Discrimination vs. Disparity

- **Discrimination?**

  - The most important question with respect to race and ethnicity is whether there is discrimination in the CJ system.

  - Mann: A majority perspective on the administrative of justice emphasizing discrimination against people of color.

  - Wilbanks: The idea of systematic racism in the CJ system is a “MYTH”
Discrimination vs. Disparity (cont.)

- **Discrimination (cont.)**

  - Disparity: refers to a difference, is the result of factors (e.g., legal factors) other than discrimination

  - Discrimination (DC): a difference based on differential treatment of groups without reference to an individual’s behavior or qualifications

- DC – Disparity Continuum

Systematic    Institutionalized    Contextual    Individual acts    Pure
Discrimination vs. Disparity (cont.)

- **Discrimination (cont.)**

  - Systematic: DC at all stages of CJ system, all times/places

  - Institutionalized: racial and ethnic disparities in outcomes that are results of the application of racially neutral factors (e.g., prior criminal record, employment status, demeanors.. etc.)

  - Contextual: DC found in particular contexts or circumstances (e.g., certain regions, particular crimes.. etc.)

  - Individual acts of DC: results from the acts of particular ind.

  - Pure justice: no racial or ethnic discrimination at all