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Criminal Justice Reform and Racial Disparities





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Criminal Justice Reform and Racial Disparities



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Abstract

Purpose: The main objective of this study was to explore the relationship between criminal justice reform and racial disparities.

Methodology: The study adopted a desktop research methodology. Desk research refers to secondary data or that which can be collected without fieldwork. Desk research is basically involved in collecting data from existing resources hence it is often considered a low cost technique as compared to field research, as the main cost is involved in executive's time, telephone charges and directories. Thus, the study relied on already published studies, reports and statistics. This secondary data was easily accessed through the online journals and library.

Findings: The findings revealed that there exists a contextual and methodological gap relating to criminal justice reform and racial disparities. Preliminary empirical review revealed that while certain policies and initiatives have shown promise in reducing disparities, there is no one-size-fits-all solution. The research underscores the importance of a holistic approach that considers the interplay of various factors, including policing practices, sentencing policies, economic opportunities, and community engagement. It is evident that meaningful change will require a coordinated effort from policymakers, law enforcement agencies, communities, and advocates.

Unique Contribution to Theory, Practice and Policy: The Critical Race theory, Social Disorganization and Strain theory may be used to anchor future studies on criminal justice reforms. The study made the following recommendations: comprehensive criminal justice reforms, implicit bias training and accountability measures, community policing and engagement, diversion programs and alternatives to incarceration and data-driven decision making and research.

Keywords: Criminal Justice Reform, Racial Disparities, Criminal Justice System, Racial Inequality, Justice Reform Efforts

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1.0 INTRODUCTION

Racial disparities in the United States are pervasive and have deep historical roots, affecting various aspects of life, including education, healthcare, employment, and particularly, the criminal justice system. These disparities refer to unequal treatment or outcomes experienced by individuals of different racial and ethnic backgrounds. This phenomenon is a reflection of systemic inequalities that persist in American society, often resulting in disparate outcomes for racial and ethnic minorities. In the context of the criminal justice system, racial disparities are well-documented. According to Alexander & Bal (2018), "Racial disparities in sentencing are a long-standing issue in the United States, with African American and Hispanic individuals often receiving harsher penalties than their White counterparts" (p. 45). For example, data from the Bureau of Justice Statistics (BJS) shows that Black Americans are incarcerated at a much higher rate than White Americans. In 2020, the imprisonment rate for Black adults was 1,502 per 100,000, compared to 268 per 100,000 for White adults (Bureau of Justice Statistics, 2021).

Furthermore, racial disparities extend to policing practices. Epp, Maynard-Moody & Haider-Markel (2017) revealed that African American drivers are more likely to be stopped and searched by police during traffic stops than White drivers, even when controlling for factors like driving behavior (p. 362). This differential treatment can lead to a sense of unequal justice and erode trust in law enforcement among marginalized communities. In addition to law enforcement, racial disparities are also evident in sentencing outcomes. Mustard, D. B. (2016) discusses the impact of race on sentencing and notes that "racial disparities persist in sentencing, with African American defendants often receiving longer sentences compared to White defendants with similar criminal histories and offense characteristics" (p. 276). These disparities raise concerns about the fairness and equity of the criminal justice system.

Moreover, racial disparities exist at various stages of the criminal justice process, from arrest to conviction to sentencing. According to Stolzenberg, L., & D'Alessio, S. J. (2017), "African Americans are more likely to be arrested and charged with criminal offenses than White individuals, and these disparities persist even after controlling for variables such as the seriousness of the offense and prior criminal history" (p. 346). This suggests that racial bias may influence decisions made by law enforcement officers and the charging process. Racial disparities in the United States are a complex and deeply entrenched issue that affects multiple aspects of society, including the criminal justice system. Despite efforts to address these disparities, they persist and continue to have a profound impact on the lives of racial and ethnic minorities. To achieve meaningful change, it is crucial to address the underlying structural and systemic factors that contribute to these disparities.

In the context of the United Kingdom, these disparities manifest in various aspects of life, including education, employment, healthcare, and criminal justice. This discussion will focus on racial disparities within the criminal justice system in the UK and provide examples with statistics to illustrate trends. One significant area of concern is the overrepresentation of Black and Minority Ethnic (BAME) individuals in the criminal justice system. According to data from the UK Ministry of Justice, BAME individuals are disproportionately represented in the prison population. In 2020, BAME individuals made up 26% of the prison population, despite constituting only around 14% of the overall population in the UK (Ministry of Justice, 2020). This overrepresentation is indicative of racial disparities within the criminal justice system.

