

# Is Our Criminal Justice System Broken? — Advocating for a Solution

## Overview

The purpose of this proposal is to:

- Introduce the reader to the injustices plaguing our criminal justice system
- Emphasize the urgency of these issues
- Inspire a desire in the reader to spread this information by hosting a Criminal Justice Week at their respective college or university

## Introduction

I believe the criminal justice system is broken, and it does not receive the widespread attention it deserves in the mainstream. Did you know that over 2 million humans in the US are sitting in eight feet by six feet<sup>i</sup> cages? Or that out of these people, 465,000 people locked up have not even been convicted. And an additional 61,000 are locked up for minor parole violations.<sup>ii</sup> We need to start challenging the widely accepted belief that prison was designed to keep our society safe.

Why isn't this covered in most traditional academic settings? Why is this not talked about more? I often wondered this and decided that it is time to get other people to start paying attention.

The goal of this proposal is to encourage people to hold a series of events at their college or university which would educate students about the criminal justice system. The bottom of this document contains a list of ideas on how the criminal justice system can relate to people with various disciplines and interests, and it also contains a list of resources for participants in the week of activities.

## What is the problem?

### 1. The justice system perpetuates institutionalized racism & classism.

According to the Bureau of Justice Statistics, one in three black men can expect to go to prison in their lifetime, while it is one in 17 for white men. We are conditioned by the society that we live in to believe that poor minorities commit more crimes, and the power that the criminal justice system wields is rarely challenged.

- a. Law Enforcement** Why is it that certain people can break the law and receive a slap on the wrist, while others face life changing consequences? Part of this comes from the fact that certain crime is visible, while other crime happens in

the privacy of one's home. The Broken Windows theory states that "visible signs of crime, anti-social behavior, and civil disorder create an urban environment that encourages further crime and disorder" is often used as a pretext for discriminatory policing. Police often target areas perceived to have higher crime rates, meaning that the likelihood that they encounter minor crimes in these areas is higher than places with fewer officers. <sup>iii</sup>We are led to believe that there is more crime in certain areas; if police patrol in these areas more they will encounter more crime. This would also be true in upper class suburban areas, but because the police are not around to see it, these people are not scrutinized at the same level and therefore will not be caught.

It is no wonder that these increased police presence in lower income areas results in a society in which people of color are disproportionately victims of police brutality. "A 2013 study by the New York Civil Liberties Union found that while black and Latino males between the ages of 14 and 24 made up only 4.7 percent of the city's population, they accounted for 40.6 percent of the stop-and-frisk checks by police. More than 90 percent of those stopped were innocent."<sup>iv</sup> Police have the power to use their discretion to target individuals who *look* suspicious, but the majority of the time, their discretion is deeply rooted in their perception of what a criminal is supposed to look like.

- b. Courts** Our court system unfairly impacts people of color as well as those with lower incomes. "According to the American Civil Liberties Union, sentences imposed on black men in the federal system are nearly 20 percent longer than those for whites convicted of similar crimes"<sup>v</sup>. We are led to believe that minorities are committing more crimes, when in fact that is not the case at all. Not only that, but people of low income are also discriminated against by our court system. Lack of financial resources keeps 465,000 unconvicted people in jail because they are too poor to afford cash bail.
- c. Prisons** The parallels between slavery and the prison system are abundant. The 13th amendment ended slavery but allows involuntary servitude as a punishment. "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." Black slaves were a source of cheap labor for their rich white owners. Today, prisons sell inmates' labor to private corporations. In California, inmates get paid \$1/hour to fight dangerous wildfires and are prohibited from those same jobs after release.

<sup>vi</sup>(Largely) Black-filled-prisons provide a source of cheap labor for these large corporations. In Pennsylvania, inmates are paid as little as \$0.19/hour. <sup>vii</sup>

The living conditions in prisons are atrocious. According to the re-entry coordinator at the Northampton County Prison, a place that consists of mostly non-violent offenders who are serving 2 years or less, the inmates living in the old part of the facility are required to stay in their cells for **23 hours per day**. This building contains no air conditioning, and inmates are given **bags of ice** to cool themselves off during particularly hot days in the summer. Nobody should be forced to live in these conditions.

