
The Criminal Justice System

(part 1)

— The Path to Student Awareness —

Systemic Disparities in the Criminal Justice System

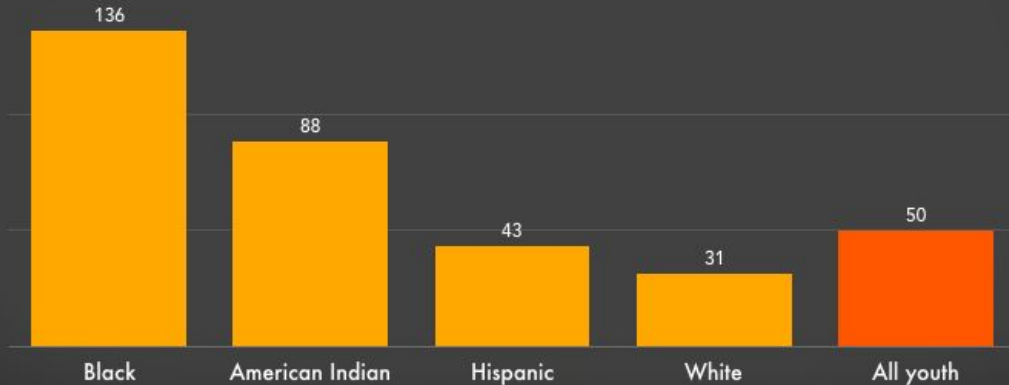
Inequitable access to resources:

- **racial disparities** in society » **less economic funding** for Black and Brown communities due to the overpopulation of **gentrification** by white communities. Thus, there is a **lack of educational and employment opportunities**, as well as **health care and treatment program access**.
 - if a child in a middle-class/high-class exhibits “abnormal” behaviors » more likely to explore learning disabilities/psychological problems/etc & receive appropriate services (private tutors/counseling/therapy) to “treat” the child before they possibly become a delinquent than if the child came from a lower-class.
 - police mandate more drug arrests in low-income neighborhoods because those communities are not equipped with available alternatives for dealing with drug problems, & after arrest/prior sentencing, the resources necessary to treat addicts require consults with psychologists/hire expert witnesses and investigators that are often unavailable through public funding, further disadvantaging minority communities.

There are racial disparities in the arrest and confinement of youth:

The juvenile justice system confines Black youth at over 4 times the rate of white youth

Number of youth ages 20 or younger, per 100,000 youth, in juvenile residential placement facilities in 2017



PRISON
POLICY INITIATIVE

Sources: National Center for Juvenile Justice, *Easy Access to the Census of Juveniles in Residential Placement* and *Easy Access to Juvenile Populations* (2017 data)

- ❖ Racial profiling
- ❖ Overt racial bias
- ❖ Implicit racial biases that are seen as normalized in society.

Extension from the War on Drugs (1980s):

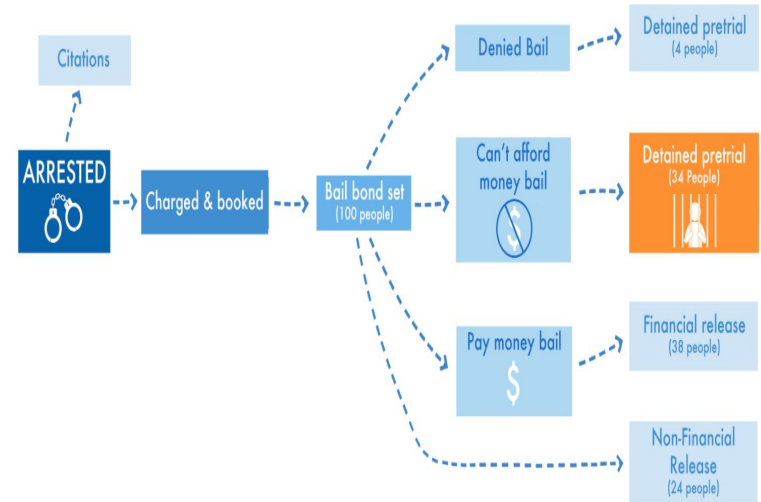
- Blacks, Hispanics, and Latinos were **incarcerated at extensively high rates** for drug offenses, and the gov't **mandated prison sentencing** for them after intentionally making it more accessible for those communities to intake crack, whereas cocaine was mostly found in the higher white class neighborhoods.
 - **The same amt of time in prison for 1 ounce of crack cocaine was that of 100 ounces of powder cocaine.**

