops and contacts occurring because police were investigating a crime or suspected the person of wrong-doing."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 3.

7.

"In 11.6% of searches conducted during a traffic stop in 2005, police found drugs, an illegal weapon, open containers of alcohol, or other illegal items. Consent and nonconsent searches turned up evidence of criminal wrong-doing at similar rates."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 7.

8.

"In both 2002 and 2005, about 5% of stopped drivers were searched by police during the traffic stop. The 5% includes searches of the vehicle only, the driver only, and both the vehicle and the driver.

"In both years, male drivers were more likely than female drivers to be searched by police during a traffic stop.

"In 2005 black (9.5%) and Hispanic (8.8%) motorists stopped by police were searched at higher rates than whites (3.6%). The likelihood of experiencing a search did not change for whites, blacks, or Hispanics from 2002 to 2005."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 7.

9.

"The differences found among gender, race, and age groups who experienced force in 2005 were consistent with the 2002 PPCS. Among the persons who had police contact in 2005, females (1.0%) were less likely than males (2.2%) to have had contact with police that resulted in force (table 9). Males accounted for a larger percentage (72.4%) of contacts involving force

compared to their percentage of all contacts (53.6%) (table 10).

"Blacks (4.4%) and Hispanics (2.3%) were more likely than whites (1.2%) to experience use of force during contact with police in 2005. Blacks accounted for 1 out of 10 contacts with police but 1 out of 4 contacts where force was used.

"Persons age 16 to 29 (2.8%) who had contact with police were more likely than those over age 29 (1.0%) to have had force used against them. Persons age 16 to 29 made up a smaller percentage of persons who had a police contact (34.5%) compared to the percentage of persons experiencing force during a contact (60.3%). The median age of those experiencing force was 26."

Source:

Durose, Matthew R., Smith, Erica L., and Langan, Patrick A., PhD, "Contacts Between Police and the Public, 2005," (NCJ215243) (Washington, DC: Bureau of Justice Statistics, April 2007), p. 8.

10.

"Violations of drug laws and homicide/assault were the two most prevalent types of offenses investigated through communications intercepts. Racketeering was the third most frequently recorded offense category, and gambling the fourth. Table 3 indicates that 80 percent of all applications for intercepts (1,473 wiretaps) authorized in 2006 cited a drug offense as the most serious offense under investigation."

Source:

Administrative Office of the United States Courts, 2006 Wiretap Report (Washington, DC: USGPO, April 2007), p. 9.

11.

"The average cost of intercept devices installed in 2006 was \$52,551, down 5 percent from the average cost in 2005. For federal wiretaps for which expenses were reported in 2006, the average cost was \$67,044, a 5 percent decrease from the average cost in 2005. The average cost of a state wiretap increased 3 percent to \$46,687 in 2006."

Source:

Administrative Office of the United States Courts, 2006 Wiretap Report (Washington, DC: USGPO, April 2007), p. 12.

12.

Contrary to international standards, prisons and jails in the USA employ men to guard women and place relatively few restrictions on the duties of male staff. As a consequence, much of the touching and viewing their bodies by staff that women experience as shocking and humiliating is permitted by law.

Source:

Amnesty International, "Not Part of My Sentence": Violations of the Human Rights of Women in Custody" (Washington, DC: Amnesty International, March 1999), p. 39.

13.

Retaliation for reports of abuse impedes women's access to protection of their human rights. One woman who won a lawsuit against the Federal Bureau of Prisons for sexual abuse reported that she was beaten, raped and sodomized by three men who in the course of the attack told her that they were attacking her in retaliation for providing a statement to investigators.

Source:

Amnesty International, "Not Part of My Sentence": Violations of the Human Rights of Women in Custody" (Washington, DC: Amnesty International, March 1999), p. 59.

14.

"In December 2000, the Prison Journal published a study based on a survey of inmates in seven men's prison facilities in four states. The results showed that 21 percent of the inmates had experienced at least one episode of pressured or forced sexual contact since being incarcerated, and at least 7 percent had been raped in their facility. A 1996 study of the Nebraska prison system produced similar findings, with 22 percent of male inmates reporting that they had been pressured or forced to have sexual contact against their will while incarcerated. Of these, over 50 percent had submitted to forced anal sex at least once. Extrapolating these findings to the national level gives a total of at least 140,000 inmates who have been raped."

Source:

Human Rights Watch, "No Escape: Male Rape in US Prisons - Summary and Recommendations," 2001, from the web at <http://www.hrw.org/reports/2001/prison/report.html> , last accessed August 25, 2008.

15.

