

THE EFFECT OF DISPROPORTIONATE SENTENCING

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Abstract

There is a need to reform the Criminal Justice System about disparities in sentencing, for persons of certain demographics and cultural backgrounds who may receive longer and harsher sentences, for criminal convictions as opposed to their demographical counterparts. The problem of sentencing disparities continually affects the individual after sentencing, by restricting the livelihood of that individual. The individual is at substantial risk of recidivism, the inability to become a productive citizen through educational and employment opportunities, restricted voting rights and disenfranchisement. The effects of the disparities are particularly important about restricted voting rights and disenfranchisement as the individual cannot participate in the Democratic process and choose political leadership for representation for the demographics of persons affected by extreme ideologies which influence the choices in housing, education and employment opportunities.

Keywords: *Incarnation, Disparities, Disenfranchisement, Leadership.*

1. Introduction

The main factors of the disparities in sentencing for certain demographics versus their demographic counterparts are the risk of recidivism because of the limited and restricted opportunities before and after the proposed sentence are completed. The lack of housing or residency choice, places individuals who interact with the Criminal Justice System from the juvenile delinquency stage often migrate to the adult system in a position of failure. Demographics that lack cultural or racial diversity understanding increase the chance that the disparities of disproportionate sentencing will affect the individual in a myriad of ways. One example of a factor that affects the individual, who experiences disproportionate sentencing, is the interaction with the Criminal Justice System at the legal age to cast a vote and the inability to restore voting privileges after release.

Limited employment opportunities and education opportunities are also major factors which stem from the disproportionate sentencing of certain demographics. A criminal background can limit employment and education opportunities. Limiting

employment and education opportunities increase the chance for those individuals to remain in poverty-stricken environments.

Low income and poverty-stricken communities are sometimes identified as Broken Window Zones, based on the theory these communities have higher rates of incivility and therefore are breeding grounds for criminal activity. Individuals from those designated areas, have more frequent interaction with police and the court system.

Lack of adequate employment and educational opportunities

Social Labels

Broken Windows Zones

A High rate of recidivism

The focus of this paper is to identify the demographic of people most affected by the lack of reform in the Criminal Justice System. The research for this discussion begins with Blacks who have been impacted more than any other American citizen. The focus of the research begins in the era of Reconstruction, the period immediately following slavery, a most peculiar institution that held Black people in bondage from the early 17th century until 1865 after the signing of the Emancipation Proclamation (Vorenberg, 2001). The proclamation revoked slavery setting Blacks free from bondage but denying the right to first-class citizenship. Lincoln signed the proclamation to win the War Between the States. The introduction and implementation of The 13th Amendment of the United States Constitution were used as a political and legal maneuver, employed by White Southerners to oppress Blacks (Vorenberg, 2001). Blacks were denied the right to vote, make education and employment decisions for themselves or their children and denied them the right to live where they chose to live has had a lasting impact since (Logan, Zhang, Turner & Shertzer, 2015).

The systematic approach gave rise to the second peculiar institution of slavery by another name, peonage (Freeman, 2002). Peonage was a wide-spread practice in the southern states of America immediately following slavery. Blacks were often kidnapped and brought before corrupt judges and sheriffs, who actively participated in fast paced court proceedings finding the Blacks guilty of mundane crimes of loitering or having no proof of gainful employment (Freeman, 2002). The value of the servitude was intended to relieve the debt owed but instead the debt was increased because the lodgings, the imprisoned was subject to beatings and many died at the hands of others (Freeman, 2002). Often whole families of Blacks would be brought into the criminal justice system in the way of peonage (Freeman, 2002). In the case of Black women and children, poverty was criminal because the same local farmer or plantation owner who paid the fine of a male would also pay the fine for the female and would petition the court for guardianship of the minor children, thus enslaving the whole family unit. This travesty was made possible only with the assistance of the flawed Criminal Justice System (Freeman, 2002).

