

Taylor-Raye Council

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## Systemic Racism within the Criminal Justice System

### **Introduction**

The murdering of George Floyd by officer Derick Michael Chauvin sparked an uproar of protests, riots, and heated debates about the situation at hand. Chauvin's "technique" in restraining Floyd (knee on the back of his neck) resulted in Floyd going into cardiopulmonary arrest. Many saw this as an opening for criminal justice or some sort of police reform to retrain officers on how they should approach or detain people. Obviously, this method of restraining was not taught in the police academy because it led to the death of a person. So why are we trying to reform something or a system that intentionally suppresses minorities? This topic is worthy of investigation because police officers have been intentionally killing black people for decades and we still have not seen a change. Within the past decade, there have been thousands of black people murdered by police officers that has created controversy of how police brutality is not being taken seriously in America. With the problem being deeply rooted in systemic racism, is police or criminal justice reform really enough to change the mindsets and horrid ways that the system continues to fail black people? The term "systemic racism" itself, which means systems or structures with procedures or processes typically used against black

people to keep them at a disadvantage to everyone else, further elaborates that for centuries in America black people have been dealing with unfair and unjust treatments against them. We've seen it with Jim Crow laws, slavery laws, and black codes which were all legal at some point. This further proves that reforming the criminal justice system will not work. Abolishing the criminal justice system is the only method that will be effective in terms of making it fairer for the Americans that have faced systemic racism in the past because the criminal justice system was inherently built on racism and the retribution of the unjust.

### **Reforming vs. Abolishing**

Reforming the system will only perpetuate the different procedures and techniques back into practice instead of dissecting and eliminating the actual problems within the system. Not only are the prisons and jails dehumanizing when it comes to the unfair treatment of people, but so is most of the criminal justice and institution of laws. No amount of reworking the police academy training will fix the issues within the criminal justice complex because the problem lies within the mindset of authority. When people talk about reforming the criminal justice system or prison/police, they want to change how the system is administered and believe changing its existing practices will result in a better one (Tapia, 2010). The two main objectives of criminal justice reformers are accessing programs to help incarcerated individuals obtain knowledge, job training skills, and positive morals;

and amending policies to make certain that the small barriers are present to help the community stay positive (Mosteller). Abolishing however, wants to get rid of incarcerating people all together. Abolishing the criminal justice system is in no way a slogan. Removing the funding from police, prisons, etc. will abolish the system allowing more money to be spent towards social programs in communities. In the article “How I Became a Police Abolitionist”, Purnell explains how if George Floyd would’ve lived, there wouldn’t have been any justice because he would've been detained for allegedly using a \$20 bill, then proceeding to explain why abolition is needed instead of reform (“Police manage inequality by keeping the dispossessed from the owners, the Black from the White, the homeless from the housed, the beggars from the employed. Reforms make police polite managers of inequality. Abolition makes police and inequality obsolete.”) (Purnell, 2020). The two immense objectives for abolishing the criminal justice system is transferring public safety to local communities and redistributing the government spending towards prisons and police to decrease the wealth inequalities and opportunities (Keller). These two ideas will benefit people who have faced systemic racism in the past rather than just reforming the criminal justice system because this system was built from racism, sexism, classism, ect; the only way to correct it is to dismantle it. **Abolishing Police**

Abolishing the police by defunding police departments and making them and officers obsolete will reduce police violence; therefore, making the system “fairer”

for people who face systemic racism. In the article “Yes, We Mean Literally Abolish the Police”, Kaba states that reducing the contact between police and the public will “diminish police violence” (Kaba, 2020). Kaba then explains how the argument that reducing or abolishing police will make communities less safe by breaking down what we think police officers do and what they really do (“They spend most of their time responding to noise complaints, issuing parking and traffic citations, and dealing with other noncriminal issues”) (Kaba, 2020). Police officers typically show up after the crime has been committed. She then proceeds to back up her statement by quoting the coordinator of the Policing and Social Justice Project at Brooklyn College who stated, “The vast majority of police officers make one felony arrest a year. If they make two, they’re cop of the month” (Kaba, 2020). In the article “Why Arguments Against Abolition Inevitably Fail”, Angela Davis brings forth the truth about how the act and idea of reforming has just created a never-ending cycle or superseded actual change within the system

(“... because opposition and protests calling for reform have played such a central role in shaping structures of policing and punishment, the notion of reform has superseded other paths toward change. Ironically, many efforts to change these repressive structures - to reform them - have instead provided the glue that has guaranteed their continued presence and acceptance.”) (Davis, 2020).

