

Katherine DelGiudice  
Dr. Manuel  
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## Policy Memo

**Question:** Is racism present in the criminal justice system? If so, what actionable strategies exist to combat its presence?

**Incentive:**

The criminal justice system is massively unfair to people of color, exhibited by the disproportionate amount of POC arrested, incarcerated, and on death row. Although the United States has aimed for years to take paths towards restorative justice, evidence shows otherwise. The recidivism that continues to occur in the United States is not improving, which shows just how much work there is to do in repairing the criminal justice system to focus on restorative justice and getting individuals rehabilitated and a second chance at life. The goal of this research is to understand the reality of the racial inequity in the criminal justice system and find out the roots of this, as well as organizations and initiatives taking place in order to combat this existence.

**Executive Summary:**

- The United States has more people incarcerated than any other country in the world. There are about 2.3 million people incarcerated in the United States, and there are even more alarming statistics within this. According to Pew Research, “In 2017, there were 1,549 black prisoners for every 100,000 black adults – nearly six times the imprisonment rate for whites (272 per 100,000) and nearly double the rate for Hispanics (823 per

100,000)”. This disproportionate number cannot be reasonably explained except for the presence of bias against African Americans.

- In addition, approximately nine out of ten incarcerated people in NYC are Black or Latino. (Center for Court Innovation) This is *extremely* alarming, especially as almost half of the city’s population is white, so this makes the amount of POC incarcerated even more disproportionate.
- Seventy-seven percent of US government prisoners on death row are minorities. (ACLU)
- As of October 2002, 12 people have been executed where the defendant was white and the victim was black, compared with 178 black defendants executed for murders of white victims. (ACLU)
- Until 1998, it was legal to seek the death penalty based on race in Kentucky. Similar legislation was brought up in other states and failed.
- These disproportionate numbers are scary, but they have steadily improved since 2007. Yet while the overall rate of incarceration has declined, the proportion of African Americans in prison has not become more even.

**Key Stakeholders:**

- The Sentencing Project: an organization devoted to research and advocacy for decarceration, and to end the racial disparity in the United States criminal justice system. Their website provides resources for education on the criminal justice system and the racial and economic disparity displayed in the statistics, the voter suppression that occurs as a result of convictions, as well as initiatives to get involved and take action against it.
- The ACLU: The ACLU is a nonprofit devoted to protecting the constitutional rights of all people in the United States. The organization has become a trailblazer for women's right

to choose, refugees, imprisoned people, rights of due process, and more. Although some decisions by the group have been controversial, they are consistent with their message and goals of always protecting the constitutional rights of US citizens.

- Professor Michelle Engert: a full-time JLC professor at AU, career trial attorney and justice policy advisor, holds JD, worked as a public defender in DC, and in the office that oversaw the right to counsel in the US and its territories.
- Professor Rody Damis: Prof. Damis is a JLC professor at AU, holds a JD from the University of Buffalo, and is a career justice policy analyst. He has experience in the Office of Budget at the DOJ, portfolio reviewing and revising/advising, has done some private work, including a civil case about police brutality, and works to draft criminal justice reform legislation. He recently worked on legislation to keep predators that got kicked off of Uber off of other public platforms like Lyft.

### **Appraisal of Past/Opposing Views:**

- Most of my sources are all in support of reducing mass incarceration, and all recognize the racial disparity in the court system. Many conservative talking points have to do with releasing people from prison due to the tax burden that the prison system is, rather than restoring the people that are in prison back to society.
  - **The end goal is the same for members of people on all sides of the political spectrum, but the intention behind it is where there are opposing views.**
- In general, most people are in favor of decarceration because of the lesser cost to taxpayers, or because they recognize the racism and economic causes that lead to people getting involved in crime.

- However, decreasing the number of people in prison is part of both the Democratic and Republican party platforms, which leads one to believe that it's pretty widely supported, regardless of politics.

**Budget:**

- As the social action project gets closer, and plans begin to solidify, communicate with organizations about any potential funding that may be needed.
- Look into what restaurants in Tenleytown accept Eagle Bucks and can host a fundraiser.
  - District Taco
  - Chipotle
  - Chef Geoff's
- Find out about volunteer opportunities with organizations via the Sentencing Project

**Timeline:**

- October:
  - Continue research into organizations and initiatives taking place to combat institutional racism in the criminal justice system
  - Reach out to said organizations
- November:
  - Pick an organization to raise money for/partner with for social action project
  - Potentially start creating a budget based on needs
- December
  - Finalize plans for social action project

**Conclusion:**

The criminal justice system was founded on principles of racism and the disproportionate amounts of people of color incarcerated for the same crimes. As recent events have shown, systems that were built to oppress will continue to do so, no matter how hard people try to display a reformed system. My research will delve into what feasible solutions there are, if any at all, for individuals and organizations to take steps to combat this racism and oppression.

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