

WELCOME TO UVM'S DIVISION OF DIVERSITY,
EQUITY, AND INCLUSION'S TEACH-IN SERIES

FINDING ANSWERS TOGETHER

COPS, COURTS, AND THE CRIMINAL JUSTICE SYSTEM

Presented by: Dr. Stephanie Seguino, Dr. Alec Ewald, Dr. Sherwood Smith &
Paul Suk-Hyun Yoon

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**DIVISION OF DIVERSITY,
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CENTER FOR CULTURAL PLURALISM

You are on "mute" by default

Only our presenters will be speaking during the session.

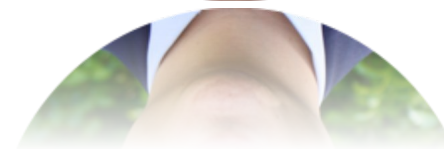
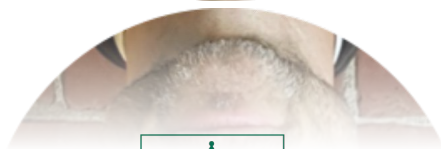
Use the Q&A to ask questions

Our presenters will do their best to answer your questions and comments during the session. Chat has been turned off and we will use it for announcements.

This session is being recorded

We'll share the link on our website so you can view the session again or share it with a colleague within 48 hours.

PRESENTERS



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LOGISTICS

- “Mute” by default
- Q&A - Questions* or Comments
- This session **is** being recorded
- Live Captions

SESSION OVERVIEW

- 30-minute Presentation
- Question & Answer (Q&A)
- Closing Remarks

GROUP AGREEMENTS

- Stay Engaged
- Speak Your Truth
- Experience Discomfort
- Expect & Accept Non-Closure

SYSTEMIC RACISM



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Eliminate the **racial predictability**
and disproportionality of which
people in the U.S. have access to
legal services, are stopped or
arrested by police and receive
differential treat in the court system.

FOUR LEVELS OF RACISM

Cultural or Societal

Messages that through art, media, societal norms, and cultural assumption reinforce the idea that the white racial group is better than or superior to other racial groups.

Systemic

Laws, policies, systems that together work to hold and offer opportunities and advantages to white people and disadvantages for people-of-color.

Interpersonal

Individuals holding prejudice or bias and intentionally or unintentionally acting on racist ideas or assumptions.

Internalized

Folx from all racial groups receive and internalize messages about groups that they belong to as well as other groups



SYSTEMIC OR STRUCTURAL RACISM

- an **interlocking set of parts** that together make a whole
- an **established way of doing something**, such that things get done that way consistently and are assumed to be the 'normal' way things get done
- **runs by itself**; does not require planning or initiative* by a person or group



SUMMARY

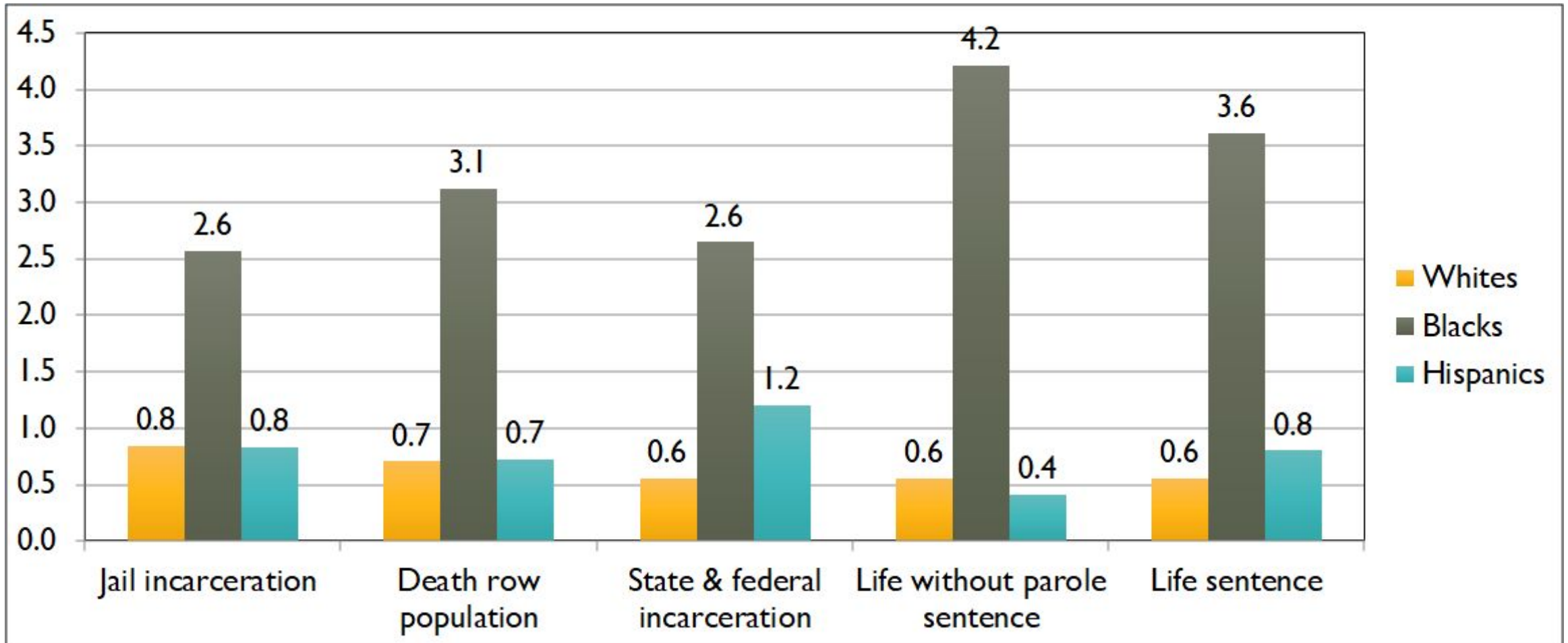
- The U.S. criminal justice system plays a key role establishing social control and maintaining the power of the dominant economic classes.
- Criminal-justice contact can have serious impacts on a person's rights and life choices, well beyond any sentence imposed in court.

RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM & THE CASE OF VERMONT

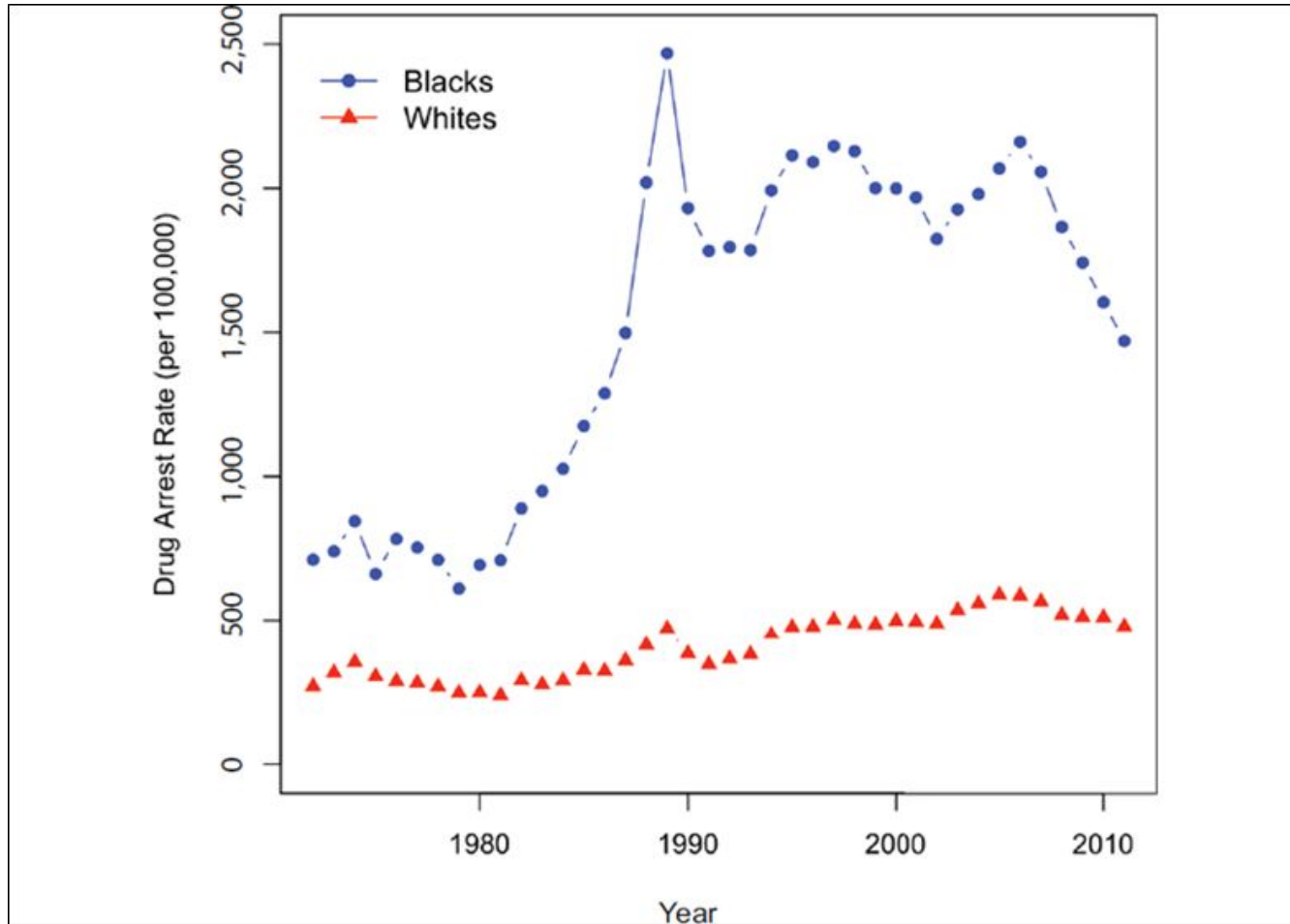


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OVER (UNDER) REPRESENTATION OF RACIAL GROUPS IN PRISON



BLACK & WHITE DRUG ARRESTS (PER 100,000)



Blacks & whites use drugs at similar rates, but the imprisonment rate of Blacks for drug charges is almost 6 times that of Whites.



