

The following is what group 17 has coined as a “Super Op-Ed” piece, discussing the many topics that fall under the umbrella of our chosen heading: Racism and Criminal Justice. From mass incarceration to driving while black to broken window policing....Racism and criminal justice is ever present. In addition, the global pandemic has brought to light not only the inequalities but also the racism Asian Americans encountered and the lack of criminal justice in this population. After reading the pieces below, at the end we have included resources, information, and ways to get involved.

- *Group 17: Michelle Nowak, Gamaliel Delatour, Tiffany Thomas, Nia Oden-McCann, Jon Rogers, Jonathan Grand, Kate Roach, Sarah Lefry and Amanda Schleisner*

Intro

By: Michelle Nowak

In America, racism lives and breathes within our law enforcement system. It has become a regular component within the structure, growing and adapting with the times, but still the same old beast. The question is, knowing that racism exists within this system, how does it continue to perpetuate and what can we do to stop it? Some folks may want to believe race has nothing to do with it, that perpetrators and criminals alike are being taken down by police justly and rightfully in order to keep our communities safe. But what about those who are innocent and being wrongfully accused right on the spot, what about those suffering through police aggression and brutality that surely their White counterparts would never have encountered, and what about the long believed and told notion of innocent until proven guilty in a court of law? Black and Brown folks have not been given the courtesy of being able to defend themselves in a court, instead they've been subjected to police brutality and violence without rhyme or reason, oftentimes leading to fatal outcomes. Black folks are more than twice as likely as White folks to be killed by the police; young Black men are 16 times more likely to die at the hands of police brutality. The system repeatedly works against them, as police are much too quick to draw a gun or a taser because of their own racial bias that was bred stronger because of the system itself.

Driving While Black: Family Edition

By: Nia Oden-McCann

“Race is the child of racism, not the father.”

- Ta-Nehisi Coates

Growing up my family loved taking road trips. During these trips we bonded, played games, and also got pulled over a few times by the police. On these trips my dad, an African American, would drive, with my mother in the passenger seat and my brother and I in the backseat. This one

particular trip we were driving through Pennsylvania on a beautiful summer afternoon. There were several cars on the highway and everyone was keeping up with the steady flow of traffic. In the midst of our peaceful ride, we hear police sirens behind us in the distance, not realizing that that police car was about to pull us over. Once my dad pulled the car over and the police walked to his window, they asked him, “Do you know why I pulled you over?”. My dad responded honestly, “No, I don’t know”. The officer proceeded to tell my dad that he was moving ‘suspiciously’ in traffic and that was the reason he was pulled over. This statement was simply untrue. My dad was going the correct speed and hadn’t changed lanes for several minutes before we were pulled over. As I watched the situation unfold, I was shocked that we were even stopped. As a young child, I was slightly confused as to why this was all happening. Luckily, the officer let my dad off with a “warning”. However, I did not truly understand the depth and gravity of this situation until my mom made a comment afterwards. She said, “We have been pulled over more since we got this black (Lexus) car than ever before.” What my mother did not mention is that my dad was racially profiled while driving with his entire family in the car. Racial profiling is most common when it comes to traffic stops (Cadore, 2015). Research has also proven that Black drivers are stopped more frequently than any other race or ethnic group (Roh & Robinson 2009). This situation was proof that my dad was racially profiled. Another study proved that racial profiling methods are mostly used in the daylight hours because it is harder to see who is driving at night (Horace & Rohlin, 2016). Therefore, it is possible that in the race distribution of traffic stops between daylight and nighttime hours, may be evidence of profiling (Horace & Rohlin, 2016). This is one situation of several that I recall while riding in the car with my dad or brother. Hopefully, one day Black people can drive without the fear of “driving while Black”.