When Blacks arrived from the southern regions of America during the Great Migration they were not well received. Whites of the northern region had similar class systems that mirrored their White counterparts of the southern regions of America; elites, educated and self-employed alongside the uneducated, poor and destitute. In either region, the Black ranked lowest in class even though they may have fared better than the poorest White (Weisman, Aderka, Maron, Hermesh & Gilboa-Schechtman,

2001; Wilson, 1996)). The “Great Migration” of Blacks during the 1920s to the North after the Reconstruction era triggered another reaction from Whites not anticipated. The indigenous Whites took flight from northern regions because of the influx of Blacks from the south. Blacks that had financial independence and formal educations and who were skilled laborers were forced into the substandard housing along with Blacks who were disproportionately poor (Logan, 2015; Weisman et al., 2001). Just as in the south, Blacks lived in crowded conditions of economically disparaged communities, previously occupied by poorer Whites (Logan, 2015; Weisman et al., 2001).

Opportunities for employment for Blacks were limited and rarely escaped the boundaries of domestic employment, mostly for Black women. What employment disparages of Black males was very prevalent in the north where employment was sought in the numerous factories that existed in the northern region (Kennedy & Kennedy 2011; Nightingale, 2012). Black males were denied employment based solely on race. Whites formed unions that intentionally excluded Blacks. Whites were dedicated to preventing Blacks from joining unions, excluding Blacks from employment as non-union members. Black males who attempted to break the barriers of segregation were met with extreme violence and death. The violence and deaths were often implemented by the local law enforcement (Kennedy & Kennedy, 2011; Nightingale, 2012; Shaver & Mikulincer, 2011). Just as in the southern regions of the United States of America, the northern regions equally oppressed Blacks.

The Jim Crow Laws of the south was embraced by White men of power to dictate restrictions of Blacks. Jim Crow Laws were also exercised in the northern region (Kennedy & Kennedy, 2011; Nightingale, 2012). The residency was a factor in school assignment in the northern states. Blacks who sheltered in neighborhoods and communities adjacent to or on the rim of White neighborhoods were not allowed to attend school based solely on their race. Educational opportunities were available but recipients often faced segregation in the classroom. Again, White Supremacy promoted segregation. However, segregation was enforced by the Criminal Justice System by prosecuting Blacks for fighting against segregation (Kennedy & Kennedy, 2011; Nightingale, 2012). The concept of segregation was simple, to be separate but equal. The equity in the concept of segregation depended upon class and race. Blacks as second-class citizens were offered less than second-class facilities. Schools and supplies were dilapidated or non-existent. Segregation legally restricted Blacks from entering public facilities except through designated entrances. Private businesses used segregation rules to bar Blacks from their establishments and, residential communities (Kennedy & Kennedy, 2011; Nightingale, 2012).

Blacks have long been subjected to less than standard housing situations, lacked education opportunities and denied employment under certain situations. Some fought for the right to live and work where they chose. Black were arrested and incarcerated at extreme rates in the north for breaking the rules of segregation. Many Black were physically abused by law enforcement and fell victim to lynching. In the northern and southern regions of the United States of America, Blacks were routinely lynched by not only common citizens but also with the aid of local police and sheriffs (Kennedy & Kennedy, 2011; Shaver & Mikulincer, 2011) The question is, why was this a common circumstance? The answer lies in a then, continued bias toward the Black

race. One generation to another. Generating preconceived notions about one race versus another nurtured and practiced by a single race claiming superiority (Maskaly & Donner, 2015; Restivo & Lanier, 2015).