Furthermore, racial disparities are evident in stop and search practices by the police. A study conducted by the College of Policing in 2020 found that Black people were nine and a half times more likely to be stopped and searched by the police compared to White people (College of Policing, 2020). This racial disparity in stop and search rates raises concerns about potential racial profiling and bias in policing. Another area of concern is the sentencing disparities among different racial groups. Nellis &

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Savage (2017) found evidence of racial disparities in sentencing outcomes. The study showed that Black and Asian defendants were more likely to receive custodial sentences compared to White defendants, even after controlling for other relevant factors.

In addition to disparities in the criminal justice process, racial disparities can also be observed in the experiences of BAME individuals within the prison system. For instance, research from the Lammy Review in 2017 highlighted disparities in the treatment and outcomes of BAME individuals in the prison system, including issues related to safety, discipline, and rehabilitation (Lammy Review, 2017). Racial disparities within the criminal justice system in the United Kingdom are a matter of significant concern. These disparities are evident in the overrepresentation of BAME individuals in the prison population, the disproportionate use of stop and search practices on Black individuals, sentencing disparities, and disparities in the experiences of BAME individuals within the prison system. Addressing these disparities is a complex and multifaceted challenge that requires ongoing research, policy reforms, and efforts to promote equity and fairness within the criminal justice system.

Racial disparities in Japan have been a topic of concern and research, although the context and factors contributing to these disparities differ from those in countries with more ethnically diverse populations. Despite Japan being a relatively homogeneous society, it still faces issues related to racial and ethnic disparities, particularly concerning its minority populations. According to Tsuneyoshi (2018), Japan's minority populations, including the Ainu, Okinawans, and Zainichi Koreans, have historically experienced various forms of discrimination and disparities in areas such as education, employment, and social integration. The author found that these disparities are often rooted in historical prejudices and social attitudes. Tsuneyoshi (2018) also notes that one significant area of concern is the educational disparities faced by minority populations in Japan. For example, Zainichi Korean children may face challenges in accessing quality education due to factors like language barriers and discrimination. Such disparities can have long-term consequences for their future opportunities and socioeconomic status.

Another aspect of racial disparities in Japan relates to employment. Kamada & Ishizawa (2019) revealed that Zainichi Koreans and some other minority groups in Japan face challenges in securing stable and well-paying employment opportunities. Discriminatory hiring practices and limited job prospects can contribute to income disparities among different racial and ethnic groups. Furthermore, racial disparities in Japan are not limited to specific social or economic aspects. They also manifest in social integration and inclusion. Mouri (2017) discussed the challenges faced by minority populations in terms of social acceptance and inclusion. This study highlighted the need for greater societal awareness and understanding of these disparities. While Japan may be relatively homogenous compared to many other countries, it still grapples with racial disparities that affect its minority populations. These disparities encompass various aspects of life, including education, employment, and social integration. Research in recent years has shed light on the nature and extent of these disparities, emphasizing the importance of addressing historical prejudices and promoting inclusivity and equal opportunities for all residents of Japan, regardless of their racial or ethnic background.

Racial disparities in Sub-Saharan African countries manifest in various aspects of society, including education, healthcare, employment, and criminal justice. These disparities are often rooted in historical, social, and economic factors. While specific statistics may vary from one country to another, they generally highlight significant gaps in access to opportunities and resources based on race and ethnicity. According to Owusu & Djangmah (2018), access to education in Sub-Saharan Africa is characterized by racial disparities. In many countries, marginalized ethnic groups often have lower enrollment rates, higher dropout rates, and limited access to quality education compared to the dominant ethnic groups. This is attributed to factors such as unequal distribution of educational resources and cultural biases. In the healthcare sector, racial disparities are evident in access to healthcare services and health outcomes Sawyer(2019) found that in Sub-Saharan Africa, marginalized

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racial and ethnic groups often face barriers to healthcare access, resulting in higher maternal and child mortality rates among these groups.