**2. The justice system fails to target the root cause of crime.** People are led to believe that locking criminals up is the best way to deter crime, but we often fail to ask: why have people been imprisoned in the first place? And is prison really helping to prevent criminal acts in the future?

**a. Mental Illness** There are currently 356,000 inmates with serious mental illness (schizophrenia, schizo-affective, bipolar disorder, major depression, brief psychotic disorder) in jails and state prisons.<sup>viii</sup> This begs some important questions: how does imprisoning people impact their mental health? Does the lack of freedom, isolation from society, and inability to frequently see friends and family help those with mental illness? Does it prepare them for a life out in their communities? Lack of proper access to medication and healthcare and overcrowded cells for inmates leaves many in worse conditions than when they entered the prison system. If the ultimate goal of the justice system is to reduce crime, then putting people into toxic environments is not an effective solution. This is not to say that mental health issues are *always* the *cause* of crime for people who have them, but highlights the fact that locking people up who have these issues is not going to rehabilitate these individuals

**b. Drug Addiction** “of the 2.3 million U.S. inmates, 1.5 million suffer from substance abuse addiction and another 458,000 inmates either had histories of substance abuse, were under the influence of alcohol or other drugs at the time of committing their crimes; committed their offenses to get money to buy drugs; were incarcerated for an alcohol or drug violation” <sup>ix</sup>

**c. Collective community, intergenerational trauma**

When traumatic events continuously impact a family or community, this trauma can be passed down to further generations. “Traumatic events exact an enormous psychological and physical toll on survivors, and often have ramifications that must be endured for decades. This includes emotional scars, and in many cases standards of living are diminished, often never recovering to levels that existed prior to the trauma.”<sup>x</sup> If generations upon generations of a family end up in the system, then there is a deeper issue waiting to be addressed, requiring different methods and a new way of thinking about imprisonment.

3. **Punishment of the offender is prioritized over healing of the community.** The United States has the highest rate of incarceration in the world. We often hear from politicians that they want to be “tough” on crime. Rarely do we hear about healing the victim. Fortunately, there are alternatives that address both the needs of the victim and the offender.

Restorative justice is one possible alternative. It is a process that “views crime not as a depersonalized breaking of the law but as a wrong against another person. It attends to the broken relationships between three players: the offender, the victim, and the community.”<sup>xi</sup> If the perpetrator of a crime is able to hear how their actions impacted others around them, not just the victim, but the family of the victim, the friends, the neighborhood, the whole community, whoever this crime may have impacted, it would allow those affected to have an understanding and a sense of closure. This puts a face, name and story to the perpetrator and the victim. It also allows the community to see that the offender is not a bad person, but someone who made a mistake.

Currently, there is not much in place to address the harm done to the victims of the crime, and all of the attention is on the punishment of the offender. In restorative justice practices, the offender also grows because they have the opportunity to learn from their mistakes and deal with the consequences of their actions. Studies have shown that restorative justice has been proven to decrease the rate of recidivism. If the goal of the justice system is to reduce crime then their outcome should be low crime and recidivism rates, and we should adopt programs that are most effective in achieving this.

### **Colleges and universities should hold a Criminal Justice Week.**

As institutions of higher learning, it is the responsibility of colleges and universities to bring the issues of society to light. In order to evoke social change, we must challenge the preconceived notions we hold onto so tightly. We must expose our minds to alternative ideas and points of view in order to grow mentally and fulfil our existential duty to give back to our planet and the people who live in it.

This week would consist of a series of activities that expose students to the criminal justice system. This document contains suggestions on how this could be related to students of various studies.

### **What are the goals of Criminal Justice Week?**

**To erase the stigma that criminals are bad people.** Many believe the criminal justice system maintains law and order, but in reality, it is used to target the “unwanted” individuals in society. The system, that many believe keeps society safe, has turned a third of American adults into criminals and ex-convicts.<sup>xiii</sup> This holds many back from opportunities in the future even after release, such as the ability to vote, easily find a job, or merely be seen as an equal member of society. College and university students are the next generation of people to tackle the most pressing issues of our world, and it is up to us to decide if we want to continue the status quo or change the system. Currently we stigmatize criminals and are taught to believe they are dangerous and bad people, but that line of thinking holds us back from looking deeper at the issues of the system. If students were able to look past that stigma - even just for the brief period of a criminal justice week and see criminals as just ordinary people who have made some mistakes, this stigma could slowly be erased overtime. Our mental block holding us back from improving our own society would be lifted, and we would be more prepared to start figuring out solutions.