2. Background of Related Problem

Social labels in America identify certain groups and often have layers of subcategories that can alienate individuals who do not fit with so-called norms of society. Normalcy is described by the majority, those who are not perceived as normal are often labeled and subjected to being criticized and ostracized (Restivo & Lanier, 2015). Advertisements used exaggerated caricatures to depict Blacks in a negative manner and subconsciously directed other Whites to view Blacks unfavorably. Whites developed concepts that Blacks were lazy, liars and thieves who could never be trusted (Maskaly & Donner, 2015). It was evident in everyday life from the harshly segregated southern regions to the equally segregated northern regions; America made it very clear, Blacks were second-class citizens most prominently by their White counterparts. The impacts of the dehumanization and demonization of Blacks by their White counterparts, directly affected the perceptions of Whites and their view of Blacks for future generations of Blacks. Blacks were denied certain rights that were guaranteed to others by the United States Constitution, preventing them from equal opportunities for employment and education based solely on race (Maskaly & Donner, 2015; Restivo & Lanier, 2015).

Research conducted by James Q. Wilson and George Kelling in 1982 identified social issues that impacted certain communities. The research was both subjective and objective in the reporting of social disorder, criminal activity and police interactions with residents of certain communities. The term broken windows, is derived from a metaphor ascribed to the conditions found in studying incivility and higher rates of crime in certain areas, communities or neighborhoods. The labeling of certain communities as Broken Windows Zones helped to identify streets, neighborhoods and communities that lacked economic viability, which were overrun with crime and abandoned properties. Wilson and Kelling effectively identified the areas as Broken Windows Zones but the research also had unintended consequences (Cattell, 2001; Kelling & Wilson, 1982). The concept suggests that ignoring a crack results in a broken window indicative of the makeup of people who live in an area. And that those persons are uncivil toward each other and the greater community respectively because it is inherent and expected (Kelling & Wilson, 1982).

The Kelling and Wilson research did not account for the historic disparities among the demographics of people, mainly Blacks, who were systematically oppressed (Callejas, Hernandez, Nesman & Mowrey, 2010; Lim, 2017). Most importantly the research showed specific areas populated by persons of color who generationally resided in certain areas and did not include White counterparts who experienced same or likewise circumstances for the same reasons; economy, lack of opportunity and high rates of incivility (Owens & Smith, 2005).

The label is disproportionately applied to areas where Blacks or person of color dominate the population (Leech, 2012; Restivo & Lanier, 2015). The unintended consequences of the research and identifying areas as Broken Windows Zones affects policy and programming initiatives that receive local state and federal funding opportunities for social programs that might improve the quality of life for those

residents. Policy makers use the results of the research to make decisions as to what those communities and the people who resided in those communities needed to remove the label or it impacts what is not done in ways of social programs to improve the conditions of the area (Muniz, 2012; Owens & Smith, 2005). If the research by Kelling and Wilson could identify those areas as having a high rate of incivility based upon the aesthetic condition, the research suggests that areas that did not contain blight had a lesser chance of incivility (Restivo & Lanier, 2015; Ranasinghe, 2012). This would mean that neighborhoods that had no blight had no instances of incivility. It must be considered that economically disparaged persons seek opportunity for change. Ideology and value systems cannot be judged solely on the conditions of the neighborhood or community they reside in. An increase of local, state and federal funding for social programs that help to level the playing field for economic advancements, education opportunities and housing choice could be the key to closing the ever-widening gap, between the equality lacking for one race over another. Increased funding of social programs such as housing choice voucher systems which can impact school choice. The creation of economic programs encouraging entrepreneurship and educational opportunities for high school students path to college to effectively change social and physical disorder. (Cattell, 2001; Leech, 2012; Neville et al., 2016).

Scope of the Research

Another unintended consequence resulting from the Broken Windows Zone label is that because the research suggests these areas have a high rate of incivility, it directly impacts the perception of law enforcement (Clemens & McBeth, 2009). Law enforcement deals with these types of areas differently than other areas. The difference is that in those Broken Windows Zones, law enforcement has a higher rate of contention in these neighborhoods and there are far more instances of disparities in the prosecution of Blacks and in the deaths of unarmed Blacks (Fridell, 2017; Jenkins, 2016; Leech, 2012; Lim, 2017). The Kelling and Wilson study did not address how choice for residency or the lack of choice created congregation in economically disparaged or low-income areas (Cattell, 2001; Leech, 2012; Owens & Smith, 2005). This type of social disorder between classes and separations by class is not new to the history of the United States of America (Cooper et al., 2015; Jung et al., 2010; Neville et al., 2016; Nightingale, 2012). Social disorder and physical disorder are factors that lead to Broken Windows Zones; stakeholders include not only the residents, but also the property owners, business owners, religious and social organizations that service the area. The structure of that community is a direct reflection of that city and county's local authority and political factions that must express through action a belief of economic viability for everyone (Glaser & Denhardt, 2010).

