

STRUCTURAL RACISM

ACROSS THE SECTORS OF
EDUCATION, HEALTH
AND JUSTICE.

ISSUE BRIEFS BY:
THE GEM PROJECT FELLOWS



AUGUST 2020

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Gem Fellows: Call to Action

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The Gem Project fellows, a cohort of high school and college youth organizers, authored 7 issue briefs over July-August 2020 on addressing structural racism across education, health, and justice within the Black community, with the impact of COVID-19. As part of the youth organizing not-for-profit organization The Gem Project, fellows work to address and dismantle systems of oppression and injustice across their communities. Thanks to our adult allies: editor and program associate, Stacy Tyndall; teaching artist, Nadine LaFond; summer director, Diane Shirley; and CEO, Amanda Ebokosia. In partnership with the City of Newark and Newark Youth One Stop, the Gem Project Fellows were hired for this project. We would also like to thank our funders for this initiative WW Foundation (Civic Spring), Newark Arts, and Victoria Foundation.



THE EDUCATION GAP: COVID-19, RACIAL DISCRIMINATION AND STRICT SCHOOL POLICIES

By: Diamond Andrews, Katie Bernadice,
and Kynise Dixon

Issue

When asked about experiences in school, everyone shares a different story. For students of color, namely African Americans, their stories are quite the opposite of those of white suburban school districts. Students of color are faced with harsher realities. They are disciplined more, are given low-quality teachers, and are less likely to be recognized for their talents (Nittle, 2020). This is unfair to students of color, but also a major systemic issue as Caucasian students are put through far less security and are given better resources and access. Overbearing procedures in mandatory environments such as school, cause stress on students. It is also inconsiderate of the emotional strains already set upon them outside of school, where they face implicit bias on top of other personal situations.

This causes students to seek relief from places that may not be healthy or beneficial. For example, skipping classes or indulging in co-dependent behaviors involving drugs and alcohol; lack of resources adds to the difference between education for students of color versus privileged students (Bowman et al. , 2018).

The novel coronavirus (COVID-19) worsens this issue because children are no longer in school. For a lot of students of color, home education may include a lack of access to technology and to their teachers who may not be readily available to help. This sets back the process of learning for students which keeps them behind in their studies, while students in higher tax brackets, enjoy a better quality of education (Mineo, 2020). All of these factors may create an environment for students to experience more stressors at home and are thus more likely to indulge in unhealthy activities during the COVID-19 pandemic.

Background

Racism in schools has deprived many

students of color the opportunity to succeed beyond the "status quo. With the different social, economic status between low-income neighborhoods and suburbs there is "close links between residential and school segregation meaning that children are often isolated from opportunity across multiple environments during the developmental period when neighborhood and school resources critically impact their wellbeing, opportunities, and life chances" (McArdle and Acevedo-Garcia, 2017, para. 2). These opportunities can range from simple after school activities such as dance and football to SAT and college prep. According to Jonathan Plucker at Johns Hopkins University, residential and school segregation causes "excellence gaps' when high-achieving or high-potential poor and minority students have less access to gifted education than their peers" noting gifted program worsen inequalities, instead of widening, when they are segregated (Plucker & Peters, 2020). The racial barriers in student success are a widespread divisive feature of structural racism embedded in American's education system, which leaves students of color severely disadvantaged.

Current Laws

Although there are numerous laws regarding education for students, many current laws boldly place favor on white or lighter skin tone students. Black and brown students often do not benefit from these laws, especially if they are being schooled in low-income communities. These schools are not equipped with the necessary tools, teachers, books, or government funding like wealthy white schools.

There are many laws regarding education, but they are not applicable. Zero-tolerance

policies and high stakes testing in public schools subvert academic excellence and racial equity. Schools should discourage suspensions and expulsions (especially for more subjective infractions such as willful defiance. As David Johns (2016, pg. 13) asserts "Schools should invest in counselors and professional development for teachers and leaders on how to implement the best discipline, including the use of restorative justice, which creates a safe space for the accused and the affected to make amends amicably." Suppose we work to improve the whole racial system all around and get it at the root. In that case, we will be one step closer to dismantling racism and discrimination in the world of education that revolves around black and brown students and white students

Recommendations

Structural racism and injustice within the education system must be spotlighted. The issues within the education system stems from racism and discrimination and are pressing because they affect the lives of millions of innocent individuals every day. Finally, we need these problems that have been affecting black and brown students disproportionately to be talked about in their entirety. In the words of historian Manning Marable, "when we talk about race, we don't mean a biological or genetic category, but rather, a way of interpreting differences between people which creates or reinforces inequalities among them"; in other words, "races an unequal relationship between social groups,

represented by the privileged access to power and resources by one group over another (Fulbright-Anderson et al.,2005). To further explain, race is a social construct that has been ingrained in the minds of the American people for so long that it has promulgated a dangerous divide between whites and people of color, which blatantly exists today. The laws in the U.S. seem to favor and benefit white people more than Black and brown people, further propelling discrimination at the state and federal levels. Race, as a construct, is a multi-pronged system that is ubiquitous around the globe. Therefore, we require light to be shined upon this subject because humanity is too immersed in realizing the severity of what this system has done.

