

**MASS INCARCERATION: RACIAL DISPARITY IN THE U.S.  
CRIMINAL JUSTICE SYSTEM**

by

Crystal Nichole Pugh

Liberty University

A Dissertation Presented in Partial Fulfillment

Of the Requirements for the Degree

Doctor of Philosophy in Criminal Justice

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### **Abstract**

The United States incarceration rate has remained steady at over two million people incarcerated within their criminal justice facilities. Among the U.S. criminal justice system incarcerated populations, African Americans are disproportionately represented contributing to its overwhelming numbers and overcrowded facilities nationwide. Studies have shown racial disparities experienced within the correctional system have been credited as a direct result of decision-making at various points throughout the criminal justice process. Previous and even current research on racial disparities within the criminal justice system have attributed much of its data to disproportionate minority contacts in the juvenile population and a heavy police presence in communities of color or lower economic status. Codes and laws developed to control the slave population, along with their conduct, continue to influence the United States and contribute to the racial disparity experienced in prisons. Data collection on this topic has done little to address policy changes and public perception as to why blacks are overrepresented in correctional facilities populations when they only represent a small portion of the U.S. To answer the questions in this study, the researcher will conduct qualitative research based on a transcendental phenomenological research design. The population sample for this study will focus on the young adult to older Black male populations, with/without a criminal history background. Field research for this topic aims to observe the subject of study in their natural environment and help the researcher challenge their perspectives with actual social context that shapes lives. A transcendental phenomenological approach seeks to give voice to a rather vulnerable population through the lens of a non-dominant groups' worldview.

*Keywords:* correctional facilities, criminal justice system, disproportionate minority contact, bias, minority, racial disparity

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### **List of Abbreviations**

Critical Race Theory (CRT)

Computer Assisted Qualitative Data Analysis (CAQDAS)

Disproportionate Minority Contact (DMC)

End Racial Profiling Act (ERPA)

Family Stress Model (FSM)

Gender Role Strain Paradigm (GRSP)

General Strain Theory (GST)

Mundane Extreme Environmental Stress Model (MEES)

National Incident-Based Reporting System (NIBRS)

Public Policy Institute of California (PPIC)

Radicalized General Strain Theory- (RGST)

School-to-Prison Pipeline (SPP)

Uniform Crime Reports (UCRs)

## **CHAPTER ONE: INTRODUCTION**

### **Overview**

For this study, I chose qualitative research study based on a transcendental phenomenological design to investigate the topic of mass incarceration as it relates to racial disparities within the United States criminal justice system. The mistreatment of minorities within the United States has been a consistent issue ingrained in the U.S.'s historical roots dating

back to slavery. Throughout history, Blacks have received disparate treatment that has ironically led to the disparate impact within the criminal justice system. Beginning as early as the 1800s, poverty in the United States led to the increased number of youths turning to petty crimes to make a living. Due to the issues faced during that time, the Society for Prevention and Pauperism established the *Ex parte Crouse* which gave sanction to institutionalizing youth to gain control socially (Cox et al., 2018). This new era led to the establishment of the first juvenile court known as the Hull House in Chicago, Illinois which established a place of refuge for those experiencing homelessness. Over time, the practice turned towards a tough on crime juvenile justice practice that led to youth of color being placed into adult prisons. Prevalent from the 1980s through the 1990s, the major impacts to youth of color were the drug-free zone laws, anti-gang laws, zero tolerance in school, and the transference of youth to adult court systems.

### **Background**

Despite declining crime rates since the 1990s, the United States incarceration rate has risen to astounding numbers over the years. The U.S. incarceration rate has remained consistent with around 2.3 million individuals either residing within a correctional facility or jail population (Sawyer & Wagner, 2019). The numbers reflected in this estimate do not include the million or so other individuals who are on some form of probation or parole living within their communities. Although criminals are found guilty when they go to trial, most of them sign plea deals with the district attorney in hopes of getting lighter sentences. Over the past decades, the U.S. has seen a surge in minority populations behind bars in their facilities. Petit & Guitierrez (2018) states amongst the populations in criminal justice facilities, those incarcerated are unequally concentrated among men, African Americans, and those that are illiterate.

Mass incarceration has not only affected the criminal justice system, but the communities where young black males are incarcerated, indirectly impacting their families and the economic vitality of those neighborhoods. Minority neighborhoods have always struggled with low-income and health disparities when it comes to socioeconomic factors in their communities. Racial disparities have also existed in the United States of America dating back to slavery as well as post-slavery when special laws were developed to control the Black population. Places in the south, even today, are plagued with the memory of times when Blacks were once considered not equal, but a form of property. Although it has become a mainstream topic of today, mass incarceration that stems from racial disparities in the U.S. criminal justice system is not a new topic of discussion. By addressing these issues, in alignment with finding relevant real-world solutions to the problem, one can only hope to move forward towards equity and equality.

### **History of Blacks and Disparate Treatment in the U.S.**

Bowdler and Harris (2022) define racial inequality as an unequal distribution of power, resources, and economic opportunity across racial backgrounds throughout society. Racial disparities in wealth, health, education, housing, and mobility come to mind when conversing on the topic of minorities and inequality. According to Payne et al. (2019), implicit bias has remained ubiquitous even amongst those who unequivocally reject prejudice. At the conclusion of their study, Payne et al. found that counties that relied heavily on slavery before the Civil War displayed higher levels of pro-White implicit bias among White residents and less pro-White bias among the Black residents (2019). During the twentieth century, populations' demographics changed throughout the country and was known as, "the great migration" (Payne et al., 2019). Large numbers of Blacks moved from rural southern areas to those in the northern cities bringing forth change as biases began to shift. With over two hundred and fifty years between the time

the first slave ship landed in the American colonies and the abolition of slavery in 1865, counties as well as states more dependent upon slavery experienced the highest amount of implicit bias amongst the White population.

Differential treatment, which favors one group over another, has also been well documented in the U.S. criminal justice system as well with its roots based within structural inequalities between those of color and White people (Nembhard & Robin, 2021). For example, Black Codes and vagrancy laws once used to maintain the Black communities were developed during and after the Reconstruction (Hinton et al., 2018, as cited in Nembhard & Robin, 2021). Other laws, such as the Jim Crow laws, also existed in communities of color not being able to readily access resources afforded to White communities and the segregation of Blacks. According to Nembhard and Robin (2021), economically based policies such as convict leasing, redlining, and credit score usage, have continually prevented those of color from generating wealth and the development of positive resources in their communities. Based on Michelle Alexander's 2010 book *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, she elaborates on how slavery and current laws and policies have led to the modern-day criminal legal system exerting control over people of color (Nembhard & Robin, 2021). Back in the mid-1900s when segregation laws were challenged by those who participated in the anti-segregation movements were arrested and placed into jails/prisons and labeled as criminals. President Reagan's "get tough" on crime rhetoric furthered the criminalization for people of color by targeting communities of color for the war on drugs and gangs. Even with increased educational levels, African Americans possess less wealth than that of the White population (Hanks et al., 2018).

### **Situation to Self**



My main motivation for pursuing this research involved the need for the re-evaluation of our country's current situation surrounding a criminal justice system that is unequivocally overrepresented with Black males nationwide. As a current law enforcement officer who presently works within a violent crimes unit, I have witnessed common practices rendered by the court systems in my county involving the very same issues I am researching. Such routine practices and procedures, as well as laws, that I swore to uphold are now being challenged from various angles and among different audiences. Over the past fifteen plus years I have served in law enforcement, in some capacity or another, performing duties including serving those in need. By upholding state as well as federal laws, I have arrested those who violate the law and incarcerated them as a direct consequence of their actions. I too, over my career, have arrived at the conclusion that biases surrounding Black males as a threat, has inadvertently played a part in my own apprehensions when dealing with criminal involvements. Due to my unawareness, I contributed such biases as implicit, but self-correcting in nature.

During my initial research on this topic, my biases were challenged, and I was overwhelmed with literature that solidified the data and arguments for the many inequalities experienced by those in the criminal legal system. Through further research, I also observed gaps in the literature involving social factors and mental health contributions on the topic. While there has been empirical evidence that gives some answers to my research questions, the significance of its implications on society was lacking towards improvements. As a result of these findings, my proposed study represents an application in balancing academic precision through a bipartisanship to address racial disparities nationwide.

Edmond Husserl developed the research paradigm of my proposed study called the transcendental phenomenological approach. Husserl developed this approach as a qualitative

research methodology in which to understand human experiences (Moustakas, 1994; as cited in Sheehan, 2014). Phenomenology constitutes the understanding of a first person lived experience through a detailed and systematic approach (Tassone, 2017). The interpretivist paradigm adopts a relativist ontology in which events may have various interpretations rather than facts based upon a specific method to gain a deeper understanding so that the researcher can see what happened and how (Pervin & Mokhtar, 2022). The social disorganization theory, also known as “racial invariance thesis”, is because Whites and Blacks live in significantly different areas and those who live in disadvantaged neighborhoods have lost all social buffers (role models) resulting in social isolation for the remaining (Gabbidon & Greene, 2019). By not having exposure to social buffers and mainstream individuals and institutions, those that are isolated develop their own set of norms within those areas (Gabbidon & Greene, 2019). Interpretivists, on the grounds of epistemological viewpoints, define reality as “socially constructed through the experiences of social narrators” (Pervin & Mokhtar, 2022, p. 422).

### **Problem Statement**

Over the years, criminal justice professionals and policymakers have noticed an increase in the incarcerated population across the United States leading to facilities that are overcrowded with individuals serving longer sentences. In 2017, the adult incarceration rate was almost six times higher for Blacks than Whites (Bronson & Carson, 2019, as cited in Gottlieb & Flynn, 2021). Issues surrounding disproportionate minority contacts within the juvenile population have also contributed to the overrepresentation of the Black youth population in the juvenile detention system. During the late 1980s through the 90s, the government noticed a growing problem in America with drug usage and sales in major cities and relied on strict laws to crack down on the spread of illegal narcotics in the U.S. In McCarter’s (2018) article, she talks about

the relationship between criminal justice and social work since the 19<sup>th</sup> century when the focus of the system was on rehabilitation. Since that time, crime rates have increased causing the focus of criminal justice to move towards a punishment and incapacitation method that arose during the 1980s and 1990s behind the “get tough on crime” drug era. What was once known as “get-tough-on-crime” laws that were extremely popular at that time, contributed to the older population of incarcerated adults serving time for crimes involving drugs and gang violence. Other laws and policies derived from this era used prolonged sentencing as scare tactics (deterrence) for suspects and future criminals, to gain control of a growing epidemic.

While crime rates since that time have decreased, the incarceration rate has continued to climb placing the U.S. as the highest incarcerated population in the world. Not only has mass incarceration led to increased population sizes in facilities across the country, but it has also led to the disproportionate overrepresentation of minorities in the criminal justice system. Such racial disparities have led to a need for changes in public policy, laws, and awareness of biases as well as a redress on disparities in the criminal justice system. McCarter’s (2018) article is based on several analyses that focused on the U.S. population size from 2014 to 2015 involving demographic categories; offense types of those incarcerated based ethnic groups; and the recording of criminal data based on the Uniform Crime Reports (UCRs) and the National Incident-Based Reporting System (NIBRS). McCarter (2018) also breaks down theories that may explain some of the overrepresentation of minorities in the criminal justice system to “differential involvement” and “differential selection”.

McCarter (2018) states that, differential involvement asserts that individuals of color commit more crimes than white, while differential selection asserts that law enforcement and the justice system treat those of color differently than those who are White. During the 80s and 90s,

the criminal justice system used the retributive justice theory to punish offenders as an “end in and of itself”-to achieve justice for the people (Cullen & Jonson, 2017, p. 8). Researchers have explained through both public discourse and academics that disparities seen in incarceration are attributed, in part, to the legacy of slavery in the country (Alexander, 2010; DuVernay, 2016, as cited in Gottlieb & Flynn, 2021). According to Gottlieb & Flynn’s (2021) article, research has shown through multiple regression models that counties with elevated levels of slavery in 1860 are associated with increases in the risk of “pretrial detention, the likelihood of being sentenced to incarceration, and the length of the incarceration sentence” (p. 4).

Researchers also identified how discriminatory criminal justice policies and practices have historically targeted Black people since the Reconstruction Era, to include, Black Codes, vagrancy laws, and convict leasing that were enforced as post-slavery control over freed people (Hinton et al., 2018, p. 1). In Kovera's (2019) article, she breaks down the prevalence and causes of why racial disparities exist within the U.S. criminal justice system. Little to no research has addressed a possible racial discrepancy other than researchers suggesting that Black defendants are at a relative disadvantage. Aggressive policing in racially segregated neighborhoods has contributed to a disproportionate number of contacts and use of force actions by officers. Research has also shown that Whites are less likely to be searched than Black people even though searches of Whites have produced more contraband during stops than that of the minority resulting in racial bias. While state and federal representatives are aware of the disparities experienced by blacks in the U.S. criminal justice system, previous research on the topic has not led to any significant changes by policymakers or state legislators.

The central problem is that minor changes have been made in policies and procedures addressing racial disparities experienced within the U.S. criminal justice system. By bringing

awareness to issues such as those involving the lack of research into prosecutorial decision-making in relation to plea deals for Black people, as well as upgrading policies and laws that govern them, will continue to push the urgency for change.

### **Research Questions**

For the present study, the researcher wanted to focus on the main topic of why racial disparities within the United States criminal justice system persist with no real solutions. Even today, in a world that has evolved into a desegregated nation, we still experience disparities in health, wealth, education, and the legal system. Racial inequalities that have long existed in this country's history are still present and cripples the success of our society. To communicate my intent, the central research question I chose was broad, but addresses the proposed study's general research topic through lived experiences. Beginning with the first sub-question chosen, I wanted to address the "why" in its existence today, followed by the more pressing issues in our legal system surrounding discretionary decisions and sentencing policies that target minorities in the second sub-question. The second sub-question unpacks the realistic gap in society for minorities that may or may not contribute to the social disparities and inequalities experienced by those in the U.S. Finally, the third sub-question takes a more general stance, inquiring about current as well as the potential resolves to fix racial disparities in our criminal justice system by the target population.

**Central Question:** How do Black men perceive and experience racial disparities within the criminal justice system of the United States?

The central research question addresses the principal need for examining differential treatment based on race that has been well documented within the criminal justice system

in the U.S. Racial biases that have always existed in the legal system are shown to impact future decision points and have resulted in negative outcomes for Blacks as well as other people of color (Nembhard & Robin, 2021). Additionally, this research question attempts to fill in the gaps for racial disparities in mass incarceration.

**Sub-question 1:** What social factors do Black men in this study perceive as contributing to racial disparities?

In the United States, the population level is assessed by imprisonment being associated with negative life expectancy and positively with infant mortality, and its associations being the strongest for Black people (Blankenship et al., 2018). Growing literature continues to demonstrate that racial inequality produces mass incarceration, and mass incarceration in turn reproduces racism (Alexander, 2012; Bobo & Thompson, 2010; Foreman, 2012; Walker, 2016, as cited in Blankenship et al., 2018). The first sub-question addresses the central problem in this study, proposing further investigation into the link between racial disparities and mass incarceration within the criminal justice system by those who experience the phenomena. It also breaks down social issues faced by those in the target population that can contribute to the penal population.

Sentencing guidelines, which were once a major policy intervention to increase uniformity in sentencing and reduce unwarranted disparities, have led to Black people receiving the greatest disadvantage in guideline decision-making when it comes to intermediate punishments (Painter-Davis & Ulmer, 2020). The second sub-question then addresses one of the many concepts as to why Black people experience great disadvantages from policies that were once established to reduce disparities and inequality.

**Sub-question 2:** What solutions exist to resolve racial disparities within the criminal justice system through the Black male's perception of his lived experiences?

Currently, there are many theories as well as proposed solutions to the problem of racial disparities in the criminal justice system. While there is vast research on the topic, its scope is narrowed and there has been no progress made to correct disparities. Through the elimination of racial inequity and biases, policies as well as the legal system can begin to heal from millenniums of a broken system of injustices for those of color.

### **Purpose Statement**

The purpose of this transcendental phenomenological study is to identify the issues related to racial disparities seen within the U.S. criminal justice system for Black males and the social injustices experienced from our country's past that has contributed to the status. The researcher I chose a qualitative research design because of its ability to examine both past and present effects that contribute to and can influence the future to come. By utilizing a transcendental phenomenological study, the reader can understand how our country's past policies, procedures, and laws continue to shape the current legislation and contribute to disparities in the criminal justice system. My first approach includes conducting one-on-one interviews with Black males between 20-65 years of age. Participants in this study ranged from those with and without a criminal history background. My second approach consists of past and present research obtained through peer-reviewed and scholarly articles online.

What I wanted to accomplish with this study was to identify why disparities continue to exist within the criminal justice system for Black males, to identify the need for policy and law reforms nationally, to address socioeconomic issues that disparately affect those of low-income status and the minority race; and identify discriminatory practices and procedures that go

unidentified within our countries legal system. While mental illness is underrepresented as a factor in criminal justice involvement for minorities, it contributes to the lack of knowledge among impoverished minority communities and the need for healthcare reforms. My motivation for this research is to begin to see policy and law changes, and to acknowledge that those changes must occur by those in administrative positions, to begin to work towards community buy-ins and community-based violence interventions for those of the minority so that change occurs. As an example, the United States is the world's leader in incarceration with the Black population disproportionately affected by the justice systems long reaching hand. Wildeman and Wang (2017) speaks of the emerging literature on how mass incarceration affects families, communities, and even health disparities due to loved ones being behind bars.

David Garland goes further to define mass incarceration as entailing an historical and extreme level of incarceration that becomes so common among some groups that being incarcerated has become a normal stage in their life course (Wildeman & Wang, 2017). Donnelly and Asiedu (2019) contend that empirical studies have identified disparity as the cause of race/ethnicity on court outcomes post considering all other case factors such as the severity of the case and prior arrest history. The school-to-prison pipeline also serves as an example of the racial disparity in the criminal justice system. It was discovered that in-school and out of school suspensions, as well as expulsions of minorities, have a direct link to the prison pipeline for those students, later in life, who received these forms of harsh punishments while in school. Barnes & Motz (2018) states such punishments change the course of behavioral development by eventually leading to an accumulation of consequences, which has a strong likelihood to lead towards the criminal justice system in their lifetime.



While implicit bias may have its role in racial disparities experienced in the criminal justice system, there are other issues such as crime reduction and litigation strategies that plays their part in courtrooms across the country where offenders are handed down harsher sentences and heavy ended plea deals. Kovera (2019) states the identification of structural issues that contribute to the racial and implicit biases in our system as well as the elimination or change of those structures, may prove as a more practical path for systemic change.

### **Operational Definitions**

1. *Correctional facilities*- Institutional corrections facilities to include prisons and jails (Duwe, 2017).
2. *Criminal justice system*- The numerous public agencies involved in implementing public policy concerning crime (Neubauer & Fradella, 2019).
3. *Cumulative disadvantage*- The theory posits that individuals' lives are shaped by decisions and events that are both positive (advantages) and negative (disadvantages) (Bohmert & DeMaris, 2018).
4. *Disproportionate minority contact (DMC)*- The disproportionate representation of ethnic and racial disparities within the juvenile justice system (Donnelly & Asiedu, 2022).
5. *Implicit bias*- Implicit bias, also known as unconscious bias, exists in human beings and allows for them to act in an irrational way (SpearIt, 2020).
6. *Intermediate Sanctions*- Intermediate sanctions are referred to as a form of criminal punishment that lies in between community supervision and confinement, which provides a middle ground for sentencing severity (Henry, 2021).

7. *Mass Incarceration*- Mass incarceration involves the widespread incapacitation of individuals in jails and prison that is characterized by systematically targeting specific segments of the population (Garland, 2001, as cited in Petit & Gutierrez, 2018).
8. *Minority*- Minority status has been linked with visibility as a non-white person, and such phenotypical visibility has marked people in terms of racial stigmas and discrimination (Song, 2019).
9. *Racial disparity*- Racial disparity represents the imbalances of treatment in racial groups, including economic status, income, criminal justice, societal treatment, and a myriad of other life and society aspects (Howard University, 2023).
10. *Racial inequality*- Racial inequality is distribution that is unequal in resources, power, and economic opportunity across race in a society (Bowdler and Harris, 2022).
11. *Racial Profiling*- Racial profiling is the law enforcement practice of using someone's "race, ethnicity, national origin, or religious appearance as a factor when deciding to initiate a traffic stop, questioning, frisking, searching, and other routine practices by police (Harris, 2020).
12. *School-to-prison-pipeline*- The school-to-prison-pipeline is known as the theoretical construct that examines how disproportionate discipline and exclusionary punishment affects students of color, pushing them out of the school and into the criminal justice system (Basford et al., 2021).
13. *Trauma-informed pedagogy*- Trauma-informed pedagogy shows the impact of childhood trauma on youth and its outcomes that lead to negative health and performance in school (Basford et al., 2021).

### **Scope and Limitations**

For my research, I will be measuring the disproportionate rate at which the minority population are incarcerated daily within the criminal justice system. Through peer-reviewed articles online and further analysis on the topic, I hope to not only bring attention to the problem but show where the gaps in the literature exists due to outdated and limited research on relevant topics. For instance, in Scherr et al. (2020) article, they link *cumulative disadvantage* to wrongful convictions and forced confessions by those who encounter the criminal justice system. Scherr et al. (2020) states 30% false confessions in the United States legal system are eventually exonerated through DNA. The cumulative-disadvantage framework explains how the innocent suspect's naivete and the interrogator's presumption that they are guilty, triggers this process that can lead to a false confession (Scherr et al., 2020).

By examining the rate at which Black people enter the criminal justice system compared to their White counterparts, I hope to bring more awareness to the many contributing factors that support racial disparity while pursuing the urgent need for change. The variable researched for this study is the Black male, as I discovered they are the most affected by their overrepresentation in the criminal legal system. The data collection method I will use includes existing research from past and present authors and one-on-one interviews with my target population, including those criminally and non-criminally involved. As with any research, there will always be limitations on things that cannot be evaluated or measured. Balko (2020) writes that systems and institutions that produce racially disparate outcomes can occur regardless of the people's intentions that work for or within them. An individual cannot quantify racial disparities into numbers and percentages but must include real-life experiences that can produce rich and valid data for future research and stakeholders in the federal government and its agencies.

## **Summary**

As producers and consumers of research, being knowledgeable of methods is valuable to professionals working in criminal justice. Throughout chapter one, I discussed the background of this study with the problem statement to support its interests. After formulating appropriate research questions, I developed a purpose statement explaining the importance of this topic. Also included in chapter one is the operational definitions for understanding concepts throughout the study on racial disparities in the criminal justice system. Finally, as an end to chapter one, I briefly discuss the scope and limitations that may arise during the process. Flexibility is central to any form of research as it is ever evolving. This research will assist in constructing a working theory on racial disparities by utilizing a qualitative transcendental phenomenological design and one-on-one interviews with the target population. The present study will feature a collaboration of practical, theoretical, and historical significance while contributing consistent structure and present-day information.

As presented in this chapter, incarceration should never become a normal stage within the life course of individuals. Although experiences shape individuals' lives, bad ones tend to generate a negative mindset. Kovera illustrates how structural issues that can be identified abet change and elimination, proving a more practical path towards systemic change. Criminal justice reforms from the past that once were established to level the playing field for criminal acts and their actors have led to the unintended consequences we face today. As incarceration rates continue to rise and disproportionate minority populations contribute to those numbers, the United States can expect increased racial impacts through discriminatory practices and laws in the future.

## **CHAPTER TWO: LITERATURE REVIEW**

### **Overview**

In the previous chapter we discussed the background of racial disparity in the criminal justice system along with the problem and purpose statement. The problem that we are faced with in the United States stems from a history of racial disparities that has resulted in mass incarceration and affects communities of color throughout our country. Minorities, who represent such a small proportion of the United States population, are disproportionately represented within the criminal justice system and its facilities. Racial disparity not only affects the individual, but their families and society along with the quality of life. The minority population is over-represented in the adult justice system and the juvenile, stemming from disproportionate minority contacts and harsh school disciplinary actions on Black males. Disproportionate minority contacts have become mainstream and go unnoticed and unchecked by those who work within the legal system. Merely acknowledging the problem and not doing anything to change the current state of things serves no purpose for those directly and indirectly impacted.

