



CRIMINAL JUSTICE FACT SHEET

The criminal justice system is heavily impacted by the bias of police mentality, as well as outdated judicial precedents. It is largely driven by racial disparities, which directly obstruct and deconstruct our minority communities.

Origins of Modern Day Policing

The origins of our modern-day police mentality can be traced back to the “Slave Patrol”. The earliest formal slave patrol was created in the Carolinas in the early 1700s, with the following mission: to establish a system of terror in response to slave uprisings with the capacity to pursue, apprehend, and return runaway slaves to their owners, including the use of excessive force to control and produce desired slave behavior. Slave Patrols allowed forcible entry into any home solely based on suspicions of protecting runaway slaves. Slave Patrols continued until the end of the Civil War and the passage of the 13th Amendment.

Following the Civil War, during the Reconstruction Period, slave patrols were replaced by militia-style groups who were empowered to control and deny access to equal rights to freed slaves that looked to join the workforce and integrate with society. Their work included the enforcement of Black Codes, strict local and state laws that regulated and restricted access to labor, wages, voting rights, and general freedoms for formerly enslaved people.

In 1868, ratification of the 14th Amendment technically granted equal protections by laws of Constitutional rights to African Americans – essentially meant to abolish Black Codes. Shortly after the abolishment of Black Codes, Jim Crow Laws, and state and local statutes that legalized racial segregation were enacted. Jim Crow laws looked to vanquish all protected rights of African Americans. By the 1900s, local municipalities began to construct police departments to enforce local laws in areas of the East Coast and Mid-West, including Jim Crow Laws. Local municipalities leaned on police to enforce and exert excessive brutality on African Americans who violated any Jim Crow law. Jim Crow Laws continued through the end of the 1960s.

Since then, African American communities have continued to be under surveillance and targeted by police, including, but not limited to, the era of War on Drugs and mass incarceration.

Modern Day Criminal Justice Structure

The criminal justice system is composed of [three major institutions](#), which process a case from inception, through trial, sentencing, and post corrections. Those three institutions are:

- Law Enforcement
 - Courts
 - Corrections
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Criminal Justice System: Law Enforcement

Background

- Law enforcement officials are responsible for the investigation of a crime and to gather evidence to identify and use against the presumed perpetrator. The presumption upon which they are supposed to operate is that individuals are suspects and innocent until proven guilty.
- As of 2018, there are 686,665 full-time employed law enforcement officials across the United States.
- The Fourth Amendment prohibits unreasonable searches and seizures and is the foundation for the protections included in our [Miranda Rights](#): *“You have the right to remain silent. Anything you say can and will be held against you in the court of law. You have the right to an attorney. If you cannot afford an attorney, one will be provided for you.”*
- A Black person is five times more likely to be stopped without just cause than a white person.
- A Black man is twice as likely to be stopped without just cause than a Black woman.
- 65% of Black adults have felt targeted because of their race. Similarly, approximately 35% of Latino and Asian adults have felt targeted because of race.

Police Brutality

- 1,025 people have been shot and killed by police in the past year.
- There are somewhere between 900 and 1,100 people who are shot and killed by police in the United States each year.
- Since 2005, 98 non-federal law enforcement officers have been arrested in connection with fatal, on-duty shootings. To date, only 35 of these officers have been convicted of a crime, often a lesser offense such as manslaughter or negligent homicide, rather than murder. Only three officers have been convicted of murder during this period and seen their convictions stand. Another 22 officers were acquitted in a jury trial and nine were acquitted during a bench trial decided by a judge. 10 other cases were dismissed by a judge or a prosecutor, and in one instance no true bill was returned from a grand jury. Currently, there are 21

non-federal law enforcement officers with pending criminal cases for fatal shootings.

Public Perception of Police Brutality and Racial Bias in the Criminal Justice System

There is an obvious disparity in how the general public view fatal encounters between police and Black people. 66% said these encounters were isolated incidents.

- 84% of Black adults say white people are treated better than black people by police; 63% of white adults agree based on 2019 research on police relations.
- 87% of Black adults say the U.S. criminal justice system is more unjust towards Black people; 61% of white adults agree.
- Despite the fact that more white people have been killed by police, Black and Hispanic people are disproportionately impacted. While white people make up a little over 60% of the population, they only make up about 41% of fatal police shootings. Black people make up 13.4% of the population, but make up 22% of fatal police shootings. This does not take into consideration other forms of police brutality, including non-lethal shootings.

The number of people shot to death by the police in the United States from 2017 to 2020, by race.