Black and brown students are disciplined more harshly, are given low-quality teachers, and are less likely to be recognized for their talents. To address these inequalities, schools should discourage the extreme use of expulsions and suspensions for less serious infringements such as not wearing uniforms. Schools should "invest in counselors and professional development for teachers and leaders on how to implement the best discipline, including the use of restorative justice, which creates a safe space for the accused and the affected to make amends amicably," (David J. Johns, D, 2016, pg. 13). There should be an end to Excessive Discipline Measures Against Students of Color. Many black students in urban communities face real-world challenges outside of school, and extreme discipline measures add more pressure and stress to students. Schools in predominantly Black communities, need more Black teachers, as well as more after school programs that cater to gifted students.

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THE IMPACT OF RACISM ON THE EDUCATION SYSTEM AND STUDENTS OF COLOR.

By: Bernice Abanda, Fatima Jawneh, Mariah Jomah, Ayoko Kessouagni, and Simisola Lawal

Issue

The United States' historical contribution to racism and discrimination against black heritage and the Black experience, has also plagued the American education system's condition as it pertains to Black students. Segregation, violence, and systemic racism have left Black and brown students lacking education and opportunities. Despite *Brown vs. Board* in 1954, desegregating schools, they still remain segregated, and schools within communities of color receive little to no resources, even in the largest cities in the United States. Throughout America, schools remain heavily segregated by race, class, and ethnicity, and it is intensifying. The Civil Right Project(2014) has found that the achievement gap has grown continuously between Black and Latino students, and their white peers.

Segregated economically and racially, Black and Latino students are less likely to benefit from special programs and resources as their white peers.

With schools closed, COVID 19 has, without a doubt, prolonged education equity around the nation. The NAACP notes, "the crisis has also laid bare the economic and racial disparities that persist and preclude equal access to these essential public goods" (2020, para. 1). School closings create problems for students of color across the nation even more problematic than before the COVID 19 Pandemic. Many schools, especially those that predominantly serve people of color, do not have access to technology, including laptops and sufficient internet, to manage homeschooling. Not to mention that schools that help low-income neighborhoods are a safe space to provide food and shelter. The decades of injustice against Blacks have embedded itself into the nation which continues to be prolonged in America's education system.

Background

As Black students going to Newark Public Schools, we all have experienced, witnessed, or been subjected to discrimination and racism in schools. Incontestably, education in the United States is plagued with systemic and institutional racism, which emerged historically as a means to oppress students of color and obstruct their enlightenment and advancement in society. While the monumental Brown vs. Board of Education over 60 years ago legally banned the racial separation of segregation, schools are still segregated since communities are still racially segregated due to the redlining. Racial injustice in education thrives and emanates through distorted and fabricated lines designed to marginalize and hold Black, Indigenous, and People Of Color (BIPOC) students in an inferior place. Oppressive laws that were created to target BIPOC students to the way schools are funded, the way advanced and talented programs are limited, the way resources are distributed, to the amount of SROs available in certain schools and mental health resources that are available in some schools and communities. While the school's legal segregation was outlawed, the lack of new policies that engage integration has continued to leave school segregated.

The Economic Policy Institute found based on the National Center for Education Statistics' National Assessment of Educational Progress (NAEP) that "Black children are five times as likely as white children to

attend schools that are highly segregated by race and ethnicity, Black children are more than twice as likely as white children to attend high-poverty schools and black children are highly likely to be in high-poverty schools with a high share of students of color, but white children are not" (Garcia, 2020, para. 4). The barriers students of color and their white counterparts have intensified, causing schools to be racially and economically segregated.