The Effects of Bail Bonds on the Poor

<https://www.prisonpolicy.org/reports/incomejails.html>

- Over 70 percent of those in local jails are being held pretrial – meaning they have not yet been convicted of a crime and are legally presumed guilty
- One reason why the unconvicted population is so large is because the U.S. is dependent on a system of money bail
 - The constitutional principle of “innocent until proven guilty” only applies to the wealthy.
 - With money bail, a defendant is required to pay a certain amount of money as a pledged guarantee that they will attend future court hearings.

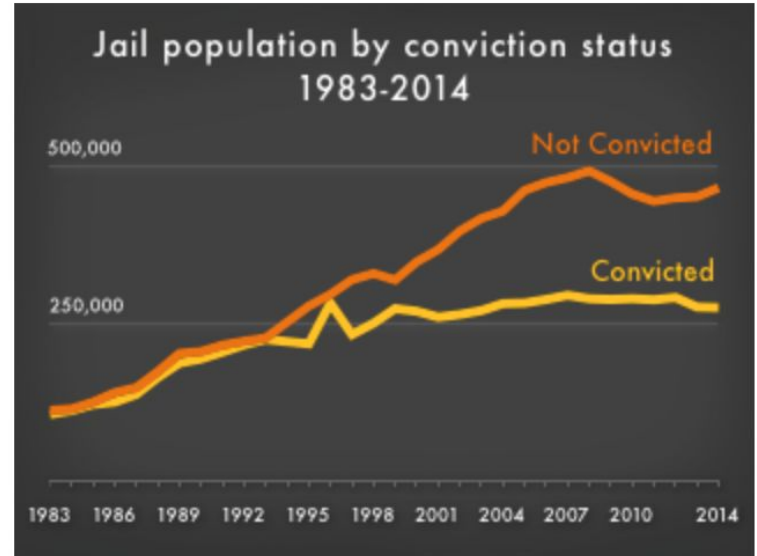
The Path from Arrest to Pretrial Detention



The Effects of Bail Bonds on the Poor

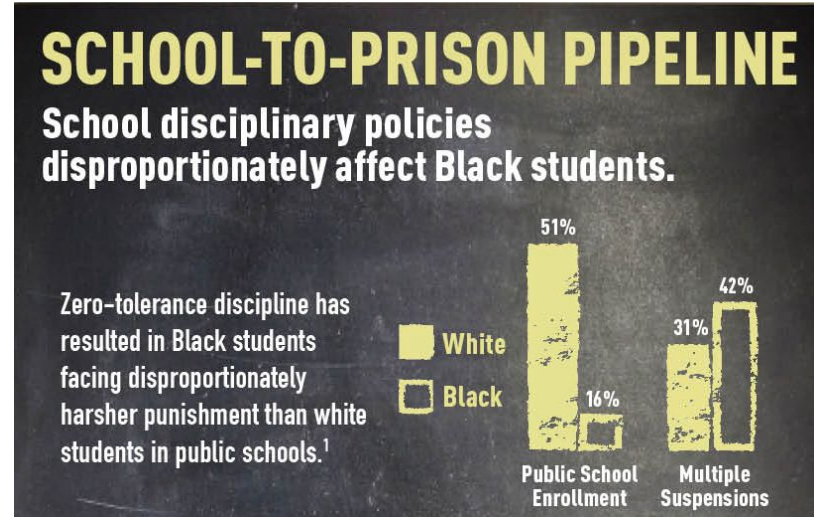
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- If the defendant is unable to come up with the money (either personal or through a commercial bail bondsman), they can be incarcerated from their arrest until their case is resolved or dismissed in court.
- The most people who are unable to meet bail fall within the poorest third of society.
 - According to the Bureau of Justice Statistics data, in 2015 dollars, people in jail had a median annual income of \$15,109 (keeping in mind that bail costs \$10,000 and upward, depending on the offense)



School Prison Pipeline

The U.S. has the highest incarceration rate in the world, with majorities of African Americans, Latinos, and other minorities. However, the stem of this is due to the “path of prison” starting for young minority youths at school or foster care systems.