Minorities are disproportionately represented within the criminal justice system, beginning in early adolescence. Some researchers have attributed racial disparities in criminal justice to earlier policing methods dating back to slavery when slave patrols and codes authorized the White population to control that of the Black. Past and present researchers have attributed our current problem to the history of the United States and slavery during those times. However, other issues addressed by researchers and criminologists attest racial disparities in the justice system to disproportionate minority contacts (DMC), higher law enforcement presence in urban neighborhoods, racialized policing, minorities' lack of participation in juries, and minorities' lack of treatment for mental health needs. This research aims to inform, acknowledge, and discuss options that can address racial disparity directly and mass

incarceration indirectly. This chapter will discuss a more in-depth look into racial disparities observed throughout the criminal justice system in law enforcement contacts, court trials, and correctional facilities. We will look back on our country's past and discuss contributions that have led to past and present disparities experienced today. This chapter will contain the theoretical frameworks and additional literature to address the central research question and identify the current and impact the future solutions to the problem.

### **Theoretical Framework**

#### **Socialization Theory**

The Black family, for centuries, has been the cornerstone for socialization and a source of protection against racism for many. Values, beliefs, morals, and norms are derived from decades of generational information passed down from elders to the next generation. By obtaining this information, Black people have become more resilient and hold a cultural pride that provides psychological protection from racial prejudice and discrimination. In Sewell et al. (2020) article, they used the Mundane Extreme Environmental Stress (MEES) model, racial socialization theory, and Family Stress Model (FSM) to provide information on a new theoretical framework explaining the effects of interactions between Black people and law enforcement on the individual, their family, and the communities where they live. This theoretical framework aimed to propose that the impact and stressors that accompany negative police encounters could contribute to the psychological as well as physical challenges of Black people.

Black communities have been over-policed for years, leading to adverse outcomes through hyper-surveillance by law enforcement officials. From 2010 to 2012, it reports that more Black males between the ages of 15 to 19 were killed by police when compared to their White male counterparts of the same age group [31.17 versus 1.47 million] (Gabrielson et al.,

2014, as cited in Sewell et al., 2020). Through the racial socialization theory and FSM, the promotion of racial and ethnic pride assists Black people in developing coping mechanisms. Sewell et al. (2020) also assume that through racial socialization, Black people are more aware of the discriminatory practices displayed by law enforcement officials, leading to mistrust and fear towards them.

### ***Socioeconomic Factors***

Recidivism rates in the United States remain at an all-time high, with 76.6% of offenders reoffending and returning to prison systems throughout the country (Flores, 2018). Newly released inmates find themselves with no support system, jobless, and uneducated placing them at a higher risk for recidivism. Conversations surrounding significant social injustice issues for Black, uneducated men have arisen and are associated with the U.S.'s mass incarceration rates. Many policies created around the civil rights movement aimed to suppress various social movements, such as the Black Panther Party, labeled them as thugs and deviants during this time (Flores, 2018). Presidential campaigns focused on the "war on drugs" also depicted Black people as drug dealers or users (Flores, 2018). Rhetoric's such as these paved the way for stereotypes and prejudices against Black people. Flores (2018) refers to this form of racism as Laissez Faire or colorblind racism. As society would allow the opportunity for Black people to succeed, the system would make it exceedingly difficult for them to do so because of the stereotypes displayed through media outlets.

Other than incarceration becoming a normative life course transition for young minority males, removing them from society also includes removing them from their families, placing "successive generations at risk for increased aggression [Geller et al., 2012], depression, delinquency [Swisher and Roettger, 2012], homelessness [Wildeman, 2014], and hampered



educational attainment [Miller and Barnes, 2015]” (Dennison & Demuth, 2018). Studies throughout history advise that Black men received lower wages in the labor force when compared to White men since the 50s (Western & Petit, 2005, as cited in Flores, 2018). Flores (2018) explores one argument that correlates the incarceration rate with the unemployment rate. Western’s (2002) argument is that men with lower economic opportunity turn to crime to achieve a usual way of life, which lands them in prison at some point (Flores, 2018). Thus, as the U.S. incarceration rates continue to rise, so do unemployment rates in the U.S. Some employers are also skeptical about hiring people with criminal records, making it harder for them to resume their life course and return to prison (Flores, 2018). Wage inequality gaps are direct consequences of incarceration as it hinders the offender’s opportunity for growth at the individual level. The social organization of neighborhoods can also affect ex-offenders’ behavior, whether positive or negative.

Those released from prison return to their neighborhoods in search of resources to integrate into society successfully; however, when not found, their probability of returning to prison increases significantly (Flores, 2018). Moreover, youth who live in areas of higher crime, poverty, and increased social disorganization, are also at risk of turning towards criminal activity, leading them into the legal system. As mentioned previously, education can play a significant role in whether an individual enters the criminal justice system. According to Berg and Huebner (2011), Black high-school dropouts were more likely to enter the prison system for the first time (Flores, 2018). Compared to college enrolled or military service, Black men were more likely to be found in prison (Flores, 2018). Low intellectual skills can also affect whether an employer hires an individual in every industry within the labor force. As many Black former inmates return to society, they find themselves incapable of holding down a steady job,

homeless, or even depressed, which can lead to continued criminal activity or even suicide (Flores, 2018).

### **Critical Race Theory**

Next, George (2021) delves into the Critical Race Theory (CRT) as an evolving and malleable practice that continues to permeate the "social fabric of this nation" (para. 2). According to George (2021), CRT acknowledges that racism has become a regular part of society embedded within our systems, such as the legal system, which depicts racial inequality. Although CRT has been around since the 1970s within the legal academy, it persists as an inquiry in the legal field and other areas of scholarship (George, 2021). As one last theory to note, Agnew's general strain theory (GST) of crime attempted to bring to the discussion of race acknowledgment that the Black position in America shapes their strained experiences, emotional reactions, and coping mechanisms to explain the racial gap in offending (Scott & Grosholz, 2019). According to Wen et al. (2023) article, they believed CRT further reveals the normality of racism in that it is everywhere and embedded into society's institutions and structures (Ford & Airhihenbuwa, 2010).

### ***Racial Profiling***

The first legislation proposed on racial profiling is the Traffic Stops Statistics Act of 1997, H.R. 118. The bill, enacted in 1998, constituted the first attempt to address racial profiling during traffic stops for black and brown drivers, which was occurring in disproportionate numbers for infractions (Harris, 2020). After the act passed, multiple states passed anti-racial profiling legislation for the next several years leading to the End Racial Profiling Act (ERPA). Surfacing during the 2000 presidential elections, President George W. Bush vowed to his administration to end the practice for good (Harris, 2020). Two decades later, the U.S. remains

the same, with racial and ethnic appearances as an indicator of suspicion and law enforcement involvement (Harris, 2020). Harris (2020) defines *racial profiling* as the law enforcement practice of using someone's "race, ethnicity, national origin, or religious appearance" as a factor when deciding to initiate a traffic stop, questioning, frisk, search, and other routine practices by police (Harris, 2020, para. 5).

The historical targeting of African Americans stems from a long history of organized police forces in the United States, beginning with slave patrols. Racial profiling has become systematic over the past two decades of the 20th century, starting with Florida state trooper Bob Vogel in the 1980s. Working in drug interdiction along the state highways, Vogel put together a list of factors that kept coming up in most drug busts that were incomplete and selective; they only included stops where they found drugs and not where drugs were not (Harris, 2020). Vogel received high recognition for his tactics, even becoming sheriff of Volusia County, Florida. During that time, the Drug Enforcement Administration (DEA) took notice and created its profiling system known as Operation Pipeline (Harris, 2020). In 1986, Operation Pipeline used millions of dollars in federal funding to train police nationwide on profiling (Harris, 2020). Once the tactics of Operation Pipeline became a part of training and tactics for police forces around the country, Black drivers became familiar and routine targets of law enforcement stops (Harris, 2020).

For instance, in New Jersey's *Soto* case (State v. Pedro Soto, 1996), Dr. John Lamberth proved that race was dominant in drivers stopped and searched by the state police interdiction teams (Harris, 2020). Dr. Lamberth was able to show that even though anyone stopped for some traffic infraction, African Americans were stopped at a vastly higher rate than one would expect, given they represented only 13.5% of those on the road, but made up approximately 35% of all

of those stopped by the police (Harris, 2020). A similar study was also conducted in Maryland by Dr. Lamberth, where a Black public defender and his family were stopped for a petty traffic infraction and had their vehicle illegally searched by state police. This study determined that while only 17% of Black drivers were on the interstate highway in Maryland, 72% of those stopped and searched were Black (Harris, 2020). Marshall Frank, a former police chief in Miami in 1999, gave an opinion piece in the *Miami Herald*. Franks states, "Label me a racist if you wish, but the cold fact is that African Americans comprise 12% of the nation's population but occupy nearly half the state and federal prison cells. African Americans account for 2,165 inmates per 100,000 population, versus 307 for non-Hispanic whites and 823 for Hispanics" (Harris, 2020, para. 13).

As a result of Harris's (2020) study, in jurisdictions where racial targeting was used for stops and searches, police hit more often with White drivers than with Black or Latinos. This evidence highly refuted the claims of Marshall Frank, which argued that when focusing on the "right people," which were minorities, police would do better (Harris, 2020). In another study conducted by Horn (2020) in North Carolina, he also found that contraband was more likely to be found on White drivers than it was on Black drivers. Once more, only representing 16% percent less of those driving on the road, Black people were 63% more likely to be stopped (Horn, 2020). Policing by proxy, known as the new era of racial profiling, involves minorities suffering extra police attention while not engaging in criminal behavior other than the instigation of white civilians (Harris, 2020).

### **General Strain Theory**

In 2008, Agnew and colleagues revised GST to explain the differences in offending between Black people and Whites in America. Racialized General Strain Theory (RGST) posits

that due to Black people's particularly disadvantaged social positions in America as related to crime, they experience certain strains increasing their likelihood of specific conditioning (Scott & Grosholz, 2019). Due to these structural and institutional barriers, Black people are likelier to be less educated, live below the poverty line, and live in urban (destitute) communities (Bureau of Labor Statistics, 2016, as cited in Scott & Grosholz, 2019). The existing research on GST has posited that police contact with non-White individuals can be considered criminogenic among minority neighborhoods (Toro et al., 2018). Such studies indicate the over-policing of Black communities and higher than routine pedestrian stops in the same neighborhoods. Findings from these studies have also predicted that broken trust issues have arisen from these interactions and caused Black boys and young men to move towards delinquent behavior as a response (Toro et al., 2018).

Toro et al. (2018), using four waves of longitudinal survey data from sampling predominantly 9th and 10th-grade Black and Latino boys, found that adolescents stopped by the police reported delinquent behavior 6, 12, and 18 months later. This information was independent of prior delinquency and consistent with labeling and life-course theories (Toro et al., 2018). Findings of this nature further advance the scientific nature of crime and adolescent development, which can later raise policy questions. Lastly, GST argues that acute stress can increase the likelihood of anger and distress, leading to criminal behavior and delinquent acts (Toro et al., 2018). Fontaine (2019) argues in her article that GST when combined with Gender Role Strain Paradigm (GRSP), helps to explain why males hold a higher rate of criminal involvement. Broidy and Agnew (1997) suggested that male crime rates were higher than female because they manage stressors differently when applied across the gender role board (Fontaine, 2019).

Fontaine (2019) states that although Agnew did a wonderful job of relating stressors to crime, he missed the central issue of why males committed higher property and violent crimes than their female counterparts. Fontaine's (2019) GSRP, which Joseph Pleck initially modeled in the 1980s, attempted to "integrate the new ideas about masculinity," which had then begun to appear in professional literature and later as a systematic theoretical framework (Pleck, 1995, as cited in Fontaine, 2019, p. 160).

### ***Over-policing***

According to Parker's (2017) article, Black boys are labeled as having discipline problems, being criminalized, and being overclassified into special education programs. A wave of what is known as secondary policing has begun to allow so-called concerned citizens to justify incidents, and even murder in Trayvon Martin's case, of young Black boys. Secondary policing is society's hyper-surveillance of Black boys that aids law enforcement in police contacts that can lead to confinement (Parker, 2017). The SPP is a prime example of the school system's use of secondary policing, where Black males are expected to be disruptive, violent, and uncooperative (Parker, 2017). Jones-Brown and Williams (2021) also attest that the over-policing of Black bodies is not merely a perception, but a lived experience documented throughout social media, where repeated and aggressive police encounters continue to be documented. Empirical knowledge, which is both qualitative and quantitative, that these lived experiences and perceptions are repressive and present distinct social consequences for Blacks in the United States (Jones-Brown & Williams, 2021).

Daanika Gordon, assistant professor of sociology for the School of Arts and Sciences at Tufts University, conducted a study concerning the systematic issues that stemmed from communities of color being over-policed. Her study consisted of studying different policing

strategies within a highly segregated city; identifying the town was unknown at the time of this article to offer insight and better practices by officers nationwide. According to Smyton's (2020) article, what Gordon began to discover was that "predominately Black neighborhoods are simultaneously over-policed when it comes to surveillance and social control, and under-policed when it comes to emergency services" (para. 4). Gordon goes on to emphasize how racial residential patterns seen today are a direct reflection of a decade's long discriminatory practice where acts of violence were racially charged; zoning laws and restrictive agreements were accustomed to, and redlining was a customary practice (Smyton, 2020). Black city residents and their neighborhoods were overlooked and seen as undeserving by their local government, private investors, and financial institutions (Smyton, 2020). Such dynamics ultimately contributed to the racial wealth gap throughout the United States, where differences in the way of life were vastly different across all resources for those of color.

### **Related Literature**

#### **The Early History of Racial Disparities in the U.S. Criminal Justice System**

According to Ward's (2022) article, slavery's legacy and Black-White inequalities in arrest rates remain both positive and significant nets of control. Defined as "one of discriminatory formal social control of African Americans," slavery's legacy has shown a link between the historical regime of violence and social control of Black people throughout history, even today (Ward, 2022, p. 534). In southern parts of the country where slave dependence was greater significant, there are now greater disparities in its legacy that persist indirectly by "shaping population distributions and local levels of interracial threat and structural disadvantages facing minority communities" (Ward, 2022, p. 534). Ward's (2022) article suggests that policymakers and social justice advocates concerned with tackling the United

States' racism and policing problems should not only focus on areas with solid slave legacies but also on those contemporary structures that comprise the slavery legacy.

Slave patrols that once ruled the South were born out of the need to control the slave population and their owner's financial investment eventually. Slave codes, which established early precursors to modern policing, controlled enslaved Black individuals trying to escape the South (Ward, 2022). The Fugitive Slave Laws in 1793 and new laws in 1850 further empowered states to make individuals join the slave patrols (Ward, 2022). Years later, a new era of social control began with White terroristic violence known as Jim Crow (Tolnay & Beck, 1995, as cited in Ward, 2022). Police during this time were tasked with upholding White supremacy norms through lynchings and other violent ritualistic punishments for Black people that remained through the late 60s and into the 70s (Ward, 2022). During the civil rights movements between the late 1950s through the 1990s, law enforcement officials and southern governors began developing harsher tactics and punishments to suppress civil rights protests, even criminalizing them (Flores, 2018). Lawmakers around this period began making laws to criminalize the possession of certain types of weapons and public intoxication, which targeted Black people (Flores, 2018).

### **Black Youth and Disproportionate Minority Contacts**

As early as adolescence, minorities disproportionately represent the population within the criminal justice system in the United States. Some researchers have attributed racial disparities in criminal justice to earlier policing methods dating back to slavery when slave patrols, codes, and laws authorized controlled the Black population. Past and present research has attributed today's issues to the history of the United States during those times. Other issues addressed by researchers and criminologists also attribute racial disparities to DMC, higher law enforcement



presence in urban neighborhoods, racialized policing, minorities' lack of participation in juries, and minorities' lack of treatment for mental health needs. Rahaman (2017) defines DMC as the "overrepresentation of Black and Latino children in the juvenile justice system" (p. 2). Rahaman discusses in his notes how many factors have led to the disproportionate representation of youth of color in the juvenile justice system.

In Brasford et al. (2021) article, they describe what is known as the school-to-prison pipeline (SPP) that exists in the U.S. Also known as a "theoretical construct that explains how disproportionate discipline and exclusionary punishment of the Black and brown students," eventually pushes them out of school and into the criminal justice system (p. 540). In 1990, zero-tolerance policies were developed by the federal government to prevent the use of drugs and gun violence in public schools as a safety precaution. Policies such as this ultimately impacted young boys and men of color disproportionately compared to their White counterparts. In this article, Brasford et al. (2021) also speak of a "trauma-informed pedagogy", which shows the impact of childhood trauma on youth and its outcomes that leads to adverse health and performance in school. Despite being aware of the students' circumstances, schools still issued the most severe punishments instead of providing a support system. It has also been identified that youth who receive harsher punishments in school are more likely to have learning disabilities, come from single-parent households or foster care systems, live in poverty, or are homeless (Basford et al., 2021).

According to Riddle and Sinclair's (2019) research, Black students experience more office referrals, suspensions/expulsions, and stiffer punishments within the United States. In the U.S., many inmates that fill the prison facilities and jails lack the appropriate education and skills to prepare them for success in life. Adverse school outcomes have been linked to involvement

later in the juvenile and adult justice systems. Rocque and Snellings (2018) define the SPP as “the increasing connection between school failure, federal, state or local school disciplinary policies, and student involvement in the justice system” (p. 4). Individuals associated with academic failure show to specifically come from African Americans, American and Alaskan Natives, low-income, and students with intellectual disabilities (Rocque & Snellings, 2018). Rocque and Snellings (2018) offer answers such as reducing the alliance of state on juvenile incarceration, reducing the use of exclusionary discipline in schools, and adopting programs such as *Positive Behavior Intervention and Support* and *School-Wide Positive Behavior Support* that were developed by the American Academy of Pediatrics (Rocque & Snellings, 2018).

Evidence has supported programs such as this by showing the positive outcomes of students' behavior and supporting better academic outcomes. The Office of Juvenile Justice and Delinquency Prevention (2019) states, “Education and school attendance are normal developmental milestones for youth and can serve as important protective factors against delinquency and involvement in the juvenile justice system” (Development Services Group, 2015c, as cited on p. 1). In 2002, the reauthorization of the Juvenile Justice and Delinquency Prevention Act of 1974 required the states who participated in the Formula Grant Program “must put forth a good faith effort to addressing juvenile delinquency and the presence of minority youth at all decision-making points of the juvenile justice system without the use of numerical quotas” (Peck, 2018, p. 305). In this article, Peck (2018) aims to express the significance of monitoring, evaluating, and identifying interventions to remove implicit biases that decision-makers may have.

Through identifying needs from risk assessments, juveniles can get the help they need from those in positions to do something about it. Also, by identifying the school as a contributor

to DMC and the need for risk assessments, juveniles can begin getting help more efficiently from those in positions to bring change. Peck (2018) states that severe punishment and punishment-oriented sanctions must end, as has been apparent over the years. The need for a combined investment through law enforcement, community-based prevention programming, and proper training in implicit bias for key stakeholders in the justice system can serve as a step in the right direction in addressing DMC properly. By giving rehabilitation-oriented dispositions over punishment-oriented sanctions, minority youth will no longer be viewed as responsible for their offending behavior based on racial stereotyping (Peck, 2018). Although most of Peck's solutions seem symbolic, implementing the strategies mentioned earlier will only support lessening DMC and lowering the numbers of minority youth in the justice system.

The *American Journal of Public Health* calls for consequences experienced by mass incarceration as “one of the great public health challenges of our time” and asks that public health “reinvigorate its core value in social justice to improve the health of the poor, underserved communities affected by mass incarceration” (Blankenship et al., 2019, p. 12). In New Haven, Connecticut, a study was conducted on drug-related offenses committed by individuals and followed at six-month intervals up to two years from 2011 to 2014. This study discovered that Black people were more likely to have been incarcerated as juveniles, spent time in juvenile facilities and adult facilities as juveniles, and been on parole (Blankenship et al., 2019). In 2013, it was discovered that minorities represented 30% of probationers and 40% of parolees, although these forms of community supervision can also be seen as extensions of the criminal justice facilities (Blankenship et al., 2019, p. 46). In 2014, the incarceration of Black people across all age groups was six times those of white, and from ages 18–19, males were nine times more likely to be imprisoned (Blankenship et al., 2019). According to Pettit and Gutierrez (2018),

mass incarceration is not just a collateral consequence for individuals but is born collectively, most notably for African Americans living in highly disadvantaged communities that experience higher-than-normal levels of policing and surveillance.

### **Racial Gaps and its Influence on Society**

This research seeks to inform, acknowledge, and identify the current gaps in the literature surrounding mass incarceration in the U.S. and the racial disparities that led to this outcome. Wealth, for instance, is explained in terms of what people own, such as their house, retirement savings, bank accounts, etc. (Weller et al., 2022). To sustain economic stability and security, individuals must possess and maintain such things as listed previously. In Mineo's (2021) article, research was conducted involving the wealth gap between Black and White Americans as the rationale for centuries of institutional and systemic racism and the disparities that stem from them. In a 2018 analysis of U.S. income published by the Federal Reserve Bank of Minneapolis, historical data revealed that nothing has happened concerning reducing wealth inequalities for Black and White households for over 70 years (Mineo, 2021). Jim Crow laws established after the Reconstruction served as the beginning of this century's long injustice where Black Americans in the South could not accumulate nor pass on wealth.

Throughout the Great Migration, African Americans struggled with employment, housing, and educational discrimination across the country (Mineo, 2021). Scholars over the past decades have examined the Black-White household wealth gap and have found that the legacy of slavery has hindered, and continues to hinder, their ability to accumulate wealth (Mineo, 2021). Rather than living with a legacy of generational wealth passed down from generation to generation, Black people have passed on a legacy of discrimination, inequality, and exclusion from the American dream. Increasing inequalities led to growing gaps in educational

resources and learning opportunities between high and low-income counterparts. Economist Richard Murnane states that many people, especially males, have grown up with the idea that they would be able to provide for their families. However, the inability to do so has left them frustrated, angry, and depressed (Mineo, 2021). On the other hand, Hetey and Eberhardt (2014) detail that disparities can cause people to become more supportive of the very policies that cause their disparities (as cited in Hetey & Eberhardt, 2018).

Hetey and Eberhardt (2018) explain that statistics about disparities have provided the opportunity for justifying and rationalizing disparities found in the system rather than reexamining the system itself. Estimated that roughly 70 to 100 million Americans have an incarceration, conviction, or arrest record as a direct consequence of a decades-long mass incarceration/overcriminalization (Weller et al., 2022). Nearly half of the United States children have at least one parent who falls within this category today (Weller et al., 2022). Moreover, these statistics have birthed what is known as a “nationwide criminal records crisis” that has become a significant factor in poverty and racial inequality (Weller et al., 2022). Households with current and previously incarcerated family members earn 50% less than households not affected by incarceration (Weller et al., 2022). Households affected by incarceration have a lesser chance of long-term wealth, further exacerbating the racial wealth gap in the U.S.

In 2017, the imprisonment rate for Black people was six times higher than for Whites (Gottlieb & Flynn, 2021). Nearly two percent of Black males are imprisoned in a state or federal prison at any given time, and over a quarter of those experience imprisonment by the time they are in their mid-30s (Bronson & Carson, 2019; Western & Petit, 2010, as cited in Gottlieb & Flynn, 2021). According to the Sentencing Project (2018), African American adults are 5.9 times more likely to be incarcerated than whites and Hispanics who are 3.1 times as likely. The Supreme Court

views the criminal justice system as fair, color-blind, and class-blind towards all people. However, the fact remains that our prison populations consist of an overwhelming amount of poor and Black inmates. Under Article 2 and Article 26 of the International Covenant on Civil and Political Rights, all residents, regardless of their race, are ensured to be treated equally under the law (Sentencing Project, 2018).