"It is evident that certain prisoners are targeted for sexual assault the moment they enter a penal facility: their age, looks, sexual orientation, and other characteristics mark them as candidates for abuse. Human Rights Watch's research has revealed a broad range of factors that correlate with increased vulnerability to rape. These include youth, small size, and physical weakness; being white, gay, or a first offender; possessing 'feminine' characteristics such as long hair or a high voice; being unassertive, unaggressive, shy, intellectual, not street-smart, or 'passive'; or having been convicted of a sexual offense against a minor. Prisoners with any one of these characteristics typically face an increased risk of sexual abuse, while prisoners with several overlapping characteristics are much more likely than other inmates to be targeted for abuse. Yet it would be a mistake to think that only a minority of extremely vulnerable individuals face sexual abuse. In the wrong circumstances, it should be emphasized, almost any prisoner may become a victim."

Source:

Human Rights Watch, "No Escape: Male Rape in US Prisons - Summary and Recommendations," 2001, from the web at <http://www.hrw.org/reports/2001/prison/report.html> last accessed August 25, 2008.

16.

"Reports of sexual violence varied across systems and sampled facilities, with every State prison system except New Mexico reporting at least one allegation of sexual violence. Among the 347 sampled local jails, 131 (38%) reported an allegation. About 42% of the 36 sampled privately operated prisons and jails reported at least one allegation.

"Combined, the 2005 survey recorded 5,247 allegations of sexual violence. Taking into account weights for sampled facilities, the estimated total number of allegations for the Nation was 6,241. Expressed in terms of rates, there were 2.83 allegations of sexual violence per 1,000 inmates held in 2005, up from 2.43 per 1,000 inmates held in prisons, jails, and other adult correctional facilities in 2004. Prison systems reported 74% of all allegations; local jails, 22%; private prisons and jails, 3%; and other adult facilities, 1%."

Source:

Beck, Allen J., PhD, and Harrison, Paige M., Sexual Violence Reported by Correctional Authorities, 2005 (NCJ214646) (Washington, DC: Bureau of Justice Statistics, July 2006), p. 4.

17.

Nationwide, one in every 20 black men over the age of 18 is in prison. In five states, between one in 13 and one in 14 black men is in prison. This compares to one in 180 white men.

Source:

Human Rights Watch, "Racial Disparities in the War on Drugs" (Washington, DC: Human Rights Watch, 2000), from their website at <http://www.hrw.org/campaigns/drugs/war/key-facts.htm>

18.

Nationwide, black men are sent to prison on drug charges at 13 times the rate of white men.

Source:

Human Rights Watch, "Racial Disparities in the War on Drugs" (Washington, DC: Human Rights Watch, 2000), from their website at <http://www.hrw.org/campaigns/drugs/war/key-facts.htm>

19.

At the start of the 1990s, the U.S. had more Black men (between the ages of 20 and 29) under the control of the nation's criminal justice system than the total number in college. This and other factors have led some scholars to conclude that, "crime control policies are a major contributor to the disruption of the family, the prevalence of single parent families, and children raised without a father in the ghetto, and the 'inability of people to get the jobs still available.'"

Source:

Craig Haney, Ph.D., and Philip Zimbardo, Ph.D., "The Past and Future of U.S. Prison Policy: Twenty-five Years After the Stanford Prison Experiment," *American Psychologist*, Vol. 53, No. 7 (July 1998), p. 716.

20.

"Since 1997, 16 states have implemented reforms to their felony disenfranchisement policies

"These reforms have resulted in the restoration of voting rights to an estimated 621,400 persons

"By 2004, the total number of people disenfranchised due to a felony conviction had risen to 5.3 million

"Among those disenfranchised, 74% are currently living in the community

"In 2004, 1 in 12 African Americans was disenfranchised because of a felony conviction, a rate nearly five times that of non-African Americans

"Voting is linked with reduced recidivism; one study shows that 27 percent of non-voters were rearrested, compared with 12 percent of voters"

Source:

King, Ryan S., "A Decade of Reform: Felony Disenfranchisement Policy in the United States" (Washington, DC: Sentencing Project, 2006), p. 2.

21.

"Thirteen percent of all adult black men -- 1.4 million -- are disenfranchised, representing one-third of the total disenfranchised population and reflecting a rate of disenfranchisement that is seven times the national average. Election voting statistics offer an approximation of the political importance of black disenfranchisement: 1.4 million black men are disenfranchised compared to 4.6 million black men who voted in 1996."

Source:

Jamie Fellner and Mark Mauer, *Losing the Vote: The Impact of Felony Disenfranchisement Laws in the United States* (Washington, DC: Human Rights Watch & The Sentencing Project, 1998), p. 8. Election data cited comes from the US Census Bureau, *Voting and Registration in the Election of November 1996 (P20-504)* (Washington, DC: US Census Bureau, July 1998).

22.

"Most drug offenders are white. Five times as many whites use drugs as blacks. Yet blacks comprise the great majority of drug offenders sent to prison. The solution to this racial inequity is not to incarcerate more whites, but to reduce the use of prison for low-level drug offenders and to increase the availability of substance abuse treatment."