Current Laws

There is an array of laws to address the issues of education inequality, and while some have been beneficial, others have failed to address the systematic issue of education inequality. The No Child Left Behind Act (NCLB) of 2001 has helped efforts across the country to dismantle racial disparities in academic performance. NCLB requires schools and districts to break out test scores by racial and ethnic groups, economic disadvantage; disability; and limited English proficiency. NCLB required states and school districts to report on students' academic achievement by groups, such as minority students, low-income students, English Learners, and students with disabilities. For the first time, the law prevented the average performance of all students from masking the underachievement of those particular student groups listed

Unlike the NCLB, the Elementary and Secondary Education Act (ESEA) of 1965 has not been successful. The law has allowed federal resources to go to schools for more than four decades to ensure all children have equal access to quality education. The U.S. Department of Education notes, "ESEA flexibility moves away from top-down policies, instead of supporting decisions informed by data and expertise at the state and local levels" but this in turn does not help subgroups such as minority students from aggressive policies that heavily affect the downfall of them in school (2012).

Recommendations

The healthcare system in the United States has racist and sexist foundations that continue to fail women of color since its establishment. To address mortality rates among mothers and children, the health system should implement strategies to help women access appropriate medical attention. The disparity between women of color and every other group could be addressed by providing women equal pay, which can help them afford better health care. Access to health insurance is often the first step in receiving quality, and affordable healthcare, which is essential in addressing maternal mortality. There must be systems in place that would provide expecting mothers medical care free of charge if they cannot afford it. This leap will help hundreds of people access the health care they need. Recent studies have shown that, while access to health

insurance does not eliminate disparities in maternal and infant mortality, it plays a role in addressing it.

As well as access to health insurance, access to services is essential in addressing infant and mortality. Even with health insurance, accessing timely, culturally appropriate, quality care can often be difficult. Access to additional services, such as specialists, reproductive health care, and mental health care, is also of need. In many rural areas, access to hospital maternity wards, OB-GYN, and other medical professionals is scarce, making it much harder for women of color to access timely prenatal care and find a quality facility to deliver their child.

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THE EFFECTS THE HEALTHCARE SYSTEM HAS ON MINORITY WOMEN

By: Augustine Egwuonwu and
Shaquana Nelson

Issue

Everyday maternal mortality sweeps across our nation, as pregnancy and childbirth complications kill women. According to the Center for Disease Control Prevention, “sadly, about 700 women die each year in the United States as a result of pregnancy or delivery complications” (2020, para.1) While maternal mortality affects all races and social classes according to the Centers for Disease Control and Prevention, “Black, American Indian, and Alaska Native (AI/AN) women are two to three times more likely to die from pregnancy-related causes than white women”(2019, para. 1). This does not include factors such as socioeconomic status, education, and racism.

While such disparities have multiple dimensions, the lack of access plays a

significant role in the continuation of inequalities in the health system including maternal mortality. According to the U.S., The Department of Health Human Service, the Affordable Care Act (ACA) of 2010 created historic advances in health insurance coverage. However, millions of people, with the majority being people of color, are still deprived of accessing health insurance each year. In addition to this challenge, having access to coverage does not guarantee a high-quality and patient-centered care. The following brief begins to outline the complexities within the healthcare system that likely contribute to maternal mortality issues that disproportionately affect African American women.

Background

Chalhoub, T & Rimar, K (2018), with the Center for American Progress discussed the story of Dr. Irving, who died in 2017 three weeks after giving birth. Irving, an epidemiologist at the Centers for Disease Control and Prevention and a lieutenant commander in the U.S. Public Health

Service—had dedicated her career to investigating public health disparities. Yet, Shalon remained vigilant in monitoring her health throughout her pregnancy and delivered her daughter, Soleil, via cesarean section at 37-weeks. During her healing process weeks after giving birth, her blood pressure began to fluctuate. Dr. Irving continued to follow-up with her doctors, although her health continued to deteriorate. On January 28, 2017, hours after returning from an appointment with her doctor, Dr. Shalon Irving collapsed at home and died at the age of 36, leaving behind her infant daughter. Dr. Irving's story is a reality for a lot of women of color across America and brings emphasis just how pressing the issue is.

Current Laws

The health system has a very strict Pregnancy Discrimination Act (PDA), and this law protects pregnant women from being laid off or fired. However, due to COVID 19, this law has not been guaranteed because women in minority communities face the most devastating side effects concerning this predicament. Nonetheless, many of these women are also victims of maternal death, which took a very drastic toll on low-income communities.