Criminal trials in America are rare, as 90% of convictions on both federal and state levels are adjudicated through plea deals (Subramanian et al., 2020). Even so, by one estimate, a criminal case is resolved through plea bargaining every two seconds during a typical workday in America (Subramanian et al., 2020). In 2012, Justice Anthony Kennedy of the U.S. Supreme Court stated that “criminal justice today is for the most part a system of pleas, not a system of trials” (Subramanian et al., 2020, p. 2). Few studies have assessed disparities in the steps that lead up to a defendant’s conviction and left gaps in the literature surrounding racial disparities in the plea-bargaining process. Berdejó (2018) addressed this gap in his article, identifying that White defendants are 25% more likely to have their initial charges dropped or reduced to a lesser crime than Black defendants. White defendants are 75% more likely than Black defendants to be convicted of a crime carrying no possible incarceration or no conviction at all (Berdejó, 2018).

Bowdler and Harris (2022) define *racial inequality* as the “unequal distribution of resources, power, and economic opportunity across race in a society” (para.1). Racial disparities can include wealth, education, employment, health, and rates of incarceration. The Secretary of the Treasury, Janet Yellen, in 2022 stated, “A country’s long-term growth potential depends on the size of its labor force, the productivity of its workers, the renewability of its resources, and the stability of its political systems” (Bowdler & Harris, 2022, para. 2). Yet even though the U.S. aims to advance economic growth, many policies have affected the labor markets and so

forth, therefore not benefitting all Americans. Communities of color, rural communities, and other marginalized people are impacted and cannot fully participate in nor benefit from the nation's prosperity (Bowdler & Harris, 2022). Parts of this outcome have been attributed to the legacy of slavery in the United States during the 1800s. In short, Alexander (2010) argued that incarceration was part of a lineage of "punitive institutions used to enforce the racial hierarchy in the United States" and slavery was the primary approach used to enforce this hierarchy prior to its abolition (Duverny, 2016, as cited in Gottlieb & Flynn, 2021, p. 4). The overrepresentation of black males in the criminal justice system is overwhelmingly comprised of 13% of the U.S. population but represents 35% of those incarcerated (Hinton, 2018).

In Krohn and Fox's (2020) article, they state that the United States' current situation "represents a systematic failure to address disparities within the criminal justice system and across our country" (p. 2). Racial discrimination within the criminal justice system has existed for centuries, yet there has been no change in correcting the injustices many face as minorities. For instance, Riddle and Sinclair's (2019) article talks about the rate at which Black students are disciplined in school settings more than White students. Both authors state that Black students are more problematic and likely to be punished than White students committing the same offense (Riddle & Sinclair, 2019, p. 8255). Researchers have attributed two reasons for racial disparity in what they refer to as disparate impact and differential treatment.

Research data has continued to find evidence that differential treatment is often used when it comes to minorities being treated more punitively than white offenders.

The research documented between the eighties and the nineties demonstrated that black juveniles were detained, confined, and sent to correctional facilities at a higher rate than their white counterparts who were not but sent to psychiatric hospitals instead (Robles-Ramamurthy &

Watson, 2019). Research has also attributed lower high school graduation and unemployment rates to justice-involved youth. Most importantly, the link between detention and increased recidivism rates has also been documented (Robles-Ramamurthy & Watson, 2019). Robles-Ramamurthy and Watson (2019) advise that addressing the social factors that lead to disproportionate minority contact will reduce racial disparities in the juvenile justice system.

### **Racial Inequalities in the Justice System and Beyond Lockup**

High concentrations of exposure to community members who are justice-involved over time reinforce inequalities across “geographies, groups, and generations” (Pettit & Gutierrez, 2018, p. 1170). Recent killings and deaths of minorities in police custody have sparked nationwide racial tensions. Such racial tensions have transitioned into the presidential elections and brought about a divide among the citizens of this country. Kovera (2019) talks about the case of George Zimmerman and Trayvon Martin, where initially, he was charged with murder but later acquitted of all charges. Kovera (2019) continues by saying Zimmerman was acquitted because the six-person jury only consisted of one person of color. While the motive of excluding individuals from jury participation is unconstitutional, Black individuals are more than likely to be removed during jury selection based on peremptory challenges (DeCamp & DeCamp, 2020). Venires, or potential jurors from a panel, are selected prior to trial during a process by both defense and district attorneys (Gongola, 2019).

Contributing factors discovered during this study revealed that potential Black venire members never make it to the selection process due to having prior criminal convictions, living in areas where jury summons are undeliverable, or their inability to afford lost wages incurred during their jury service (Ellis & Diamond, 2003; Kalt, 2003, as cited in DeCamp & DeCamp, 2020). Legal stereotypes by attorneys believing that Black jurors would be more lenient to Black



defendants is also a reason for Black venire removal from the selection process. Kovera (2019) states that arraignments in Manhattan offered more pleas for community service, fines, and time served for White defendants, while Black people were given the least favorable pleas of serving some time incarcerated (Kutateladze et al., 2014, as cited in Kovera, 2019). In a study on New York Police Department's "Operation Impact" policing program, they saturated high-crime areas with additional police officers to combat crime and maintain order. The National Conference of State Legislatures (2022) found that sentencing enhancements in California disproportionately impacted those of color and individuals with mental health illnesses. According to the National Conference of State Legislatures (2022), Black people and Hispanics represent more than 92% of individuals sentenced for gang enhancements in California, which also has more than 150 different enhancements for sentencing.

During this study, low educational performance by minority juveniles was attributed to the aggressive policing tactics administered by NYPD (Legewie & Fagan, 2019). Findings provided evidence that "the consequences of policing extend into key domains of social life, with implications for the educational trajectories of minority youth and social inequality more broadly" (Legewie & Fagan, 2019, p. 220). Urban communities such as those in New York City can be viewed as that of racial profiling regarding their aggressive policing techniques, including the areas in which they targeted. Legewie and Fagan (2019) talk about a recent representative survey of fifteen-year-old boys that were African American and White being asked about law enforcement contacts during stops. The results showed that thirty-nine percent of African American boys reported being stopped by police, while twenty-three percent of white boys reported being stopped by the police at least once (Legewie & Fagan, 2019). Hetey and

Eberhardt (2018) conducted research in Oakland, California, which revealed 60% of the police stops involved that of African Americans, although they make up only 28% of the population.

Hetey and Eberhardt (2018) also conducted a study in California where Whites were informed about racial disparities regarding the three-strikes-law and state executions. In this study, individuals were presented with a petition and informed that by signing, it would have the law removed. As a result, when participants were shown photographs of a prison population with fewer Black individuals, 52% signed the petition to remove the law (Hetey & Eberhardt, 2018). However, when presented with a “more black” population, only 27% signed the petition (Hetey & Eberhardt, 2018). In Alang et al. (2017) article, they speak about how police brutality affects not only the physical aspect of the body but also the psychological through stress; financial costs from legal and incarceration bills; and the “integrated oppressive structures that cause systematic disempowerment” (Alang et al., 2017, p. 662).

Psychological stress can negatively impact the individuals living within these communities who witness unwarranted deaths as well as harassment for being a witness or victim. The ongoing tension between law enforcement and Black communities further illustrates, as a constant reminder, the history of minorities in this country and the devaluing of their lives. Alang et al. (2017) also reference the well-being of Black people affected by everyday life aspects such as education, housing, employment, and health care. Once arrested, Black people are more likely to remain in prisons longer and await trial at a higher rate than Whites (Alapo & Rockefeller, 2019). What this article posits is that while racial disparities exist within the U.S. criminal justice system, it has significantly limited many minorities, especially Black American males, the opportunity to move towards a more competitive social-economic

class, continually impeding upon their ability to achieve the “American dream” (Alapo & Rockefeller, 2019).

Clair and Winter (2017) interviewed fifty-nine state-level judges in the Northeastern state from 2013 to 2015. In their findings, thirteen of the fifty-five attributed racial disparities to “differences in criminal offending rates alone”, sometimes highlighting the roles that poverty and family dysfunction has on defendants and their criminal trajectories before contact with the system (p. 158). Judges during this study attributed disparities to the disparate impact of “facially neutral laws” that criminalize behaviors they believed Black people and Latinos are disproportionately involved in because of their socioeconomic positions in society and the areas they live in (Clair & Winter, 2017). According to Cox (2020), the majority growth of the nation’s prison population stemmed from changes in public policies that began around the mid to late seventies, where more punitive punishments and retributive policies led to increases in the incarcerated population. Indeterminate sentences at the time changed to determinate sentences that replaced the sentencing discretion that judges once had.

Such policies as the three-strike-law, truth-in-sentencing laws, and mandatory minimums led to individuals being incarcerated longer for less serious offenses (Cox, 2020). As an incremental approach for a law enforcement agency, they should focus on their department’s internal practices and policies before pursuing changes externally or in the community. Making significant decisions that are thoughtful and deliberate, in nature shows a commitment to the overall goal of changing racial equity. This strategy applies justice and fair treatment for all races to a system that may be imbalanced, even those unknowingly.

### **Discretionary Decision-Making and Sentencing Policies**

Sentencing guidelines are standards set in place by its jurisdiction to establish rational and consistent sentencing practices (Frase & Mitchell, 2018). Before sentencing guidelines, all states were under a system of indeterminate sentencing, which gave the legislature the authority to define criminal conduct and establish high maximum sentences (Frase & Mitchell, 2018). With indeterminate sentencing, judges had the discrepancy to impose any sentence up to the statutory maximum with no fixed term (Frase & Mitchell, 2018). Not only would there be a fixed term through determinate sentencing, but it would also be subject to discretion or a lesser degree. Sentencing guidelines are characterized by rational and consistent sentencing standards; proportionality; uniformity; and ensuring public safety (Frase & Mitchell, 2018). Sentencing guidelines, also called sentencing rules, are defined as those currently in effect; recommended sentences; they were developed by a legislatively created sentencing commission, and judges are legally required to consider them (Frase & Mitchell, 2018).

While judges must consider these guidelines, they can also depart from them to impose more lenient or severe sentences. According to Painter-Davis and Ulmer (2020), sentencing guidelines have adopted alternative sanctions such as indeterminate punishment, community-based sentencing, and rehabilitation programs as diversions over the past three decades. In the United States, there are over 2.3 million felony and ten million misdemeanor criminal cases a year that are prosecuted by more than 2,300 individual prosecutors (Concannon & Na, 2023). According to Concannon and Na's (2023) research, there was a presence of accumulating disadvantage for Black defendants who were more likely to be detained and indicted indirectly via higher bail requests than their White counterparts. Concannon and Na (2023) also use cumulative disadvantage, which focuses on long-term consequences from adverse life events at

an early age and is associated with delinquency during adolescence, as one of their theoretical perspectives in describing accelerated biases within the justice system (Concannon & Na, 2023). For example, defendants are placed in jail on a bond they cannot pay and are thereby detained until their pre-trial. As an outcome, defendants held in jail while awaiting trial plead guilty not only to obtain credit for their sentence but also to end the process (Concannon & Na, 2023).

When a criminal defendant pleads guilty to a criminal charge, they do so in return for an adjustment in the offense(s) charged and the sentence(s) imposed (Greenberg, 2021). During the early 1800s, criminal courts disfavored plea bargaining due to its history of coercion by the king (1600s) and because an innocent person could enter a guilty plea out of fear (Greenberg, 2021). Other reasons for the non-favor of plea-bargaining involved defendants with no attorneys and some felonies that only permitted death sentences; defendants would not voluntarily plead guilty. As the criminal justice system became more professionalized in the 1920s, plea bargaining tools emerged. The professionalization of the criminal justice system led to a presumption of guilt if arrested rather than a presumption of innocence that always existed until defendants were proven guilty (Greenberg, 2021). According to Greenberg (2021), plea bargaining for the Progressives brought about concern due to prosecutorial corruption and defendants' receiving somewhat of a pass on their punishments for serious crimes they have committed.

Greenberg (2021) advises that for Realists, plea bargaining assisted courts efficiently when dealing with an increased caseload at an efficient pace. Today, plea bargaining in the United States directly reflects the historical legacy of racial discrimination led by implicit biases (Greenberg, 2021). Approximately 97% of federal cases are resolved through plea deals, and even if the Black defendant is innocent, they opt to plead guilty to a lesser included offense (Greenberg, 2021). There is also the fear of jury trials that Black defendants with an extended

criminal history may avoid due to past experiences and outcomes. Social science research has proven that everyone has implicit biases, and most are unaware that they exist. Greenberg (2021) states that rather than examine the "physical and psychological subjugation", the white collective projects dehumanizing behaviors onto African Americans and blames them for the white collective's racism (pp. 126-127). Due to its hurried process, plea bargaining sometimes gives little to no preparation for defendants before meeting with their attorneys. Prosecutors and defense attorneys in plea deals may sometimes find themselves in an opponent relationship rather than a negotiator's relationship, working towards a common goal (Greenberg, 2021).

### **Minority Mental Health and the Criminal Justice System**

According to Vinson and Dennis (2021), societal drives in the U.S. is the reason for the overrepresentation of individuals with serious mental illnesses in the criminal justice system. Although many factors lead to the overwhelming number of mental health inmates in the justice system, the failure to serve those at a higher risk for legal system involvement is one of the central problems. A need for an integrated community health system that serves both mental and substance use disorders can benefit those who may encounter the justice system. When paired with treatment or service, instead of arrests and charges, those who are at higher risk can lower their criminal justice system involvement. The overrepresentation of people with serious mental illness is driven by multisystemic failures, a need for racial reforms that divert individuals to the mental health system, and the need for Medicaid policy reforms (Vinson & Dennis, 2021).

In the United States, adults who do not have children cannot qualify for Medicaid based on low income (Vinson & Dennis, 2021). Vinson and Dennis (2021) further state that in every stage of mental health system involvement, racial and ethnic groups are overrepresented in the criminal justice system. According to the Bureau of Justice Statistics, more than a quarter of

individuals in jail met the threshold for severe psychological distress, and nearly half of those were told by a professional that they had a mental illness (Pope, 2019).

### **Parole and Recidivism**

While the U.S.'s mass incarceration rates are attributed to individuals being sent to prison through the customary court process, a sizable portion of this population also comes from parolees returning to prison as a direct result of their revocation. According to the annual parole and probation survey conducted by the Bureau of Justice Statistics, 19% of individuals under community supervision during that time were released on parole; this rate increased to 20.6% between the years 2000 and 2016 (Kaeble, 2018, as cited in Henry, 2021). Parole officials are responsible for ensuring an inmate is ready for release, determining when the release should occur, establishing releasing conditions, and making the final judgment on parole revocations (Henry, 2021). An inmate's reintegration into society is pivotal and can determine whether they succeed. "Tough on crime" laws established by the government made it hard for those being released on parole as it was criticized as a system for being too lenient and for the premature release of offenders (Schwartzaphel, 2015, as cited in Henry, 2021).

In 2008, Huebner and Bynum discovered that Black offenders served a significantly longer time awaiting parole than their White counterparts (Henry, 2021). Also discovered, Black people under treatment programs were required to serve longer sentences before being considered for eligibility for parole (Henry, 2021). As a response, intermediate sanctioning, a form of criminal punishment between incarceration and community supervision, was used as a middle ground for justice officials. Engen et al. (2003) first examined intermediate sanctions and disparities from data collected from Washington State that indicated African American and Latino offenders faced significant disparities in its application (Henry, 2021). Black people and

Latinos were notably disadvantaged from receiving an intermediate sanction during sentencing. Front-end sentencing research found that Black and Latino offenders very often received harsher punishment outcomes than Whites (Henry, 2021). Also, the back-end sentencing processes observed from the California Parole Study found that Black and Latino offenders who committed criminal offenses would more than likely have their parole revoked due to the characteristics of the parolee (Henry, 2021). After conducting her study using the Texas Department of Criminal Justice data, Henry found that Black parolees were significantly more likely to receive revocation on new offenses and technical offenses when compared to completing their parole supervision (2021).

Flores (2018) states that several factors, such as poor education, unemployment, and racial disparities, contribute to recidivism and incarceration. Flores (2018) states that White jury officials were more punitive towards Black defendants and more likely to favor harsher punishments. For example, when it comes to defendants having their top charges dropped or reduced, White defendants are over 25% more likely than Black defendants to see their top charges dropped or reduced (Berdejo, 2018). The top charges mentioned above only applied when the top charge was a misdemeanor and not a felony. Not only are Black defendants who were initially charged with those misdemeanors more likely to be convicted more than White defendants, but Black defendants convicted of a misdemeanor are more likely to be punished by incarceration than white defendants when convicted of a misdemeanor (Berdejo, 2018). Misdemeanor charges can affect a defendant as they become a part of their criminal record and are considered later when judges decide whether to apply a bail as well as sentencing. Other consequences a defendant faces once released from prison or jail can affect them when dealing with federal student loan assistance and public housing for those trying to start over again.



These limitations can set a defendant up for failure, even sending them back to the same facilities they were just released from on recent charges and possibly their old ones. Also, felony charges were reduced at a rate of 5.99% more often for white defendants than for black (Berdejo, 2018). Minorities who encounter the criminal justice system are not only faced with social outcomes but adverse health-related illnesses and diseases. In reentry courts, African Americans were overrepresented compared to the percentage of White probationers, and this was more likely due to the overrepresentation of minorities in U.S. prisons (Ho et al., 2018). In 2013, Gallagher analyzed 376 treatment records for court participants in urban Texas (Ho et al., 2018). Gallagher found that 65% of its White participants graduated, 52% of Hispanics/Latinos did the same, and only 45% of Black people graduated from the same treatment courts (Ho et al., 2018).

While minorities are underrepresented in DUI and drug courts, they more than make up for it in reentry courts, where they represent 17%, and whites at only 2.7% (Ho et al., 2018). Racial inequality has been shown to affect minorities post-release from correctional facilities. Minorities returning to their communities do so back into the same disadvantaged situations in which they came from, making it harder for them to turn their lives towards a more positive and productive outcome. Teenagers who enter long sentences and exit prison as adults lack the vital life skills to help them transition into life as adults and become productive citizens. Young adults who entered prison in early adulthood have now aged out while in prison, returning to their communities not knowing what to do with themselves in a world they do not even recognize. Harris and Harding (2019) state, "Returning to disadvantaged neighborhoods after prison increases the risk of recidivism and reduces employment" (p. 230).

### **Summary**

The study of mass incarceration and racial disparities in the U.S. criminal justice system has continually increased over the past few decades, and it has yielded areas of significant information for researchers searching for an explanation as to why this nation is not prospering as it could be. Instead, the U.S. continues to lock more people away than any other country worldwide and implement outdated policies and tactics that disproportionately affect the Black male population specifically. Mass incarceration refers to the widespread incapacitation of individuals in jails and prisons, targeting those in specific segments of a population. Mass incarceration in the U.S. has led to racial disparities affecting not only individuals directly but their families and their communities. Racial disparities, as it relates to this study, represent the imbalances of treatment within a racial group that includes the criminal justice system, societal treatment, and economic status, to name a few.

First originating during the years of slavery and post-slavery, the United States has always consisted of some form of racial inequalities beginning with laws and policies that were developed to control Black people. The rise of the get-tough-on-crime and war-on-drugs era between the late 1970s through the nineties led to an overwhelming number of Black males being placed within correctional facilities throughout the country. Issues such as racial profiling and over-policing became mainstream, even becoming a part of police training in various states. The socialization theory examines the cornerstone of Black families through generational information passed down from generation to generation, instilling a set of values, morals, and beliefs to help them survive. A cultural pride enveloping the Black family provides a sense of psychological protection from racial inequities that can impact them negatively. The socioeconomic factors that proceed affect Black males disproportionately, making it almost impossible for them to grasp the American dream in their life course. In the next section of this

chapter, the critical race theory posited that racism is a normal part of society embedded within the country's systems and institutions. Racial profiling, which police organizations widely practiced throughout the U.S., disproportionately targeted African American males during traffic stops and searches. The war on drugs that was also active during this time contributed to racial profiling and led to an overwhelming number of Black drivers being stopped by state police on the highways.

Lastly, RGST acknowledges that Black people are particularly disadvantaged socially in the U.S. and experience certain strains increasing their likelihood of specific conditioning (Scott & Grosholz, 2019). Due to these constraints, Black people were more likely to be less educated, live below the poverty line, and live in destitute communities where the majority population was of the same color. Studies have shown that over-policing in communities of color has adversely affected crime rates, leading to a strained relationship between police and minorities. In-custody deaths that are publicized through social media outlets have led to a more significant divide among minority communities causing such movements as Black Lives Matter. DMC, financial gaps, and discretionary decision-making have all contributed to racial inequalities in the criminal justice system. Discretionary sentencing guidelines that were developed to make the justice system fair for everyone equally subsequently led to discrimination against minorities and the destitute. Despite weaknesses in literature, further research was warranted on racial disparities within the criminal justice system, which is essential to legal justice discipline. While there may be an ambivalence about whether racial disparities exist within the U.S. systems, research throughout history continues to prove this hypothesis repeatedly with sound data.

### **CHAPTER THREE: METHODS**

## Foundation

Alapo and Rockefeller (2019) advise that once arrested, Black people are more likely to remain in prison, await trials at higher rates than Whites, and are 33% more likely to remain detained pending felony trials. Years later, the problem still exists, with Black males overrepresented in both the juvenile and adult criminal justice system. Jones-Brown and Williams (2021) discuss the over-policing of Black bodies that leads to aggressive and fear-based policing tactics. The current literature surrounding the topic of racial disparities in the criminal justice system reaffirms that policy and lawmakers are aware of the ongoing issues; however, there has been little to nothing addressed to fix the problem. Among many contributing factors, implicit bias has become the main topic of discussion in over-policing and searches of Black individuals at the expense of racial profiling. What the research questions will address are the reasons why racial disparities exist at all levels of the criminal justice system; how disproportionate minority contacts, beginning as early as a youth, affect the individual into their adult lives; how discretionary sentencing policies target the disadvantaged Black male; and how an unstable neighborhood coupled with violence can influence an individual's actions and thought process.

## Research Method

Maxfield and Babbie (2018) define *methodology* as a study's method for understanding something. For this study, I chose a qualitative research methodology due to its benefits of real-world information. In Aspers and Corte's (2019) article, qualitative research is defined through a term representing what it is about, not what it is. Aspers and Corte (2019) define qualitative research as interpretative and multimethod, where researchers study things in their natural settings to make sense of the meanings brought on by people. Qualitative research can include

case studies, individual experiences, interviews, observational studies, historical designs, and the life stories of those studied. Qualitative research is also attributed to drawing from an interpretivist and constructivist paradigm that helps with a deeper understanding of the research subject rather than just a prediction (Tomaszewski et al., 2020). To further breakdown these terms, I looked towards Tomaszewski et al. 2020 article on planning a qualitative research design. Interpretivism, derived from the interpretivist paradigm, seeks to build knowledge from personal viewpoints (Creswell & Poth, 2018, as cited in Tomaszewski et al., 2020).

Conversely, constructivism views knowledge to make sense of their experiences (Creswell & Poth, 2018, as cited in Tomaszewski et al., 2020). The value of people's lived experiences can be significant in a research study and can assist with biases that may arise during research by both the participants and the researcher. Empirical studies in the past have focused on whether African Americans are sentenced more harshly than Whites in the United States. Research today has proven that racial disparities exist at every level of the criminal justice process, while policymakers are aware of the current situation.