SENTENCING IS THE LAST STEP IN A LONG CHAIN OF EVENTS

Cumulative Bias

- **Policing** (profiling and charging)
- **Prosecutors** (charging discretion)
- **Bail** and pre-trial detention (judge bias re: pre-trial misconduct; income inequality)
- **Juries**
- **Judges** (+ sentencing guidelines)



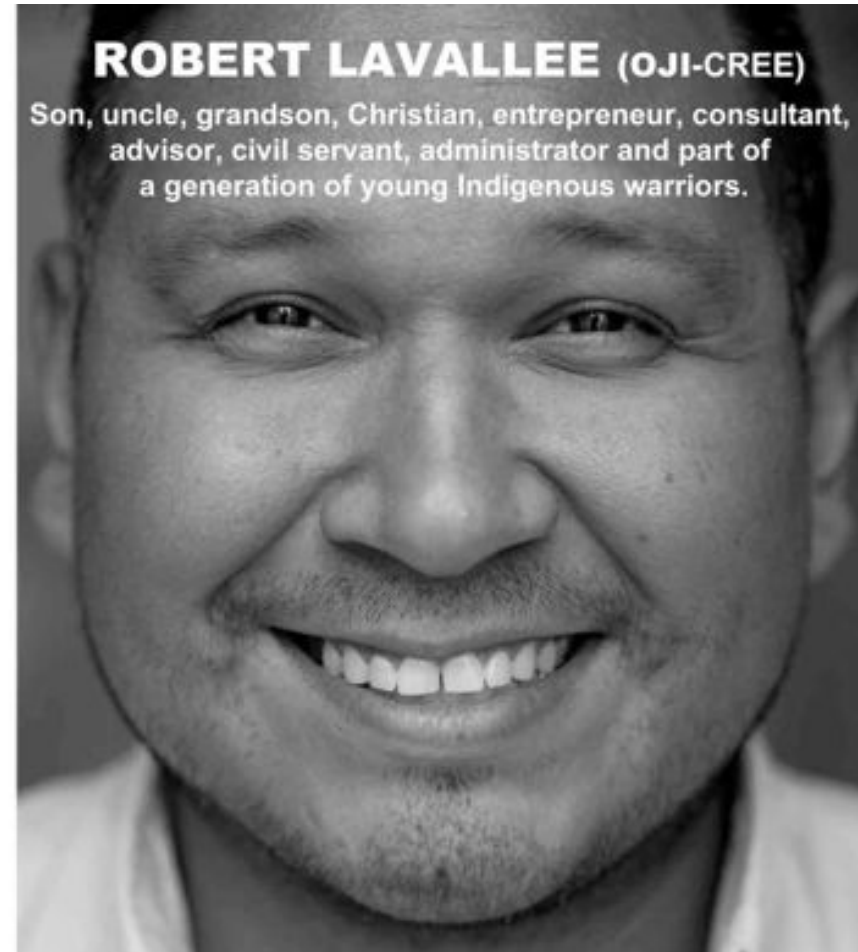
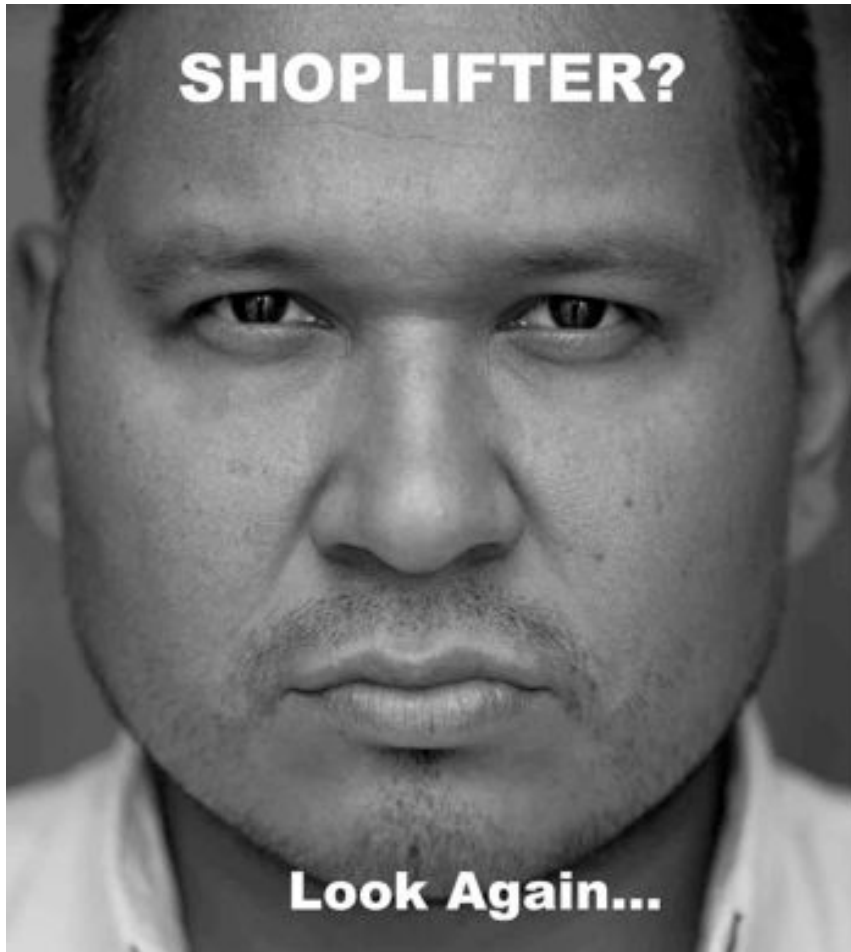
RESULTS OF U.S. SENTENCING COMMISSION 2017 STUDY