	2017	2018	2019	2020
White	457	399	370	42
Black	223	209	235	31
Hispanic	179	148	158	13
Other	44	36	39	3
Unknown	84	204	202	13

Source: [Statista](#)

- 539 claims were filed during the 2018-2019 fiscal year against the Los Angeles County Sheriff's Office related to police misconduct. Two-hundred and forty-one lawsuits were dismissed without any payments. LAPD has approximately 9,000 sworn officers.

The Effects of Police Brutality on Mental Health

- Police killings of unarmed Black Americans are responsible for more than 50 million additional days of poor mental health per year among Black Americans. This mental health burden is comparable to that associated with diabetes, a disease that strikes 1 in 5 Black Americans.
- Fatal police violence is the 6th leading cause of death for men ages 25 to 29 across all racial groups.

- The lifetime risk of dying from police violence is at its highest from ages 20 to 35, and this applies to men and women of all races.
- On average, Black Americans are exposed to four police killings of other unarmed Black Americans in the same state each year.

The Cost of Police Brutality

- While many police brutality and fatal police shootings are not prosecuted in criminal court, victims and the families of victims have been able to pursue civil judgments, which cost millions of taxpayers dollars each year.
- \$175.9 million in civil judgments and claims for police-related lawsuits paid by New York City during the 2019 fiscal year. New York City has the largest police force with 36,000 members serving 8.3 million people.
- \$500 million was paid out by the City of Chicago between 2004 and 2014 for police misconduct-related lawsuits.

Criminal Justice System: The Courts

The primary purpose of the court system is to try each case presented, render a verdict, and determine sentencing.

- Individual rights are protected by the Constitution in the court of law, such as follows;
 - The right to face your accuser
 - The right to not incriminate oneself
 - The right to counsel
 - The right to a jury trial
- The jury must be a fair cross-section of the community, which in most cases should not lead to a jury composed of a single race or gender. *Batson v. Kentucky*, 476 U.S. 79 (1986), was a landmark decision of the US Supreme Court ruling that a prosecutor’s use of a peremptory challenge in a criminal case—the dismissal of jurors without stating a valid cause for doing so—may not be used to exclude jurors based solely on their race. A *Batson* challenge is a challenge made by one party in a case to the other party’s use of peremptory challenges to eliminate potential jurors from the jury on the basis of sex, race, ethnicity, or religion. A trial usually begins with jury selection.
- One out of every three Black boys born today can expect to be sentenced to prison, compared 1 out 6 Latino boys; one out of 17 white boys.
- Sentencing reform addresses the inequities in sentencing as a result of the court’s due process.
 - For example, Delaware lawmakers enacted Senate Bill 47, a measure that removes geographic-based sentencing enhancements – “drug-free” school zones – that disproportionately impact those living in urban areas and are known to exacerbate racially disparate sentencing outcomes. In

- recent years, New Jersey, Indiana, and Utah adopted legislation to scale back drug zone sentencing enhancements.
 - California lawmakers passed Senate Bill 136 to repeal the one-year sentence enhancement for each prior prison or county jail felony term. The California Department of Corrections and Rehabilitation estimated that 10,000 persons currently incarcerated were serving a sentence that included a one-year enhancement.
 - 5% of illicit drug users are African American, yet African Americans represent 29% of those arrested and 33% of those incarcerated for drug offenses.
 - In the 2015 National Survey on Drug Use and Health, about 17 million white people and 4 million African Americans reported having used an illicit drug within the last month.
 - African Americans and whites use drugs at similar rates, but the imprisonment rate of African Americans for drug charges is almost 6 times that of whites.
 - As of October 2016, there have been 1900 exonerations of the wrongfully accused, 47% of the exonerated were African American.
 - African American defendants are 22% more likely to have convictions involving police misconduct that eventually result in exoneration.
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Criminal Justice System: Corrections



The correctional branch of the criminal justice system involves a network of agencies that administer prisons and programs like parole and probation boards in a given jurisdiction.

- There are 3 million people in jail and prison today, far outpacing population growth and crime. Between 1980 and 2015, the number of people incarcerated increased from roughly 500,000 to 2.2 million.
- Despite making up close to 5% of the global population, the U.S. has nearly 25% of the world's prison population.
- 32% of the US population is represented by African Americans and Hispanics, compared to 56% of the US incarcerated population being represented by African Americans and Hispanics.
 - In 2014, African Americans constituted 2.3 million, or 34%, of the total 6.8 million correctional population.
 - African Americans are incarcerated at more than 5 times the rate of whites.
 - The imprisonment rate for African American women is 2x that of white women.
 - Nationwide, African American children represent 32% of children who are arrested, 42% of children who are detained, and 52% of children whose cases are judicially waived to criminal court. African American children represent 14% of the population.
- 7% of adults in the US are under correctional supervision. That equates to one out of every 37 adults in the United States.
- In 2012 alone, the United States spent nearly \$81 billion on corrections.
 - Spending on prisons and jails has increased at triple the rate of spending on Pre-K-12 public education in the last thirty years.
- Prisons are overpopulated. Since 1970, our incarcerated population has increased by 700%.
- Since 1991 the rate of violent crime in the United States has fallen by about 20%, while the number of people in prison or jail has risen by 50%.
- If African Americans and Hispanics were incarcerated at the same rates as whites, prison and jail populations would decline by almost 40%.
- \$80 billion taxpayer dollars are spent on our current prison system, accounting for one out of every 15-state general fund discretionary dollars (2nd fastest-growing category for state budgets).

