

Welcome back! **Week 8** marks the beginning of the second half of our **14-Week Equity Challenge**. As we noted at the outset, this Challenge adopts an equity lens framework which is a tool comprised of shared beliefs, common language and definitions, and critical questions through which we can evaluate any existing or new strategy, policy, law, or initiative.

In Week 7, by examining health and health care, we began the first of four weeks that will examine racism and discrimination that is embedded in the structures and processes of our nation's institutions. This week we tackle our criminal justice and legal systems.

A few years ago, when pressed by a group of community activists to “publicly acknowledge the bitter history of modern-day policing as an evolution of slave patrolmen,” a police chief in Massachusetts, rather uncharacteristically, responded in kind with his own letter to the community. In it, he indeed publicly acknowledged that, “the history of policing in America clearly has a violent, sordid and terrible past.” He goes on to detail that history and further admitted, “not once in my 22-year law enforcement career has this history ever been taught to me, nor have I been exposed to this history on any State or Federal level of police learning. Police officers across our nation would undoubtedly reflect the same lack of training, understanding and knowledge.”

Bias within the criminal justice system is not a new phenomenon, however, in recent years, the massive impact of these biases on communities of color has been highlighted in the media, creating a national movement around criminal justice reform. This week will cover the damaging and often fatal effects of bias, over-policing, and incarceration.

*What do you think about when you consider our criminal justice/legal system?*

Is it police? Is it judges? Is it prison? The answer could be any of the above or none of the above. The legal system is a set of institutions that enforce actions deemed illegal under local, state, and federal criminal laws. These institutions include police, prosecutors' offices, courts, prisons, and parole offices.

Many of us rely on this system to provide justice. But what exactly is “justice?” Justice is the principle that people will receive what they deserve without favor toward any one person or groups of people. However, justice may mean different things to different people; so can our legal system. While some believe our system is fair and just, there are many who believe it has never been fair; that it favors people who are affluent; and that it is biased against indigenous people and people of color. History and research can help us understand why people view this system so differently.

What contributes to these disparities? Many factors contribute, including racial bias. A recent study by Stanford University analyzed millions of police stops conducted from 2011 to 2017 across 21 state patrol agencies. They found that police stops and searches suffered from “persistent racial bias” and that Black drivers were less likely to be stopped after sunset when a ‘veil of darkness’ masks the color of skin, suggesting bias in police stops. There are several other

studies that have analyzed racial bias and disparities in jury selection, sentencing, the death penalty, school suspensions, etc.

Did you know?

More than 60% of people in prison in our country are people of color. Black men are six times more likely to be incarcerated as White men. For Black men in their 30's, about 1 in 12 are likely to be in prison on any given day. Source: Trends in U.S. Corrections, The Sentencing Project. We offer several resources below to the topic of mass incarceration.

Approximately 16% of children in the United States are Black, yet they make up 28% of juvenile arrests. Source: Shadow Report to the United Nations on Racial Disparities in the United States Criminal Justice System, The Sentencing Project.

There is also an undeniable historical link between racial injustice and our criminal justice system. In our activities below, we'll learn how American policing grew out of efforts to control the labor of poor and enslaved people in the 19th century and beyond. You'll get to put a face to a name, as you'll hear from Chenjerai Kumanyika, who you've met several times over the past seven weeks in his work with John Biewen in the "Seeing White" podcast series.

Considering everything happening in our country over the past couple years, from the COVID-19 pandemic and social unrest, now is the perfect time to reimagine the kind of legal system we want for our communities. Neutral policies will not address systemic problems. Systemic problems require systemic solutions. And because a system is comprised of people, we all have a role to play in making it fairer for everyone. Racism did not happen by accident, so it will never disappear on its own. Together, we can envision and implement equitable laws, policies, and practices that eradicate racism at its core.

## **READ**

### **[Mass Incarceration Trends \(2023\)](#)**

Racial and ethnic disparities are a substantial feature of the American prison system. Systemic causes range from a history of racial and ethnic subordination to ongoing police tactics that unfairly ensnare people of color into the system, and also include charging and sentencing practices that create stiffer punishments for people of color. This 2023 report highlights the growth in state and federal prison populations since the early 1970s and its far-reaching effect on families, communities, and society as a whole. (About a 13-minute read)

### **[American History, Race, and Prison](#)**

In 1970, the era of mass incarceration began. This growth in the nations' prison population was a deliberate policy. It was inflamed by campaign rhetoric that focused on an uptick in crime and orchestrated by people in power, including legislators and state and local executives. Consider checking out the Vera Institute's Reimagining Prison Web Report that examines this history. (About a 13-minute read)