Private Prisons

It's estimated that private prisons have 49% more incidences of violence and assaults on guards than public prisons. Inmate on inmate assaults occur 65% more often at private prisons as well. Also, government supervision and accountability is much less.

ADVANTAGES	DISADVANTAGES
1. Population Control.	1. Mostly Violent.
2. Creates Job.	2. Do Not House Costly Customers.
3. Lower Reoffending Rates.	3. Lack of Transparency.
4. Saves Time, Money, the Effort of Government.	4. Can be Costly.
5. Decissions Happen Faster.	

Mental Health & the Prison System

- In 2014, the Federal Bureau of Prisons imposed a new policy promising to better care and oversee inmates with mental-health issues. However, data obtained by The Marshall Project through a Freedom of Information Act request shows that instead of expanding treatment, the **bureau has lowered the number of inmates designated for higher care levels by more than 35 percent.**
- While current policy state that inmates are supposed to receive frequent check-ins with a mental-health professional and be monitored by a team that meets regularly to review treatment plans and progress, **the number of suicides, suicide attempts and self-inflicted injuries have increased 18 percent from 2015 through 2017.**
- Looking at the low treatment rates in the graph to the right depicts the lack of treatment for severe mental illnesses in America. Most of the incarcerated are just seen as criminals, murderers, animals with no human aspect to them; **they are defined by their arrest and identified by only their crime.**

Low treatment rates in federal prisons

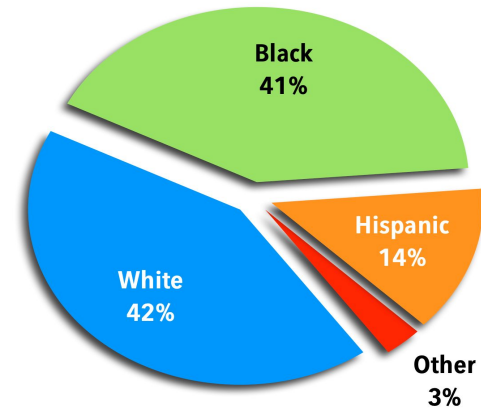
The largest prison systems in the country have far higher rates of treatment for serious mental illness than the **federal prison system**, which only classifies 3 percent of its population as needing regular treatment.



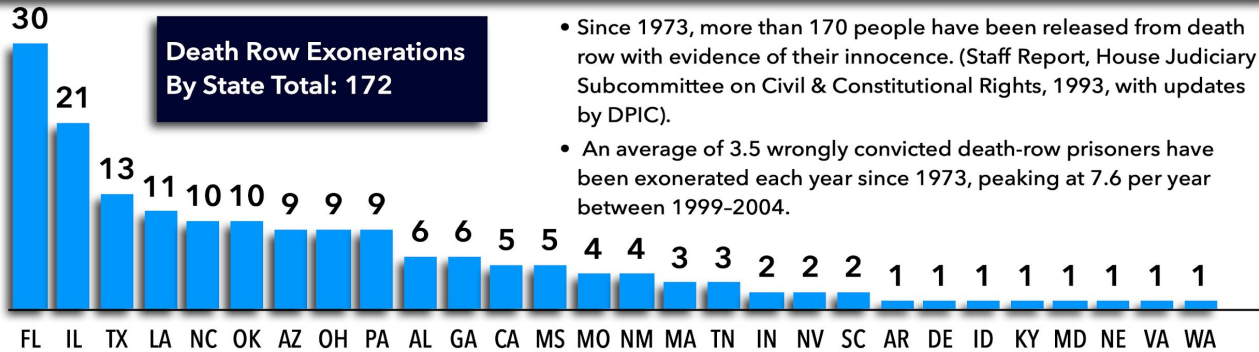
Source: Federal Bureau of Prisons and corrections agencies in Texas, California and New York

The Death Penalty

- It is legal in 28 states
- 2,620 people are currently on death row
 - 53 are women
- Since 1976, states have executed 1,516 people (July 2020)
 - 294 individuals have been granted clemency
- The US government and military has 59 people awaiting execution
- The first federal execution since 2003 took place in July 2020
- For federal death row inmates, the president alone has the power to grant a pardon.