This further entails the fact that police “reform” has been in the works for years right in front of our eyes and it has changed nothing. In 1894, the first major investigation for police misconduct took place in New York City, where police were clubbing citizens. In 1931 police were using “brutal interrogation strategies” but only got a small slap on the hand. In 1967, uprisings against citizens by the police were taking place and to reform this, recommendations along the lines of communal support for law enforcement and keeping a closer eye on police officers “in the ghetto” were taken into account. Similar reformations were taken into place after the police beating of Rodney King in 1991 and the insurgence afterwards that also happened after Garner and Brown were killed. The policies of reformation after were “implicit-bias training, police-community listening sessions, slight alterations of use-of-force policies and systems to identify potentially problematic officers early on” (Kaba, 2020). More rules do not equate to less violence because police officers often break the rules many times. There are numerous cases where police officers injure protestors, forcefully hurt elder people, and more horrible things that are always caught on camera. Although horrid these actions are displayed over the internet for all to see, they most likely end up not getting held accountable for their actions. For example, Daniel Pantaleo also known as the police officer who killed Eric Garner by putting him in a chokehold knew he was being filmed and still proceeded to act violently against Garner. His acknowledgement of the camera

further entails that he knew his actions would be swept under the rug and he stayed with the department for five more years after the incident (Kaba, 2020). With reformation being out of the equation, we can abolish police and reduce or diminish the violence against black people by police by cutting off the funding towards police departments and putting them towards communal infrastructures, programs, and resources all without police. In a lot of instances, police officers have been first responders to social problems like poverty, homelessness, mental illness, and addiction often condemning them because lawmakers have criminalized nonviolent misdemeanors. By getting rid of community policing, we can essentially kill 2 birds with 1 stone by reducing the brutal torment police act towards black people and the mass incarceration of black people. In the article “The End of Policing”, Alex S. declares that “any real agenda for police reform must replace police with empowered communities working to solve their own problems” which coincides with defunding because it is essential in abolition, but the main idea is much more life changing. Basic human needs like safe affordable housing, living wage, and access to mental healthcare are universal so the use of police is not needed if we just put our money towards more resources like these for everyone. Police abolition is in no way black and white. There are different intersections that go into abolishing the police because of the complexities of oppression in different forms towards certain minorities like classism, sexism, racism, ect. In order to abolish police, society must

put money and effort towards the root causes of violence in order to reduce it. In the article “How I Became a Police Abolitionist, Purnell states,

“If we want to reduce sexual violence immediately, we should expand restorative and transformative processes for accountability. If we are committed to eliminating this harm long-term, then society must offer quality housing, food, day care, transit, employment, debt cancellation, and free college so that people will not be stuck in unhealthy relationships because they need food, money, health insurance, or a place to live.” (Purnell, 2020).

As you can see, the reason for abolishment goes beyond systemic racism and includes multiple issues within communities that have kept different minority groups oppressed. Defunding police departments and putting the money towards communal resources and making police officers obsolete are steps towards police abolition and making the criminal justice system less destructive towards black people or people who face systemic racism.

### **Abolishing Prisons**

Abolishing prisons will adhere to making the criminal justice system adequately fair for black people or people who face systemic racism because it was

fundamentally built off of the mass incarceration of black people. In the 13th amendment of the Constitution, slavery and involuntary servitude were abolished “except as a punishment for crime, whereof the party shall have been duly convicted.” (Davis, 11). The Black Codes only convicted black people or former slaves for crimes by the state law, legally sentenced to penal servitude. The ‘reincarceration of slavery’ happened within the southern states when the criminal justice system made black people the main targets of a “developing convict lease system”. Davis states that the same patterns of privatization and “corporatization of punishment that has produced a prison industrial complex” is still within the criminal justice system today. Looking at the criminal justice or prison-industrial complex as “broken” will only hinder the possibility of making it better for others because it is essentially doing what it is supposed to do. Ervin states in the article “How Would Prison Abolition Actually Work?”, “The prison-industrial complex - both prisons, policing, surveillance - they feed off of reform. With each iteration, they’ve gotten bigger, more deeply entrenched into our communities, and more powerful” (Paiella, 2020). This coincides with Davis’ elaboration on how the prison industrial complex and criminal justice system keeps recycling different tactics into new rhetoric. Many do believe however that the abolition of prisons will have serial killers or other violent people on the loose. Ervin explains how these acts of violence are typically located in specific communities. He then goes into further detail on how we have