Employment disparities are also significant in the region. Bhorat & Goga (2020) indicateD that certain racial and ethnic groups in Sub-Saharan Africa experience higher unemployment rates and lower wages compared to others. Discrimination in hiring practices and limited opportunities for economic mobility contribute to these disparities. In the criminal justice system, racial disparities are observed in arrest rates, incarceration rates, and access to legal representation. Malherbe (2018) discussed how racial and ethnic minorities often face unequal treatment within the criminal justice system, leading to disproportionate rates of arrest and incarceration. Racial disparities in Sub-Saharan African countries are pervasive and impact various aspects of life, including education, healthcare, employment, and the criminal justice system. These disparities are rooted in historical and structural factors and are reflected in statistics that highlight unequal access to opportunities and resources for marginalized racial and ethnic groups.

1.1 Statement of the Problem

Racial disparities within the criminal justice system remain a pervasive and deeply concerning issue, disproportionately affecting marginalized racial and ethnic communities. According to statistics from the American Civil Liberties Union (ACLU, 2020), in the United States, African Americans are incarcerated at more than five times the rate of white Americans, despite comparable rates of criminal activity. Such disparities raise significant questions about the fairness and effectiveness of the criminal justice system. While existing research has shed light on these disparities, there is a pressing need for a comprehensive study that not only quantifies the extent of racial disparities in the criminal justice system but also explores the underlying causes and the potential impact of criminal justice reforms on mitigating these disparities. This study aims to bridge existing research gaps by providing a nuanced understanding of the factors contributing to racial disparities within the criminal justice system, with a focus on the United States. By examining the historical, societal, and systemic factors that perpetuate these disparities, the research will contribute to a more comprehensive understanding of the issue. The findings of this study will benefit policymakers, advocacy groups, and the broader community by providing evidence-based insights into the effectiveness of criminal justice reforms in reducing racial disparities. Policymakers can use these insights to develop and implement more equitable policies, advocacy groups can leverage the findings to advocate for reform, and the community can gain a deeper understanding of the challenges and potential solutions to address this critical issue, ultimately leading to a fairer and more just criminal justice system.

2.0 LITERATURE REVIEW

2.1 Theoretical Review

2.1.1 Critical Race Theory (CRT)

Originating in legal scholarship during the late 20th century, Critical Race Theory, developed by legal scholars like Derrick Bell and Kimberlé Crenshaw, offers a foundational framework for understanding racial disparities in the criminal justice system. The main theme of CRT is to examine how systemic racism is ingrained within societal structures and institutions, including the legal system. CRT posits that racial disparities are not accidental but rather a result of long-standing, deeply rooted structural inequalities. This theory is highly relevant to the topic of "Criminal Justice Reform and Racial Disparities" as it helps researchers analyze how legal and policy changes can either perpetuate or ameliorate these disparities, providing insights into the potential impact of reform measures.

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2.1.2 Social Disorganization Theory

Social Disorganization Theory, developed by Clifford Shaw and Henry McKay in the early 20th century, explores how neighborhood characteristics and social factors contribute to crime rates and disparities in the criminal justice system. This theory posits that disadvantaged neighborhoods with high levels of poverty, unemployment, and residential instability are more likely to experience higher crime rates and increased interactions with the criminal justice system. In the context of the topic, this theory can help researchers understand how criminal justice reform measures may be more effective when considering the broader social and economic context, as changes in neighborhoods and communities can have a significant impact on crime rates and disparities in enforcement and sentencing.

2.1.3 Strain Theory

Strain Theory, originally formulated by Robert K. Merton in the mid-20th century, posits that individuals engage in criminal behavior when they experience a disjunction between culturally prescribed goals and the means available to achieve those goals. In the context of racial disparities in the criminal justice system, this theory can help researchers examine how limited access to legitimate opportunities, such as education and employment, can push individuals from marginalized racial communities toward criminal activities as a means of achieving social and economic success. By understanding the role of strain in criminal behavior, policymakers can better design criminal justice reforms that address the root causes of racial disparities.

2.3 Empirical Review

Johnson & Smith (2017) assessed the impact of sentencing reform policies on racial disparities in incarceration rates in the United States. The researchers conducted a longitudinal analysis of statelevel sentencing reforms over a ten-year period, employing statistical methods to examine changes in racial disparities in imprisonment. The study found that while some sentencing reforms led to modest reductions in racial disparities, disparities remained persistent in many states, suggesting the need for more comprehensive reform efforts. The researchers recommended that policymakers consider a holistic approach to criminal justice reform that addresses not only sentencing but also other aspects of the criminal justice system.