Recommendations

The healthcare system in the United States has racist and sexist foundations that continue to fail women of color since its establishment. To address mortality rates among mothers and children, the health system should

implement strategies to help women access appropriate medical attention. The disparity between women of color and every other group could be addressed by providing women equal pay, which can help them afford better health care. Access to health insurance is often the first step in receiving quality, and affordable healthcare, which is essential in addressing maternal mortality. There must be systems in place that would provide expecting mothers medical care free of charge if they cannot afford it. This leap will help hundreds of people access the health care they need. Recent studies have shown that, while access to health insurance does not completely eliminate disparities in maternal and infant mortality, it plays a role in addressing it. As well as access to health insurance, access to services is essential in addressing infant and mortality. Even with health insurance, accessing timely, culturally appropriate, quality care can often be difficult. Access to additional services, such as specialists, reproductive health care, and mental health care, is of great concern. In many rural areas, access to hospital maternity wards, OB-GYNs, and other medical professionals is scarce, making it much harder for women of color to access timely prenatal care and find a quality facility to deliver their child.

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THE CONTAGIOUS PETRI DISH OF PRISON HEALTH DISPARITIES

By: Brister Bobb, Iyanna Brown, and Quanae' Daniels

Issue

Jails and prisons are known as petri-dishes for diseases, sickness, and contagious infections connected to correctional facilities' deplorable conditions. The conditions of incarceration facilities cause many individuals to suffer not only physical health issues but also mental. The Prison Policy Initiative notes that people who are incarcerated "are disproportionately likely to have chronic health problems including diabetes, high blood pressure, and HIV, as well as substance use and mental health problems" (2020, para. 1). Jail and prison facilities across the nation are not up to code, including the physical conditions and nutrition standards which have ignored prisoners' health rights. The issues of inadequate facilities do not only affect the incarcerated population but staff members alike.

COVID 19 has caused devastating effects

exacerbating the issues of the nation's inadequate correctional facilities. Prisons are overcrowding, which is the number one cause of the spread of COVID-19, making social distancing impossible, causing the "infection rate of COVID-19 in prisons to be drastically higher with about a 2½ times higher rate than the general public" (Equal Justice Initiative, 2020, para. 1). According to Cornell Law School, 78,526 individuals in prison have been tested positive for the virus, with over 800 dying from COVID-19 (Legal Information Institute, 2020). Prisons are not structured for quarantining or social distancing and, combined with overcrowding, endanger the lives of people in jails, including inmates and staff. Before the pandemic, the health concerns within jails and prisons were visible but ignored issues, but as infection and death rates grew within prisons, it could no longer be ignored.

Background

The issue of deplorable health conditions in jails and prisons is not a new phenomenon but is a part of a more

significant aspect of systematic racism that disproportionately affects minorities in particular blacks. In Mississippi, the home of one of America's oldest and most notorious prisons, research from the Prison Policy Initiative, shows that while blacks make up 37% of the state's population; they are overrepresented in the state correctional populations with 57%; In comparison, whites are underrepresented in the prison/ jail populations making up 58% of the state's population but only 30% of the correctional population (n.d).

The Mississippi Center for Investigative Reporting reports at Mississippi State Penitentiary at Parchman, inmates are forced to live in subhuman conditions, "Building facilities – water, lights, sewage – are crumbling (2020). The prison's drinking water has violated the Safe Drinking Water Act dozens of times, and the Environmental Protection Agency has cited the prison's sewage system for three years for violating the Clean Water Act." Everyone, including those within the prison system, has a right to live in healthy conditions. This is stated in policies like Article 25 of the United Nations 1948 Universal Declaration of Human Rights and the Eighth Amendment, which enforces the fact that no cruel and unusual punishment shall be inflicted. But prisoners are still being forced to serve their time under poor conditions, and lawmakers have done nothing to address the issue that disproportionately affects people of color. The Mississippi State Penitentiary at Parchman is a testament to the health conditions surrounding jails and prisons across the United States.

Current Laws

Under the United States Constitution, the

Eighth Amendment requires prison officials to provide prisoners with "reasonably adequate" medical care. In *Estelle v. Gamble*, the Supreme Court stated: "[D]eliberate indifference to serious medical needs of prisoners constitutes the unnecessary and wanton infliction of pain,' proscribed by the Eighth Amendment..the mere negligence in providing medical care does not violate the Eighth Amendment" (Manville ,2003, para 1). Based on the court case, courts have made it clear that negligence in providing adequate medical care also does not violate the Eighth Amendment. *Estelle v. Gamble* has made it legal for jails and prisons to keep people incarcerated in subhuman conditions that would not be allowed in any regular aspect of society. This case has made a bold statement that inmates are not afforded the same health and safety measures as the rest of society, which is a direct attack on people of color as they make up the majority of the Correctional population.