### **Identification of Research Design**

Through a qualitative research design, lived experiences and insights into the feelings and thoughts of those influenced can be evaluated and included in this study as to why racial disparities exist. Qualitative research helps researchers to provide a deeper insight into real-world problems through a participant's experiences, perceptions, and behavior (Tenny et al., 2022). In Fielding-Miller et al. (2018) article, they combined data from the Washington, DC Metro Police Department, and the American Community Survey to examine whether race and gender was a significant driver in the arrest of African American men. They found that African American men were disproportionately arrested for drug offenses in neighborhoods with a higher

percentage of White female residents living there (Fielding-Miller et al., 2018). As a result of their study, African American men felt limited in their movement in neighborhoods where white female occupants were the majority. Fielding-Miller et al. (2018) advise that this supports neighborhood segregation and increases the same groups' feelings of restriction and disproportionate punishment by law enforcement officials.

To better understand the study's issue, a transcendental phenomenological research design was developed to benefit this study. Phenomenology constitutes the understanding of a first person lived experience through a detailed and systematic approach (Tassone, 2017). Moustakas' (1994) transcendental phenomenological approach was used by him as a philosophical approach seeking to understand human experience (Sheehan, 2014). By incorporating different data sources, researchers can better formulate an idea, execute a plan, gather data, and analyze it and its sources to understand the current issues. Using this design allows the researcher to be flexible in their research, allowing them the opportunity to explore issues deeper, examine the relationship between the criminal justice system and Black males, and the ability to use various data collection methods, with the benefit of using something other than numerical data to explain the problem.

### **Primary Research Method**

The primary research in this study will consist of one-on-one interviews and observations of the target group. Primary research is a collection of original data specific to a research project that produces new knowledge in answering the research question (Bouchrika, 2022). One-on-one interviews benefit social science research and allow individual participants to use their own words to understand and interpret the issues through their eyes. Using a semi-structured interview technique can incorporate pre-determined questions that lead to open-ended

discussions and leave room for the interviewer to reel the interviewee back in if they go off-topic. That is why participant selection is also essential and allows the researcher to focus on the group assessed in the study, such as Black males. While interviews can be time-consuming and could have the potential for bias, it also gives the researcher more flexibility and an in-depth range of information from the target population.

Observations in a study can be two-fold when combined with interviews. As mentioned, the target group will consist of young to older adult Black males with or without criminal history backgrounds. Using observations in a study seeks to inform, gather pertinent information, and understand the areas of concern through the criminal justice process first-hand. Field research for this topic aims to observe the subject of study in their natural environment and help the researcher challenge their perspectives with actual social context that shapes lives. A deeper understanding of a Black male's daily struggles will be assessed by detailing their lived experiences with the justice system, law enforcement, and society.

### **Secondary Research**

As mentioned, previous researchers obtained secondary research information to analyze an ongoing issue. While secondary research may not have all the answers to a researcher's questions, it does provide relevant data if the sources are reputable. Secondary research is beneficial to a study as it allows for the summary of literature and data previously organized by others (Bouchrika, 2022). Secondary research can include peer-reviewed journals and articles, published books, government agency sites, educational institutions, and commercial information sources (i.e., newspapers and magazines). The advantages of using secondary research in a study is that it can answer specific questions and test hypotheses to help formulate an appropriate research design and interpret data from primary research. Secondary data sources can also

benefit researchers as they are less expensive. According to Arrigo et al. (2022), qualitative studies in criminology explore the representation and experiences of those in marginalized groups through the process and practice of research. These needs also emphasize the barriers that groups may confront when telling their stories. As the main research question of this study seeks to answer the question of why racial disparities exist in the criminal justice system, it also pursues answers to questions relevant to eliminating those biases through better policies and laws.

Brown et al. (2019) article states that research requires scholars to learn about history and its lasting implications that may not be known. It requires changes to familiar ways of working and fresh approaches to communicating those findings to the intended audiences, such as policy and lawmakers (Brown et al., 2019). Qualitative research allows for more precise and open-ended results from the participants' lived experiences. A qualitative research method helps research by developing and understanding social context through a person's social occurrences (Shakoor, 2022). Implementing research that seeks to answer why and spark new information for future policy and law changes is best conducted through a qualitative research design. For this study, I wanted to use the best design and method to answer why racial disparities exist within the criminal justice system process for Black men. Qualitative research investigates lived experiences, contains current and past data, and can be a flexible design for thorough research opportunities. As primary data can add new perspectives to a research topic, secondary data can complement the research and fill in the gaps in the current research. Secondary sources of information for this study came from peer-reviewed and scholarly articles, government agency sites, educational institutions, and commercial information sources. Disparities and social class within society have always shaped a Black man's experience in America. This research hopes to



show that the United States' past has contributed and still contributes to the present issues of the criminal justice system and the disparities experienced by African American males. This research seeks to piece together all factors attributed to racial disparities within the criminal justice system and bring us closer to adequate policy and law changes.

### **Research Question**

**Central Question:** How do Black men perceive and experience racial disparities within the criminal justice system of the United States?

**Sub-question 1:** What social factors do Black men in this study perceive as contributing to racial disparities?

**Sub-question 2:** What solutions exist to resolve racial disparities within the criminal justice system through the Black male's perception of his lived experiences?

### **Setting**

The natural environment setting for recruiting participants consisted of young to older Black males throughout north-central, southwest, and west-central Alabama. The rationale for this site selection stemmed from the fact that in 2017, the Alabama prison system was operating at 164 percent of its design capacity, leading to overcrowded prisons and jails that still exist today (American Civil Liberties Union, 2018). According to the American Civil Liberties Union (2018), Alabama's harsh sentencing enhancement laws increased prison populations, causing individuals to serve longer sentences primarily due to prior felony convictions. In 2017, 1 in 30 Black men were incarcerated in Alabama, almost four times the rate for White men (American Civil Liberties Union, 2018). While Black people made up only 26% of the state's total population in 2017, they disproportionately represented 55% of the prison population during that same time frame (American Civil Liberties Union, 2018). Since this study focuses on

transcendental phenomenological research design, interviewing participants in their natural environment allows the researcher to directly observe their target population and the flexibility to accommodate their preferences while achieving full saturation in the data.

## **Participants**

### **Sampling Procedure**

For this study, purposive sampling was used to gather participants. Purposive sampling selects participants most likely to yield appropriate and valuable information (Campbell et al., 2020). Purposeful sampling assists the researcher in matching the sample population with the objectives and aims of the present research while improving the credibility and dependability of the data and results (Campbell et al., 2020). Purposeful sampling increases the depth of understanding and holds that "specific kinds of people may hold different and important views about the ideas and issues at question and therefore need to be included in the sample" (Mason, 2002; Robinson, 2014; Trost, 1986; as cited in Campbell et al., 2020). Purposive sampling has the potential to contribute new insight to the research question because of the different specific perspectives derived from everyone's own experiences. A sample population narrowed down to a specific pool of potential participants supports purposive sampling as valid and dependable because the target population is more tightly connected to the research purpose (Thomas, 2022). Recruitment for this study will be voluntary, and potential participants will be notified through a Facebook post (see Appendix D). According to Kamp et al. (2019) article, in 2017, a systematic review helped to identify the benefits of Facebook as a recruitment tool for research participants. Kamp et al. (2020) state the benefits of using Facebook as a recruitment method compared to traditional recruitment: reduced cost, shortened recruitment periods, and improved participant selection for the young, hard-to-reach populations. The Liberty University social media

recruitment template was used for this purpose. Following replies to the recruitment post, participants will be emailed a consent form along with interview questions to solidify their participation in the study. See Interview Questions or Appendix B for the specific questions.

### **Sample Size, Demographic, and Background Information**

The study group for this research involves those of both a criminal and non-criminal background, young to older adult Black males. The setting for participants will be those living in urban minority neighborhoods and rural areas. According to Mocănasu (2020), most qualitative studies are conducted with small samples, where 10-respondent samples are the usual (Lichtman, 2010). As a sample size for the target group of this study, the researcher chose 16 participants, but ended with twelve where data saturation was achieved. This sample size was chosen because it is suitable and sufficient, explaining the studied occurrence of racial disparities within the criminal justice system, regardless of the sampling method used. Other demographics for this study will also include those of low to middle-class income populations. The reasoning behind the research demographics for this study is that they relate to the target population and assist with answering the central research questions. Also, employing a qualitative study that is proportionately small and purposively sampled aims to increase the depth of understanding (Campbell et al., 2020).

### **Procedures**

Prior to beginning field research for this study, I presented my proposal to my committee and received approval. After being approved by the committee, I submitted my application to the Institutional Review Board (IRB) for approval. Data was not collected until after I received the IRB's approval. During the IRB process, I was required to make a few revisions to my application according to the Boards recommendations. After the IRB committee approved my

submission, participant recruitment began via social media post(s). Initial recruitment was conducted through responses from the social media post(s) with appointments set up through email and phone calls. Each participant's site location was circumstantial, with an option to participate through phone interviews as well. After the initial contact with a participant, I emailed the consent form and the interview questions for them to review and sign. See Appendix A for the participant informed consent form. Participants were given available times and dates for their interviews that coincided with my schedule. Providing the participants with interview questions provided them with information and introduced them to the study.

As a part of the initial plan for field research, sixteen participants were chosen for recruitment purposes, but twelve were used for this study. All participants in this study were asked to sign an informed consent form before their interview appointment. At the time of consent, participants were also advised about the use of audio recording for transcription purposes only. Field notes were also taken of each interview for that participant (see Appendix C). Interviews scheduled for participants were according to their availability and my schedule. Interviews were one hour in length at maximum, but if the interviewee had more information to share, they were allowed. The max time reached for an interview was between forty minutes to an hour and a half.

The use of semi-structured interviews with open-ended questions benefited this study due to the in-depth information that the interviewee provided. According to Ruslin et al. (2022), semi-structured interviews are perceived as having more potential than other interviews because they allow the researcher to acquire in-depth information and evidence while considering the focus of the study, and it allows for flexibility and adaptability for both researcher and participant. Rubin and Rubin (2005) suggest that good interviews involve a balance between the

“main questions, follow-ups, and probes” (Ruslin et al., 2022, p. 24). Open-ended questions benefit research by encouraging participants to share more details about their experiences and sensitive topics related to personal matters (Allen, 2017; as cited in Rouder et al., 2021).

### **Researcher’s Role**

Qualitative research draws from the constructivist and interpretivist paradigms to better understand the topic. When choosing a methodology, it is appropriate for the researcher to select an approach that coincides with their philosophical assumptions, the study’s purpose, the current state of knowledge under investigation, and their desired outcome (Starks & Brown-Trinidad, 2007; as cited in Burns et al., 2022). The researcher must conduct their interviews, notate observations, code data, and interpret the data while determining a study’s outcome with the assistance of the existing literature. For this study, I chose a variation of interpretivist paradigm known as the transcendental phenomenology approach. The interpretivist paradigm was founded on the assumption that “people’s perceptions, ideas, thinking, and the meanings that are significant to them can be understood through researching their cultures [Boas, 1995], humans behave based on their interpretations” (Hammersley, 2015; as cited in Pervin & Mokhtar, 2022, p. 421).

Developed by Edmond Husserl, the transcendental phenomenological approach was employed in a qualitative study employed by Moustakas’ (1994) as a philosophical approach seeking to understand human experience (Sheehan, 2014). Phenomenology is also a form of inquiry that seeks to explore phenomena and its perceptions by individuals in the phenomenological event (Lester, 1999; as cited in Sheehan, 2014). Furthermore, studies in an interpretivist paradigm can take the approach of a narrative study, probing the interviewee’s “thoughts, values, prejudices, perceptions, emotions, and perspectives by utilizing the key

approach of interactive interview” (Wellington & Szczerbinski, 2007; as cited in Pervin & Mokhtar, 2022, p. 422).

### **Relationship to Researcher and Researcher’s Role**

*Reflexivity* is defined as a set of “continuous, collaborative, and multifaceted practices through which researchers self-consciously critique, appraise, and evaluate how their subjectivity and context influence the research processes” (Olmos-Vega et al., 2022, p. 241). As a Black female and current law enforcement officer, I benefit from being open-minded while acknowledging the culpability within our criminal justice system and the mistreatment of minorities. The expectation of observing commonalities with my target population was proven throughout the sixteen interviews conducted during this study. Nevertheless, assuming my role as a researcher and not an advocate is still essential. Also, being a good researcher necessitates observing things from different perspectives and having an inquisitive mind.

### **Biases and Assumptions**

As covered in the literature review, racial disparity within the U.S. criminal justice system is entrenched in implicit and explicit bias that has gone unchecked for many years. Once accepted as practice in law enforcement agencies across the United States, racial profiling was implemented to stop Black and brown individuals to investigate possible other crimes that lacked evidence (Harris, 2020). In my professional experience as a homicide/violent crimes investigator over the past few years, most of the population I encounter are those in Black communities. But as a researcher, I was also challenged to look beyond my profession, questioning the rationality of why. After reviewing the body of scholarly literature on racial disparities in the U.S. criminal justice system, I was able to incorporate a more open-minded view of biased practices and judgment.

### **Data Collection**

## Data Triangulation

Data collection is a crucial component implemented within research. It supplies the researcher and the population studied with the information needed to answer the central research question in a study. Lemon and Hayes (2020) define *triangulation* as “a qualitative research strategy to test validity through the convergence of information from different sources” (Carter et al., 2014, p. 545; as cited on p. 605). Triangulation also helps identify inconsistencies in developing patterns in the findings that can lead to a better understanding of the phenomenon (Patton, 1999; as cited in Lemon & Hayes, 2020). In 1978, Denzin presented four triangulation approaches: method triangulation, theory triangulation, data triangulation, and investigator triangulation (Lemon & Hayes, 2020).

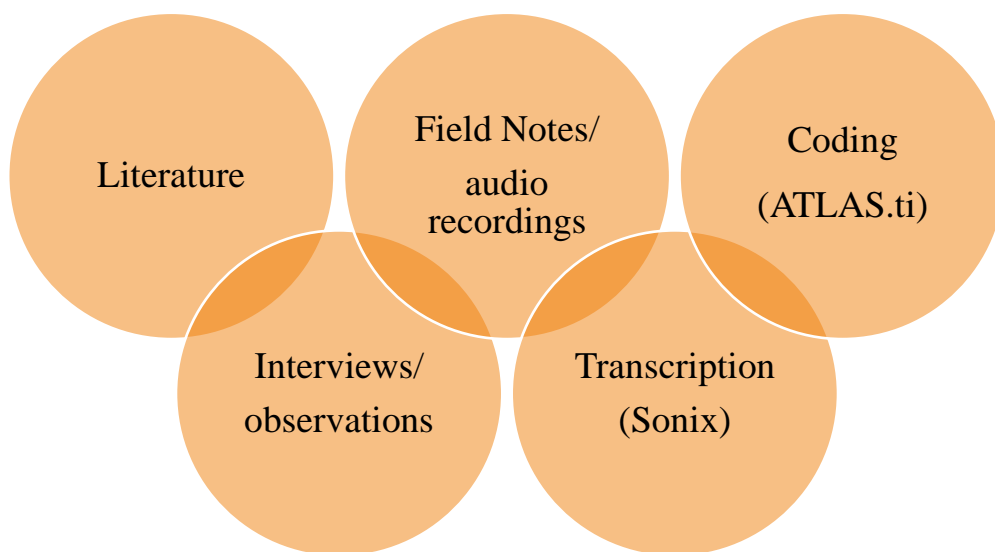
Method triangulation uses multiple research approaches to collect data (Bans-Akutey & Tiimub, 2021). Theory triangulation makes use of several theories that assist with analyzing data (Bans-Akutey & Tiimub, 2021). To magnify the depth of findings in a study, investigator triangulation aids with multiple investigators to collect and analyze the data (Lemon & Hayes, 2020). Lastly, data triangulation incorporates various data sources in a study derived from individuals with varying backgrounds or documents (Lemon & Hayes, 2020). Through this form of triangulation, the researcher can synthesize similarities and differences to reach a conclusion that supports the findings (Carter et al., 2014; as cited in Lemon & Hayes, 2020). As a vital part of this study for coding and theory-generating purposes, data triangulation was the data collection method employed to analyze the findings.

Campbell et al. (2020) state that in terms of sampling, the strategy for participant selection aligns with an “ontological, epistemological, and axiological perspective with the overarching aims of the study” (Punch, 2004; as cited on p. 653). As stated, qualitative studies

increase understanding of a phenomenon by pursuing in-depth information. According to Campbell et al. (2020), purposive sampling involves selected participants who yield the most appropriate and valuable information when identifying and selecting cases that use limited resources effectively. A purposive sample characteristic is defined for the purpose relevant to the study (Andrade, 2021) and is adequate for the study I am implementing. Figure one below is used to summarize the areas of data triangulation in this study.

**Figure 1.**

*Summarization of Data Triangulation*



**Data Collection Procedure**

This study implemented three data collection strategies in the following sequence: (1) interviews, (2) field notes with audio recordings, and (3) data analysis. Researchers utilized interviews to gather one-on-one information from individuals through a predetermined set of questions (Paradis et al., 2016). Interview data is most notably used to generate themes, theories, and models, with the interviewer becoming the data collection instrument (Paradis et al., 2016). In this study, participants engaged in twenty-four open-ended questions categorized as introductory, background, demographic, probing, main, and follow-up questions. In these



questions, participants were allowed to explore their backgrounds, lived experiences, and relevant topics about the criminal justice system. Participants had the opportunity to be interviewed face-to-face or through phone interviews. Due to individuals' work schedules and locations, phone interviews were utilized for all twelve participants. Those who met in person were given a predetermined quiet meeting spot, such as a meeting room, to facilitate their interview.

Field notes and audio recordings are central to data collection, analysis, and coding. Pacheco-Vega (2019) writes that regular use of reading and writing field notes are “part and parcel of the regular set of strategies and techniques available to qualitative researchers” (p. 1). The purpose of taking field notes is to extract more information from the participants and highlight essential discussion topics. Field notes can also assist with writer's block and are a source of data that helps produce scholarly writing (Pacheco-Vega, 2019). Interview field notes were recorded using the field notes template (see Appendix C) to direct the flow of questions during the meeting. Audio transcription is the “conversion of recorded audio material into a written form that can be analyzed” (McMullin, 2021, p. 140). As technology improves and advances, many individuals conducting research have shifted to using voice-to-text software that employs artificial intelligence to transcribe (McMullin, 2021). Interview audios for this study will be saved as .m4a files and transferred to my desktop computer, with the more audible of the two saved.

Sonix was chosen as the most beneficial software for this study for transcription due to its accuracy, quick translation, and conciseness for audio recordings. The first step necessitates inputting audio files into the transcription software and then using the built-in editor to ensure the accuracy of information that may be hard to comprehend. All twelve transcripts went

through this process of transcription. Lastly, data sources for this study come from Husserl's transcendental phenomenology method. Through the transcendental phenomenology method, a researcher's goal is to achieve "*transcendental subjectivity*- a state wherein the 'impact of the researcher on the inquiry is constantly assessed and biases and preconceptions neutralized, so that they do not influence the object of study'" (Neubauer et al., 2019, p. 9). This approach was developed by Husserl for a qualitative research methodology in which to understand human experiences (Moustakas, 1994; as cited in Sheehan, 2014). Each participant's transcript went through this process and was saved as a Word document to be transcribed in the next process.

After completing all the listed procedures, audio files and transcripts are to be made confidential by modifying participants' names with pseudonyms as replacements for first names. To keep up with participants and their pseudonyms, the researcher will create a key that links the two. Names on transcripts will be deleted from transcripts with pseudonyms added. The employment of NVivo, a Computer Qualitative Data Analysis Software (CAQDAS), supports efficient data management and transparency during analysis (Vignato et al., 2022). Welsh (2002) advised that CAQDAS is seen as aiding the researcher in their pursuance of a specific and transparent picture of the data while also providing the data analysis process to be audited (Dalkin et al., 2020). Thus, NVivo assists researchers in the "inherently complex approach to theory generation," enhancing transparency (Dalkin et al., 2020, p. 124).

## **Data Collection Strategies**

### ***Interview***

The qualitative data collection methods for this study will include one-on-one, semi-structured interviews with study participants. Semi-structured interviews are more potent than any other form of interviews for qualitative research when inquiring in-depth information from

interviewees (Ruslin et al., 2022). Semi-structured interviews also allow for more flexibility and adaptability for the researcher. Issues related to semi-structured interviews deal with how the data is analyzed and how well that analysis has been planned (Ruslin et al., 2022). Other issues that can arise from interviews are interviewer biases, or preconceptions, that the researcher coming into the interview has beforehand. Ethical issues can also arise around the data's reliability and validity. That is why it is essential to go into the interview with pre-determined questions yet leave room for questions that can evolve through the interviewees' answers. According to Frost et al. (2020), the qualitative interview provides the ability to study social change because it calls for individuals to interpret life events and experiences, and it produces evidence to be analyzed for its correlation to the more significant cultural discourses and narratives. According to Maxwell (2012), "observations can enable you to draw inferences about someone's perspective that you couldn't obtain by relying exclusively on interview data" (Deggs & Hernandez, p. 2555). Kawulich (2005) also states that when observations and field notes are coupled during the interview process, they serve as a good record of activities observed and informal discussions in the field (Deggs & Hernandez, 2018).

### ***Interview Questions***

#### Introductory, Background, and Demographic Questions

1. How long have you lived in (city and state where they reside) and where are you originally from?
2. Can you tell me a little about your household environment?
3. What is your current support system, including family and friends?
4. Tell me about your educational background.
5. What are the demographics of your neighborhood and the schools in your area?

6. What is your current profession?
7. Where do you see yourself in ten years?
8. Growing up, what did you learn about the police from in-home influencers (relatives) and outside influencers?
9. What police contacts, if any, have you had up until now (i.e. traffic stops, stop-and-frisks, searches, school resource officer, arrests, etc.)?

#### Probing Questions

10. (If they have had other law enforcement contacts that led to confinement) What was your experience with the criminal justice system and the process from initial arrest until conviction?
11. At what age was your first law enforcement contact and what were the circumstances?
12. How do you feel about your current criminal justice system in (city of residence) County?
13. Can you give me [more detail] about your law enforcement experiences?
14. Can you tell me more of what you meant by [statement of interest]?

#### Racial Disparity: Main Questions

15. Do you currently have, or have had, close friends/relatives involved in the criminal justice system? If so, do you mind sharing?
16. What biases have you personally experienced throughout your life, if any? Tell me about those experiences and what the situations involved.
17. Let us take a step back into your childhood years and your experiences in school involving any inequalities or differential treatment in your teacher-to-student relationships.
18. Have you ever experienced racism in any form throughout your life and can you describe that experience?

### Racial Disparities: Follow-Up Questions

19. How do you feel about the current state of the U.S. criminal justice system when it comes to minorities?
20. Some of the data I explored throughout my research indicates that Black males are disproportionately represented within the criminal justice system. What are your thoughts as to why this exists?
21. How is someone's ethnic background, gender, and mental abilities treated in the U.S. criminal justice system?
22. Children nowadays encounter law enforcement at an early age through school resource officers' presence in the school. In your experience, or your child's, how have discipline policies changed over the years with law enforcement involvement?
23. People make their own decisions-which sometimes lands them in trouble with the police. Yet there are some factors (societal) that can contribute to their chances of being arrested. Who does the responsibility fall upon to assist those individuals with trauma, broken homes, mental disabilities, poverty, and abuse?
24. As we prepare to end our interview, let us think about the future and what it means for you. Research describes the American dream as being successful in society, no matter one's race, and achieving upward movement through a comfortable lifestyle. What does this mean to you?

Before we detail how the interview questions evolved, it is vital to discuss the relevancy of this study's semi-structured and open-ended variety of items. Questions with parentheticals either in the beginning or the end denote a participant's circumstances, and their use depends on the response from the prior question. For example, question ten response

depends on what the participant has experienced in question nine. Bracketed phrases in questions are a part of the probing questions from which information gathered during the participant's interview led to the need for further inquiry. As the central purpose of the interview, all questions pertain to the participant considering their responses to the initial questions. The justification of any qualitative study is to achieve saturation, which indicates that, based on the findings collected and analyzed, further data collection and analysis is not warranted (Saunders et al., 2017).