References

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Roh, S., & Robinson, M. (2009). A Geographic Approach to Racial Profiling: The Microanalysis and Macroanalysis of Racial Disparity in Traffic Stops. *Police Quarterly*, 12(2), 137–169. <https://doi.org/10.1177/1098611109332422>

Broken Windows Policing by Gamaliel Delatour

One of the more prevalent movements today aimed at police reform is the “Defund the Police” movement. Contrary to some, defunding the police is a demand that the police budget be reduced and having those funds reallocated to other social services and infrastructure within the communities that are heavily targeted by aggressive policing. This aggressive policing has resulted in the waves of murders of unarmed black men and women which oftentimes have stemmed from a minor interaction with the police gone wrong. The state of policing in which we operate was not formed overnight, but instead is a result of a history of racist policies.

One such policy is “broken windows policing” which was introduced in New York City in the 90’s. Broken windows policing stems from the broken windows theory which states that “minor physical and social disorder, if left unattended in a neighborhood, causes serious crime” (Harcourt, 1998). When translated into policing, this theory resulted in hyper aggressive policing and arrests for petty crimes like riding a bike on a sidewalk, drinking in public, fare evasion, etc. The idea is that these petty crimes will serve as a domino effect for increased crime if left unchecked. The counterpoint to this policy is that it does not address the root cause of crime which can be attributed to poverty, lack of resources, mental health, and other systemic inequalities.

Although broken windows policing may not be a common term to most when used to describe policing practices, this specific methodology evolved into what was known as the “stop and frisk” (SQF) era of NYC policing. The practice of SQF was reportedly instituted with the goal of reducing the number of guns in NYC and required that law enforcement officer’s follow-up on all gun-related offenses (Smith & Bratton 2001). Geller and Fagan (2010) found that law enforcement “made more than 32,000 marijuana arrests out of 506,000 stops in 2006” with the majority of arrests being young Black males. The same study reported that less than 1% of those stops resulted in the arrested party yielding a weapon.

While SQF was ruled unconstitutional it is important to note that the culture of policing attributed with broken windows policing did not magically disappear. William Bratton, the architect of broken windows policing in NYC in the 90’s served as police commissioner from 1994-1996. One decade later following the introduction of the new mayor Bill De Blasio who according to the Daily News “cast himself as a police reformer and an opponent of stop-and-frisk practices” would then select the same William Bratton to serve as police commissioner from 2014-2016. Point being the culture of policing is systemically ingrained and in order to reform the system it would require a massive overhaul similar to what defunding the police would require.

References

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- Smith, D. C., & Bratton, W. J. (2001). Performance management in New York City: Compstat and the revolution in police management. *Quicker, better, cheaper*, 453-82.

Mass Incarceration By: Tiffany Thomas

The first Africans arrived in America in 1619 in Jamestown, Virginia as indentured servants. The African slave trade became very prominent on the shores of West Africa which then resulted in masses of Africans being transported to America. Indentured servitude only lasted for about 40 years in Virginia and those who were brought to new land were now slaves which ultimately had no rights and *"were property, not persons, and their owners must be protected from violence and rebellion"*. However, the U.S Constitution that was written in 1787 included that: *"All men were created equal, with inalienable rights to life, liberty, and the pursuit of happiness"*. The constitution failed to extend those rights to slaves who were brought to America.

Over one hundred years later, the census counted 4 million slaves in the south (Blackmon,2009).In 1865, the United States legislature of passed the 13th amendment: *"Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction."* This freed over 3 million slaves from their owners. Convict Leasing was essentially the system that would entirely exploit the 13th amendment loophole which used prisoners labor to rebuild the South from the damage of the Civil War in the 1800's. Convict leasing ended in the 1880s due to the exposure of the brutal treatment and suffering of convicts and legislative reform (Blackmon, 2009). The Jim Crow laws were then established, which allowed the terrorization, brutal beatings and even unrightful murders of Black Americans; denying them of their right to freedom once again. Thanks to the Civil Rights movement, legal segregation and discrimination ended in the United States in the 1960s. However,in the 1960s-1980s the War of Drugs began which resulted in modern-day slavery, also known as *mass incarceration* (Alexander, 2012).