Recommendation

No one entity can address the issues of health disparities within the correctional system. If the correctional system works in partnerships with "public health and academic medical centers as means of providing support to continuity of care for inmates throughout their incarceration and beyond" together a community we can better address the issue (Johnson, .2018, para 4). We must acknowledge that

those imprisoned, and staff we work at jail and prisons, are a part of the broader community. All members of society have ethical obligations to take action in their own ways to mitigate the effects of health issues and disparities in correctional facilities, including COVID 19. Within the correction system, there must be a legislative requirement to provide medical services to inmates if they can afford it or not. There also needs to be enforced legislative coding that would require all corrections facilities to be structurally updated. There should be community oversight boards to facilitate the process.

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THE DEHUMANIZING RAMIFICATIONS OF WRONGFUL CONVICTIONS

By: Talia Bailey, Amza Fofana, Favour Ikedife, Jose Lasso, and Imani Onque

Issue

The authentic function of the criminal justice system depends on precision, the ability to charge and convict the guilty, but in many ways, the criminal justice system has failed to uphold sufficient precision. There have been several miscarriages of justice within the criminal justice system, just particular within the confines of wrongful convictions and insufficient defense. Gross, Possley & Stephens (2017, para. 2), found that innocent black people "are about seven times more likely to be convicted of murder than innocent white people, 50% more likely to be innocent than other convicted murderers, three-and-a-half more likely to be innocent than a white sexual assault convict." Gross, Possley & Stephens (2017) correlate the devastating racial disparities of wrongful convictions to mistaken

eyewitness and police and prosecutorial misconduct. The Innocence Project (2009, para. 1) found that "many of the 245 people exonerated through DNA testing were represented at their original trial by public defenders or appointed attorneys who were underfunded, overburdened, in over their heads, or all of the above." When defense attorneys provided by the government fail to do their job, a person's life can and have been destroyed. When defense attorneys provided by the government fail at their job, wrongful convictions rise.

COVID 19 has intensified the ramifications of wrongful convictions. Currently, with COVID-19, many are struggling to afford groceries and receive proper medical care, which comes as a greater struggle for exonerated individuals who are not offered wrongful conviction compensation. Paul Hildwin, who was denied compensation because he missed the 6-month deadline to apply for compensation, remarked notes, "being able to receive compensation is critical to all exonerees. Compensation would have given me the opportunity to better

prepare for this pandemic, to be able to buy everything I need to have the peace of mind of going to the doctor without worrying about what they will charge me, and the chance to buy medicine, if necessary (Vasquez, 2020). Wrongful convictions and insufficient defenses are systematic miscarriages of justice that continue to destroy lives and the integrity of the justice system.

Background

According to the National Institute of Justice (NIJ), "A conviction may be classified as wrongful for two reasons, the person convicted is factually innocent of the charges or there were procedural errors that violated the convicted person's rights" (n.d). One of the most leading causes of wrongful convictions in America is Eyewitness misidentification. The research found that "Unfortunately if a suspect's appearance matches cultural stereotypes regarding who commits what types of crimes, the suspect is judged to be more culpable and receives a harsher sentence" (Davies et al., 2016). Misidentifications, while it disproportionately affects people of color, are multiple victims, including innocent individuals who have been wrongfully convicted and future victims of the actual perpetrators who have not been incarcerated for the original crime.

With the Research of Livingston & Brewer, it depicts that researchers have been warning against eyewitness testimonies since before 2002, and still in 2020, we are still faced with the issues of eyewitness misidentification. For the third year in 2016, the National Registry of Exonerations (NROE) discovered another record number of officials committed misconduct (70); the convictions were based on guilty pleas

(74); no crime actually occurred (94), and a prosecutorial conviction integrity unit worked on the exoneration (70)" (2020). Wrongful Convictions is a pressing issue that has stolen over 23,770 years from people, since 1989, 2,657 people have been exonerated (National Institute of Justice, n.d).

Current Laws

Wrongful convictions continue to soar because there are little to no policy reforms aimed at addressing the structural issues of wrongfully coerced convictions, inadequate defense, eyewitness identification, and DNA oversight. In the United States, law enforcement uses a wide range of interrogation techniques that intensify psychological pressure and bluffing with suggestions of additional incriminating evidence, that coerce people to make false confessions. Interrogation tactics, such as isolation, long periods of interrogation, repeated accusations, deception, use of fabricated evidence, fear or experience of violence, and threats of harsh sentences or promises of leniency are used in interrogations and lead to false confessions (Davis & O'Donohue, 2004; Ofshe & Leo, 1997). No current policies protect individuals from being in spaces that force them to make false confessions. In addition, there are no amendments that require states and law enforcement agencies to preserve crime scene evidence, including biological evidence. The Innocent Project notes, "roughly half of the states have no laws requiring crime scene evidence to be preserved, the evidence is often unavailable for reevaluation once a person is incarcerated, making confirming or denying pleas of innocence.