spent billions of dollars on the imprisonment of people yet, no one still feels any safer from the threat of murder or sexual assault. His rebuttal to this elaborates on how we can take this money and put it towards investing more in communities and infrastructures (“... build up infrastructures in communities that can help with a variety of interpersonal issues as prevention measures, but also practice accountability for community members who do harm in a way that actually not just addresses the specific harm, but transforms the community as well?”) (Paiella, 2020). He also explains how the prison-industrial complex are perpetrators of things such as sexual assault and murders (“... police officers who are allowed to sexually assault women and girls who are part of investigations, guards who physically and sexually assault people who are incarcerated, or the issue we’re seeing now, where police are murdering people”) (Paiella, 2020). He also mentions the difference between restorative justice which focuses on restoring relationships to how they were before harm and transformative justice which focuses on transforming communities so the harm will never happen again. This further entails or confirms Davis’ viewpoint on how abolition is the only way to succeeding in equality because the prison-industrial complex is formed off of the mass incarceration of black people. If restorative justice is being taken into account when talking about the criminal justice system, then nothing will be accomplished because harm was done from the beginning. Davis states, “the prison industrial complex

undertaken by abolitionist activists and scholars are very much linked to critiques of the global persistence of racism” (Davis, 35). She points out that this not just an American problem, but a universal problem. She then proceeds to explain how expanding the system of prisons throughout the world relies on and promotes structures of racism. This epiphany correlates with the fact that race and the prison industrial complex have a relationship and that abolishing the criminal justice system in a must because basic human needs as stated earlier are universal. Although prisons are universal, the United States has 5 percent of the world’s population but 25 percent of the world’s prisoners. The film 13<sup>th</sup> shows how the United States has made its country rely on the prison-industrial complex with systems of racial control and forced labor from post abolition of slavery to the present. The film demonstrates how minority poor people have been demonized through the decades presumed to serve political ends, adding to fears of minorities by white people and to issues of police brutality in minority communities. This aligns with Davis’ explanation of how the 13<sup>th</sup> amendment did not totally abolish slavery but extended it into legally mass incarcerating black people for various reasons. In the article “Is Prison Necessary? Ruth Wilson Gilmore Might Change Your Mind”, the author states, “prison abolition is not just about closing prisons. It’s a theory of change.” This mindset aligns with Purnell’s explanation on prison abolition being transformative in the long run. Taking the funding out of prisons and mass

incarceration and putting it towards communal resources to help prevent crimes within society and make the criminal justice system lean more towards equality for people who experience systemic racism or black people. **Conclusion**

In conclusion, the only way to make the criminal justice system “fairer” for people who have experienced systemic racism or black people is to abolish the prison-industrial complex and police. Reforming the system will not help people who experience systemic racism because it will just be a never-ending cycle of oppressive laws or tactics to keep minorities oppressed within the system. However, to say systemic racism is evident in the criminal justice system is an understatement because there are multiple intersections like classism and sexism that play a huge role as well. This is why simply “reforming” the system will not make a change whatsoever because as Ervin explained, it is abolition within the criminal justice system is transformative. The differences between reforming and abolishing vary but the main factor simply lies within the names. The protests, riots, and looting across the world that broke out after George Floyd and Breonna Taylor’s death showed that people were tired of the way things are being handled and are ready for change.

Defunding the police and putting the money towards communal resources to help reduce the violence against black people. With police reform already in the works with different retraining methods and tactics, defunding them seemed like the most

appropriate goal in order to stop the constant killings of black people by the police.

Although this may seem like another way of reformation, it is essentially a step closer to abolition because it “manifested an abolitionist impulse” trying to punish individual police officers and their department. Attacking the root of the problem which is the huge amount of money being put into the police departments will help change other problems like poor communities of color being vulnerable to the legal system.

Abolishing the Prison Industrial Complex will also help the criminal justice system become fairer for people who experience systemic racism because of the constant mass incarceration of black people that has been going on for years. Ending the rhetoric that caging and controlling people makes us safe will promote how society feeds on and keeps the oppression of masses of people through violence, punishment, and control which is extremely inhumane. The 13<sup>th</sup> amendment entailed that slavery was abolished but proceeded to capitalize off slave labor of black people within the prison system. Putting an end to this and investing in more resources and infrastructures within communities will not only help decrease crime, but also help resolve the issue of unfair and unjust treatment of black people within the criminal justice system. Like Davis stated, “The insight that racism is essentially systemic and structural rather than individual and attitudinal” implies that the issue is bigger than just individuality, we have to start with the unfair treatment within the system

in order to change and acknowledging that it is inherently systemically racist is a start to abolishing. Looking at the criminal justice system policing, prisons, etc. as a cooperation instead of an individual aspect will result in the right path and more change to make the system fairer for people that face systemic racism.

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