3. Discussion

In the Black community in the past and presently, the increased numbers of shootings of unarmed Blacks by police have shaped Blacks perception of law enforcement (Glaser & Denhardt, 2010; Lim, 2017). Law enforcement recruits should be screened or evaluated prior to admission of the academy. Personal values and ideology have great impact on the interactions police have with citizens (Glaser & Denhardt, 2010; Lim, 2017; Terrill, 2016). Monitoring behavioral patterns of police officers can identify behaviors that lead up to unnecessary use of force and excessive use of force. The use of force or excessive force is too often implemented when the

police view or perceive certain demographics to be a threat with and without provocation (Lim, 2017; Terrill, 2016). The problem of police shootings of Black citizens is not limited to one region but instead is wide spread. The Criminal Justice System on the most local level, has rarely treated the instance where a citizen, a Black citizen specifically, is shot and killed with the vigor of transparency that the public so often demands. Far too often the death is ruled a justifiable homicide but perceived by the community directly affected, as normalcy in the shooting deaths of Blacks (Lim, 2017; Terrill, 2016).

It must be considered that the high rate of recidivism for Blacks is related directly and indirectly with the earliest contacts with police and interactions with the American Criminal Justice System (Hofmann, 2011; Jung et al., 2010; Neville et al., 2016). The rates of recidivism increase in certain communities that are in peril, because of social disorder which includes few opportunities to improve economic status.

Convictions impede employability and housing choice, returning to dysfunction, social disorder and social limitations after conviction, hinders the individual and puts them at greater risk for recidivism (Crutchfield, Skinner, Haggerty, McGlynn & Catalano, 2009; Taxman et al., 2014). The United States of America has a descriptive history of unfair, deliberate bias toward Blacks in civil legal matters and in criminal proceedings, denying due process in both settings (Neville et al., 2016). Blacks have been disproportionately sentenced at higher rates than their White counterparts when the White committed the same type of crime. Recidivism rates for Blacks are greater than for Whites (Taxman, Pattavina & Caudy, 2014). The Black recidivism rates are bolstered by violations in probationary settings mostly due to technicalities (Taxman et al., 2014). Technicalities such as simple contact with police regardless of arrest have a great impact on the recidivism rate. The early interactions between Black males and law enforcement shape concepts of the Black males by law enforcement and matriculate misconceptions of law enforcement by Black males (Hofmann, 2011; Lim, 2017; Terrill, 2016). This could be attributed to a cultural bias on both sides. Police may interpret cultural behaviors like clothing and hairstyles as deviancy. This lack of cultural understanding can lead to decisions to engage negatively. This type of negative interaction with law enforcement fuels contention and widens the gap of understanding of culture clashes (Hofmann, 2011; Lim, 2017; Terrill, 2016).

American history is riddled with criminal cases where the Black is denied instances of due process as guaranteed by the United States Constitution. For example, in the southern region a Black man could be accused of a crime despite overwhelming evidence of his innocence, be convicted solely on the word of his accuser. In the reverse a White counterpart would be accused of committing a crime against a Black and not be arrested let alone convicted. A high rate of recidivism for the Black stems from limitations imposed by convictions and after a sentence is served (Hofmann, 2011; Jung, Spieldnes & Yamatani, 2010). The Black male has been a target, denied opportunity for economic viability, and educational opportunities. The Black male is demonized for his lack of success (Meagher & Ellis, 2013). The Black male's social status was then and continues to appear to be that of an enemy to the public by both law enforcement and society. Early interactions with police for Black juveniles, especially Black males can migrate from juvenile delinquency cases to adult

infractions with the law. This early interaction begins around the middle school level (Crutchfield et al., 2009; Hofmann, 2011; Meagher & Ellis, 2013). Ideologies and personal value systems impact decision-making processes and out-comes of those actions. The mental health of police officers is germane to behaviors exhibited toward others (Meagher & Ellis, 2013).