Effects of Incarceration

- The 13th amendment protects against cruel and unusual punishment, yet most of our prisons are at max capacity and have inhumane conditions, exploitation of labor, and absence of proper measures in place to respond adequately during states of emergency and national pandemics.
- Inmates are **five times more likely** to be infected by HIV than the general population.

- Approximately [10% to 20% of inmates suffer](#) from a serious mental illness, which is often made worse during incarceration.
- Many of the formerly incarcerated also suffer from a loss of their rights as a result of their records:
 - In 34 states, people who are on parole or probation [cannot vote](#).
 - In 12 states, a felony conviction means never voting again.
 - In addition, prior incarceration can affect one's ability to secure certain federal benefits or [get a job](#).
- The effects of incarceration are felt by the families and communities of those individuals:
 - More than one out of every six black men who today should be between 25 and 54 years old have disappeared from daily life. Incarceration and early deaths are the main drivers behind their absence. A history of incarceration has been linked to vulnerability to [disease](#), a greater likelihood of [cigarette smoking](#), and even [premature death](#). Their absence from the community removes voters, workers, taxpayers, and more.
 - Children whose parents are involved in the criminal justice system suffer from: psychological strain, antisocial behavior, suspension or expulsion from school, economic hardship, and are six times more likely to be involved in criminal activity.
 - Partners of incarcerated individuals suffer from depression and economic hardship.

COVID-19 & Infectious Diseases

- There are 68,000 (and counting) identified prison inmate cases of Covid-19.
- New cases of COVID-19 have soared across hot spots in the United States in the last few weeks – even as daily infection rates in the nation have remained flat.
- There has been a 73% increase in COVID-19 related deaths since mid-May.
- The five largest known clusters of COVID-19 virus are inside corrections institutions.
- The number of infected cases will increase, as more demonstrators and protestors against police brutality are arrested.
- Infectious diseases are highly concentrated in corrections facilities. 15% of jail inmates and 22% of prisoners – compared to 5% of the general population – are reported having tuberculosis, Hepatitis B and C, HIV/AIDS, or other STDs.

Penal Labor and Prison Industrial Complex

- The prison-industrial complex is a set of interest groups and institutions. Private prisons' business model is contingent upon incarcerating more and more people.
- Hundreds of corporations benefit from penal labor, including some of our largest major corporations. 7% of state prisoners and 18% of federal prisoners are employed by for-profit companies.

- Wages are equivalent to less than \$1 per hour in most penal labor programs with up to 12-hour workdays. The pay scale for federal prisoners is \$.12 to \$.40 per hour.
- In Texas, inmates are not paid for labor. The Texas penal labor system, managed by Texas Correctional Industries, is valued at \$88.9 million in 2014.
- The estimated annual value of prison and jail industrial output is \$2 billion.

Death Penalty

- 35% of the individuals executed under the death penalty within the last 40 years have been Black. African Americans represent only 13% of the general population. African Americans are pursued, convicted, and sent to death at a disproportionately higher rate than any other race.
- In early 2000, the percentage of Black people on death row were as follows for the states below:
 - Maryland 72%
 - Pennsylvania 63%
 - Illinois 63%
 - Alabama 46%
 - Texas 41%
 - Virginia 39%
 - California 36%
 - Florida 36%
- 66% of juveniles sentenced to death are people of color, two-thirds of the crimes committed involved white victims.
- 82% of people on death row were convicted of cases that involved white victims.

Cycle of Incarceration

- 650,000 Americans return to their communities from prison each year. About half of them will return to prison within a few years.
- Nearly 50,000 legal restrictions against people with arrest and conviction records routinely block access to jobs, housing, and educational opportunities, which significantly contributes towards high rates of increased interactions with the criminal justice system and reincarceration of people who have been released from prison.
- Nearly 75% of formerly incarcerated people are still unemployed a year after release. A lack of stable employment increases the likelihood that an individual will return to jail or prison. In fact, research has found that joblessness is the single most important predictor of recidivism.