Source:

Human Rights Watch, "Racial Disparities in the War on Drugs" (Washington, DC: Human Rights Watch, 2000), from their website at <http://www.hrw.org/campaigns/drugs/war/key-facts.htm>

23.

The Mollen Commission was appointed to investigate corruption in the New York City Police Department. The Commission "found that police corruption, brutality, and violence were present in every high-crime precinct with an active narcotics trade that it studied, all of which have predominantly minority populations. It found disturbing patterns of police corruption and brutality, including stealing from drug dealers, engaging in unlawful searches, seizures, and car stops, dealing and using drugs, lying in order to justify unlawful searches and arrests and to forestall complaints of abuse, and indiscriminate beating of innocent and guilty alike."

Source:

Cole, David, "No Equal Justice: Race and Class in the American Criminal Justice System" (New York: The New Press, 1999), pp. 23-4.

24.

In his book No Equal Justice, Georgetown Law Professor David Cole notes "The (Supreme) Court's removal of meaningful Fourth Amendment review allows the police to rely on unparticularized discretion, unsubstantiated hunches, and nonindividualized suspicion. Racial prejudice and stereotypes linking racial minorities to crime rush to fill the void."

Source:

Cole, David, "No Equal Justice: Race and Class in the American Criminal Justice System" (New York: The New Press, 1999), p. 53.

25.

In Maryland, a state survey of police traffic stops -- ordered by the state court in response to state troopers' use of racial profiling -- found that from January 1995 through December 1997, 70 percent of the drivers stopped on Interstate 95 were African Americans. According to an ACLU survey conducted around that time, only 17.5 percent of the traffic and speeders on that road were African American.

Source:

Cole, David, "No Equal Justice: Race and Class in the American Criminal Justice System" (New York: The New Press, 1999), p. 36.

26.

"As of March 2001, 16 of the 49 State police agencies with patrol duties required officers to collect the race or ethnicity of all drivers involved in a traffic stop (table 1). Thirty-seven State agencies collected the race or ethnicity of motorists when an arrest was made, and 22 agencies did so following a vehicle or occupant search. Ten State police agencies — Arizona, Arkansas, Idaho, Illinois, Minnesota, Montana, New Mexico, North Dakota, Oklahoma, and Utah — did not require their State troopers to collect race or ethnicity data."

Source:

Bureau of Justice Statistics, "Traffic Stop Data Collection" (Washington, DC: US Dept. of Justice, December 2001), p. 1.

27.

"In addition to the increase in the number of States that required State law enforcement agencies to collect race and ethnicity statistics during traffic stops, States have recently enacted statutes that prohibit law enforcement officers from engaging in racial profiling (California, Connecticut, Kentucky, Oklahoma, and Rhode Island). these statutes generally defined racial profiling as stopping a person based solely on race or ethnicity instead of an individualized suspicion arising from the person's behavior."

Source:

Bureau of Justice Statistics, "Traffic Stop Data Collection" (Washington, DC: US Dept. of Justice, December 2001), p. 1.

28.

"Of the 16 State police agencies with procedures that require the collection of race data for each stop, 7 agencies responded to a State law or executive order, 7 implemented an internal policy, 1 (Maryland) responded to both an internal policy and a court action, and 1 State police agency (New Jersey) was acting in accordance with both internal police agency policy and a Federal consent decree."

Source:

Bureau of Justice Statistics, "Traffic Stop Data Collection" (Washington, DC: US Dept. of Justice, December 2001), p. 2.

29.

In his book No Equal Justice, Georgetown Law Professor David Cole notes "A Lexis review of all federal court decisions from January 1, 1990, to August 2, 1995, in which drug-courier profiles were used and the race of the suspect was discernible revealed that of sixty-three such cases, all but three suspects were minorities: thirty-four were black, twenty-five were Hispanic, one was Asian, and three were white."

Source:

Cole, David, "No Equal Justice: Race and Class in the American Criminal Justice System" (New York: The New Press, 1999), p. 50.

30.

"The number of wiretaps reported decreased 14 percent in 2008. A total of 1,891 applications were reported as authorized in 2008, including 386 submitted to federal judges and 1,505 to state judges. No applications were denied. Compared to the number approved during 2007, the number of applications reported as approved by federal judges in 2008 fell 16 percent. The number of applications approved by state judges declined 14 percent. Wiretap applications in New York (433 applications), California (418 applications), New Jersey (175 applications), and Florida (102 applications) accounted for 75 percent of all applications approved by state judges."

Source:

Administrative Office of the United States Courts, 2008 Wiretap Report (Washington, DC: USGPO, April 2007), p. 7.

<http://www.uscourts.gov/wiretap08/2008WTText.pdf>

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