Controlling for other factors, **Blacks received 19% longer sentences** than similarly situated Whites.

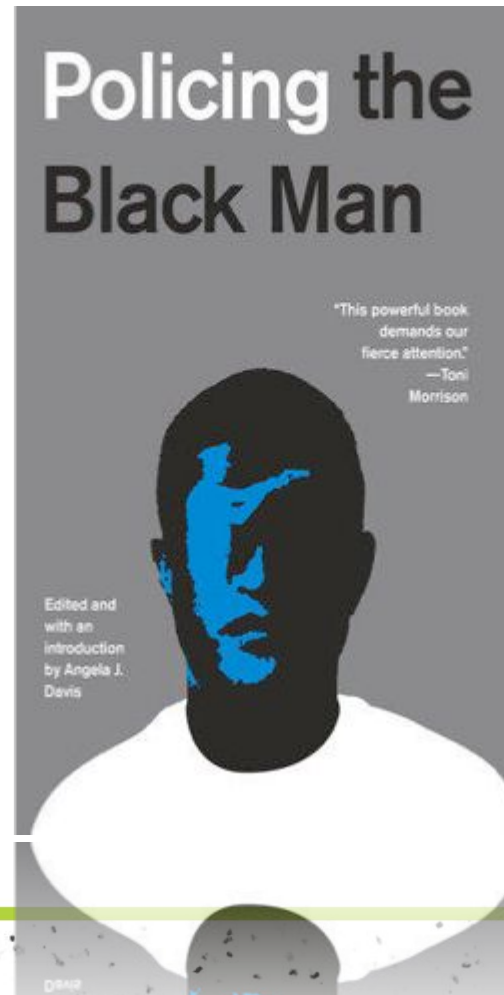
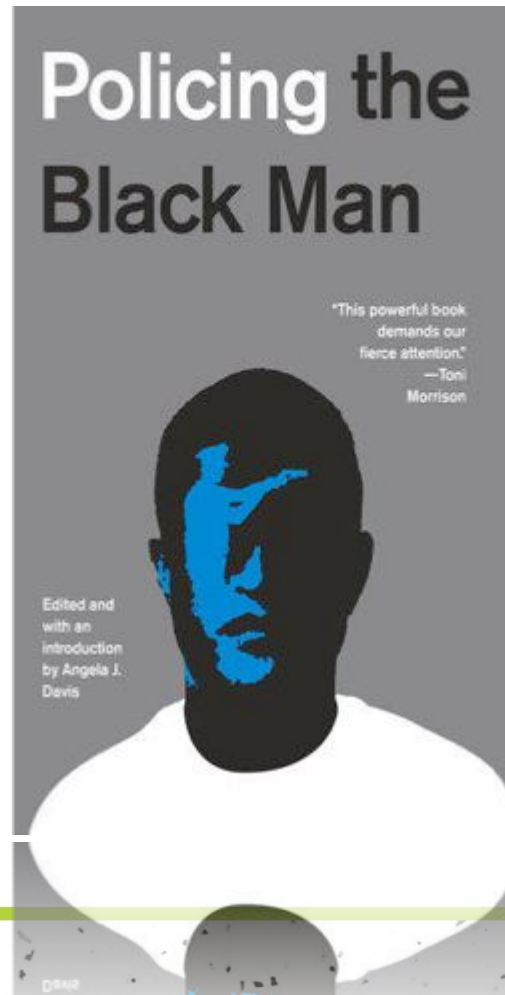


Mark Bennett (District Judge in Iowa): Relationship between **darker skin tones, stronger Afrocentric features, and longer sentences.**

UNDERLYING CAUSES OF RACIAL DISPARITIES? NEGATIVE RACIAL STEREOTYPES



Black (men) are so strongly associated with threat or aggression that this stereotypic association can **impact our ability to accurately assess traits and behaviors** of white and black people.