Questions one through nine are introductory, background, and demographic questions designed to understand the participant's characteristics and are relevant to this particular study. Because qualitative data looks for themes and patterns that are difficult to quantify, taking a deeper dive into the participants' real-world problems through these questions facilitates that purpose (Tenny et al., 2022). While it can seem to be a waste of time to focus on specific questions on the individual level, when combined with another person's narrative, it can be beneficial to the researcher in finding the narrative that helped shape the phenomenon of the study (Tenny et al., 2022). However, differing narratives can also serve as an opportunity for innovation (Tenny et al., 2022). Once again, questions can be adjusted, when necessary, based on the data from everyone.

According to Tenny et al. (2022), research paradigms are “the assumptions, norms, and standards that underpin different approaches to research” (p. 5). Research paradigms are the ‘worldview’ that informs research and is valuable for researchers when trying to understand the strengths and weaknesses of their approach (Tenny et al., 2022). Therefore, it is essential to include information from participants to help them reflect on their worldview and even make necessary changes to those views—questions one through nine are designed for this purpose.

Questions ten through fourteen emerged from question nine and are known as probing questions. Probing questions in research interviews is central to “eliciting rich, deep data” from participants (Robinson, 2023, p. 382). Probing questions can add detail and depth to clarify or even explain a prior answer to an interview question given by the participant (Robinson, 2023). Gorden (1987) developed six forms of probing which he proposed as having the function to “(1) motivate participants and (2) steer them towards giving relevant, complete, and clear responses” (Robinson, 2023, p. 383). Those six probing types are silent, encouragement, elaboration, clarification, recapitulation, and reflective probing (Robinson, 2023). For instance, questions ten and thirteen in this section of the interview were guided by what is known as an *elaboration* probe, where participants were asked to elaborate on what they have previously stated (Robinson, 2023). Question eleven is designed as a *recapitulation* probing question to take the participant back in time to a period that is being covered for a second response of a particular aspect of their narrative (Robinson, 2023).

Next, question twelve is used as a *silent* probe to elicit more information from the participant about a specific topic. Researchers use this form of probing to remain silent, prompting the interviewee to continue talking with the same train of thought before the silence (Robinson, 2023). Lastly, question fourteen involves a request by the interviewer to clarify a particular word or phrase, also known as the *clarification* probe (Robinson, 2023). In 1990, Bruner developed the theory of narrative cognition development, which states that when people emit their own lives in words, they present their narratives through a selection of events from the life course, each having a dual landscape (Robinson, 2023).

Questions fifteen through eighteen were developed to address racial disparities within the criminal justice system from the Black males’ point of view. This section begins with question

fifteen addressing whether family or close friends of the participant have also had law enforcement contact that resulted in criminal justice corrections. As mentioned previously in chapter two, Daanika Gordon states that “predominantly Black neighborhoods are simultaneously over-policed when it comes to surveillance and social control, and under-policed when it comes to emergency services” (Smyton, 2020, para. 3). Question fifteen further illustrates racial segregation throughout neighborhoods across America and how those same neighborhoods are overwhelmed with law enforcement personnel making more negative than positive contacts.

Next, questions sixteen through eighteen continue by addressing possible biases experienced by the participant at the hands of those in authority, whether neighbors or educators. According to Osborne et al. (2021) article, raising a child as an African American caregiver is exacerbated due to racial discrimination and prejudices posing a constant threat to their “social behavioral, health, and academic outcomes” (Braveman & Barclay, 2009; Ta tum, 2017; as cited on p. 2). Approximately 90% of Black children and youth report their individual experiences with racism around the time they are adolescents (Anderson & Stevenson, 2019; Pachter et al., 2010; Seaton et al., 2008; as cited in Osborne et al., 2021).

Questions nineteen through twenty-four serve as follow-up questions to the racial disparities section of the interview. Questions in this section take a deeper look at the many factors contributing to Black male overrepresentation in the criminal justice system. Questions nineteen through twenty-three offer the participants a chance to give their expertise on the phenomenon being studied and offer valuable information and data. Reflexivity comprises the researcher’s awareness of their background and experiences, which can shape the stages of the research process at any stage (Bukamal, 2022). Being an ‘insider researcher’ has resulted in



various studies around the challenges and risks of researching those in your demographic background. However, there are privileges associated with being an insider researcher other than just having community access to those studied. The benefits of being an insider researcher are the ability to be more sensitive and responsive, their work is complete and have a less distorted view of the world, and they can rapidly build a rapport with participants. Participants may find it easier to speak with those of the same background, sharing more insight into their thoughts with specific questions. Participants in this study may also feel that through their participation in this study, their voices can be heard.

Finally, question twenty-four in this section summarizes the interview through the participant's self-awareness and how it shapes their life and thought process. Self-awareness, although defined in numerous ways across literature, is the ability to see oneself more clearly and involves the process of "thinking about ourselves such that we become aware of our characteristics, sustain this awareness, and use it as we behave and interact with others" (London et al., 2022, p. 262). Including a question of this type also benefits the participant's self-reflection. Bailey and Rehman (2022) state that self-reflection promotes a continued self-awareness that empowers, ensures value in your life, and gives you the awareness needed to accelerate your potential for success. Question twenty-four is designed for this purpose, leaving the participant with a point to ponder.

### ***Field Notes***

According to Pacheco-Vega (2019), field notes can be beneficial when reviewing them for proper quotations in your research paper and for contextualizing a project proposal. Writing field notes entails observing, reflecting, taking notes, registering emotional responses from the interviewee, and capturing things we may see for future reflection later (Mulhall, 2003; as cited

in Pacheco-Vega, 2019). Over the years, taking notes, whether on the academic level or the job, is essential and can be effective in writing later during transcription. Pacheco-Vega (2019) further states that field notes are a source of data that promotes scholarly writing for qualitative researchers, particularly when engaging in reflective practice. Through taking field notes, the researcher maintains active listening and is thoroughly engaged in what they hear, see, and communicate.

In 2018, Hersh wrote that active listening (effective listening) involves listening with the entire body, including the ears, eyes, heart, and brain. It is a skill that becomes beneficial through being learned and practiced. Restating what someone has communicated is also a form of active listening that researchers must practice. For example, in the field notes template for this study (see Appendix C), questions are meant to prompt further explanation for the participants' feelings and experiences. Based on Phillippi and Lauderdale (2018), "with the growing use of data sharing, secondary analysis, and metasynthesis, field notes ensure rich context persists beyond the original research team" (p. 381). As the aim of this study is to produce thick data on the research topic, field notes functions aim to "construct thick, rich descriptions of the study context, encounter, interview, focus group, and document's valuable contextual data" (Phillippi & Lauderdale, 2018, p. 381).

Guillemin and Gillam (2004) assert that reflexivity impacts the knowledge produced and how it is generated (Deggs & Hernandez, 2018). Through reflective research, the researcher interprets empirical data via measurement, observation, interviews, or secondary data analysis (Deggs & Hernandez, 2018). Field notes can be critical to reflexivity, and researchers utilize them throughout their study. Deggs and Hernandez (2018) state that with field notes, "reflective practices can prove to be useful to help qualitative researchers make meaning out of data they

have collected through empirical processes” (p. 2553). Neuman (2011) identified several types of field notes that qualitative researchers could utilize during data collection (Deggs & Hernandez, 2018).

To further break down each type of field note, Neuman states that jotted notes are for short memory triggers, direct observations are those written after leaving the field, inferences reflect social relationships and their meanings, analysis involves theoretical notes and methodological strategies, interview notes incorporate information about the actual interview and person interviewed, and personal journal involved reactions of emotion and personal feelings (Deggs & Hernandez, 2018). For research purposes of this study, the researcher will be utilizing both analysis and interview notes.

### ***Purposive Sampling***

According to Andrade (2021), purposive sampling is used in research, with its characteristics defined for the study. Purposive sampling seeks to study only the population of interest while improving the rigor of the study's trustworthiness of its data and results (Campbell et al., 2020). The rationale for using this sample selection for the study is its ability to increase the depth of understanding and yield helpful information (Campbell et al., 2020). Andrade (2021) lists the most popular forms of purposive sampling as stratified, cell, quota, and theoretical. Using stratified sampling, the researcher can select a specific number and kind of participants based on categories (Andrade, 2021). For this study, Black males ranging from 20 to 65 years of age are the primary study group. Throughout interviews, additional categories formed consisting of those with and without criminal history backgrounds to achieve saturation and identify a common theme among this population. By choosing a sample of twelve

participants, sufficient data was collected and necessary to conclude on the interrelatedness between the literature and the feelings of the American Black male.

Deggs and Hernandez's (2018) article posit that purposeful reflection involves hands-on experience through observations and explores the abstract about what is happening in the environment during research. Purposive sampling should include the people on which research is conducted and the research setting, participants' cultural norms, and the positionality of both the observer and research subjects (Deggs & Hernandez, 2018). Incorporating this knowledge into the research strategy can benefit the overall logic and rationale for sample selection that aligns with the ontological (nature of reality), epistemological (how we gain knowledge), and axiological (roles of values and morals) perspectives (Campbell et al., 2020; Kaushik & Walsh, 2019). Subedi (2021) states that the reason that he chose purposive sampling in his Ph.D. study was that it allowed him to select the “rich-information participants that generally cannot be obtained from other participants” (p. 5). In-depth knowledge of the issue surrounding racial disparities within the U.S. criminal justice system and those that are most impacted is the aim of this study.

### **Data Analysis**

Phenomenology seeks to understand a person's lived experiences through a detailed and systematic approach (Tassone, 2017). As mentioned previously, caregivers exposed to racism threaten child developmental outcomes with their “social, behavioral, health, and academic outcomes” (Braveman & Barclay, 2009; Ta tum, 2017; as cited in Osborne et al., 2021, p. 2). Edmund Husserl (1931), known as the father of phenomenology, first defined the concept of phenomenology as a study in which humans code their own experiences and transform them into awareness (Leslie, 2020). In Rockinson-Szapkiw et al. (2018) article, Moustakas' (1994)

transcendental phenomenological procedure is employed to review every answer and transcript, line by line, to look for “textual meanings and invariant constituents of the phenomenon” (Moustakas, 1994, p. 97; as cited in Rockinson-Szapkiw et al., 2018, p. 504). Moustakas (1994) cautions researchers about preconceived thoughts when conducting a transcendental phenomenological study but states this can be overcome by “identifying and documenting personal connections to the phenomenon and bracketing these individual views before interacting with the occurrences of the participants” (Leslie, 2020, p. 39).

This process includes bracketing off previous knowledge, understandings, and assumptions of the phenomenon of interest and starting with a *tabula rasa* (blank slate) (Neubauer et al., 2019). The second phase, called the transcendental phenomenological reduction, includes each participant's experience as individual (Neubauer et al., 2019). Next, reduction via *imaginative variation* considers all participants' descriptions are unified through a process of free variation (Neubauer et al., 2019). Learning through the experiences of others can be central to understanding why a phenomenon exists within society. Understanding what was experienced and how is a goal of phenomenology (Neubauer et al., 2019). Through examining lived experiences, new meanings and appreciations can develop, informing and re-orienting how one understands the experience (Neubauer et al., 2019). Since this research is primarily interested in why racial disparities exist within the criminal justice system for Black males, the transcendental phenomenological approach seemed adequate to understand the mindset and occurrences they experience throughout life and in society. In Leslie's (2020) transcendental phenomenological study, he outlines the six important steps that should be used as a guideline by Creswell (2007) and Moustakas (1994). These steps included first managing your data, second reading and documenting the data, third describing the data, fourth classifying the data, fifth the

interpretation of the data, and lastly representation and visualization of the data (Creswell, 2007, Moustakas, 1994; as cited in Leslie, 2020).

### **Use of Computer-Assisted Qualitative Data Analysis**

Miles and Huberman (1994) argued that there are several standard practices that, though all are not used, persist across the qualitative approaches to the analysis landscape (Lester et al., 2020). Those practices include affixing codes to field notes, noting reflections in the margins, sorting, and sifting through information to identify similar themes, patterns, and phrases between participants, isolating those patterns and processes, moderately elaborating on a small set of generalizations, and confronting those generalizations with a body of knowledge either in constructs or theories (Miles & Huberman, 1994, p. 9; as cited in Leslie, 2020). When conducting a qualitative analysis, the researcher must devise a system for “organizing, displaying, and coding data” (Clarke et al., 2021, p. 1). Researchers are then taxed to organize text into chunks (words, phrases, sentences, or paragraphs), where descriptive codes are assigned (Clarke et al., 2021).

Computer-assisted qualitative data analysis software (CAQDAS) aids in data analysis in qualitative studies, including grounded theory and interpretative phenomenological analysis (Dalkin et al., 2021). CAQDAS has existed since the 1980s, and its use has grown exponentially over the past few decades. While several CAQDAS programs are commonly used, NVivo is the program I wanted to use which focuses which allowed the assignment of codes freely (Clarke et al., 2021). NVivo is a form of CAQDAS that supports “code-based inquiry, searching, and theorizing combined with the ability to annotate and edit documents” (Richards, 1999, p. 412; as cited in Dalkin et al., 2021, p. 123). NVivo also can quickly import and organize files such as text, audio, visual, emails, social media, and so on (Clarke et al., 2021).

While coding is a process that can be completed by hand, using software has its advantages. To define the term coding, Clarke et al. (2021) describe it as a process where qualitative data is organized into purposeful themes that are analyzed to understand the research question.

Programs such as NVivo have many advantages beyond just coding qualitative data.

Trustworthiness relies on the researchers demonstrating an understanding of their context and data (credibility), showing a lack of bias in data analysis (confirmability), providing detail for possible replication (dependability), and allowing for evaluation of the study's outcomes concerning other conditions (transferability) (Clarke et al., 2021). NVivo has demonstrated trustworthiness by “examining coding specificity, audibility within and between researchers, and illuminating patterns that lead to higher-order coding” (Clarke et al., 2021, p. 4).

### ***Justifying the use of ATLAS.ti QDAS***

Rambaree and Nässén (2021) define digitalization as a “process of integrating informational and communication technologies” (p.1). The digital world that we live in today has transformed each aspect of our lives into a technology-driven era. What once was performed by hand, and took hours to develop, now can be done within fractions of an hour using computer-assisted qualitative data analysis. Originally, I wanted to use NVivo for coding interviews after they were transcribed through Sonix., but upon further research I reconsidered the use of ATLAS.ti for its accuracy in coding. According to Lewis (2016), ATLAS.ti can be used during the first, second, and third stages of analysis which leads to final themes and concepts. Lewis continues by explaining that the use of ATLAS.ti for coding encourages “a cyclical and interactive approach to data analysis that would be difficult to accomplish through note cards, word processing, or spreadsheet applications” (2016, p. 1). ATLAS.ti assists with

making chains of codes, linking direct quotations to create networks, and thus leads to coding (Lewis, 2016).

### **Coding**

Linneberg and Korsgaard (2019) define coding as a crucial tool and process of “turning raw data into a communicative and trustworthy story” (p. 3). The coding process involves taking words, paragraphs, and pages, examining them, and turning them into a word or short phrase to summarize the content (Linneberg & Korsgaard, 2019). Final conclusions can be drawn about a topic as well as answer research questions during a study.

To begin the process of coding transcribed interviews, the researcher added documents through the add tab for each participant’s interview. At this point, any identifying information of the participants was deleted, and pseudonyms were added to their transcripts. All participants were grouped together under the category labeled “Black Males”. Each transcript was coded using the AI (artificial intelligence) coding beta tool which is powered by OpenAI. ATLAS.ti approach to artificial intelligence to code data relies on automatic coding, rather than the users querying of their data (Morgan, 2023). While AI is relatively new to coding data, ATLAS.ti and MAXQDA both partnered with OpenAI, which reduced overall data analysis time up to 90% (Morgan, 2023). Prior to coding, the researcher removed all speaker notes containing questions asked of each participant. Morgan (2023) states that with manual coding, numerous codes are developed along with data segments associated with that code (Morgan, 2023). Through OpenAI, roles are near the end of this analysis process providing a sense of what was captured in the coding (Morgan, 2023).

### ***Phenomenological Reduction***



As a form of qualitative research, phenomenology helps by focusing on a person's lived experiences within a study (Neubauer et al., 2019). With phenomenology, a researcher can explore challenging problems and issues that a particular group is experiencing within society. Before reduction, the researcher read and listened to everyone's transcripts to obtain common characteristics and themes within the data. After reviewing individual transcripts, the researcher browsed through various codes produced, the themes they developed from the data, and their quotations. For example, the overarching theme "inequality" comprised three more basic themes that fell under its category (See Appendix E). Due to the overwhelming number of codes developed from the data, the researcher re-examined transcripts to group participants and their most shared experiences to develop similar themes. Codes that were used during the final stage were those that answered the research question, sub-questions, and purpose of the study (See Appendix F).

### ***Imaginative Variation***

The themes that developed derived from relationships between the participants' data. While there were many common themes, new information that had yet to be considered within literature also emerged. Through imaginative variation, all participants' experiences are unified; intuition is used to take multiple variations of the phenomenon and arrive at its essence, and that essence becomes the foundation for all knowledge about the phenomenon (Neubauer et al., 2019). Connections within the data result in meanings that come together to create themes. The researcher reached a state of *transcendental I* due to setting aside her own biases, perceptions, and categories as themes emerged. The data was analyzed using ATLAS.ti, a computer-based software for qualitative research. Triangulated data collected from participants' interviews synthesized the similarities and differences to reach a conclusion that supported the findings.

## **Trustworthiness**

Trustworthiness in qualitative research implies that the reader will interpret the written work and be confident in what the researcher has proposed (Stahl & King, 2020).

Trustworthiness allows the reader and the writer to find a commonality through their constructive processes (Stahl & King, 2020). According to Lincoln and Guba (1985), trustworthiness relies on four general criteria: credibility, dependability, confirmability, and transferability (Stahl & King, 2020). Qualitative research does not seek replicability; on a different day, a different researcher can expect different findings (Stahl & King, 2020).

Nyirenda et al. (2020) posit that being trustworthy in qualitative research “should be rooted in a strong understanding of the local context, the researchers’ positionality, and developed iteratively through multiple rounds of joint discussion” (p. 2). Establishing the four criteria of trustworthiness is critical in interpretivism research methodology and is why I chose a transcendental phenomenological method for this study.

### **Credibility**

Credibility, also known as internal validity, concerns the compatibility of the findings with the actual reality of it (Nyirenda et al., 2020). Approaches known to enhance a study’s credibility include triangulation, prolonged engagement, member checking, and rapport building, to name a few (Nyirenda et al., 2020). Triangulation is used as a method for promoting credibility. Triangulation incorporates using several sources of information from the field to establish identifiable patterns repeatedly (Stahl & King, 2020). Data triangulation requires using different data sources to establish findings (Stahl & King, 2020). Triangulation is different from the mixed method because it explains how the researchers use multiple approaches to extract the information and critically analyze the findings (Bans-Akutey & Tiimub, 2021). Data

triangulation will be employed throughout the study, providing ample descriptions of the data, and ensuring saturation to guide research towards the core category.

### **Dependability and Confirmability**

Dependability, or reliability, refers to “the degree at which a study can be replicated”, and other observers can agree on what they see and hear (Nyirenda et al., 2020, p. 2). Dependability must involve trust in trustworthiness, where both the researcher and the reader build trust in the events as they come (Stahl & King, 2020). Dependability in a qualitative study entail describing the study so that others could arrive at the same conclusions if they were to review the data (Nassaji, 2020). Confirmability (objectivity) maintains that managing biases comes through reflexivity and how one’s biases cannot be ruled out during a study (Nyirenda et al., 2020). Stahl and King (2020) state that confirmability is “getting as close to objective reality as qualitative research can get” (p. 28). According to Nassaji (2020), quantitative research seeks objectivity through the disassociation of the research process from the researcher, and qualitative research emphasizes the researcher’s role and engagement in the research they are conducting.

### **Transferability**

Transferability, or generalizability, transfers findings from one context to another (Stahl & King, 2020). This study establishes transferability through the background demographics and the areas where the research will be conducted, providing a thick description of the target population. Thick description accounts for the participants’ “views, intents, circumstances, motives, meanings, and understandings” (Younas et al., 2023, p. 1). According to Lincoln and Guba (1985), thick description is the strategy for ensuring the basis of transferability by providing adequate detail of the studied phenomena so that conclusions drawn allow readers to make decisions about the suitability of the findings with other contexts (Younas et al., 2023).

### **Ethical Considerations**

Before participant recruitment or data collection, I must obtain full IRB approval for the study. Participants' consent (see Appendix A) will be obtained before scheduling interviews with participants, along with a copy of the interview questions (see Appendix B) for the study. As a part of the informed consent, participants can withdraw from the study at any time. Interviews will be recorded via audio recording that will be kept and managed by me only. Once the transcription is reviewed for accuracy through the audio recordings, the files will be deleted to prevent the identification of participants. Transcripts shall be made confidential and kept on the researcher's USB drive. Pseudonyms will also be used in place of the participant's actual identification. NVivo files will also be saved on the same drive. All data stored concerning this study will be destroyed three years after its publication.

### **Summary**

This study aimed to address mass incarceration rates due to racial disparities experienced throughout the United States criminal justice system and the inequalities that lead to this outcome. In this section, the author sought to create a theoretical framework based on the CRT, GST, and the socialization theory. In doing so, a transcendental phenomenological research design was developed as the most beneficial to attain these results for a qualitative study. As the primary research source focuses on one-on-one semi-structured interviews with the target population, the secondary research source comes from literature relating to the topic, which also seeks to answer the central research question. Data triangulation includes interviews, field notes, audio recordings, transcription through Sonix, and lastly, data analysis with the help of NVivo. In all, this study benefits those in administrative roles who can change the current status quo regarding the Black male population overpopulating criminal justice facilities across America.

By incorporating the lived experiences of those in the target population, those in critical positions must recognize the phenomenon that continues to exist with proper acknowledgment. I hope this research not only brings more awareness but also addresses the continuous patterns that minorities have found themselves living within from generation to generation.

## CHAPTER FOUR: RESULTS

### Overview

The purpose of this transcendental phenomenological study was to describe the lived experiences of Black males from the southeastern region of the United States, Alabama, and other social injustices that continue today. The subjects of this study were interviewed in their natural environment to assist the researcher in understanding the actual social contexts that shape their lives. By giving voice to a vulnerable population through the lens of a non-dominant groups' worldview, this research was able to provide a theoretical framework as to why racial disparities exist within the U.S. criminal justice system. Chapter three detailed the procedures, data collection sequence, and the analysis. Chapter four begins with a description of the participants, their age, and their professions. Table one provides this information with pseudonyms used in place of the participants' actual names to protect their identity and personal information. Information provided within the first part of this chapter introduces the participants, their backgrounds, and demographics. As themes emerged within the coded interviews, it also provided answers to the study's central research question as well as the sub questions that followed.

The second part of this chapter presents the results of the study beginning with the results of each participant's detailed interviews, along with quotes developed during the coding process through ATLAS.ti. The first part of the results section begins with detailed descriptions of transcripts, along with quotes derived from codes through ATLAS.ti. A list of codes, though exhaustive, was broken down into codes shared among participants prior to theory generation in Appendix E. The final list of codes upon theory generation can be found in Appendix F. Each

code answers the central research question as well as the sub-questions of this transcendental phenomenological study through social experiences and meanings.