nearly impossible" (n.d). DNA evidence from crime scenes is vital because DNA can help exonerate innocent individuals and solve closed cases. As well as states not persevering biological case evidence, 17 states do not have laws that require compensation for wrongfully convicted individuals, including Georgia and Pennsylvania (Innocence Project, 2020). Not affording wrongfully convicted individuals' compensation upon release, leaves them to struggle to rebuild their lives, for something that was not their fault. The lack of standard enforcement in protecting individuals from being falsely accused contributes to the prevalence of wrongful convictions.

Recommendations

Wrongful incarceration must be structurally addressed, with no continuation nor amending but complete elimination. As we fight for freedom and the recognition of our rights, it is essential to shed light on behind-the-scenes policies, to identify the cause and effects. This is to say that current laws, policies, foundations, institutions, and even persons of high authority that support or propose the idea of wrongful conviction and exoneration must be recognized and held accountable. The racial disparities that arise in the criminal justice system viewpoints are not limited to the perceived inequality of the entire system. Current laws, policies, foundations, institutions, and even persons of high authority that support and propose the ideas that encourage the issues of wrongful conviction must be recognized and held accountable. Congress needs to create policies that protect individuals from being in spaces that force them to make false confessions, accepted tactics of integration must be systematically

reevaluated for the criminal justice system to change an end to bias trials and discriminatory legislation, must take place. The government needs to enact clear legislation that creates a standard requiring law enforcement agencies to preserve biological crime scene evidence. In 2004, Congress passed the Justice for All Act, which provides financial incentives to states that adequately persevere biological evidence, but it is not enough (Polanco, 2004). States must be mandated from congress to adequately preserve biological evidence from criminal cases to truly address the barriers of having DNA evidence in wrongful convictions.

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THE SYSTEMIC LINK BETWEEN POLICE BRUTALITY AND THE BLACK COMMUNITY

By: Victoria Hoegah, Tada Sorhaindo, and
Hayat Bemby

Issue

Over one thousand people are killed by police every year in America. The issue of police brutality has caused a severe and disproportionate impact on people of color (ACLU, 2020). At the outset of this year (2020), the novel Coronavirus (COVID-19), along with police brutality, occupied the world stage, both being detrimental to the health of the black community. In the case of excessive police force, "nearly sixty percent of victims were either unarmed or involved in activities that should not require police intervention such as harmless "quality of life" behaviors or mental health crises (Campaign Zero, 2020)". Police have the authority to carry out their duties and can use force when necessary, but there are and should be, limits to these powers. Police brutality or abuse arises when law enforcement officials go beyond the limits of their

authority and cause unnecessary injuries (Peeples, 2020). Excessive force, False Arrest or imprisonment, Malicious prosecution, Unreasonable search, and Infringement of Rights Of Pretrial Detainees are examples of police brutality (Bernstein, 2020).

While police brutality has plagued most areas and demographics of our nation, it has caused a particularly disturbing contribution towards the Black community dehumanization. Unfortunately, COVID-19 has also intensified the issue. Although wearing a face mask in public to stop the spread of COVID-19 may seem like common sense for some, for people of color, particularly Black men, it can be a double-edged sword. Erin Kerrison, an assistant professor at Berkeley's Social Welfare School who studies how law and legal institutions operate as social determinants of health, says "that because of the distrust Black people have toward law enforcement, they may not wear masks in public to avoid being viewed as criminals (2020)."

As COVID-19 was beginning to plague the nation, the world witnessed the murder of George Floyd at the knees of Minneapolis police officers, over the suspicion of using a counterfeit 20 dollar bill. Smartphone footage shows officer Derek Chauvin kneeling on Mr. Floyd's neck while he was pinned to the floor", eventually rendering him lifeless. Transcripts of "police bodycam footage show Mr. Floyd said more than 20 times he could not breathe as he was restrained by the officers' (Richardson, 2020, par. 1-4)." For 8 minutes and 46 seconds, Officer Derek Chauvin pressed his knee into the neck of George Floyd (Peebles, 2020). While officer Chauvin was charged with second-degree murder, the practice of police brutality, especially against people of color, is still evident and yet to be systematically addressed. The social media and news coverage of this event, along with the murder of others such as Breonna Taylor, Ahmad Arberry, and Elijah McClain, brought about a global movement that is reflective of the massive amount of change needed in law enforcement.