**To educate students who have never been exposed the injustices within the criminal justice system.** There are a multitude of reasons why a student may not have any knowledge about the issues highlighted in this document. Perhaps, they came from a privileged background and never had a negative interaction with law enforcement. Maybe no one in their family has been arrested. Maybe their parents work within the system and they were raised to not see these issues. Regardless of the reason, it is important to introduce differing perspectives to people to broaden their minds and help them empathize with those negatively impacted by the system. There is a population of students at every university who fear every day that they or someone they love will be

targeted unjustifiably by the system. It is your responsibility to create an environment that recognizes the needs of every student at your university regardless of their background.

**To start a dialogue that will help inspire change.** In order to change the criminal justice system, it is necessary to approach the issue from many different angles. Colleges and universities are home to a wide variety of students, who are studying different subjects, have different worldviews, and grew up in many different situations ... bring us one step closer towards finding a solution. How we will choose to handle crime is ultimately our generation's decision. Do we want to prevent future crime from happening or do we want to hide the problems and hope they disappear?

### **What can colleges and universities do?**

The criminal justice system relates to many fields of study, but it is not given the widespread attention it deserves on our nation's campuses. Introducing the wider student body to the problems within the justice system will allow students from other fields to think about issues they may have never considered before through their own unique perspective. It will open their eyes to the world and allow them to view it more critically.

Campuses should hold their own Criminal Justice Weeks. This could be done in many different ways. Some examples include: showing a documentary, holding a panel discussion, bringing in a speaker, or raising awareness for events that are going on in your community or other surrounding communities.

**How could this relate to various disciplines?** Below is a list of suggestions on how this topic could be incorporated into different fields of study.

#### **Art:**

- Make art that explores an aspect of the criminal justice system.
- Encourage students to attend Art for Justice.

#### **Architecture:**

- Explore innovative prison design.
- Look at how design differs between countries.
- Watch Architecture of Incarceration Documentary.

**Cognitive Science:**

- If a brain is not fully developed until 25, should juveniles be tried as adults in a court of law?
- Analyze the brains of people who have committed crimes, have mental illness, and have experienced trauma.

**Computer Science:**

- Analyze algorithms for assumptions that show bias or inappropriate correlations.
- Deduce whether criminal justice algorithms/risk assessments are accurate, fair, and non-discriminatory.

**Criminal Justice:**

- Is “Broken Windows” theory an excuse to justify discriminatory policing?
- What are the goals of the justice system? Are they being met in the most effective way?

**Documentary Filmmaking:**

- Make a short film depicting the problems with the system.

**Economics/Finance:**

- Perform a cost vs benefit analysis of criminal justice system.
- Look specifically at how much money is being spent on rehabilitation programs and re-entry programs.
- How do private prisons spend their money? Is this effective in helping to reduce crime?

**Education:**

- Discuss efforts to prevent the school to prison pipeline.
- Draft a curriculum for inmates.

**English:**

- Write and read stories & articles about inmates.
- Discuss how storytelling affects the way we view the criminal justice system.
- How can listening to the stories of individual inmates inform our thinking and decisions?

**History:**

- Watch 13th Documentary.
- Discuss the origins of the criminal justice system & how it has developed over time.
- Discuss collective-community-intergenerational trauma, slavery, and Jim Crow.

**International Relations:**

- Perform an in depth analysis into justice systems in other countries.
- How do they compare to our system? Which systems are considered the best and the worst?

**Journalism:**

- Write about how crime is reported.
- Does reporting increase problems of stigma, lock-them-up mentality, and pressure on law enforcement to solve crimes quickly? Why is there little attention paid to crime by police officers? How are criminals portrayed in the media?