4. Results

Local law enforcement agencies who include or increase diversity training at the recruitment level, the interim and throughout tenure, for interactions with communities of color have better reception with residents (Gustafson, 2013). The local police interact with communities existing in traditional cultures and subcultures within. This is important because of cultural differences embraced by some and not understood or mischaracterized by others. Understanding cultural attributes rather than assumptions and stereotypes, help to change perceptions police have about certain demographics, rather than enforce their own personal values and ideologies (Gustafson, 2013). Mental health screenings and evaluations help to identify developing issues that may impact decision-making (Gustafson, 2013; McDaniel, 2018). Police must soften their images in communities of color to shape future perceptions and erase existing ones. Parties, law enforcement and citizen contend a fear, yet neither is an enemy of the other. It is the historical consistency of violence against Blacks and people of color by police and the lack of transparency, the lack of accountability and the ending justification of occurrences of violence against Blacks that fuels the contention of fear (Gustafson, 2013; McDaniel, 2018). External review boards comprised of officials and residents of affected communities should give oversight to police in cases of police who use deadly force against unarmed citizens regardless of race (Lim, 2017). Police should be trained to manage crisis situations with a uniformed approach, to manage, to intervene and deescalate without extremity (Gustafson, 2013; Lim, 2017; Terrill, 2016). Citizens should expect police to encourage the peace and not fear targeting. It is recommended that police interact with communities of color beyond arrests and crisis. Encouraging community policing programs that garner citizen involvement; crime watch, citizen review board memberships can help improve relations between law enforcement and the communities they serve who have been historically criminalized, disproportionately sentenced and who have a higher rate of recidivism (Taxman et al., 2014).

In a long-ago era, the rule of thumb was that Blacks were second-class citizens and expendable (Cooper et al., 2015; Meagher & Ellis, 2013; Neville et al., 2016).

Before and after slavery, Blacks experienced unfair practices versus their White counterparts from the American Criminal Justice System. Some examples are; Blacks could not testify against a White person, a Black person could not bring a lawsuit without a White person as a sponsor and rarely, was a White person prosecuted for a crime against a Black person (Kenny, 2009). Jurys consisted of White males who almost always voted unanimously in favor of the White person, even in cases where the Black person was a clear victim (Jung et al., 2010; Meagher & Ellis, 2013; Neville et al., 2016). A straight-forward line included in the 13th Amendment gave the local authority an avenue to systematically re-enslaved the Black, who was bound to local ordinances and statutes which were compiled and enforced by law enforcement and judges of the deeply segregated Southern region of the United States of America

(Freeman, 2002; Meagher & Ellis, 2013; Tsesis, 2004). Slavery and forced servitude were outlawed, but could be assigned as punishment for a crime after conviction (Tsesis, 2004). When assessed with fines they could not pay, Blacks were confined and auctioned to wealthy farmers or plantation owners, businessmen and others could pay the fine and take possession of the prisoner. Ideology and personal belief systems shape policy, then it can be perceived the ideology and value system of a White American citizen, at that time was one of superiority to the Black person or any person who was not White (Fridell, 2017; Meagher & Ellis, 2013). Because of the conceived superiority, Blacks were perceived as lessons and treated as such when policy and funding was granted or denied. The ideology of lawmakers and those that design and shape policy is important to the people that the laws and policy affect directly (Meagher & Ellis, 2013). It should be considered that if the ideology of lawmakers and policy makers is shaped by the social status of people in a specific community, is it reasonable that policy makers and law makers view the individual equally viable? Can the policy be beneficial to the greater good of that sector? It is possible but likely not (Crutchfield et al., 2009; Jung et al., 2010; Neville et al., 2016).