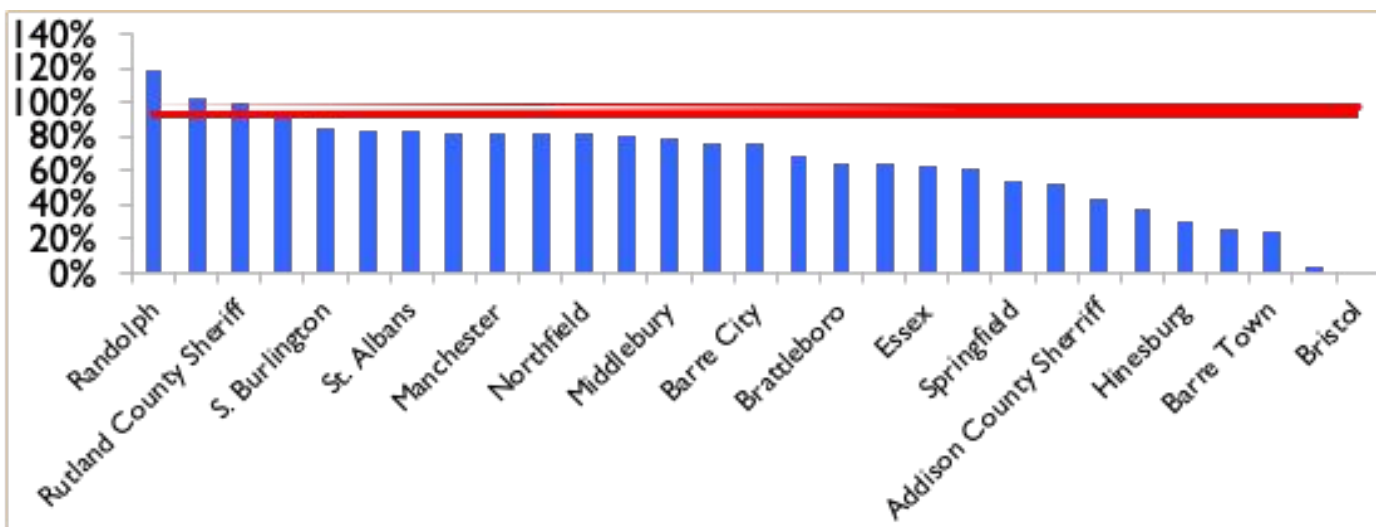
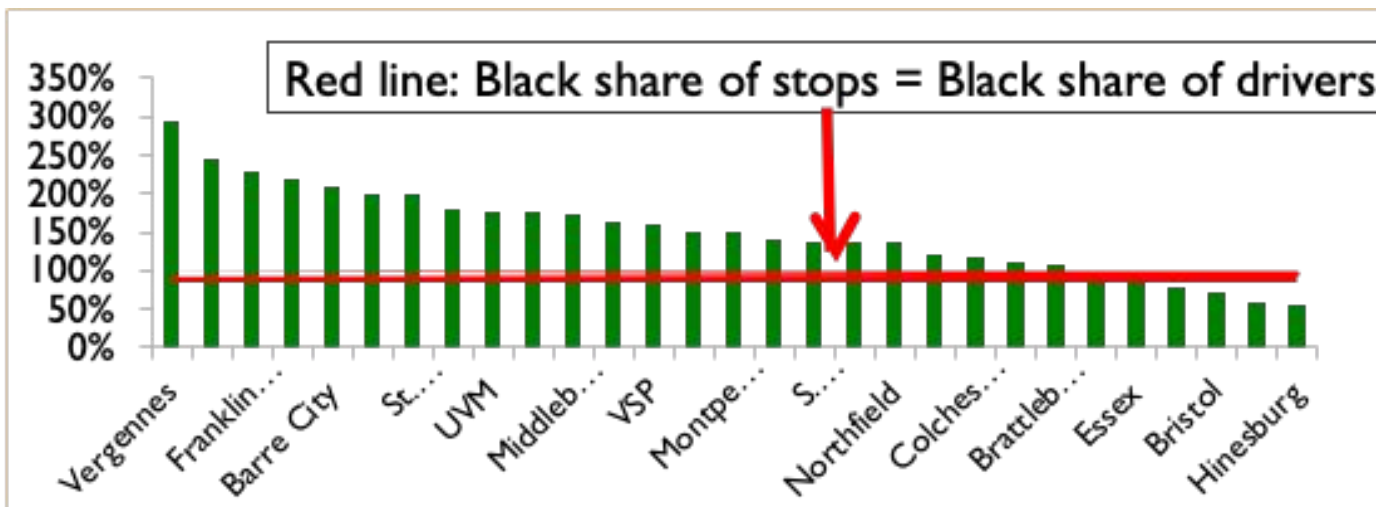
SEGUINO AND BROOKS (2017)