### **[Hidden Consequences: The Impact of Incarceration on Dependent Children](#)**

This article from the National Institute of Justice Journal highlights how children of incarcerated parents face profound and complex threats to their emotional, physical, educational, and financial well-being. (About a 14-minute read)

### **[Media Portrayal of Black Men Contribute to Police Violence, Rutgers Study Says](#)**

This brief news release summarizes a study done by Rutgers School of Public Health which found that negative portrayals in the news media affect how police treat black men in the United States. More specifically, media bias influences the rates at which police engage black men. (About a 2-minute read)

### **[Human Rights - Reimagining Policing](#)**

In this opening article to an entire issue (in *Human Rights* magazine) dedicated to policing in America, Juan R. Thomas shares his story about his first encounter with police more than 30 years ago. He does this with the backdrop that Trayvon Martin, Eric Garner, Breonna Taylor, and others, are not able to share *their* stories. (About a 14-minute read)

## **WATCH**

### [The Washington Post: Perspective - Origin of Law Enforcement in America](#)

Recent protests against police violence are shining new light on the role that police play in American society – now and in the past. Khalil Gibran Muhammad and Chenjerai Kumanyika explain how American policing grew out of efforts to control the labor of poor and enslaved people in the 19th century and beyond. (About 7 minutes)

### [How Deeply-Rooted Biases Affect How Police Enforce the Law](#)

In some communities, the long-tense relationships between law enforcement and minority communities are now very public and very hard to ignore. The murder of George Floyd wasn't the beginning of conversations about police-community relations. In this 2014 segment, PBS News Hour special correspondent Jackie Judd reports from Oakland on efforts to improve relations, using research from Stanford University on the deep and often hidden biases on race and inequality. (About 9 minutes)

### [Unpacking “Missing White Women Syndrome”](#)

Dr. Danielle Slakoff and reporter David Folkenflik are experts on “missing white woman syndrome.” They join an episode of the Tamron Hall Show, “Who Gets to Be a Victim?”, to discuss the amount of coverage Gabby Petito’s murder received, and why there’s a disparity with coverage for people of color. This time last year, Dr. Slakoff was here in Niagara Falls as the keynote speaker for the Niagara County Family Violence Intervention Project’s annual Safe at Home Conference. Dr. Slakoff discussed media representations of women and girl victims across race, and how these portrayals impact the general public as well as the criminal justice system. (About 7-minutes)

### [13<sup>th</sup> – Feature Film \(Netflix\)](#)

**13<sup>th</sup>** is an award-winning (2016) American documentary film that explores the intersection of race, justice, slavery, and mass incarceration in the United States. Director Ava DuVernay examines the U.S. prison system and how our country’s history of racial inequality drives the high rate of incarceration in America. This piercing, Oscar-nominated film won Best Documentary at the Emmys, the British Academy of Film and Television Arts, and the NAACP Image Awards. (About 100 minutes)

## **LISTEN**

### **Government’s Own Experts Found ‘Barbaric’ and ‘Negligent Conditions in ICE Detention**

Experts hired by the Department of Homeland Security's Office for Civil Rights and Civil Liberties, in examining more than two dozen facilities across 16 states from 2017 to 2019, found "negligent" medical care (including mental health care), "unsafe and filthy" conditions, racist abuse of detainees, inappropriate pepper-spraying of mentally ill detainees and other problems that, in some cases, contributed to detainee deaths. These reports almost never become public. Consider listening to this *All Things Considered* episode from just a couple months ago. (About 11 minutes)

### **The School-to-Prison Pipeline – Part I: An Introduction**

What is the school-to-prison pipeline? What does it look like in Western New York, and what’s being done about it? A joint series from WBFO’s Education and Racial Equity desks is delving into those questions and more. (About 4 minutes)

### **Rights This Way: Episode 3: The Truth about Bail Reform**

In this October 2022 episode of the podcast Rights This Way, the New York Civil Liberties Union examines the regressive criminal legal system rollbacks that were passed in April in response to the 2019 passage of laws that improved New York’s bail, speedy trial and discovery laws in ways that made our state fairer and helped reduce mass incarceration. (About 34 minutes)

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### **Quick and Final Note:**

In Spring, 2024, a group of Niagara University students will be visiting the Equal Justice Initiative (EJI) in Montgomery, Alabama as part of a spring break Civil Rights Trail tour. While it isn’t included above as a “Read,” you can still learn more about the work of the EJI to reform the system of Mass Incarceration at <https://eji.org/criminal-justice-reform/>.