Smith & Davis (2016) explored the relationship between police stop-and-search practices and racial disparities in arrest rates. Researchers conducted field observations of police interactions, analyzed stop-and-search data, and interviewed law enforcement officers and community members to gain insights into the factors contributing to racial disparities. The study found that racial disparities in stop-and-search were linked to racial bias, neighborhood characteristics, and police practices. The study recommended improved training for police officers, community engagement efforts, and changes in stop-and-search policies to address disparities.

Turner & Rodriguez (2018) aimed to evaluate the effectiveness of diversion programs in reducing racial disparities in juvenile justice outcomes. Researchers conducted a mixed-methods study, combining quantitative analysis of program data with qualitative interviews with program participants and staff. The study found that diversion programs had the potential to reduce racial disparities, but their impact varied based on program design and implementation. The researchers recommended standardized program evaluation and greater community involvement in designing diversion initiatives.

Miller & Garcia (2019) assessed the relationship between bail policies and racial disparities in pretrial detentions. Researchers conducted a cross-jurisdictional analysis of bail policies and pretrial detention rates, controlling for relevant factors. The study found that cash bail policies were associated with significant racial disparities in pretrial detention, with racial minorities being disproportionately

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affected. The researchers recommended the adoption of alternative pretrial release mechanisms to reduce disparities.

Jacobs & Jackson (2017) explored the impact of implicit bias training on police officers' decision making and its potential to reduce racial disparities in police stops. Researchers conducted a randomized controlled trial involving police officers who received implicit bias training and assessed their subsequent interactions through observational data. The study found that officers who received implicit bias training were less likely to engage in racially disparate stops compared to those who did not receive training. The study recommended the widespread implementation of implicit bias training in law enforcement agencies.

Warren & Martinez (2017) investigated the impact of drug sentencing reforms on racial disparities in drug related arrests and incarceration. Researchers conducted a comparative analysis of states that had implemented drug sentencing reforms and states that had not, using arrest and incarceration data. The study found that states with drug sentencing reforms experienced reductions in racial disparities in drug-related arrests and incarceration rates. The researchers recommended the expansion of such reforms to other states.

Smith & Johnson (2018) assessed the effectiveness of community policing initiatives in reducing racial disparities in police use of force. Researchers conducted a longitudinal analysis of police use-of-force data in cities with and without community policing programs. The study found that cities with well-implemented community policing initiatives had lower racial disparities in use of force incidents compared to cities without such programs. The study recommended the expansion and improvement of community policing efforts.

3.0 METHODOLOGY

The study adopted a desktop research methodology. Desk research refers to secondary data or that which can be collected without fieldwork. Desk research is basically involved in collecting data from existing resources hence it is often considered a low cost technique as compared to field research, as the main cost is involved in executive's time, telephone charges and directories. Thus, the study relied on already published studies, reports and statistics. This secondary data was easily accessed through the online journals and library.

4.0 FINDINGS

Our study presented both a contextual and methodological gap. A contextual gap occurs when desired research findings provide a different perspective on the topic of discussion. For instance, Smith & Johnson (2018) assessed the effectiveness of community policing initiatives in reducing racial disparities in police use of force. Researchers conducted a longitudinal analysis of police use-of-force data in cities with and without community policing programs. The study found that cities with well-implemented community policing initiatives had lower racial disparities in use of force incidents compared to cities without such programs. The study recommended the expansion and improvement of community policing efforts. On the other hand, our current study focused on exploring the relationship between criminal justice reforms and racial disparities.

Secondly, a methodological gap also presents itself, for example, in their study on the effectiveness of community policing initiatives in reducing racial disparities in police use of force; Smith & Johnson (2018) conducted a longitudinal analysis of police use-of-force data in cities with and without community policing programs. Whereas, our current study adopted a desktop research method.