According to the U.S. Bureau of Justice Statistics, black males make up about 37% of the prison population in the U.S, but only makes up less than 13% of the U.S population. Studies also show that one in three black men is expected to be incarcerated, compared to white men where 1 and every 17 would be incarcerated in their lifetime (DuVernay, 2016). In the past few years we have seen many policy reforms in an attempt to reduce the prison population, however the U.S still has the most prisoners in the world with a racial disparity incomparable to any other country. We must continue to push for a fair justice system for all and reduce recidivism amongst formerly incarcerated individuals.

References

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Blackmon, D. A. (2009). *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II*. Knopf Doublebay Publishing Group.

DuVernay, A. (Director). (2016). *13th*[Motion picture on Streaming Media]. U.S: Netflix.

Race and Wrongful Convictions: By Jon Rogers

“To be black and conscious in America is to be in a constant state of rage.”

— *James Baldwin*

A few years ago, my brother was arrested and charged with robbery of a store despite being nowhere near the incident. A young Black man who was already arrested for the same crime was interrogated and wrote a confession letter that stated he never saw my brother in his life, but the cops did not believe him. My brother was assigned a public defender who advised him to plead guilty so he could only receive community service. He refused and ended up spending over a year going back and forth to court before the case was eventually dismissed.

Despite the total injustice in the criminal justice system, my brother was one of the blessed ones because he did not spend that year in jail. Every day innocent Black men and women are convicted of crimes they did not commit. Gross, Possley & Stephens (2017) states “African-American prisoners who are convicted of murder are about 50% more likely to be innocent than other convicted murderers [and] “three-and-a-half times more likely to be innocent than a white sexual assault conviction” (pp. 3-4). A small percentage of wrongful convictions are exonerated based on DNA evidence, but what about wrongful convictions that are never proven? Police racially profile, lawyers coerce Black clients into “pleading guilty just to gain immediate release from jail” (Clarke, 2020) and judges impose harsh sentences. As long as there is racism in America, there will be disparities in the criminal justice system.

References

- Clarke, M. (2020). Racism and Wrongful Convictions. Retrieved from <https://www.criminallegalnews.org/news/2020/may/15/racism-and-wrongful-convictions/>
- Gross, S., Possley, M., & Stephens, K. (2017). Race and wrongful convictions in the United States. Retrieved from <https://repository.law.umich.edu/other/122/>

Resources

<https://innocenceproject.org/>

<https://innocencenetwork.org/>

March 2020: COVID-19 and its effects on the Asian American community:

By: Sarah Lefry and Amanda Schleisner

March 2020 marked a significant point in history and for many a significant point in their lifetime. CDC (2021) records “the covid-19 virus is very contagious and has killed over 500,000 individuals in the US alone.” The CDC (2021) also recommends families to limit contact with individuals outside of your immediate household, and if positive to quarantine, to reduce the spread of the virus.

Many Americans experienced for the first time in their lifetime a global pandemic. More specifically the Asian American population experienced many hardships due to the pandemic. Covid-19 was first reported in China and because of this many Asian Americans began to experience racial prejudice, racism, and xenophobia due to media propaganda. The media and several politicians began to make several comments during the year of the pandemic that insinuated that Asian Americans were the cause of this disease. Because of this intense prejudice and racism attacks all over the world began to happen to Asian Americans.

The number of anti-Asian hate incidents — which can include shunning, slurs and physical attacks — is greater than previously reported. And a disproportionate number of attacks have been directed at women. (Marston, 2021). At the same time, there’s not enough reporting by local law enforcement agencies into central databases that help draw the big picture. Of the roughly 18,000 police departments in the U.S., “only maybe 75 percent even participate in the

hate crime reporting program, [so] we start out with a statistical disability — 25 percent are not reporting,” (Marston, 2021).