**Math & Statistics:**

- Compare recidivism rates, crime, poverty, and race statistics between different counties, states, and countries.
- Analyze criminal justice algorithms for bias.

**Philosophy:**

- Hold debates about death penalty, police abolition, prison reform, etc.
- Discuss the purpose of the justice system and moral dilemmas within the system.

**Political Science:**

- Analyze laws concerning the criminal justice system.
- Laws & Justice system reform (ACLU)
- Court system
- Systematic nature of problems

### **Psychology:**

- Dedicate a lecture to correctional psychology.
- How do mental illness and traumatic experiences tie into the criminal justice system?

### **Religion:**

- Is the death penalty moral?
- How do different religions view crime and punishment?

### **Sociology:**

- Discuss the Prison Industrial Complex and its impacts on society
- Watch the Stanford Prison Experiment. Is it human nature to behave in the ways presented in the film?

### **Articles**

#### **Race, Ethnicity, and the Criminal Justice System:**

<http://www.asanet.org/sites/default/files/savvy/images/press/docs/pdf/ASARaceCrime.pdf>

**The Broken Windows Theory:** <https://www.npr.org/2016/11/01/500104506/broken-windows-policing-and-the-origins-of-stop-and-frisk-and-how-it-went-wrong>

#### **Mental Health & Criminal Justice Issues:**

<http://www.mentalhealthamerica.net/issues/mental-health-and-criminal-justice-issues>

### **Websites**

**The Marshall Project:** The Marshall Project is a nonprofit, nonpartisan online journalism organization focusing on issues related to criminal justice in the United States, founded by former hedge fund manager Neil Barsky and former New York Times executive editor Bill Keller.  
<https://www.themarshallproject.org>

**Truthout:** Truthout is a nonprofit news organization dedicated to providing independent reporting and commentary on a diverse range of social justice issues. <https://truthout.org>

**Prison Policy Initiative:** The non-profit, non-partisan Prison Policy Initiative produces cutting edge research to expose the broader harm of mass criminalization, and then sparks advocacy campaigns to create a more just society. <https://www.prisonpolicy.org>

**World Prison Brief:** an online database providing free access to information on prison systems around the world. It is a unique resource, which supports evidence-based development of prison policy and practice globally. <http://www.prisonstudies.org>

#### **Books:**

**Are Prisons Obsolete?:** “Angela Y. Davis has put the case for the latest abolition movement in American life: the abolition of the prison. As she quite correctly notes, American life is replete with abolition movements, and when they were engaged in these struggles, their chances of success seemed almost unthinkable.” [https://collectiveliberation.org/wp-content/uploads/2013/01/Are Prisons Obsolete Angela Davis.pdf](https://collectiveliberation.org/wp-content/uploads/2013/01/Are-Prisons-Obsolete-Angela-Davis.pdf)

**Dreaming of a New Reality:** “Author Ted Wachtel provides compelling stories and statistics that demonstrate the promise of restorative practices, an exciting social movement.” <https://store.iirp.edu>

**The New Jim Crow:** “a stunning account of the rebirth of a caste-like system in the United States, one that has resulted in millions of African Americans locked behind bars and then relegated to a permanent second-class status—denied the very rights supposedly won in the Civil Rights Movement.” [https://www.vanderbilt.edu/ctp/The\\_New\\_Jim\\_Crow.pdf](https://www.vanderbilt.edu/ctp/The_New_Jim_Crow.pdf)

**Weapons of Math Destruction:** “a 2016 American book about the societal impact of algorithms, written by Cathy O'Neil. It explores how some big data algorithms are increasingly used in ways that reinforce preexisting inequality.” <https://we.riseup.net/assets/.../Weapons+of+Math+Destruction+Cathy+O%27Neil.pdf>

**When They Call You a Terrorist:** “Black Lives Matter co-founder Patrisse Khan- Cullors on her path to activism and being criminalized at age 12.”

[https://onebook.richmond.edu/ KP4\\_content/images/onebook/2018-19-onebook/OBORdiscussionguide.pdf](https://onebook.richmond.edu/KP4_content/images/onebook/2018-19-onebook/OBORdiscussionguide.pdf)

#### **Films:**

**13th:** “Filmmaker Ava DuVernay explores the history of racial inequality in the United States, focusing on the fact that the nation's prisons are disproportionately filled with African-Americans.”