TRAFFIC STOP STUDY - HALF MILLION STOPS

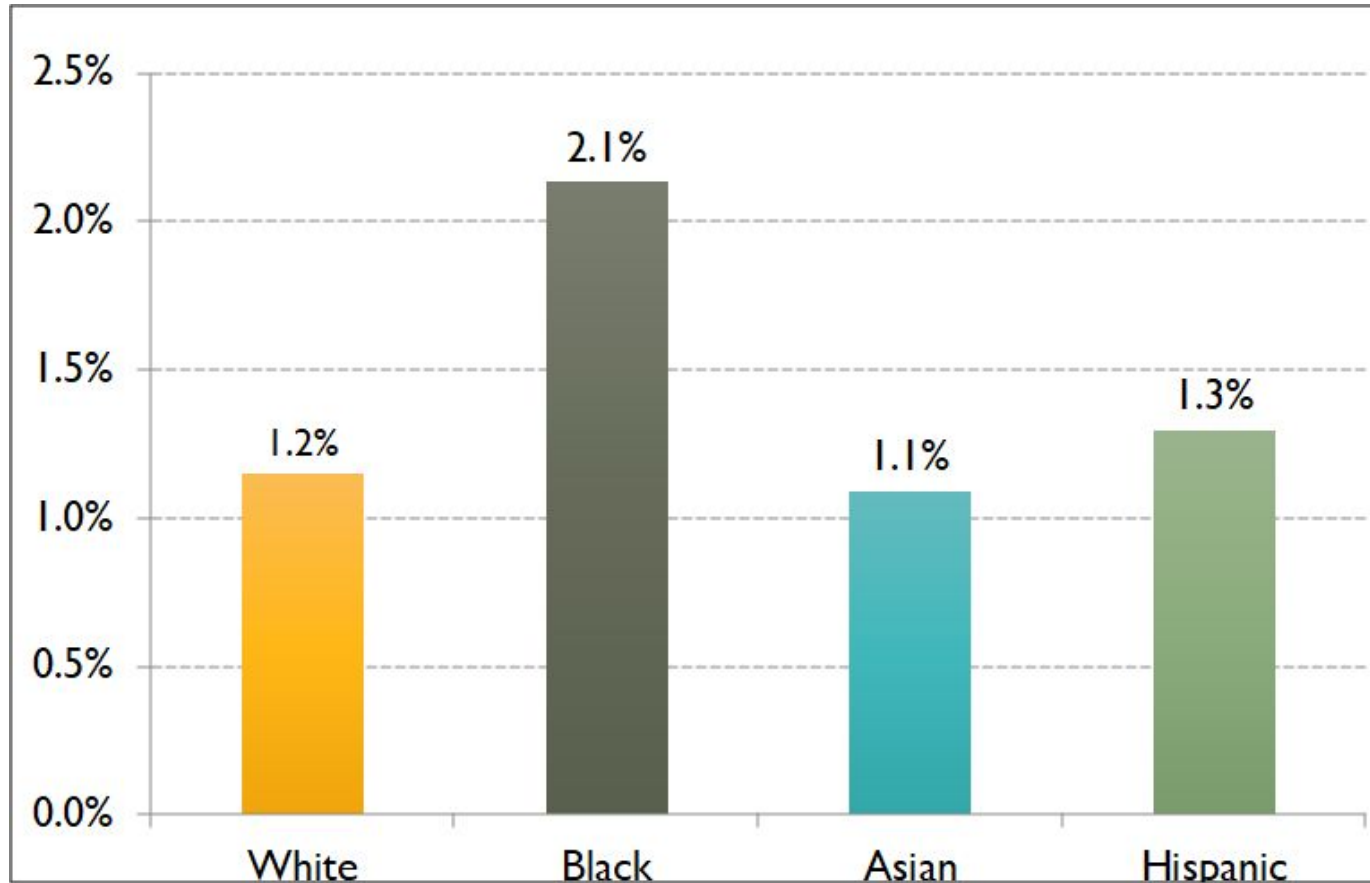
- Looked at 7 indicators of racial disparities
 - **Racial shares of stops/racial shares of driving population**
 - Arrest and **search** rates
 - **Hit rates**
 - Officer level analysis
 - Racial shares of stops by gender