References:

Center for disease control and prevention <https://www.cdc.gov>

Martson, C. (2021). Recent violence against Asian Americans highlights need for better tracking, reporting. Retrieved from:

<https://www.nbcnews.com/news/asian-america/recent-violence-asian-americans-highlights-need-better-tracking-report-rcna393>

The School to Prison Pipeline and the BIPOC Community - By Jonathan Grand

The “school-to-prison pipeline,” describes a national trend where children are funneled out of public schools and into the juvenile and criminal justice systems (aclu.org). The fact that a sizable number of these juveniles are learning disabled and have been victims of poverty, abuse or neglect would indicate that they would greatly benefit from empathy, education and counseling. However, more often than not these children are marginalized, punished, and left behind (aclu.org).

Draconian “Zero-tolerance” policies criminalize minor school infractions. Policing in schools results in behavior that should be handled in school being criminalized (aclu.org). This disproportionately affects BIPOC students, who are often subject to greater disciplinary action than their white counterparts (aclu.org).

This notion is bolstered by research conducted in Texas schools, which found that African American and special education students are regularly and disproportionately subject to greater disciplinary action than white, non disabled students (Fowler, 2011). This research went on to determine that among the two aforementioned cohorts, individuals who are both special education students and African Americans are the most overrepresented. Although this study was conducted in Texas, patterns similar to these have been found in school systems across America (Fowler, 2011). It must be noted that studies have shown that the overrepresentation of African American students receiving disciplinary action is not due to greater levels of or more frequent misbehavior. Quite to the contrary, African American students are often cited for misbehavior that is less severe and more subjective in interpretation than their white peers (Fowler, 2011). These inequities in discipline exist while controlling for economic status.

Students who commit minor offenses become mired in the system if they violate minor probation conditions like missing school or disobeying teachers (aclu.org). Once embroiled in the juvenile justice system, youth are frequently denied procedural protections in court. This pushes students further down the pipeline, often into juvenile detention facilities that do not provide adequate educational services (aclu.org). Because BIPOC and disabled students are considerably more likely to be suspended, expelled or arrested for the exact same conduct in school as their white peers, the trip down the pipeline is much more likely for BIPOC and disabled youth (aclu.org). As quickly as these students travel down the pipeline from school to jail/prison, it is exceedingly more difficult to reverse this process. Most of these students will face considerable barriers to re-entry into the education system and will not graduate high school (aclu.org).

So what is the answer? What can be done to counteract this stark inequity? There are many initiatives that could help bring more attention to and potentially address the issue. As we have seen a paradigm shift in the United States over the last year in terms of questions of policing and the overarching role of police in our society, we need to ask if police belong in our schools at all? What better ways can disciplinary action be taken in schools instead of being doled out by law enforcement? I believe the answers to these questions are complicated and multifaceted, but it starts with educating teachers and faculty about racial inequality, racial inequity and racial injustice. Teachers and faculty need to be able to confront their own bias in a constructive way, and strive to be more fair when it comes to equally disciplining BIPOC students and students with disabilities. Furthermore, schools need to invest in more social workers and mental health professionals instead of law enforcement and policing. So much has to be done to address the issue of the school to prison pipeline; if we don't start now, how will we ever fix this?