**Architecture of Incarceration:** “As Britain opens the latest in a series of large new jails, architect Danna Walker looks at the unique tensions in architecture's relationship with the judicial system - where the go-to design for prisons is 250 years old, and where ideological conflicts between incarceration and rehabilitation dominate.”

**Central Park Five:** “Filmmakers Ken Burns, Sarah Burns and David McMahon examine a 1989 case of five teenagers who were wrongfully convicted of raping a woman. After they had spent from six to 13 years in prison, a serial rapist confessed to the crime.”

**INSIDE/OUTSIDE** (in-production) A feature length documentary about incarcerated women reentering the community in the **Lehigh Valley, PA**. Awarded 2015 Richard King Mellon Research ARC Fellowship. <http://www.nandinisikand.com>

**Prison Dogs:** “A groundbreaking programme allows prison inmates to care for and train puppies as service dogs for injured veterans.” <http://www.prisondogsfilm.com>

**Shawshank Redemption:** “Andy Dufresne (Tim Robbins) is sentenced to two consecutive life terms in prison for the murders of his wife and her lover and is sentenced to a tough prison. However, only Andy knows that he didn't commit the crimes.”

**Shakespeare Behind Bars:** “In this documentary, a theater troupe consisting entirely of convicted felons performs the plays of William Shakespeare for a captive audience. The troupe is already in its seventh year when the film crew joins them as they attempt to put on "The Tempest," a play largely about the dangers of social isolation. In candid interviews, the film chronicles the project from its casting, through its rehearsals and finally to its performance at the Luther Lockett Correctional Complex in Kentucky.”

<https://www.shakespearebehindbars.org>

**Stanford Prison Experiment:** “Stanford Prison Experiment, a social psychology study in which college students became prisoners or guards in a simulated prison environment. ... However, mistreatment of prisoners escalated so alarmingly that principal investigator Philip G. Zimbardo terminated the experiment after only six days.” <http://www.prisonexp.org>

**I’m Not Racist ... Am I?:** “feature documentary about how this next generation is going to confront racism. We asked 12 teenagers from New York City to come together for one school year to talk about race and privilege in a series of workshops and in conversations with friends and family members. We hope that by documenting their experience, the film will inspire others to recognize and interrupt racism in their own lives.”

<http://www.notracistmovie.com/about-the-film/>

## Plays

**Caged (Chris Hedges 2018, Trenton):** “28 maximum-security inmates, guided by Pulitzer-prize winning journalist Chris Hedges, write a play on horrors of mass incarceration.”

<https://www.cagedtheplayuncagedthemovie.com>

**Hamlet in Prison 2008, Oregon:** “Oregon prison inmates perform Hamlet Inmates at Two Rivers Correctional Facility”

[https://www.oregonlive.com/performance/index.ssf/2008/10/hamlet\\_in\\_prison\\_inmates\\_disc\\_o.html](https://www.oregonlive.com/performance/index.ssf/2008/10/hamlet_in_prison_inmates_disc_o.html)

**Mariposa and the Saint 2015, NYC:** “In 2012, Mariposa was sentenced to fifteen months in solitary confinement. Through letters with longtime friend and current collaborator, Julia Steele Allen, Mariposa brings her experience to the stage.”

<http://www.juliasteeleallen.com/portfolio/mariposa/>

**Whorl Inside a Loop 2015, NYC:** “In *Whorl Inside a Loop*, a well-regarded actress agrees to teach six inmates how to tell their stories behind the bars of a men’s maximum-security prison. Sharing intimate and sometimes hilarious details of their former lives (while portraying characters of varying age, gender and race), this unlikely group forms a bond—even as the actress’ life outside spins out of control. And when what happens in prison doesn't stay there, no one is sure whom to trust.”