The prosecutorial branch and the judicial branches of the American Criminal Justice System have distinctive roles on the impact of those charged and sentenced (Kenny, 2009). The prosecutor has the power to pursue charges or not pursue charges. Prosecutorial misconduct is relevant to this discussion because of the power extended to this branch of the Criminal Justice System (Kenny, 2009; Meagher & Ellis, 2013). Prosecutors have the power of discretion to charge for criminal acts or not to charge (Kenny, 2009). Prosecutors have an extensive history in failing to prosecute crimes against Blacks by Whites and an even more prominent history of prosecuting Blacks for crimes against Whites. Arguably, this disproportion of the prosecutions discretionary methods and implications has been met with public concerns of bias (Kenny, 2009). Could the reason be that the ideology of the judicial branches is predisposed to oppressing one demographic based on that demographics race, while showing leniency to another demographic also based solely on race (Meagher & Ellis, 2013).

The Civil Rights Movement between 1954 and 1968 gave rise to a steady stream of litigation in relation to civil rights. Blacks returning from World War II who had experienced a freedom abroad that was not apropos to American standards especially in the southern regions (Badger, 2007). Jobs, education and housing choice were real options for Blacks and many filed suits to obtain the benefits of American citizenship. Landmark cases heard in the United States Supreme Court set precedent for laws regarding segregation. Because of the tumultuous nature of the volatile south, violence against Blacks and others in support of Blacks civil rights was extreme (Badger, 2007). Lynching's, bombings, beatings and rapes were common in the north and south. Another common factor was these acts of violence and lawlessness against Blacks, were perpetrated by local law enforcement (Badger, 2007). In many cases prosecutors refused to bring charges. In recent years prosecutors have come under scrutiny because of high profile cases where Blacks have died at the hands of law enforcement (Dandurand, 2014; Kenny, 2009). In the case of law enforcement use of deadly force, prosecutors rarely choose to indict. Because of a lack of transparency and a consistent justification, the prosecutor's discretion is called to judgment. The

Criminal Justice System can be successful from a systematic reform approach, and have a great impact on Blacks and other minorities (Dandurand, 2014; Kenny, 2009).

5. Conclusion

The purpose of this research was to show that persons of color or Black American citizens have been denied equality for long periods of time and have not been able to recover from a second-class citizenship in several instances. The lack of equality for Blacks has had a direct impact for the advancements of the race and culture. The restrictions imposed by White counterparts in the past, have married with other components of society that have directly impacted Blacks, especially within the American Criminal Justice System which has a long and storied history of unfairness to Blacks and other persons who are not White. The question now becomes, what is the proposed solution? The answer is not a simple answer.

However, the answer does lie with added diversity among the Criminal Justice System and with law enforcement agencies. A new direction in how the Black is viewed by the leadership in communities. Despite changes from the Reconstruction period to present day, the disparities of unfairness and bias are very relevant to social disorder and physical conditions in the Black community and in communities where social disorder breeds Broken Windows Zones. Social disorder is directly related to incivility. Incivility is not germane to one demographic but instead is widespread. Social labels issues that diminish, demonize and dehumanize one demographic over another based on the racial and cultural differences of one race to another. The perceptions of law enforcement, for the people they are sworn to protect and serve, must be shaped or reshaped to understand the cultures and sub-cultures of the community holistically. The Criminal Justice System needs serious reform to reduce instances of recidivism in Black communities.