### Participants

**Table 1**

*Participant Demographics*

<b>Participant</b>	<b>Age</b>	<b>Profession</b>
<b>Andy T.</b>	<b>52</b>	<b>Heavy Equipment Operator</b>
<b>Bob S.</b>	<b>53</b>	<b>Technician</b>
<b>Bruce B.</b>	<b>59</b>	<b>Military</b>
<b>Daniel T.</b>	<b>43</b>	<b>Forklift Operator</b>
<b>Grant M.</b>	<b>45</b>	<b>Military</b>
<b>Greg T.</b>	<b>54</b>	<b>Retired</b>
<b>James D.</b>	<b>42</b>	<b>Law Enforcement</b>
<b>John W.</b>	<b>42</b>	<b>Veteran</b>
<b>Ken C.</b>	<b>32</b>	<b>Law Enforcement</b>
<b>Robert H.</b>	<b>36</b>	<b>Military</b>
<b>Shun G.</b>	<b>37</b>	<b>Painter</b>
<b>Tom R.</b>	<b>46</b>	<b>Carpenter</b>

Participants in this study were recruited from the north-central, western, and southwest parts of Alabama, ranging from ages 30-60 years of age. The population of this study's focus is Black males, who are disproportionately represented within the U.S. criminal justice system. Participants recruited for this study either had a criminal history background or did not. The researcher recruited individuals living within more prominent cities and smaller towns to gain a broader range of lived experiences, as they sometimes can differ. This section begins with detailed descriptions of lived experiences through the lens of the target population. All

participants' names used in this study are represented by pseudonyms and are meant to reflect the characteristics of the settings.

**Andy T.**

Andy T. is a 52-year-old Black male working as a heavy equipment operator in the industrial industry. He currently has six children, ranging from adults to minors, and he is unmarried. Growing up in a small town, Andy was raised in a two-parent household with two siblings. Andy has a high school education and grew up in a neighborhood that was predominantly Black with a school system that was a mixture of Black and White. Andy still resides in a community with the same demographic makeup. Growing up, Andy was taught that if you break the law, you will encounter the police. Andy said his first law enforcement contact came at 17 when he received a traffic ticket. Since that time, Andy advised that he has been involved with the criminal justice system throughout his life and is currently incarcerated awaiting his hearing. Andy's support system consists of parents and other family members.

**Bob S.**

Bob S. is a 53-year-old Black male who works in the tire industry as a process technician and has done so for over twenty years. Bob is married and has one adult child. Growing up within the urban areas of his city, Bob currently lives in a predominantly White neighborhood that feeds into a school system that consists of the same demographics. Bob has a college education where he received a two-year degree. During his younger years, Bob was taught to stay out of trouble, or the police would hurt you. Bob stated there was a lot of racism still occurring in the '70s, and Black people were afraid of the police. Bob's first police contact was at 19 years of age for a traffic ticket. Since then, Bob has had traffic stops here and there and



was searched during one of those incidents. Bob's support system consists of family members and friends.

**Bruce B.**

Bruce B. is a 59-year-old Black male serving in the military with over thirty years of service. Bruce is currently not married, and his elderly father is residing with him. Bruce was raised in a two-parent household with his sisters in the city's urban area. Bruce lives in a predominantly Black neighborhood with a school system containing various ethnicities. Bruce has a high school education and some college courses. Bruce learned about the police at an early age and was told not to do anything stupid. Bruce's family also had close friends who were law enforcement officers within the county where they resided. Bruce's first law enforcement contact was at the age of 17 or 18 years old when he was stopped for speeding. Bruce stated that he has had no other law enforcement contacts besides traffic stops. Bruce's support system consists of family and friends.

**Daniel T.**

Daniel T. is a 44-year-old Black male currently living in the small town he grew up in. Daniel grew up in a predominantly Black neighborhood that consisted of a school system that was Black and White. Daniel grew up in a two-parent household with three sisters. Currently, Daniel lives with his son in a suburban neighborhood that is predominantly White, with a predominantly Black school system. Daniel works in the commercial industry as a forklift operator and wants to continue doing so past his retirement. Daniel grew up in the nineties when he felt it was "him against the world." Daniel stated attending church and sporting events kept him from getting into trouble. Daniel's first police contact was at 18 years old when he received a traffic ticket for speeding. Since then, Daniel's contact with law enforcement included driving

under the influence of alcohol, where he was arrested. Daniel's support system consists of family and friends.

**Grant M.**

Grant M. is a 45-year-old Black male serving in the military with over twenty-five years of service. Grant is married and has four children, ranging from adults to minors. Growing up in the urban area of his city, Grant was raised in a one-parent household by his mother. Grant grew up in a neighborhood that was predominantly Black with a school system that was a mixture of Black and White. Grant resides in a community with a mixture of cultures and an older population of retirees. Growing up, Grant advised he did not hear much about the police until his uncle's began to have involvements. The mention of police by other family members outside of his home mentioned them being unjust. Grant's first law enforcement contact came at 20 when he received a traffic ticket. Grant's law enforcement contacts since that time have involved his then 16-year-old son, who was pulled over with friends, and his nephew, which ended with an arrest. Grant's support system consists of family members and friends.

**Greg T.**

Greg T. is a 54-year-old Black male retired from the work industry. Greg is married with two adult children. Growing up in the urban area of his city, Greg was raised in a one-parent household by his mother. Greg also served in the military and was medically discharged during his service. Greg resides in a community consisting of a majority White population, with the remaining being Black. While growing up, Greg said he did not hear much about the police other than to stay out of trouble. Greg's first law enforcement contact came at 17 and was his first-ever traffic ticket. Grant's law enforcement contacts since that time involved one incident

with the police where he was held at gunpoint in his front yard at the age of twenty. Greg's support system consists of his immediate family and parents.

**James D.**

James D. is a 42-year-old Black male serving as a law enforcement officer for over fourteen years. James is married with two children that reside within his household. Growing up in an urban setting, James was raised in a one-parent household by his mother and has one sister. James has a high school education and some college. While being raised in a predominantly Black neighborhood, James school system was the same. James resides in a community that consists of Black and White residents. The school system that James's children attend is of the same ethnicity as Latinos, representing the small population. Growing up, James was taught to stay away from the police, although he had no real interactions with them. James's first law enforcement contact came at an early age through a school resource officer known as Mr. McGruff. Since that time, James advised he had a police officer contact that was pleasant at that time. James's support system consists of his mother, sister, aunt, cousin, and friends.

**John W.**

John W. is a 42-year-old Black male and a United States military veteran. John is married with seven children, ranging from elementary to high school. Growing up in the urban areas of his city, John was raised in a two-parent household with two siblings. Currently, James lives in a predominantly White neighborhood with a school system that is equally Black and White. John graduated from high school with honors, went to college, and shortly after joined the military. John became a certified pharmacy technician while in the military and served two tours overseas. Growing up, James was taught that the police were there to help. The police force in the city that James grew up within consisted of Black officers. James first law

enforcement contact came at the age of twenty where he was stopped for a traffic violation.

John's support system consists of his brothers and cousin.

### **Ken C.**

Ken C. is a 32-year-old Black male serving his community as a law enforcement officer. Ken is married with two children that are twins, and his support system consists of them along with his mother. Ken was raised by his mother after she and his father separated. Ken attempted to have a relationship with his father, but they were not able to sustain a connection. Right after high school, Ken attended a major university, but had to come back home, where his mother passed shortly afterward. Later in life, Ken went back to college and achieved his bachelor's degree. Growing up, Ken grew up in a predominantly Black neighborhood. Currently, Ken is the only Black family living within a White neighborhood. Ken grew up being told to respect the law by his mother. Ken stated his first law enforcement contact was at the age of ten or eleven where he fled from the police riding his go-kart in the roadway. Ken has had no other experience with the police other than becoming a law enforcement officer himself. Ken's support system comes from his mother and immediate family.

### **Robert H.**

Robert H. is a 36-year-old Black male serving in the military full time. Robert is married with three children. Growing up in a small town, Robert and his sister were predominantly raised by their mother. Robert graduated from high school and later attended college where he received his degree with the assistance of the military. Robert grew up in a housing development where the police precinct was in the middle of the neighborhood. Robert was taught to respect the police and had positive contacts with police officers working in the area. Robert's current neighborhood is a mixture of ethnicities with the school system to match. Other than the

occasional traffic stop, Robert has had no law enforcement contact. Since his mother passed away, Robert's support system comes from his sister, wife, and friends.

**Shun G.**

Shun G. is a 37-year-old Black male who has worked in the construction business as a painter. Shun currently has no children and is single. Growing up in a small rural area, Shun was raised in a two-parent household with one sibling. Due to an incident in high school where he possessed narcotics, Shun highest education attainment was the eleventh grade. The community that Shun grew up in was predominantly Black on one side, and predominantly White on the other. Shun advised he was raised being told that police were racist and "low down." Shun stated he was able to experience this for himself later in life. Shun's first law enforcement contact was at 17 where he was arrested for the school incident. Since that time, Shun advised that he has been arrested over ten times by law enforcement. Shun's support system includes his mother, father, sister, and niece.

**Tom R.**

Tom R. is a 46-year-old Black male who has worked in lifetime as a carpenter. Tom is married with six children who are all grown. Growing up in a rural area, Andy was raised in a two-parent household by his mother and stepfather. Tom graduated from high school and received no additional formal education afterwards. Tom still resides in the community where he was raised. Growing up, Tom was taught that if you needed help, call the police. Tom's family also consists of law enforcement officers. Tom's first law enforcement contact came at the age of 12 or 13. Tom was jumped by eight White males, and nothing was done about it. Taking the law into his own hands, Tom ended up with an assault charge. Tom advised over the years he has been charged with a few assaults, sexual assault, violation of probation, and traffic

tickets. Tom is currently incarcerated due to his probation violation and is awaiting his hearing. Tom's support system consists of his wife and children.

## **Results**

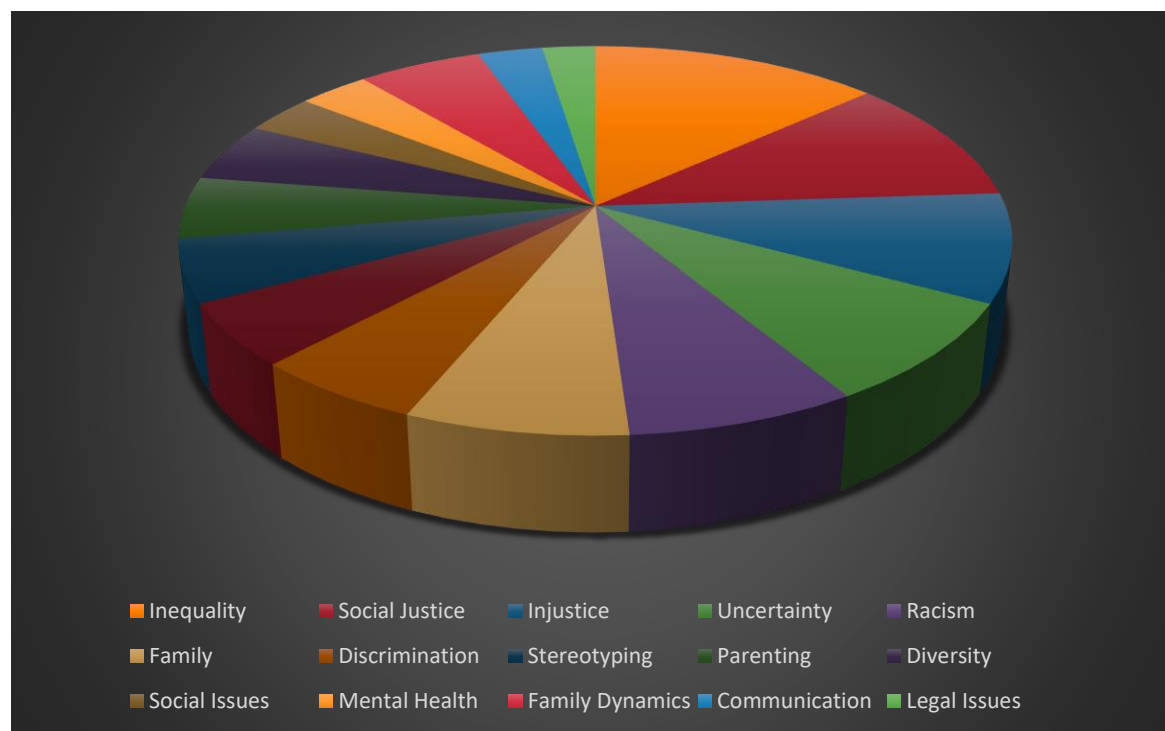
The topic of study is guided by one central research question, with two additional sub-questions, which describes lived experiences of the target population that contributes to racial disparities within the United States criminal justice system. Participants completed one-on-one interviews with the researcher by answering twenty-four open-ended questions. Due to participants living in several cities across the state, phone interviews were more conducive to everyone's schedule. The major themes derived from their life experiences are presented below as they relate to the study's research questions.

### **Overview of Themes**

The initial stages of coding rendered numerous themes that were identified throughout each participant's interview. The researcher was able to take this list of themes and develop 16 themes that resonated with all participants at some level and even revealed unexpected themes that impacted their lives directly or indirectly (see Appendix E for the list of codes and sub-codes at this stage). The categories listed in figure two represent the themes of participants' lived experiences. Each theme is captured through color coding to assist readers with its identification as well as the legend.

**Figure 2**

*Representation of Initial Themes Discovered by Participants' Lived Experiences*



### **Research Questions Responses**

The central research question guiding this study was to analyze the lived experiences of Black males and their perspectives on racial disparities in the United States criminal justice system today. This study aimed to assist with distinguishing the theoretical framework that moves towards a solution to the problem.

#### ***Inequality, Social justice, and Injustice***

To address the central research question, and part of the first sub-question, the researcher needed to break themes into categories through direct quotes from participants during their interviews. Themes to answer the central research question are (a) inequality, (b) social justice, and (c) injustice. Inequality contributes to a significant international development challenge that can harm socioeconomic and political outcomes (Ferreira et al., 2022). Inequality can affect a

person's economic growth, development, and governance (Ferreira et al., 2022). Killen et al. (2021) describe social justice as "promoting fairness, equality, equity, and rights across multiple aspects of society, including economic, educational, and workforce opportunities" (p. 1). On the other hand, injustice is defined as "a violation of equity or fairness" (Mathur et al., 2022, p. 999). To further explore these themes, participants were asked several questions about their lived experiences and why they believed racial disparities exist within the criminal justice system.

Several participants concurred that there is an ever-lingering inequality in the job market that continues to exist because the people who are placed in administrative roles continue to engage in the "good ole boys" system. Grant M. speaks about when he first joined his organization. He was the first Black man to be hired as a supervisor, and it was hard for him due to the color of his skin. Grant stated that racism existed within his organization and, at that time, was not readily identified as an issue. Grant continues the conversation by adding that the reason Black men are disproportionately represented within the criminal justice system stems from "systemic racism, social-economic disparities, unequal access to resources and opportunities, and racial profiling." Bruce B. also speaks of inequality within his organization, where Blacks are not able to "move up" within the ranks. During James D.'s interview, he talks about how private prisons benefit by having prisoners work for them, with little to no pay, to fund their system. Greg T. emphasizes the need for good lawyers, even for those who cannot afford to hire one. Greg states that the court systems see minorities "in a bad light" and develop preconceived judgments before knowing them. Daniel T. states that the "criminal justice system itself is not flawed; it is the people that enforce the system."

Participants were able to explain the injustices that Black people experience while incarcerated. Andy and Shun expressed their dislike for their court system when it comes to



minorities who cannot afford to pay their substantial bonds and end up taking a plea deal to end the process. As mentioned in the literature, we live in an age of plea deals where most court cases do not make it to trial. Growing up in a small town has its setbacks according to Shun G.'s statements. Shun states in a rural setting where judges, lawyers, and legislators are related, the "system is designed against you." Shun goes into detail describing his current incarceration where he received a \$1 million dollar bond for the same charge that a White male subject was sent to rehab within ninety days of his arrest. John W. explains this phenomenon as "the pendulum swinging harder on one person than it does for the other." John states while slavery has not existed for thousands of years, this frame of mind still exists from generational knowledge which is passed along.

Participants described being pulled over by law enforcement officers due to the way their vehicles looked and the color of their skin. In one incident, Greg T. brings up the time he was pulled over and held at gunpoint in his driveway. Greg later discovered that the vehicle they were looking for was a Datsun 280Z, red in color. Greg advised that he was driving a Toyota Corolla that was blue. Another topic that was found in the data explained how the criminal justice system places more time on a defendant for drug-related charges than they do for crimes of violence against people. Shun details getting out of jail and going home to no support system, not having the resources to continue with mental healthcare post-release, and not being able to find jobs willing to hire someone with a criminal history. Having safeguards put in place for issues that arise prior to someone's release can better assist them from reoffending later. Greg T. states the current affairs of Black males and their disproportionate representation within the criminal justice system stems from the effects of "red-zoning neighborhoods". Greg goes further to explain the lack of jobs, poor educational systems, and poor nutrition plays a major part in the

overall health and wellbeing of a neighborhood. Greg states when people are not given the opportunities to better themselves, they turn to criminal acts to substitute for what they lack. In some neighborhoods, the average income is right at the poverty line and individuals are expected to pay probation officers' fines after they are released from prison, but do not have the financial ability to do so. Greg states many issues can arise from this with either the family going into debt, or their loved ones going back to jail due to not having the money to pay fines.

### ***Uncertainty, Racism, and Family***

Most of the participants in this study had a substantial support system, which could be an issue for some. Those who lack support systems come into the criminal justice system and leave the criminal justice system with uncertainty about their futures. In the previous section, the researcher touched on financial issues that surround minorities and their release on bonds. In this section, the participants were able to continue answering the first sub-question as to what social factors do Black men in this study perceive as contributing to racial disparities in the United States. We found out in chapter one that the United States, at any given time, has over two million people incarcerated. Such numbers did not include those who were on some form of community corrections, probation/parole, half-way houses, and rehabilitation. The collateral consequences from mass incarceration rates can elicit negative outcomes on population health (Weidner & Schultz, 2019). One of the key concerns of the participants in this study was complaints against officers where nothing is done to correct the problem.

Shun G., Tom R., and Andy T. all express concern for the uncertainty in their current situations and confinement. Living within smaller townships that consist of rural areas can have an immense effect on the time someone spends in the local jails until their court dates. Earlier in this chapter, there was a situation where the participant explains the close relationships between

officials and those of the legislative body in relation to the outcome of those who come before them. In Alabama, there are many small towns that operate on the same rules that go unnoticed or unspoken of because it is just the way that things have existed for years and years. All three participants expressed spending time in the local county jails for years with no resolution in sight for their cases. They explained having court appointed lawyers who go for months without reaching out to them other than to present them with another plea deal that the state has given them. Shun talks about the failure of the state and his lawyer's ability to provide him with the search warrant that led to his arrest. Shun explains when asked about a copy of the search warrant and his file for discovery, there is never a straightforward answer provided. Shun's criminal cases have existed for over six years, and he has yet to view a copy of search warrants served on his residence.

Grant M. shared several situations where he felt racism played a part in the way others treated him. Serving in the military, Grant is constantly approached by citizens expressing their gratitude for his service to the country. Grant describes a large chain store where everyone is patriotic when he is in uniform. Later, the same day, Grant returns to the same store in his everyday attire and does not receive the same friendliness he had just experienced. Andy T. explains how social media, and just media itself, negatively depicts minorities. Andy states every time you turn on the television, there are young minorities displayed with firearms in their hands. In one incident in Greg T.'s early teenage years, several White male subjects entered their campground intoxicated. There were one hundred troop members, and only three were Black. Greg advised that those entering the campground called them the "n" word. Greg explains a situation that also happened to him in 1978 when he decided to ride his bike to his friend's residence. While there, the phone rang, and his parents told him to stay where they were

because the Klansmen were marching down the street. Shun G. believes people perceive Blacks as automatically guilty. Shun advised it is “second nature” for them. Andy T. feels as though, when you commit one crime you are labeled and everyone’s opinions about you will exist off that mistake.

The researcher realized through participants' statements that family plays a crucial role in a person's life. Not having a support system in this society can affect a person's outcomes and lived experiences. There have been studies that attributed single-parent households to criminal activity. While that may be true for some, participants in this study that single mothers raised have led an adequate life without criminal acts. Yet there are other factors, when coupled with single-parent households, which can lead to individuals living a life of crime. Sub-themes such as family dynamics, importance, influences, relations, and support were identified during the coding process. ATLAS.ti identified the sub-themes, plus additional ones, which emerged during interviews. For African Americans, family is the backbone of society that sets you up for success or failure. Children who lack guidance and teachings about right and wrong land themselves in situations leading to criminal justice at an early age.

### ***Discrimination, Stereotyping, and Legal Issues***

It has been presented in chapter two that discretionary decision-making and sentencing policies that were designed to eliminate inequalities for minorities have done just the opposite leading towards the numbers we observe today for those incarcerated. Charman and Williams (2022) state, "Procedural fairness and access to fairly distributed justice are integral to democratic policing" (Bradford & Quinton, 2014, as cited on p. 405). However, Charman and Williams (2022) express that this has been a debated topic that political ideology has dealt with for centuries. Racial stereotyping has also been a topic of study for minorities who receive

harsher sentences than their counterparts do for the same crimes. Franklin and Henry (2020) give an example of this phenomenon in their article citing that African American and Latino offenders are often depicted as gang-affiliated that are committed to street life and crime.

Discrimination is an all too familiar topic when it comes to disparities experienced by minorities. Throughout the interviews, topics of concern centered on discrimination, stereotyping, and legal issues as a focal point as to why Black men experience harsher sentencing. Bruce B. shares an experience where his son was pulled over by officers because of the size of his vehicle's wheels. Bruce goes on to explain that while headed to the auto parts store, he too was pulled over in the same car. Bruce states that he guessed the police officer thought his son may have had illegal drugs on him at the time they stopped him. Shun G. expresses his concerns for the criminal justice system by advising that when Blacks are arrested, they are automatically seen as guilty and must prove their innocence. Shun states there is a fear of Black men in the United States that brings forth tragic outcomes where law enforcement officers kill them. Shun expresses there are "hundreds" of videos where a White male is fighting with the officer, and he is never shot during the physical altercation. Shun feels it is quite the opposite for a Black male who does the same thing.

Daniel T. interjects a question during his interview about the status of more Black men in prison than there were slaves during that time in the U.S. history. Daniel states that it is a topic that goes unspoken of and is concerned that there will never be a "fair system." Daniel believes that Black men who possess wealth or nice things are targets because of the assumption they obtained their belongings by other means. While there is a fear of Black males by others, Bob S. states there is a fear of police officers for African American people. Bob describes that once a Black man is released from prison, he is not given a chance to improve himself by society, and

he ends back up in the same institution from which he was released. Bob states that at least in prison he is getting financial help and has something to do every day. Ken C. speaks of first moving into his all-White neighborhood and how the residents would not speak to him. Ken stated later when they found out he was a law enforcement officer, they began being more cordial to him and his family. Tom R. alludes to the fact that the criminal justice system is filled with Black males because no one will listen to them. Tom states that the reason he is incarcerated now is due to him being involved with the criminal justice system at an early age. Referring to chapter two, disproportionate minority contacts was one of the elements that contributed towards a life of crime later in life for those who did not receive the help needed.

Shun G. gives an example about being caught in school with illegal drugs and being kicked out in the 11<sup>th</sup> grade while the star football player does the same and can graduate. Shun refers to people educating themselves with the criminal justice process so that they can identify when they are being mistreated. To be able to ask questions as well as know their rights is important for them as a U.S. citizen. Shun states that Black people “fall by the wayside” due to lack of knowledge about the justice system and laws. Shun expressed the reason that Black males disproportionately represent the criminal justice system is due to the “debtors’ system.” With the research that has been conducted thus far, this was a term that needed further investigation. Adamson (2020) article talks about the constitutionality of statutes which allow the criminal justice system to transfer a formerly incarcerated person’s financial obligation to private debt collectors. Adamson (2020) expounds that any formerly incarcerated person who is thirty days behind on their payment can legally have their debt transferred over to collection agencies that can “assess a ‘collection fee’ up to 50% of the first \$100,000 of the unpaid legal

financial obligation, and up to 35% of the unpaid debt over \$100,000” (p. 305). A person’s debt continues to accrue interest and cannot be written off in bankruptcy (Adamson, 2020).