## Videos

TED Talks: [https://www.ted.com/playlists/651/truths\\_about\\_the\\_us\\_prison\\_system](https://www.ted.com/playlists/651/truths_about_the_us_prison_system)

## Organizations & Speakers

**ACLU of Pennsylvania – Greater Lehigh Valley Chapter:** a nonpartisan organization devoted to the defense of civil liberties. It files legal briefs in civil liberties cases, discusses civil liberties problems with government officials, and testifies before legislative bodies.

Jim Palmquist, Phone: 610-398-3074, [jim.palmquist01@gmail.com](mailto:jim.palmquist01@gmail.com)

**Alliance for Sustainable Communities–Lehigh Valley:** “promote sustainability, advocating for and opposing threats to: the environment; the rights of communities, social groups, and individuals; local economies serving community needs via meaningful, non exploitative work; healthful food and food production; healthy communities built on participatory democracy.”

Suzie Hall, Phone: 484-893-0475, [info@sustainlv.org](mailto:info@sustainlv.org)

**Art for Justice:** “Shows the humanity behind bars. Brings awareness to systemic flaws in the criminal justice system. Seeks solutions to eliminate injustice.” This exhibit will be showcased at the Banana Factory from March 1, 2019 to April 7, 2019 [info@artforjustice.org](mailto:info@artforjustice.org) Ann-Marie Kirk

**Shanthi Project:** “Shanthi Project is the *only* organization in the region that is dedicated to teaching therapeutic yoga to such a wide range of individuals – from children in the foster care system to veterans and the incarcerated” <http://www.shanthiproject.org> Michael Lear

**International Institute for Restorative Practices:** “a private accredited graduate school in Bethlehem, Pennsylvania. The world leader in restorative practices education, the IIRP offers master’s degrees, graduate certificates and professional development and works with schools and other organizations to implement restorative practices.” Laura Mirsky  
[lauramirsky@iirp.edu](mailto:lauramirsky@iirp.edu) [www.iirp.edu/](http://www.iirp.edu/)

**The Journey Home:** “an expressive art-based program for women in the Northampton County Correction. The Programming integrates trauma-informed care, restorative practices with expressive arts.”

**LEPOCO Peace Center:** “brings people together to counter threats to peace, our way of life, and our planet”

**Lehigh Valley Committee Against State Killing (CASK):** a LEPOCO working group whose goal is to end capital punishment in Pennsylvania. Members share information regarding legal developments surrounding the issue, plan events that help increase public awareness of problems regarding the selection of persons to be determined unworthy of life, and meet with legislators to discuss alternatives to the current use of the death penalty.

**Lehigh Valley Social Impact Center:** “A coworking and event space where social entrepreneurs, non-profit organizations, and other passionate community members come together bringing about positive change in the community as peers to cross-fertilize and develop their ventures. During business hours, we are a co-working space and on many evenings we host community conversations and networking events on issues that are important to the community.”

**Lehigh Valley Vanguard:** “an open access journal for radical thinkers and readers. Our mission, most essentially, is to subvert the dominant paradigm and question authority. We provide a space for people who would otherwise be marginalized for their dissenting ideologies.”

**NAACP:** “The mission of the NAACP is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination.”

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- <sup>iii</sup> Fagan Jeffrey, Davies Garth. "Street Stops and Broken Windows: Terry, Race, and Disorder in New York City." *Fordham Urban Law Journal*. 2000;28:457–506.
- <sup>iv</sup> "New NYCLU Report Finds NYPD Stop-and-Frisk Practices Ineffective, Reveals Depth of Racial Disparities." *New York Civil Liberties Union*, 9 May 2012, [www.nyclu.org/en/press-releases/new-nyclu-report-finds-nypd-stop-and-frisk-practices-ineffective-reveals-depth-racial](http://www.nyclu.org/en/press-releases/new-nyclu-report-finds-nypd-stop-and-frisk-practices-ineffective-reveals-depth-racial).
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- <sup>xii</sup> Goode, Erica. "Nearly a Third of Americans Are Arrested by 23, Study Says." *The New York Times*, The New York Times, 19 Dec. 2011, [www.nytimes.com/2011/12/19/us/nearly-a-third-of-americans-are-arrested-by-23-study-says.html](http://www.nytimes.com/2011/12/19/us/nearly-a-third-of-americans-are-arrested-by-23-study-says.html).

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