Lastly, far too often today's society is reminiscent of bygone era of blatant racism and bigotry. A rise of extremist and radicals convey a message of discord and separation by actions of violence and by spouting rhetoric that targets persons of color (Shaver & Mikulincer, 2011). American history is the keeper of records that depict lawlessness and the systematic oppression of one race over another. Every citizen of the United States of America has a right to life, liberty and the pursuit of happiness as guaranteed by the United States Constitution (Muniz, 2012). The leadership in a public organization such as the American Criminal Justice System should implement and embrace a core value system that includes commitment to a responsible stewardship with respect for the community it serves. Leadership in the Criminal Justice System must be beyond reproach and of impeccable integrity bearing an unwavering responsibility to excellence in performing the tasks of seeking justice and exacting justice, without regard to respective person, race or culture. It is incumbent upon the leadership of the Criminal Justice System to ensure that it recognizes racial and cultural disadvantages of individuals who are susceptible to disproportionate sentencing (Jung et al., 2010; Kenny, 2009). Action Recommended.

Diversity training should be immediately implemented to change the perceptions of law enforcement agents who interact with Blacks and other communities of color ((Muniz, 2012; Peaslee, 2009). In most shootings of unarmed Blacks, law enforcement expresses a fear for their lives. That fear may be cultural or racial bias, based on personal, discriminative value systems and bigoted ideologies

(McDaniel, 2018). Through diverse cultural training, local law enforcement can improve relations and begin to understand the cultures and subcultures of the communities they are sworn to protect and serve (Glaser & Denhardt, 2010). Intense training must begin at the academy level. Cultural diversity training will enlighten academy recruits to the traditions and cultural aspects to improve race relations in the communities they serve.

Law enforcement agents assigned to public schools, especially schools from areas described as Broken Windows Zones, should be educated and trained in cultural diversities (Dandurand, 2014; Lambert & McGinty, 2002). Black males, who have their earliest interactions with law enforcement in elementary school, tend to migrate into the adult criminal justice system (Kenny, 2009; Restivo & Lanier, 2015). This early interaction has a higher rate of recidivism as both juveniles and adults. The school resource officer should be trained in behavioral or child psychology and work with school administrators before criminalizing behavior (Dandurand, 2014; Lambert & McGinty, 2002). This method would decrease the pipeline from school to the juvenile justice system and reduce juvenile recidivism (Dandurand, 2014).

Broken Windows Zones should have a strong law enforcement presence as a stakeholder for that area, not as an enemy (Peaslee, 2009). Law enforcement must have the discretion to refer issues of domestic relations and dysfunction to social services agencies to help defeat the maltreatment of children who are at risk (Glaser & Denhardt, 2010). Working with social services to make corrections to social disorder improves the community (Muniz, 2012; Peaslee, 2009). Adults, who have already been impacted by early interactions with law enforcement, face recidivism when there are too few economic opportunities and educational opportunities. The recidivism rate is increased with social disorder and social labeling of certain races and cultures.

Community based programs must be funded by the local, state and federal government to help eradicate the social and physical disorders associated with Broken Windows Zones (Muniz, 2012; Owens & Smith, 2005). Community policing programs help build communications between society and law enforcement (Peaslee, 2009).

Increased diversity among the leadership within the American Criminal Justice System Judicial and Prosecutorial branches can change perceptions of unfairness and bias toward Blacks and other communities of color (Hofmann, 2011; Kenny, 2009). The prosecution must use a greater discretion for charging certain races and cultures for criminal behavior disproportionately to Whites who commit similar crimes (Kenny, 2009). Recidivism rates are higher for Blacks who come from Broken Windows Zones. Recidivism rates are affected by technical violations from; increased contact with police, lack of economic opportunity, social labels and housing restrictions within the offender's own community (Dandurand, 2014; Owens & Smith, 2005). Recidivism rates are higher for members of society who have a criminal history because they cannot find employment and may have to live in at risk areas such as Broken Windows Zones (Edwards, 2009). Finally, it is recommended that offenders be restored certain rights after sentencing is completed with few exceptions. Restoring right to vote for convicted felons improve chances for self-sustainability when reintroduced to society. When voting rights are not restored after conviction the sentence is extended (Edwards, 2009).

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