While Shun spoke of financial debt, he expressed what he also meant by his statement was the history of slavery where slaves were believed to not experience pain as others. Taking a deeper dive into this topic, the researcher was able to find a peer-reviewed article where the topic of study expounded upon darker-skinned humans not possessing a pain threshold as their masters. Bourke (2014) speaks of how it was believed that “slaves, ‘savages’, and dark-skinned people were depicted as possessing a limited capacity to truly feel, a biological ‘fact’ that conveniently diminished any culpability amongst their so-called superiors for any acts of abuse inflicted on them” (p. 302). A professional planter from the early 1800s believed that an anatomist had discovered an anatomical difference between slave and White masters (Bourke, 2014). He believed slaves possessed “less exquisite bodies and minds” and due to their blunt sensitivities, were able to “endure, with few expressions of pain, the accidents of nature” (Bourke, 2014, p. 302). One of the key findings within the criminal justice system institutions was the issue of illiteracy that was identified when individuals were arrested and could not understand the rights that were being read to them. Even today correctional facilities house several individuals who do not have the capability to read and write.

### ***Mental Health, Parenting, Diversity***

When discussing disadvantaged individuals, mental health can also play a significant role in why people offend. It has been noted that the criminal justice system addresses individuals with mental illnesses by providing care and medication while they are incarcerated. The issues that stem from this begin when the same individuals are released from institutions, back into society, where care is no longer provided. Participants in this study touched on people with

mental health issues that are not receiving the proper care that they need in local jails in smaller townships. Inmates are given medication, but rather than place them in a facility where they could thrive and receive better care, they are placed within the general population where they become victimized themselves. One participant talks about his aunt who is constantly in and out of jail due to her schizophrenia diagnosis that was brought about by her drug abuse. Grant M. states without being the spouse of an individual, it is hard to obtain help for family members experiencing this and cannot do anything about it. On the other hand, Greg T. felt that the criminal justice system is making strides in addressing mental illness concerns. Shun G. states that mental health is not only a concern for those being arrested, but also for those who wear the badge and go unnoticed. Shun expresses how judges and lawyers who handle criminal cases day in, and day out are also experiencing stressors that can lead to discretionary decision-making. Holding those individuals accountable by requiring them to see counselors or to go through some form of mental health awareness training could also help those they encounter during the justice process.

Parenting plays a significant role in the outcome of people's lives. A shared response by participants in this study reverberated the responsibility of the parent for their child. One of the issues in the Black community is not seeking help when it is needed and letting it become unmanageable to the point that outside help is needed and comes in the form of law enforcement officers. One thing brought to the researcher's attention was accountability. Accountability falls on the individual and the parent(s) who raise them. Bruce B. describes a situation where the mother is at work while the father is "in the streets hanging out with his homeboy". Bruce inquires who is there to raise the children. Bruce states then there are also circumstances where the parent walks down the street to get into a physical altercation with another parent who may



have disciplined their child for being disrespectful. Participants believe that in a different era, adults were able to discipline children and parents appreciated their concern to do so. Black communities nowadays do not hold the same teachings and will confront you for doing so. Andy T. expresses how the world is changing by the second. How nothing is standing still, not even time. To change the current circumstances, everyone must be held accountable. Preparing young individuals for the world and setting them up for success is the shared sentiment amongst this study's participants. Diversity was developed as a theme shared by participants because of the shared experiences they had growing up and later in life. Even though they grew up in predominantly Black neighborhoods, the school systems in which they attended were a mixture of ethnicities that prepared them later in life.

### ***Social Issues and Communication***

Sub-question two of this study simply asks what solutions exist to resolve racial disparities within the criminal justice system through the Black male's perception of his lived experiences. In chapter two one of the theoretical frameworks noted was the socialization theory that emphasized social media depicting stereotypes of young minorities as incarceration being a normal life course transition. Grant M. expresses the need for government officials to provide resources for people with trauma and mental health. Grant states by "leveling the playing field," mental health breakdowns would decrease, which can create broken homes. Grant describes broken homes stemming from physical abuse, depression, alcohol, and drug use. Greg T. mentions the accessibility of firearms for minority communities that also creates a stereotype for this population. Greg states agencies assisting with poverty issues should provide better resources and accessibility for those resources in their neighborhoods. Shun G. speaks of more residential half-way houses post-incarceration to offer housing as well as other resources to help

individuals reintegrate into society and find a legit income. Shun states for the people who are trying to change and are effective in their lives, having resources in place could mean the difference between re-offending or not.

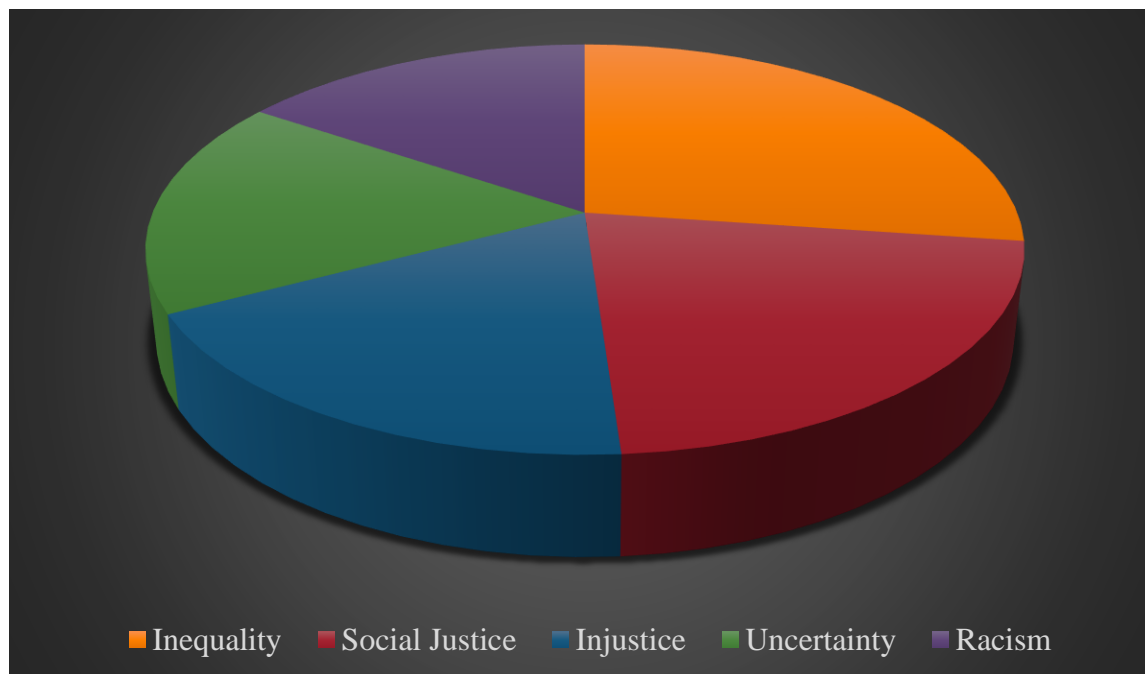
Participants expressed making punishment the same for everyone, and not just one group, exercises justice and fairness. Daniel T. says that justice should be blind, and no matter one's color, it should be equal for all. Bob S. states that social media and other media outlets have played a key role in the stereotypes, but also in police shootings that people see today. Bob suggests that a lot of eyes have been opened and people are taking notice of the issues within society. Tom R. states communication is key in solving issues and is something that everyone should learn how to maneuver to figure out the solutions.

### **Final Themes**

As codes were identified and themes were generated, the researcher reviewed data to find core themes where core categories were interrelated. Those final themes that were identified were (a) inequality, (b) social justice, (c) injustice, (d) uncertainty, and (e) racism (See Appendix F). Figure three gives a list of final themes that emerged from the data.

### **Figure 3**

#### ***Final Themes and Sub-Themes***



### Summary

In this chapter, readers were able to review the study's results after the data was analyzed. As the purpose of the study was to identify the experiences of Black males that contribute to the racial disparities within the U.S. criminal justice system, it also painted a rather skewed picture of the phenomenon that Black males in America are experiencing every day. While chapter four covered a broad range of themes identified during coding, it also gave greater insight into the lived experiences shared by the target group. Twelve individuals were interviewed during a one-on-one conversation with the researcher to have their experiences heard and acknowledged. The ages of those that participated ranged between 30 to 60-years-of-age. Those who took the time out to speak with the researcher had a story to tell and needed someone to listen. One of the common reasons that individuals choose not to participate in studies such as this is due to the reluctance to share their personal experiences. Choosing to do a study on Black males residing in Alabama was uncharted territory that needed discovering. Individuals who

completed their twenty-four question interviews, by the end, were glad that they chose to participate in an unspoken topic in society.

The themes shared in this study coincided with literature, but also identified unexpected themes and categories. The researcher discovered issues that go unnoticed in smaller townships where the government exists on their own terms and have been that way for decades. What may not be an issue in larger cities throughout Alabama may be a greater issue those that are not. As final themes emerged, the researcher was able to identify key categories that were interrelated across participants. What the researcher learned is that while participants shared similar backgrounds, their outcomes led to different approaches to life. There are no circumstances that can determine the future of someone's life, it is the choices and accountability of everyone that makes the difference. As people age, their lived experiences continue to play a role in an ever-changing world where technology constantly advances. One can only imagine the future of the criminal justice system and how the possibility of technological involvement and law changes can change the current phenomenon.

## **CHAPTER FIVE: DISCUSSION**

## **Overview**

The purpose of this transcendental phenomenological study was to examine why racial disparities continue to exist within the United States criminal justice system. The United States criminal justice system is known for having the highest incarceration rates in the world (Sentencing Project, 2018, as cited in Weidner & Schultz, 2019). According to Weidner and Schultz (2019), the substantial expansion of the U.S. penal system has “disproportionately affected a small segment of the population comprised of young minority men with very low levels of education” (Western & Petit, 2010, as cited on p. 1). Research has shown that individuals who reside in smaller townships endure the most of this phenomenon of mass incarceration, making it a “normal life event for many disadvantaged young men” (Sampson & Loeffler, 2010, as cited in Weidner & Schultz, 2019, p. 1). A huge growth within the United States criminal legal system has led to a broadening racial gap in incarceration since the late 20<sup>th</sup> century (Wertheimer, 2023). Back in the year of 2000, Blacks made up over half of the prison population, but only represent 13% of the U.S. population (Wertheimer, 2023). Even with changes to the sentencing policies, over the past two decades, Black adults were imprisoned at five times the rate of White adults in 2020 (Wertheimer, 2023). In this chapter, the researcher will discuss the summary of the findings, the implications relevant to the literature and theory(s) from chapter two, implications that were methodical and practical, an outline of the study, and recommendations for future research.

## **Summary of Findings**

In 2022, the Pew Charitable Trusts (PCT) partnered with Jail Data Initiative (JDI) to study jail population rates for different racial and ethnic groups from three counties located in North Carolina, Kentucky, and Missouri. During their study, PCT and JDI found that Black

people were admitted to jails at over “four times the rate of White people and stayed in jail for 12 more days on average across the 595-jail sample, contributing to the larger increase in population observed for Black individuals” (Wertheimer, 2023, para. 5). The central research question of this study asked what were the experiences of Black males that contribute to racial disparities existence within the U.S. criminal justice system. What was found throughout this study is that racial disparities exist within the criminal justice system due to numerous factors that range from in-home influences on the policies and procedures that govern the system itself. As discussed in chapter four, 12 Black male participants ranging from ages 30 to 60 years of age, were interviewed and gave their accounts of their lived experiences and thoughts on the current state of the justice system.

Those interviews were recorded, transcribed, and coded using the latest computer-assisted qualitative data analysis tool. What the research found was that the themes that emerged to answer the central research question, and part of the first sub-question, centered on inequality, social justice, and injustice. For each theme, a brief definition was given to explain their interrelatedness to one another. Participants in the study shared the same views on the beliefs as to why racial disparities exist within the criminal justice system and in society. To summarize those findings, participants stated that disparities begin with its existence within society for a Black man. Those inequalities are what drive some to live a life of crime to survive. Policies and procedures that were built off slave codes and other injustices for those of color, continue to shape the status quo that are observed today. Black men who are feared for the color of their skin and the images that media displays about them, have resulted in a world where they are locked away in substantial number of years, to control their place in society. Yet, in no way does this exempt them from their punishments for the crimes that they commit. Another contribution

to racial disparities within the criminal justice system is that Black men in smaller townships are placed in jail and forgotten about by those in society. Other than those with family members who remind them of their cases, are those that are lost within the hundreds of case logs in the court system. Individuals are forced to sit within the local jails for years without resolve soon because their cases are subjected to uncertainties and what is to come next. For example, Wertheimer (2023) stated that Black people made up 12% of the local population, but 26% of the local jail populations of the 595 jails they chose to research from certain counties. Of those jails, “in almost 71% [421], share of the jail population that was Black was at least twice that of the locality as a whole” (Wertheimer, 2023, para. 8).

Next, sub-question one identified the social factors that Black males perceived as contributing to the persistence of racial disparities within the U.S system. Themes that emerged from the interviews were uncertainty, racism, and family. Weidner and Schultz (2019) state that significant bodies of research have examined the effects of mass incarceration on both “morbidity and mortality, on individual and families, as well as population health, including racial disparities” (Massoglia & Pridemore; Massoglia, 2008; as cited on p. 2). Participants who were currently incarcerated in local jails presented themselves as examples as to why racial disparities affect mass incarceration rates. Family members of participants incarcerated in penal systems have been there for a substantial amount of time for drug-related offenses that were a huge part of the “get-tough-on-drugs” era. Other experiences shared by participants were of friends who were currently incarcerated with them on misdemeanors but have been there for an amount of time without having a hearing or knowing what was next. Uncertainty for these participants seemed to be a major factor in their lives currently and in the future to come. The not knowing what is to come has them in a state of my life is over and I just want this all to end.

As discussed previously, this can lead to plea deals on cases that could have been won on technicalities but are pleaded to in the end. Black men who are less educated and financially unable to post their bonds sit in jail for an unspecified amount of time just to plea as the result. Penal systems are filled with those who have chosen to take this route in their cases rather than sit before a jury of their peers that may or may not take years to occur. Again, not having family support systems can be detrimental to those who have no one else to fight for them or support them once they are back in society.

The next section of the themes that emerged were discrimination, stereotyping, legal issues, mental health, parenting, and diversity. Discrimination was seen as an important part as to why discretionary decision-making exists in the justice system. Participants reverberated that Black men are discriminated against not only in the legal system, but also in society. Situations being treated unfairly or differently from those around you was one of the lived experiences that they faced too often. Sentencing policies that were set up to eliminate disparities and racism has done the opposite and contributed to the phenomenon that is seen today. Shun states that Black people “fall by the wayside” due to lack of knowledge about the justice system and laws. Not knowing what their rights are and the process of the legal system has landed those who were not guilty into the penal system serving years before someone educates them about their cases.

Stereotypes within the Black community have also contributed to the way in which minorities are viewed and handled in the justice system. As participants expressed the concern over media outlets and social media that paint the picture of Black men and young boys with guns and drugs, placing a disposition within the minds of those representing and judging them. Solutions suggested by participants involved equal justice for all, and not just some. They also expressed justice being blind and judges not having preconceived judgments about them before



ever hearing their cases. Mental health for minorities has also contributed to the rising numbers of this population in prisons. Participants proposed instituting resources or placement for those who have severe mental illnesses other than confinement in correctional facilities and to have resources set in place for those post-incarceration. Through parenting, issues such as mental health treatment and obtaining the proper education can assist young Black males with a positive outlook on their futures.

Lastly, sub-question two asks the solutions to resolving racial disparities within the criminal justice system by Black males who experience the phenomena, and how this research supports those solutions. Themes that supported sub-question three were simple, addressing social issues and communication. Making resources accessible for minorities with low income should be required by the local as well as state government officials. Grant states by “leveling the playing field”, mental health breakdowns would decrease, which can create broken homes. Grant describes broken homes stemming from physical abuse, depression, alcohol, and drug use. Tackling the issue of accessibility of firearms for youth in minority communities can lessen the number of guns in their hands and on the streets. Participants spoke of more residential half-way houses post-incarceration to offer housing as well as other resources to help individuals reintegrate into society and find a legitimate source of income. Shun states for the people who are trying to change and make a difference in their lives, having resources in place could mean the difference between re-offending or not. Taking notice of the issues within society for African Americans is only the beginning, it is the work that comes after which can make the difference. Communication is key in solving issues and is something that everyone should learn how to maneuver to figure out the solutions and act upon them.

## **Discussion**

## External Stakeholders

External stakeholders in society include, but are not limited to elected officials, the media, local businesses, families/schools, and of course the government itself. As external stakeholders the impact of doing nothing to change the current state of racial disparity in the U.S. criminal justice system will only lead to further discrimination that can either lead to crisis, destruction, or even corruption. In the United States, we pride ourselves on equality, human rights, and justice for all. As an external stakeholder, they must offer context, challenge associations, and highlight institutions. Hetey and Eberhardt (2018) state, “To contextualize is to convey that racial disparities are not natural or due to fixed stereotypical traits” (p. 185). Through context, stakeholders can accuse the systems that create injustices and target specifically the problem that needs to be addressed. Creating a new narrative through context can reveal nationally the government policies and practices that have caused our system to fail as it has today. Context also seeks to address racial disparity through health-related issues, homeownership, and the attainment of education. External stakeholders can challenge their associations by educating the public about implicit bias and how this bias can affect one’s perceptions, decision-making, and actions without conscious awareness or malicious intent (Hetey & Eberhardt, 2018). As mass incarceration rates have soared to around 2.1 million, which is predominantly Black and Latino, Americans face yet another health concern for a system that already consists of disparities (Minkler et al., 2020).

Minkler et al. (2020) article acknowledges what is known as Kingdon’s model of the policy-making process. Kingdon’s model combines three streams into steps called the problem stream, politics stream, and policy stream (Minkler et al., 2020). The problem stream convinces policymakers that a problem exists, the politics stream proposes solutions, and the policy stream

negotiates to get approval (Minkler et al., 2020). For example, things such as requiring officers to receive written consent rather than verbal consent for searches, or even that a person can deny that officer's request without reprisal when it comes to searches. Lastly, highlighting institutions through the actual institution and not an individual.

### **Elected Officials, Citizens, Education, and Communities**

Elected officials can also end the “tough-on-crime” policies that led to mass incarceration rates throughout the U.S. that disproportionately influenced minorities through drug arrests and law changes. For example, in a key study by Lofstrom et al. (2021), Black residents make up only 6% of California's population, but roughly represent 16% of their overall arrests (Lofstrom et al., 2021). In a recent Public Policy Institute of California (PPIC) survey, they found that 62% of Californians believed that the criminal justice system is biased against African Americans (Lofstrom et al., 2021, p. 3).

According to the National Academies of Science and Engineering Medicine (2022) report, they recommended governments “explore coordinated policy reforms across each stage of the criminal justice system, eliminate revocations of community supervision for technical violations, and eliminating the death penalty as examples of reforms that could reduce racial inequality while maintaining public safety” (para. 2). The National Academies of Science and Engineering Medicine (2022) also recommends exploring reforms that address economic, environmental, educational, and public health disparities that has been shown to contribute to racial disparities in the criminal justice system. Citizens, the media, and schools all play a role in lowering the numbers through self-awareness and recognizing the system's faults. Our expenses today on jails and correctional facilities have fallen around \$80 billion with the numbers

increasing as we speak. We also know that most of both populations, along with juvenile detention centers, are disproportionately represented with minority inmates.

To do nothing costs local, state, and the federal government to struggle with high debts that could be used toward educating our youth and providing programs for those who need rehabilitation or other need-based community programming and interventions. Being mindful of language that does not sustain racial stereotypes and biases by understanding its history in the criminal legal system can benefit studies that can sometimes attribute crimes to certain racial and ethnic groups (Nembhard & Robin, 2021). Not only does this negatively impact the budgets mentioned, but it also affects hospitals, neighborhood businesses (retail), schools, and other social resources to help communities survive and thrive.

Ensuring equal access to justice and shifting the focus from drug policies and practices also helps to lower the impact on the U.S. budget financially. While these may be incremental solutions, full implementation is what is needed to make a change. Money that is allotted for certain programs and procedures should be used accordingly and not for things outside of its actual purpose. Putting money back into those neighborhoods that are negatively influenced by things such as the “broken window theory”, poverty, high visibility of police patrols, and lacking in educational needs can be a part of early intervention as well as recovery from the influence of racial disparity and economic loss. Adding this into our local and state budgets can be life-changing and show the new investment that the law has in those communities. Basford et al. (2021) offered alternative solutions for the school-to-prison pipeline that included adding wraparound services, rethinking responses to absenteeism, considering alternative paths to graduation, and implementing innovative programming specifically for students in danger of dropping out of school. Through implementing better pay for food and clothing industry jobs,

that most adolescents work, can also serve as a solution for those who choose a life of crime to access funds quicker.

### **Law Enforcement Building Positive Relationships**

Through this plan, trust can be established or regained between the police-public relationships and somewhat amended through the key holders that represent those communities. Providing equal opportunity through jobs, justice, healthcare, and community rejuvenation serves the overall purpose of changing this country for the better and restructuring the government policies and procedures we have today. Social injustice issues have arisen from mass incarceration and is heavily concentrated on poor African American men (Flores, 2018). In 2014, reoffending and returning to prison represented 76.6% of the recidivism rate in the United States (Flores, 2018). Juveniles with mental disabilities also contribute to these numbers as most never receive treatment due to parents not wanting to acknowledge that their child has an issue or those failing to remain consistent with treatment once diagnosed. Juveniles in minority communities are also affected by the high crime rates and heavy patrolling of law enforcement officers.

Negative law enforcement contacts are most contacts for youth who live in these areas with officers whether it is with them or someone they know. Varghese et al. (2019) states, "One goal for the justice system reform is to have an equitable system that upholds the human rights and dignity of people regardless of background and is consistent with U.S. ideals" (p. 724). As a part of the justice system reform, Varghese et al. (2019) suggests that the system focuses on rehabilitation strategies rather than harsher punishments. Those in decision making positions should include diversity and social justice training for all movers in the justice system as well as including psychologists which can be a powerful force in transforming the justice system

(Varghese et al., 2019). Through these strategies, transformation would take place in “unjust laws, biased courts, racist law enforcement, and disproportionately harsh detention” (Varghese et al., 2019, p. 724).

Renewing a department’s strategy along with clarification of its commitment to the community should be reflected through positive engagement and service by its officers. Maintaining and projecting stability internally in a department’s operations reflect upon positive results when seeking external grant-making opportunities. The development of a good hiring statement that shares their values for racial diversity and goals for an inclusive workplace and environment supports transparency. Hiring applicants with the same goals and values as the agency can only strengthen a department’s foundation and guarantee its success. In Jones-Brown and Williams (2021) article on over-policing Black bodies, they focus on the long-standing culture of violence in policing that disproportionately targets Blacks. Based on four decades long phenomena, this pattern and practice of aggressive and fear-based policing were documented in one of the first investigative reports of policing and commissioned by a U.S. president (Katzenbach, 1967, as cited in Jones-Brown & Williams, 2021). By acknowledging the issue of over-policing in Black communities, it paves the way for proper screening of new police recruits, improves evidence-based training, and opens the doors for a potential stronger community-based partnerships (Jones-Brown & Williams, 2021).

Research has shown the adverse effect when outcomes related to criminal justice involvement for marginalized groups can result from “unconscious discrimination and/or historic policies related structural dynamics” (Staats et al., 2017, as cited in Maryfield, 2018, p. 2). Scientific research has demonstrated that implicit biases can be pervasive, and they operate mostly under the scope of a human’s consciousness, they can influence the ways that we treat

one another, even when being fair and objective (Maryfield, 2018). According to Lima et al. (2019) article, it demonstrates how disparities within the criminal justice system can be racial-based as well as social-based. When combined, a racially based class disparity in imprisonment is revealed, indicating that Black Americans from the low social classes are “much more incarcerated than White people from any social class” (Lima et al., 2019, p. 2).

### **Community Prevention/Intervention and the Collaborative Approach**

Community prevention and intervention also starts at the basic level with both the citizens and law enforcement agencies being involved. Also, through the empowerment of communities with knowledge, counseling, and other health-related programs, it can assist those in need to prevent problems later. The relevance of this study shows that if everyone works together, then change is inevitable. Wildeman and Wang’s (2017) article examines future health outcomes that stems from former inmates being released from incarceration with profoundly harmful effects on the physical and mental state of ex-offenders.