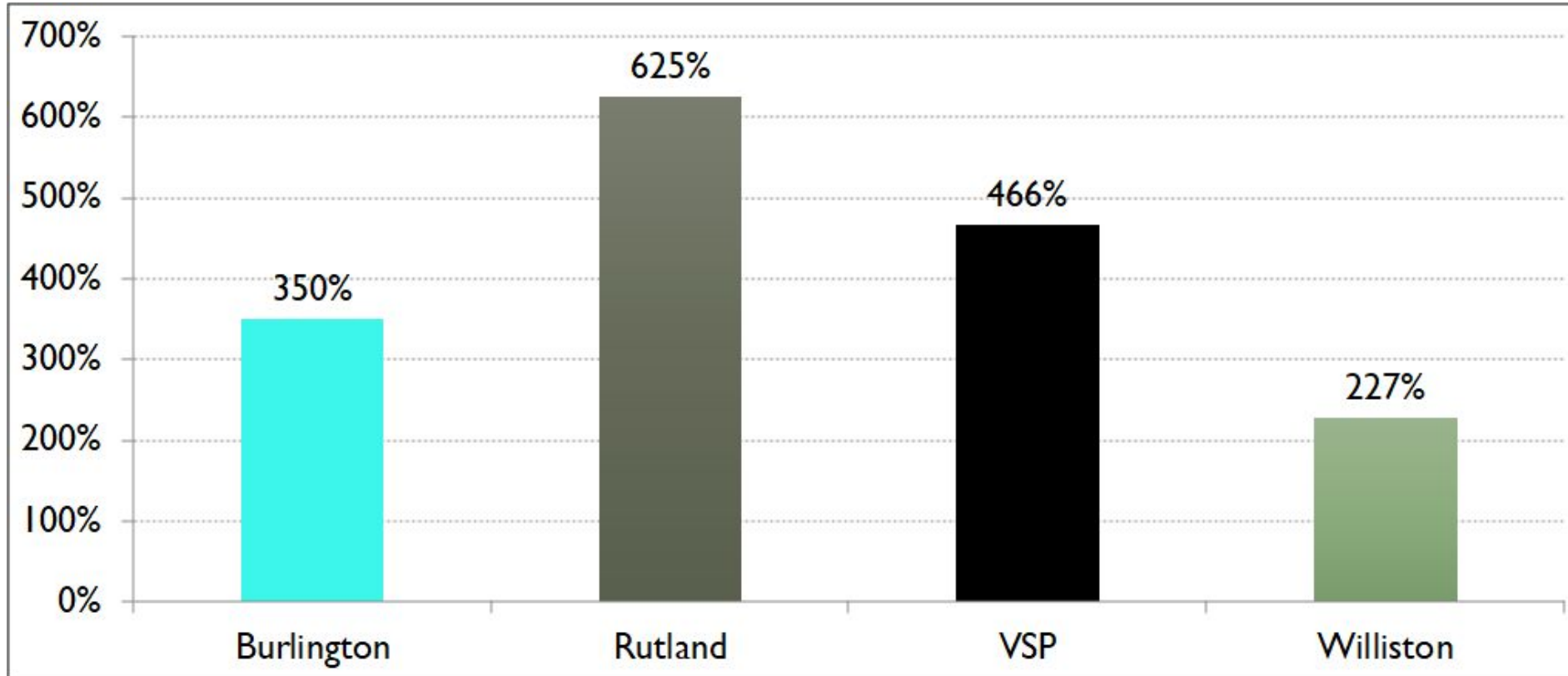
BLACKS ARE STOPPED AT A HIGHER RATE/ ASIANS AT A LOWER RATE THAN EXPECTED



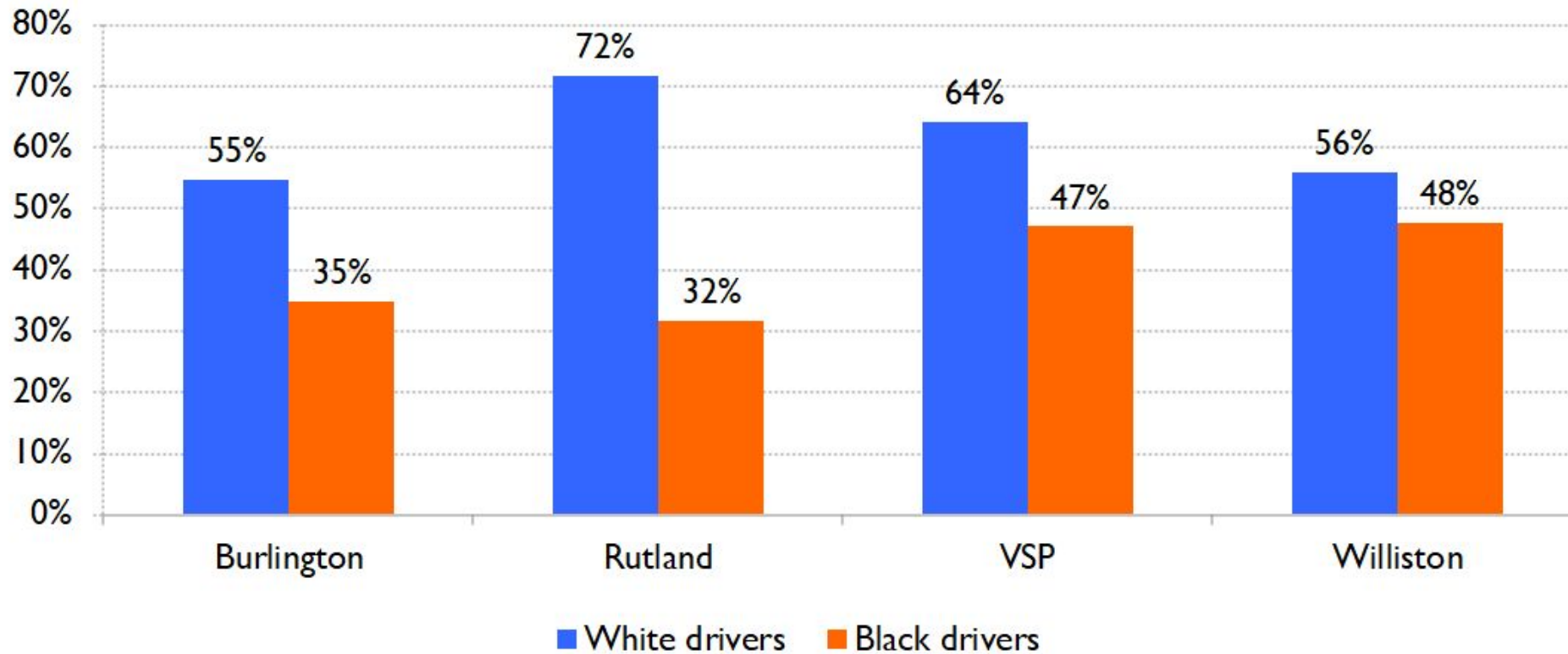
BLACK DRIVERS ARE ARRESTED AT TWICE THE RATE OF WHITE & ASIAN DRIVERS



BLACKS ARE MORE LIKELY TO BE SEARCHED THAN WHITE DRIVERS: RATIO OF B/W SEARCH RATES