INNOCENCE



- Since 1973, more than 170 people have been released from death row with evidence of their innocence. (Staff Report, House Judiciary Subcommittee on Civil & Constitutional Rights, 1993, with updates by DPIC).
- An average of 3.5 wrongly convicted death-row prisoners have been exonerated each year since 1973, peaking at 7.6 per year between 1999-2004.

Execution Methods Used

1347	Lethal Injection
163	Electrocution
11	Gas Chamber
3	Hanging
3	Firing Squad

Timeline

- **June 29, 1972** - [Furman v. Georgia](#). The Supreme Court effectively voids 40 death penalty statutes and suspends the death penalty.
- **1976** - [Gregg v. Georgia](#). The death penalty is reinstated.
- **1986** - [Ford v. Wainwright](#). Execution of insane persons is banned.
- **1987** - [McCleskey v. Kemp](#). Racial disparities are not recognized as a constitutional violation of "equal protection of the law" unless intentional racial discrimination against the defendant can be shown.
- **2002** - [Atkins v. Virginia](#). The Supreme Court rules that the execution of mentally disabled defendants violates the Eighth Amendment's ban on cruel and unusual punishment.
- **March 1, 2005** - [Roper v. Simmons](#). The Supreme Court rules that the execution of juvenile offenders is unconstitutional.
- **April 16, 2008** - In a 7-2 ruling, the [US Supreme Court upholds use of lethal injection](#).
- **July 25, 2019** - The Department of Justice announces Attorney General William P. Barr has directed the Federal Bureau of Prisons to [adopt an updated execution protocol and schedule the executions of five death row inmates](#).
- **November 20, 2019** - [A judge blocks the federal government from carrying out executions](#) scheduled to begin in December, halting the Justice Department's plans to reinstate the death penalty.
- **December 6, 2019** - The Supreme Court denies the [Trump administration's request to reverse the lower court's ruling](#), so the executions remain on hold.
- **June 29, 2020** - The Supreme Court turns away a major challenge to the federal government's lethal injection protocol, [paving the way for the Trump administration to begin the first federal executions after a nearly two-decade lapse](#).
- **July 14, 2020** - The Supreme Court clears the way for the resumption of the federal death penalty. Hours later, [Indiana executes Daniel Lewis Lee, a one-time white supremacist who killed a family of three](#).

Wrongly Convicted... The Exonerated Five

- Formerly known as the Central Park Five, before being exonerated of all crimes by the state of New York with an addition of a 41 million dollar settlement.
- On April 19, 1989, Trisha Meili was raped and assaulted while jogging through central park.
- At 9 p.m. on April 19, 1989, a group of an estimated 30–32 teenagers who lived in East Harlem entered Manhattan's Central Park at an entrance in Harlem, near Central Park North. Some of the group committed several attacks, assaults, and robberies against people who were either walking, biking, or jogging in the northernmost part of the park and near the reservoir, and victims began to report the incidents to police
- Five youth defendants were falsely convicted of assaulting Meili, and served out their sentences, before all were exonerated, following the confession of another inmate, Matias Reyes, for the crime.
- Kevin Richardson, Antron McCray, Raymond Santana, Korey Wise, and Yusef Salaam were arrested.

Any Immediate Thoughts??

Opportunity: The Ready to Achieve Mentoring Program (RAMP) is a high-tech, career-focused mentoring program for youth involved with or at risk of becoming involved with the juvenile justice system, geared toward youth with disabilities.

<https://iel.org/ramp>

Discussion Questions!

1. Since many jobs require background checks and many more job applications ask applicants whether they have ever been convicted of a felony, it can be very difficult (if not impossible) for people released from prison to find “legitimate”/long-term jobs. Do you think all people with felonies on their record should have to report them to any prospective employer who asks?
2. How do you think people with mental illnesses should be treated in the prison system?
3. Should those who are on parole for a convicted felon be restored their right to vote (ex California Prop 17) ?
4. Should the death penalty be abolished? / Is life imprisonment a worse or better?
5. What kind of reparations should people who have been wrongly convicted have?/ Is money enough?