Not only does this affect those being released from prison, but also their female partners and children who also experience negative health impacts post-release of their loved ones. Wildeman and Wang (2017) also identifies that Blacks, and their communities are those who are heavily affected by this phenomenon as their populations are disproportionately represented in the U.S. criminal justice system. Incarceration of individuals from the black community has raised concerns that “excessive incarceration could harm entire communities and thus might partly underlie health disparities both in the USA and between the USA and other developing countries (Wildeman & Wang, 2017, p. 1464). Yi and Wildeman (2018) found that children who were placed in foster care were considerably more likely to have contact with the criminal justice system during their childhood as well as in their adult lives when compared to those not

from foster-care. Yi and Wildeman (2018) article highlight five objectives as a solution to this problem. Yi and Wildeman (2018) five objectives would target placement permanency for youth who encounter the foster care system; provide better access to mental healthcare and substance abuse programs; provide legal support; employment and educational support for adolescent youth; and lastly support job placement and housing for those aging out of the system (Yi & Wildeman, 2018). Prior research on the topic has provided little insight to foster-care impact on children but has been associated with elevated risks of substance use, housing instability, low levels of education and employment, and poor mental health to name a few (Yi & Wildeman, 2017).

As state legislatures continue to develop a greater understanding of these disparities, they will have the opportunity to make their systems more just for all individuals who encounter the justice systems, with an overall goal of reducing or eliminating racial and ethnic disparities (National Conference of State Legislatures, 2022). Hinton and Cook's (2021) review on the historical literature behind the criminalization and incarceration of Black American's, focuses on ways in which policymakers and officials in every level of government have used criminal laws, policing, and imprisonment to control predominantly Black communities. Ongoing discussions centering on what is known as the *New Jim Crow* law, describes the "deep racial dimensions of criminalization and incarceration in the American criminal justice system" (Hinton & Cook, 2021, p. 262). Hinton and Cook (2021) also describes laws, such as Black Codes, which profoundly shaped the development of the United States criminal justice system between the ends of the Civil War to the Civil Rights Act of 1965. Hinton and Cook (2021) hopes that their literature review into the American carceral-security state can help foster investigations into the persistence of criminal injustice in the mass incarceration era.



Throughout the nation, people of color enter the nation's criminal justice system far more than the general population (National Conference of State Legislatures, 2022). Yet still today, researchers and policymakers continually study the reasons behind these statistics and ponder over what strategies need to be deployed to address such disparities. To ensure an even-handed process of justice for all, this article shows data from all stages of the criminal justice process to help states clearly understand the extent of their racial and ethnic disparities. As state legislatures continue to develop a greater understanding of these disparities, they will have the opportunity to make their systems more just for all individuals who encounter the justice systems, with an overall goal of reducing or eliminating racial and ethnic disparities (National Conference of State Legislatures, 2022).

## **Implications**

### **Theoretical Implications**

Major gaps in the literature surrounding racial disparities within the U.S. criminal justice system has led to several theoretical frameworks that outlines individual factors as a cause. This is important since theories can lead towards a study's framework and develop the foundation for its research. Gaps in the research have left open room for future research that can contribute to the phenomenon through up-to-date knowledge. It is evident that the research that has been completed thus far has not covered all bases leaving a rather substantial phenomenon with no resolution to lessen racial disparities observed within the U.S. criminal justice system. For instance, in Scherr et al. (2020), they link cumulative disadvantage to wrongful convictions and forced confessions by those who encounter the criminal justice system. Pettit and Gutierrez (2018) write, "despite two decades of declining crime rates and significant and sustained policy attention to criminal justice reform, the United States continues to incarcerate a comparatively

large segment of the population” (p. 1). Mass incarceration does not affect all segments of the population, but it affects subgroups within a population that systematically targets that segment (Pettit & Gutierrez, 2018). The primary theoretical implication for this study is its ability to hear from a particular segment of the U.S. population who are the most affected by the phenomenon of mass incarceration through racial epithets. Not only can this study contribute to the theoretical frameworks that have been established from prior research, but it can also contribute towards studying southern parts of the country and its procedures as it relates to Black men.

Davis (2021) describes the Deep South as “the epicenter of mass incarceration” (p. 5). During the period between 1990 and 2019, Southern states’ prisons increased by 127% (Davis, 2021). Three Southern states were assessed with Alabama being one of the three. According to Davis (2020),

“Alabama is home to the most overcrowded prisons in the country, currently at 151% of capacity. Alabama’s prison crisis has drawn attention from the U.S. Department of Justice investigations twice within a 15-month period and led to a recent lawsuit concerned with how severely overcrowded prisons contribute to unsafe, unsanitary, and increasingly violent conditions. Even after reforms were passed in 2017, recent legislation concerning the Alabama Board of Pardons and Paroles has severely diminished the parole chances of currently incarcerated people” (p.5).

As a result of this study, a second theoretical implication is that my framework allows future researchers to contextualize this information in a way that leads towards solutions, not later, but now. This framework paves the way for more research into Southern states’ mass incarceration rates as it relates to Black men.

### **Empirical Implications**

As for the empirical implications of this research, the researcher was able to measure the phenomenon and obtain knowledge from the participants' lived experiences. Categories and themes that derived from this research study assisted with developing a better picture of the everyday life of a Black man and the constant fears that they possess. Empirical evidence from those currently incarcerated gave this study insight into the justice system as it relates to small townships in the south. Other empirical implications guided the research towards the lived experiences of those without criminal histories but have either relatives or friends who have been incarcerated at some point in their lives. Even the lived experiences of those participants have shaped their feelings about racial disparities that exist within society.

### **Practical Implications**

The practical implication of this study is for policymakers, local and state governments, and the judicial branch of the country's government to take a deeper look into Southern states that have the most overwhelming numbers of incarcerated inmates, with the majority their population consisting of Black males. The themes described in this study introduced several categories that contributed to the phenomena which was being researched. Solutions were also given to rectify the injustices that go unspoken of and not corrected. For example, participants advised that stereotyping of Black males is something that is so mainstreamed in various media outlets that the incarceration of this subgroup is almost a normative life-course for those living in poverty with no formal education.

The second practical implication of this study is the real-world lived experiences and its impact on the twelve participants in this study. This research once again gives context for those pursuing this topic of study and wanting to make changes in the status quo for young and old

Black males. Particularly relevant is the focus on the subgroup that is the most affected, but make up a small proportion of the U.S. The tendency for government and state officials to relinquish the responsibility of its citizens and their wellbeing to others is an injustice. Simply placing someone in jail or prison to get rid of the problem is also not the answer to the problem. Defending something that a person knows is wrong, but continues to engage in, shows the lack of progress in a nation that was built on slavery.

### **Delimitations and Limitations**

This study was delimited to include only Black males between the ages of 20 to 65-years-of-age, with or without criminal history backgrounds. The reasoning behind focusing on this subgroup of the U.S. population was because of the study's topic that related to racial disparities within the criminal justice system. Another delimitation of this study included only participants who resided in the state of Alabama. As mentioned earlier in this chapter, incarcerations rates in the Southern states of the country have led to inadequate health care and rundown living conditions in the prisons. The Black male population continues to make up a substantial part of the Alabama jail and prison populations with no current resolutions. Davis (2021) suggested that through expanding parole eligibility, it would not only benefit those directly incarcerated, but also address an "age-old" concern about the capacity levels and costs to run them. The purpose for this delimitation was to open the door for exploring southern states in the U.S. and the smaller townships that go unnoticed and contributes to the overcrowded penal systems that are currently operating in the state. Even with an age range of 20 to 65, this study had its limitations that should be mentioned. The reason for this final delimitation was to focus on the current prisons and jails population age range for those who are incoming as well as those who are aging within these same facilities.

While conducting this study, the researcher was able to identify the limitations that emerged during recruitment. First, the age that I most hoped to get their insight into the criminal justice system (20-29), were not as approachable or willing to share their experiences with the researcher. What I gained from this study was that to reach a younger segment of this subgroup, providing a small incentive as an appreciation for their time and participation in this study. Also, most people that were of this age group and willing to participate, were hard to track down once it was time to set up a date. The lack of obtaining participants from this age group left a gap in this research that could have presented in-depth insight on family, education, and discrimination that they experienced at an early age. Religious affiliations could have also been another avenue to explore.

### **Recommendations for Future Research**

There are a few recommendations for future research based on my current findings on this topic. The first recommendation is that future studies should focus on individual counties throughout Alabama to measure the rate at which Black males encounter the legal system, are indicted, enter plea deals, and are incarcerated. In addition, exploring the same group of individuals who are of African and Caucasian descent could increase this population's numbers or identify a difference in treatment. Keeping participant levels between 10 to 20 serves as a good starting point for a qualitative study. As a second recommendation, implementing a quantitative study on the same population to evaluate arrests, convictions, and incarceration rates could bring awareness on the state level and allow those in position to reconsider certain policies and procedures. Also, considering educational background and mental illness diagnosis may be a substantial contributing factor for those in Alabama.

As a third recommendation for future research, with increasing numbers for Black males being adjudicated at 16-years-of-age and violent crimes being committed by those between 16 to 25 years of age, should be explored as to what contributes to this outcome. Past research has contributed negative outcomes for those at younger ages to inadequate healthcare, poor nutrition, the lack of education, poverty, and broken homes towards their involvement with the criminal justice system. This research slightly touched on this topic when participants shared their opinions on why Black males become involved with the justice system. Not having a positive outlook on their futures can affect their decisions today and change their lives tomorrow.

With the study's recommendations, advanced technology could significantly contribute to the criminal justice process by being an effective tool for judges and those involved in the process to incorporate a computer-based program that gives a snapshot of personal factors, criminal histories (to include types of offenses committed and etc.), treatment programs used or not, family backgrounds (support), and mental health evaluations before sentencing and bond issuance.

### **Summary**

In this study, I engaged in a transcendental phenomenological research study that involved Black males and the current state of racial disparities within the U.S. criminal justice system that has contributed to its mass incarceration rates. This research study gave voice to a subgroup of the population that are disproportionately represented within the penal populations but make up a small part of the overall U.S. population. This study was achieved by studying the lived experiences of Black males between the ages of 20 to 65 years of age living in Alabama. Through one-on-one phone interviews with participants, the researcher was able to communicate with those who had criminal history backgrounds as well as those without. Interviews were

transcribed using Sonix and Microsoft Word, yielding a large amount of data that was coded effectively by ATLAS.ti. Data which was coded were broken down into categories and themes, which led to final themes that emerged during this process. Results of this study indicated that there are many factors that contribute to the rate at which Black males are overrepresented within the criminal justice system through discriminatory practices and procedures that were once designed to eliminate disparities. Participants in this study also revealed that there is a need for additional research into smaller counties in Alabama that go by their own set rules and are related in some manner to key role players within the criminal justice process. Stereotyping of this group also plays a part in how they are perceived in society and carries over into media outlets that depict Black males as gun-toting, gang affiliated individuals.

What can be gained from the study is that all people, no matter their race, sex, or creed, desires to be treated fairly in society and given the same opportunities afforded to them. In a country that once functioned from slavery, continues to oppress those of color through procedure, policies, laws, and confinement. Laws that were made to control slave populations still serve as blueprints for laws today. When asked where they saw themselves in ten years, most participants had a sense of goals that they wanted to achieve, while others were uncertain of their futures. There is a fear amongst this population that is a direct outcome of this country's past. There is also a fear within other populations of minorities due to lack of knowledge. This research adds to the body of knowledge that exists on the topic of mass incarceration as a direct cause of racial disparities within the criminal justice system. The findings indicate the Black men still feel as though they are second-rate citizens in a country that they were born and raised in. Until people can eliminate the racism and bias that does exist within all systems, then we are doomed to keep repeating the past.

Family is the cornerstone of Black families who rely on them more than anything else in the world. Not having the appropriate support system as a minority can have negative effects on their lives and place among society. Education and proper healthcare for certain illnesses can make the difference between someone thriving and someone just surviving. What this research has taught me is that although we may know a lot on a specific topic, we do not know everything. Future research on this topic could lead towards an indefinite solution and equal treatment of those who also represent a marginalized group. Basing a criminal justice system on financial ability will continue to contribute to mass incarceration rates and unfair treatment. Traversing through the many tools available at the fingertips of those in positions to make change could be the difference to a more effective criminal justice system and the success of a nation.



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## APPENDIX A

### Informed Consent Form

**Title of the Project:** Mass Incarceration: Racial Disparities within the United States Criminal Justice System

**Principal Investigator:** Crystal N. Pugh, Doctoral Candidate, Helms School of Government, Liberty University

#### Invitation to be Part of a Research Study

You are invited to participate in a research study. To participate, you must be a Black male, between the ages of 20 to 65 years of age. Taking part in this research project is voluntary.

Please take time to read this entire form and ask questions before deciding whether to take part in this research.

#### What is the study about and why is it being done?

The purpose of the study is to gauge the Black males' perspective on the criminal justice system as well as experienced biases in their day to day lives. This study will assist with examining the current state of affairs for minorities when dealing with law enforcement contacts, the judicial process, and support systems.

#### What will happen if you take part in this study?

If you agree to be in this study, I will ask you to do the following:

1. Member Checking: Review all interview questions listed in transcript before agreeing to participation. An estimated time of completion should only take 5 to 10 minutes to complete.
2. Participation: Agree to a set time and/or place (phone interview is also acceptable) to go over interview questions with researcher. Audio recording will be necessary, but only for transcription purposes later. The estimated total time of completion will be 1 hour depending on the review of question transcript and participants replies.

#### How could you or others benefit from this study?

Participants should not expect to receive a direct benefit from taking part in this study.

Benefits to society include increased awareness of racial biases and other inequalities observed within the U.S. criminal justice system that hinders the prosperity of our nation. Providing everyone with equal opportunities and economic freedom not only helps minorities to thrive, but also reinforces the future prosperity of all systems.

### **What risks might you experience from being in this study?**

The expected risks from participating in this study are minimal, which means they are equal to the risks you would encounter in everyday life.

Disclosure: I am a mandatory reporter. During this study, if I receive information about child abuse, child neglect, elder abuse, or intent to harm self or others, I will be required to report it to the appropriate authorities.

### **How will personal information be protected?**

The records of this study will be kept private. Published reports will not include any information that will make it possible to identify a subject. Research records will be stored securely, and only the researcher will have access to the records.

- Interviews will be conducted in a location where others will not easily overhear the conversation.
- Data collected from you may be used in future research studies and/or shared with other researchers. If data collected from you is reused or shared, any information that could identify you, if applicable, will be removed beforehand.
- Data will be stored on a password-locked computer. After three years, all electronic records will be deleted.
- Recordings will be stored on a password locked computer for three years/until participants have reviewed and confirmed the accuracy of the transcripts and then deleted. The researcher/the researcher and members of her doctoral committee/the study team will have access to these recordings.

### **How will you be compensated for being part of the study?**

Participants will not be compensated for participating in this study.

### **Is study participation voluntary?**

Participation in this study is voluntary. Your decision whether to participate will not affect your current or future relations with Liberty University. If you decide to participate, you are free to not answer any question or withdraw at any time without affecting those relationships.

### **What should you do if you decide to withdraw from the study?**

If you choose to withdraw from the study, please contact the researcher at the email address/phone number included in the next paragraph. Should you choose to withdraw, data collected from you will be destroyed immediately and will not be included in this study.

### **Whom do you contact if you have questions or concerns about the study?**

The researcher conducting this study is Crystal Nichole Pugh. You may ask any questions you have now. If you have questions later, **you are encouraged** to contact her.

### Whom do you contact if you have questions about your rights as a research participant?

If you have any questions or concerns regarding this study and would like to talk to someone other than the researcher, **you are encouraged** to contact the IRB. Our physical address is Institutional Review Board, 1971 University Blvd., Green Hall Ste. 2845, Lynchburg, VA, 24515; our phone number is 434-592-5530, and our email address is [irb@liberty.edu](mailto:irb@liberty.edu).

*Disclaimer: The Institutional Review Board (IRB) is tasked with ensuring that human subjects research will be conducted in an ethical manner as defined and required by federal regulations. The topics covered and viewpoints expressed or alluded to by student and faculty researchers are those of the researchers and do not necessarily reflect the official policies or positions of Liberty University.*

### Your Consent

By signing this document, you are agreeing to be in this study. Make sure you understand what the study is about before you sign. You will be given a copy of this document for your records. The researcher will keep a copy with the study records. If you have any questions about the study after you sign this document, you can contact the study team using the information provided above.

*I have read and understood the above information. I have asked questions and have received answers. I consent to participate in the study.*

The researcher has my permission to audio-record/ photograph me as part of my participation in this study.

---

Printed Subject Name

---

Signature & Date



## APPENDIX B

### Semi-Structured Open-Ended Interview Guide

#### **Introductory, Background, and Demographic Questions**

1. How long have you lived in (city and state where they reside) and where are you originally from?
2. Can you tell me a little about your household environment?
3. What is your current support system, including family and friends?
4. Tell me about your educational background.
5. What are the demographics of your neighborhood and the schools in your area?
6. What is your current profession?
7. Where do you see yourself in ten years?
8. Growing up, what did you learn about the police from in-home influencers (relatives) and outside influencers?
9. What police contacts, if any, have you had up until now (i.e., traffic stops, stop-and-frisks, searches, school resource officer, arrests, etc.)?

#### **Probing Questions**

10. (If they have had other law enforcement contacts that led to confinement) What was your experience with the criminal justice system and the process from initial arrest until conviction?
11. At what age was your first law enforcement contact and what were the circumstances?
12. How do you feel about your current criminal justice system in (city of residence) County?
13. Can you give me [more detail] about your law enforcement experiences?
14. Can you tell me more of what you meant by [statement of interest]?

#### **Racial Disparity: Main Questions**

16. Do you currently have, or have had, close friends/relatives involved in the criminal justice system? If so, do you mind sharing?
15. What biases have you personally experienced throughout your life, if any? Tell me about those experiences and what the situations involved.
16. Let's take a step back into your childhood years and your experiences in school involving any inequalities or differential treatment in your teacher-to-student relationships.
17. Have you ever experienced racism in any form throughout your life and can you describe that experience?

#### **Racial Disparities: Follow-Up Questions**

18. How do you feel about the current state of the U.S. criminal justice system when it comes to minorities?
19. Some of the data I explored throughout my research indicates that Black males are disproportionately represented within the criminal justice system. What are your thoughts as to why this exists?
20. How is someone's ethnic background, gender, and mental abilities treated in the U.S. criminal justice system?
21. Children nowadays encounter law enforcement at an early age through school resource officers' presence in the school. In your experience, or your child's, how have discipline policies changed over the years with law enforcement involvement?

22. People make their own decisions-which sometimes lands them in trouble with the police. Yet there are some factors (societal) that can contribute to their chances of being arrested. Who does the responsibility fall upon to assist those individuals with trauma, broken homes, mental disabilities, poverty, and abuse?
23. As we prepare to end our interview, let us think about the future and what it means for you. Research describes the American dream as being successful in society, no matter one's race, and achieving upward movement through a comfortable lifestyle. What does this mean to you?

**APPENDIX C****Field Notes Template***Interview Questions***Name** \_\_\_\_\_**Age** \_\_\_\_\_

City and state where they reside:

Household environment:

Current support system, including family and friends:

Educational background:

Neighborhood Demographics:

What is your current profession?

Where do you see yourself in ten years?

Growing up, what did you learn about the police from in-home influencers (relatives) and outside influencers?

What police contacts, if any, have you had up until now (i.e., traffic stops, stop-and-frisks, searches, school resource officer, arrests, etc.)?

### **Probing Questions**

(If they have had other law enforcement contacts that led to confinement) What was your experience with the criminal justice system and the process from initial arrest until conviction?

At what age was your first law enforcement contact and what were the circumstances?

How do you feel about your current criminal justice system in (city of residence) County?

Can you give me [more detail] about your law enforcement experiences?

Can you tell me more of what you meant by [statement of interest]?

### **Racial Disparity: Main Questions**

Do you currently have, or have had, close friends/relatives involved in the criminal justice system? If so, do you mind sharing?

What biases have you personally experienced throughout your life, if any? Tell me about those experiences and what the situations involved.

Let us take a step back into your childhood years and your experiences in school involving any inequalities or differential treatment in your teacher-to-student relationships.

Have you ever experienced racism in any form throughout your life and can you describe that experience?

### **Racial Disparities: Follow-Up Questions**

How do you feel about the current state of the U.S. criminal justice system when it comes to minorities?

Some of the data I explored throughout my research indicates that Black males are disproportionately represented within the criminal justice system. What are your thoughts as to why this exists?

How is someone's ethnic background, gender, and mental abilities treated in the U.S. criminal justice system?

Children nowadays encounter law enforcement at an early age through school resource officers' presence in the school. In your experience, or your child's, how have discipline policies changed over the years with law enforcement involvement?

People make their own decisions-which sometimes lands them in trouble with the police. Yet there are some factors (societal) that can contribute to their chances of being arrested. Who does the responsibility fall upon to assist those individuals with trauma, broken homes, mental disabilities, poverty, and abuse?

As we prepare to end our interview, let us think about the future and what it means for you. Research describes the American dream as being successful in society, no matter one's race, and achieving upward movement through a comfortable lifestyle. What does this mean to you?

## APPENDIX D

### Social Media Recruitment Post

**ATTENTION** African American Males: I am conducting research as part of the requirements for a Doctor of Philosophy in criminal justice at Liberty University. The purpose of my research is to gauge the Black males' perspective on the criminal justice system as well as experienced biases in their day to day lives. To participate, you must be between the ages of 20 to 65 years of age. Participants will be asked to review all interview questions prior to agreement, which should take about (10-15 mins) and be a participant in the study (1 hour). If you would like to participate and meet the study criteria, please contact me for more information and to schedule an interview. A consent document will be emailed to you a week before the interview, and you will need to sign and return it at the time of the interview.

## APPENDIX E

**List of Codes for Initial Coding That Were Consistent Across Study Participants****INEQUALITY**

Inequality: racial

Inequality: social

Inequality: educational

**UNCERTAINTY****RACISM**

Racism: absence of bias and racism

**SOCIAL JUSTICE****INJUSTICE**

Injustice: perceived

Injustice: Racial

Injustice: Social

Injustice: systemic

**FAMILY**

Family: aspirations

Family: background

Family: dynamics

Family: impact

Family: importance

Family: influences

Family: issues

Family: oriented



Family: relations

Family: relationship

Family: separation

Family: support

Family: trauma

Family: history

Family: planning

Family: interaction

## DISCRIMINATION

Discrimination: intellectual

Discrimination: racial

Discrimination: systemic

Discrimination: workplace

Discrimination: minority

## STEREOTYPING

Stereotyping: negative

Stereotyping: cultural

Stereotyping: stereotypes

## PARENTING

Parenting: challenges in parent-child relationships

Parenting: lack of mental health services

Parenting: lack of parental guidance

Parenting: need for financial education

Parenting: need for more resources

Parenting: parental role confusion

Parenting: single-parent upbringing

Parenting: stress

Parenting: single-parent

## DIVERSITY

Diversity: cultural

Diversity: racial

## SOCIAL ISSUES

## MENTAL HEALTH

Mental Health: difficulty accessing mental health services

Mental Health: issues

Mental Health: services

Mental Health: lack of support

## FAMILY DYNAMICS

## COMMUNICATION

Communication: barriers

Communication: breakdown

Communication: targeted

Communication: interpersonal

Communication: poor

## LEGAL ISSUES

## **APPENDIX F**

## **Final Categories and Codes**

### INEQUALITY

Inequality: racial

Inequality: social

Inequality: educational

### UNCERTAINTY

### RACISM

Racism: absence of bias and racism

### SOCIAL JUSTICE

### INJUSTICE

Injustice: perceived

Injustice: Racial

Injustice: Social

Injustice: systemic