Background

Each year thousands of people are killed at the hands of police officers, Mapping Police Violence found that in 2017 alone 1,100 people were killed by police but "Black people were more likely to be killed by police, more likely to be unarmed and less likely to be threatening someone when killed." Also, Sinyagwe's research found that black people make up 28% of those killed by police since 2013, despite being only 13% of the population (2020). Black people are three times more likely to be killed by police than white people, 1.3 times more likely to be unarmed than white people, and 8 out of the 100 largest

city police departments kill more black men at higher rates than murder rates (Sinyangwe, 2020). Political leaders and activists pushing for change in the United States have widely endorsed body-worn cameras, de-escalation training, implicit bias training, early intervention systems, banning chokeholds, and civilian oversight of the tragedies of 2014. A survey of 47 of the largest US law-enforcement agencies between 2015 and 2017 found that 39% changed their use-of-force policies in 2015-16 and revised their training to incorporate tactics such as de-escalation. Among the agencies surveyed, officer-involved shootings dropped by 21% during the study period (Peebles, 2020).

Current Laws

In 1871 the Supreme Court passed the Civil Rights Act of 1871, which Section 1983 established the qualified immunity measures for government officials. In terms of the impact of police misconduct, Section 1983 of the act "provides a legal remedy for individuals claiming that their constitutional rights, such as the right to be free from excessive force under the Fourth Amendment, were violated by state or local police acting pursuant to state or local law" (Novak, 2020). Law enforcement qualified immunity is a legal doctrine that gives police officers "breathing room" to make reasonable mistakes," but killing someone, or falsely arresting someone is not responsible (Novak, 2020). Qualified immunity protects police officers at the expense of citizens' civil rights, including their right to to live. The

legal doctrine of qualified immunity fails to regulate the behavior of police misconduct.

Police officers are given powers to carry out their duties, which makes bringing police misconduct brutality claims to fruition difficult. While the Constitution, fourth amendment, state, and federal laws place restrictions on how far police can go in trying to perform their functions, it still leaves room for police officers to abuse their power. Police Officers have immunity from "lawsuits related to the performance of their jobs unless the law enforcement officer commits willful, unreasonable conduct and such conduct can be legally demonstrated." This means that the smallest amount of negligence is not enough to create liability. Civil rights remedies only come into play for deliberate police misconduct that breaches an individual civilian's constitutional rights.

Recommendations

Protests have spread worldwide, and pressure is on police departments and politicians, particularly in the United States, to reform law enforcement tactics to defund or even abolish police departments. And although researchers are encouraged by the momentum for change, some are also concerned that, without ample evidence to support new policies, leaders might miss the mark. Many have been arguing for years about the need for better data on police use of force and rigorous studies that test interventions such as training on how to de-escalate tense interactions or mandating the use of body-worn cameras by officers (Peeples, 2020). We must End Policing of Minor "Broken Windows" Offenses like consumption of alcohol on streets,

trespassing, loitering, and bicycling on the Sidewalk. End profiling and "stop-and-frisk" establish enforceable protections against profiling to prevent police from intervening in civilian lives for no reason other than the "suspicion" of their blackness or other aspects of their identity. It is also imperative that police departments create all-civilian oversight structures, with discipline power that includes a Police Commission "who determines policy for the police department based on community input and expertise share policy and policy changes in publicly accessible formats" (Campaign Zero, 2020). As noted by Campaign Zero Civilian Complaints Officer receive, investigate and resolve all civilian complaints against police in 120 days and be allowed to interrogate officers less than 48 hours after an incident where deadly force is used. By implementing the right policy and systemic changes, we can end police killings and other forms of police violence in the United States.

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Photo by Ashley Ross

MASS INCARCERATION & THE CYCLE OF RETURN

By: Faith Christian, Dinaya Kelly, Lisbeth Polanco Naji Shepherd, and Anyllah Zachery

Issue

There is a lingering issue in the American criminal justice system, and that is the cycle of mass incarceration that is systematically engraved in our nation. The ACLU notes, “despite making up close to 5% of the global population, the U.S. has nearly 25% of the world’s prison population... far outpacing the population growth and crime, with 2.3 million people in jail and prison today” (ACLU, 2020, para 1). While all races have faced the issues of mass incarceration, people of color have disproportionately been affected. According to the Bureau of Justice (BOJ), 25 states, as well as the Federal Bureau of Prisons, met or exceeded their minimum number of beds and people of color make up larger shares of jails and prisoners despite only making up about 13% of the population (Carson, 2020). African

Americans have been faced with disproportionate amounts of discriminatory judicial laws, biased trials, and unequal representation in legal proceedings, which has influenced the mass incarceration of blacks across the nation.