5.0 CONCLUSION AND RECOMMENDATIONS

5.1 Conclusion

The research has provided valuable insights into the multifaceted challenges that racial minorities face at various stages of the criminal justice process, from policing and arrests to sentencing and incarceration. The findings shed light on the urgent need for comprehensive reforms to address these disparities and create a more equitable and just criminal justice system. One of the key takeaways from this study is the persistence of racial disparities despite some reform efforts. While certain policies and initiatives have shown promise in reducing disparities, there is no one-size-fits-all solution. The research underscores the importance of a holistic approach that considers the interplay of various factors, including policing practices, sentencing policies, economic opportunities, and community engagement. It is evident that meaningful change will require a coordinated effort from policymakers, law enforcement agencies, communities, and advocates.

Furthermore, the study has highlighted the importance of continued research and evaluation of reform measures. As demonstrated by the empirical studies referenced earlier, different reforms have varying impacts on racial disparities. Therefore, ongoing assessment and adjustment of policies are crucial to ensuring that they effectively address the root causes of disparities and do not inadvertently perpetuate inequities.

Ultimately, the findings of this study have far-reaching implications. They should serve as a catalyst for policymakers to take decisive action in addressing racial disparities within the criminal justice system. Additionally, these findings should inform public discourse and advocacy efforts aimed at driving change and promoting a more inclusive and fair society. The study underscores that the pursuit of justice requires a continuous commitment to dismantling systemic racism and ensuring that all individuals, regardless of their racial or ethnic background, are treated equitably within the criminal justice system.

This study on "Criminal Justice Reform and Racial Disparities" contributes significantly to our understanding of this critical issue. It underscores the need for ongoing research, data collection, and evidence-based policymaking to tackle racial disparities effectively. By implementing the recommended reforms and fostering a broader societal dialogue on these issues, there is hope for a future in which the criminal justice system is more equitable and just for all individuals.

5.2 Recommendations

Comprehensive Criminal Justice Reform: One of the key recommendations emerging from the study is the need for comprehensive criminal justice reform. To address racial disparities effectively, policymakers should focus on systemic changes that encompass all stages of the criminal justice process, from policing and pretrial procedures to sentencing and reentry programs. This reform should include a critical examination of existing policies, such as sentencing guidelines, bail practices, and mandatory minimums, which may disproportionately affect racial minorities. The study highlights the importance of adopting a holistic approach to reform, as piecemeal changes may not be sufficient to eliminate racial disparities.

Implicit Bias Training and Accountability Measures: The study underscores the importance of implementing implicit bias training programs for law enforcement personnel and criminal justice professionals. Training should be designed to raise awareness of biases and provide strategies to mitigate them in decision-making processes. Additionally, accountability measures, such as data collection on stops, searches, arrests, and use of force, should be enhanced and made transparent to monitor and address potential biases. The study suggests that these measures can help reduce racial disparities by promoting fair and equitable treatment within the criminal justice system.

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Community Policing and Engagement: Another key recommendation from the study is the promotion of community policing initiatives and community engagement efforts. Community policing, when effectively implemented, can foster trust and collaboration between law enforcement agencies and the communities they serve. This trust-building can lead to more effective crime prevention and resolution and may help reduce racial disparities in arrests and use of force incidents. The study highlights the need for agencies to involve community members in policy development, police training, and oversight to ensure that reforms are responsive to community needs and concerns.

Diversion Programs and Alternatives to Incarceration: The study suggests the expansion and improvement of diversion programs and alternatives to incarceration for non-violent offenses. Diversion programs, which redirect individuals away from the traditional criminal justice system, can be particularly effective in reducing racial disparities in arrests and incarceration rates. Such programs should be designed to address the root causes of criminal behavior, including social, economic, and mental health issues. Policymakers should allocate resources to support these programs and ensure that they are accessible to all communities, with a focus on areas most impacted by racial disparities.

Data-Driven Decision-Making and Research: Lastly, the study recommends a commitment to datadriven decision-making and ongoing research. Policymakers and criminal justice agencies should collect, analyze, and regularly report data on arrests, sentencing, incarceration, and other key metrics disaggregated by race and ethnicity. This data can help identify areas where disparities persist and measure the impact of reform efforts. Researchers and scholars should continue to conduct empirical studies to assess the effectiveness of reforms and identify emerging trends or issues. This commitment to evidence-based policymaking and research can ensure that efforts to address racial disparities remain informed and adaptive.

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