References

School-to-prison pipeline. (n.d.). Retrieved April 27, 2021, from <https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline>

Fowler, D. (2011). School discipline feeds the "pipeline to prison". *The Phi Delta Kappan*, 93(2), 14-19. Retrieved from <http://www.jstor.org/stable/23048938>

Resources/Information

<https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic?redirect=racial-justice/infographic-school-prison-pipeline>

https://www.youtube.com/watch?v=gEMslXo_3Ig

<https://www.aclu.org/news/criminal-law-reform/police-divestment-efforts-must-include-universities/>

<https://www.aclu.org/cases/kenny-v-wilson>

Racial Inequality in the Criminal Justice System - By Kate Roach

Racial inequality is deeply rooted within history, but especially within the criminal justice system. The criminal justice system problems with racism start before the first contact and continue through pleas, conviction, incarceration, release, and beyond. In 2013, studies showed that Blacks were 3.5 times as likely as whites to be stopped. Whites were stopped for moving violations, while Black were stopped for equipment and license problems, and also more likely to be stopped for investigative reasons. Reasoning for this inequality falls into 4 categories; Ostensibly race-neutral policies and laws have a disparate racial impact, criminal justice practitioners use of discretion is often unintentionally influenced by racial bias, key segments on the criminal justice system are underfunded, which puts Blacks and Latinos- who are disproportionately low income- at a disadvantage, and lastly, the criminal justice policies exacerbate socioeconomic inequalities by imposing collateral consequences on those with criminal records and diverting public spending (Ghandoosh, 2015). Due to strong racial discrimination, the Black and Latino population are set-up to end up in the criminal justice system at a much higher rate than Whites. Theories such as the broken windows theory are prime examples of this racial inequality. The racial discrimination is embedded in our history, criminal justice system, and unfortunately, in the subconscious minds of many. How are we living in the year 2021, with such strong racial discrimination? When will this racial discrimination come to an end, and what can we do to eliminate racial inequality?

Ghandoosh, N. (2015). Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System. *The Sentencing Project*. Retrieved from <https://www.sentencingproject.org/publications/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/>

Racism and Criminal Justice: Latino Americans:

By: Amanda Schleisner

Latinos are “bringing drugs. They’re bringing crime. They’re rapists. And some, I assume, are good people”.

- *Former President Donald J. Trump. 2016*

Discrimination under the law is not a new phenomenon for Latinos. Latinos and African Americans are disproportionately represented in the prison industrial complex and have been greatly affected by mass incarceration. There are upwards of 56.6 million Latinos currently living in the United states, and of those Latinos, 56 percent have had contact with the criminal justice system first hand or have a close family member that has. (LULAC, 2021).

The United States has the highest incarceration rates of anywhere in the world. Within that system Latinos are approximately 30 percent of the nation's population but almost sixty percent of prisoners. This means that 1 in 6 male Latinos will be incarcerated at some point in their life. (LULAC, 2021). Current practices conducted in the criminal justice system, including racial profiling, has resulted in Latinos being more likely to be arrested and charged with a crime. They are also more likely to serve longer prison sentences for the same crimes as whites.

Reference:

The League of United Latin American citizens <https://www.lulac.org>

How to be an Ally and take action:

Mental Health Resources:

Crisis Line: 1-800-273-TALK

Crisis Text Line: Text “Connect” to 741741

Websites/Social Media accounts to follow:

League of United Latin American Citizens: <https://lulac.org/advocacy/>

Stop AAPI Hate: <https://Stopaapihate.org>

Advocate for the innocent: <https://innocenceproject.org>

<https://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/school-prison-pipeline-infographic?redirect=racial-justice/infographic-school-prison-pipeline>

https://www.youtube.com/watch?v=gEMslXo_3Ig

<https://www.aclu.org/news/criminal-law-reform/police-divestment-efforts-must-include-universities/>

<https://www.aclu.org/cases/kenny-v-wilson>

Instagram/Twitter:

@GGENYC :focus on racial and gender justice for black girls and gender expansive youth

@NATAGENDA4BLACKGIRLS :focus on centering Black girls and gender expansive youth in national policy

www.ggenyc.org

<https://www.knowyourrightscamp.com/>

Uncomfortable Conversations with a Black Man with Emmanuel Acho

https://www.youtube.com/channel/UC3DoYiL7X_N1Ta1o4HE9Mlg

Donate:

<https://gofundme.com/f/support-the-cause-against-asian-american-violence>