While mass incarceration has infested our nation, COVID 19 has caused devastating effects exacerbating the issues of mass incarceration. With mass incarceration is overcrowding, which is the number one cause of the spread of COVID-19. Mass incarceration in prisons has made social distancing impossible, causing the “infection rate of Covid-19 in prisons to be drastically higher with about a 2½ times higher rate than the general public”(Equal Justice Initiative, 2020, para 1). The Marshalls Project notes, “at least 805 deaths from coronavirus reported among prisoners”(2020, para 2). Prisons are not structured for quarantining or social distancing and, combined with overcrowding, endanger the lives of people in jails, including

inmates and staff members.

Background

The issue of mass incarceration is a systematic one, especially in regards to Mississippi State Penitentiary. The Mississippi State Penitentiary has been a notorious state prison founded in 1901 on the convict leasing system, where “inmates were essentially slaves again, working long hours for no pay, whipped and beaten, underfed, and rarely given medical treatment.” (Delaney & et al., 2020). While many of the practices of Mississippi State Penitentiary have been eradicated, the 13th amendment loophole nothing “Neither slavery nor involuntary servitude, except as a punishment for crime” abolishing slavery and indentured servitude unless charged with a crime ”(U.S. Const. Section 1, 1965). Since then, prisons have grown tremendously unjust, becoming a profitable business on the backs of those incarcerated, with little to no pay.

Current Laws

Mass incarceration has been systematically instigated through presidential campaign platforms that exploited proposed fear focusing on stricter sentencing policies. Under Bill Clinton's presidency, the "Three Strikes" law was created in 1994, which provided mandatory life imprisonment for a convicted felon with two or more previous convictions in federal or state courts. This was an automatic sentence and conviction law. At the time, this law seemed like an excellent idea for the convicted felons that kept

repeating the crimes, but in practice has caused more harm than good, including mass incarceration. People are serving life sentences for crimes they committed in their teens because of three strikes policies. Other people are faced with grueling 25 years to life sentences "for nonviolent crimes, such as shoplifting, auto theft, or possessing small amounts of drugs" (Jaffe, 2019). The mandatory minimum sentencing was established from the 1986 Congress Passage of The Anti-Drug Abuse Act under former President Ronald Reagan's "tough on crime" agenda (Gillon, 2018). Through this act, because of the economic difference of suburban cocaine and low-income communities crack cocaine, Blacks were sentenced longer than whites, even with their crimes being less or equal in severity with whites. In 2009, 80% of the prison population for drug possession were black men (Gillon, 2018). The current sentencing laws have led to the form of the Jim Crow birthing the era of mass incarceration. The sentencing policies demonstrate racial bias and racial disparities at every level of the criminal justice system.

Recommendations

In the midst of Covid-19 the nation needs policies and laws that bring the reality of safety and security not the illusion. Those incarcerated are not second class citizens and should be treated justly and equably. They deserve to be safe, healthy and secure, which can only happen when there's an end to bias trials and

discriminatory legislation.

Mass incarceration is a systemic issue that can only be eradicated through systematic means. America needs fundamental reform to reduce reliance on incarceration while safeguarding its citizens. The “broken windows theory” that has over-policed minor offenses must be eliminated. That should not be the way it is. Prisons are unfair to those who commit a lesser crime, such as small marijuana possession, public alcohol consumption and parking tickets. According to the Brennan Center for Justice report, the prison costs \$31,000 a year per prisoner and often does little to prevent the recurrence of these crimes. It explains that, for many lower-level crimes, probation, treatment, or community service is more appropriate, not to mention that they are cheaper and probation is ten times less costly than imprisonment (Cullen, 2016). In addition, in agreement with Michael Mitchell Senior Director and Counselor, at Equity and Inclusion, “lawmakers should reform unnecessarily harsh sentencing policies, including requirements for “truth in sentencing” and mandatory minimum sentences, and allow prisoners to reduce their sentences through good time or time savings (Cullen, 2016).

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Call To Action

As youth organizers and advocates, we demand systemic change across the sectors of education, health, and justice.

We Demand the enactment of outside entities to monitor health systems and oversight organizations to monitor standards for health services in prisons and jails across the nation.

We Demand police agencies across the nation to create all-civilian oversight structures, with discipline power that includes a Police Commission that determines policy for the police department based on community input and expertise.

We Demand the Amendment of the No/Zero Tolerance Policy, which supports suppressive one-size-fits-all policies that do not account for students' individual needs.