BUT WHITE DRIVERS ARE MORE LIKELY TO BE FOUND WITH CONTRABAND THAT LEADS TO TICKET/ARREST



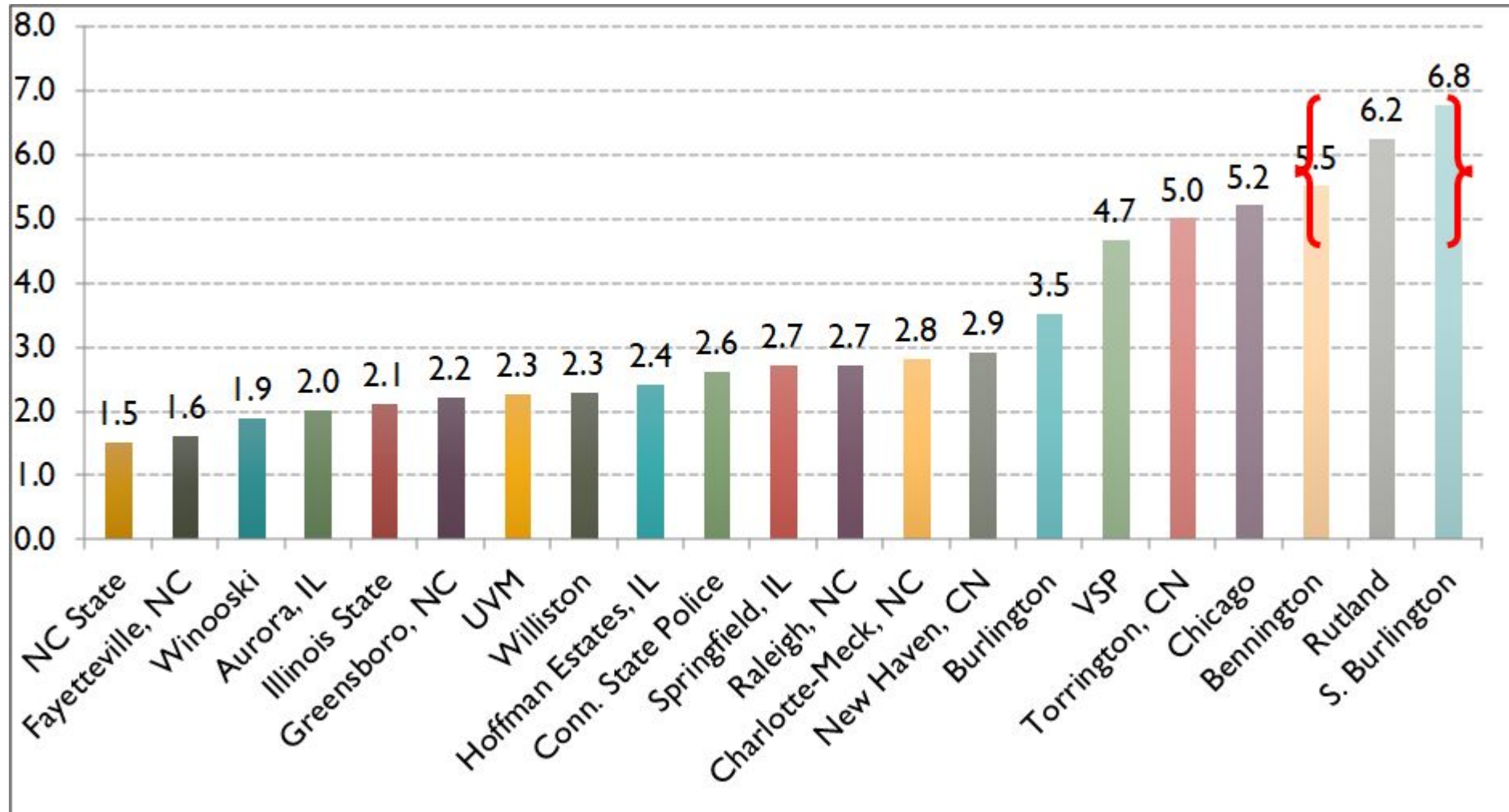
2016 VERMONT STATE POLICE SEARCHES

Race	Heroin/Cocaine			Opioids		
	Civil	Criminal	Racial Shares of Criminal	Civil	Criminal	Racial Shares of Criminal
Asian	0	0	0%	0	0	0%
Black	0	0	0%	0	0	0%
Hispanic	0	0	0%	0	0	0%
White	0	31	100%	0	9	100%



HOW DOES VERMONT COMPARE?

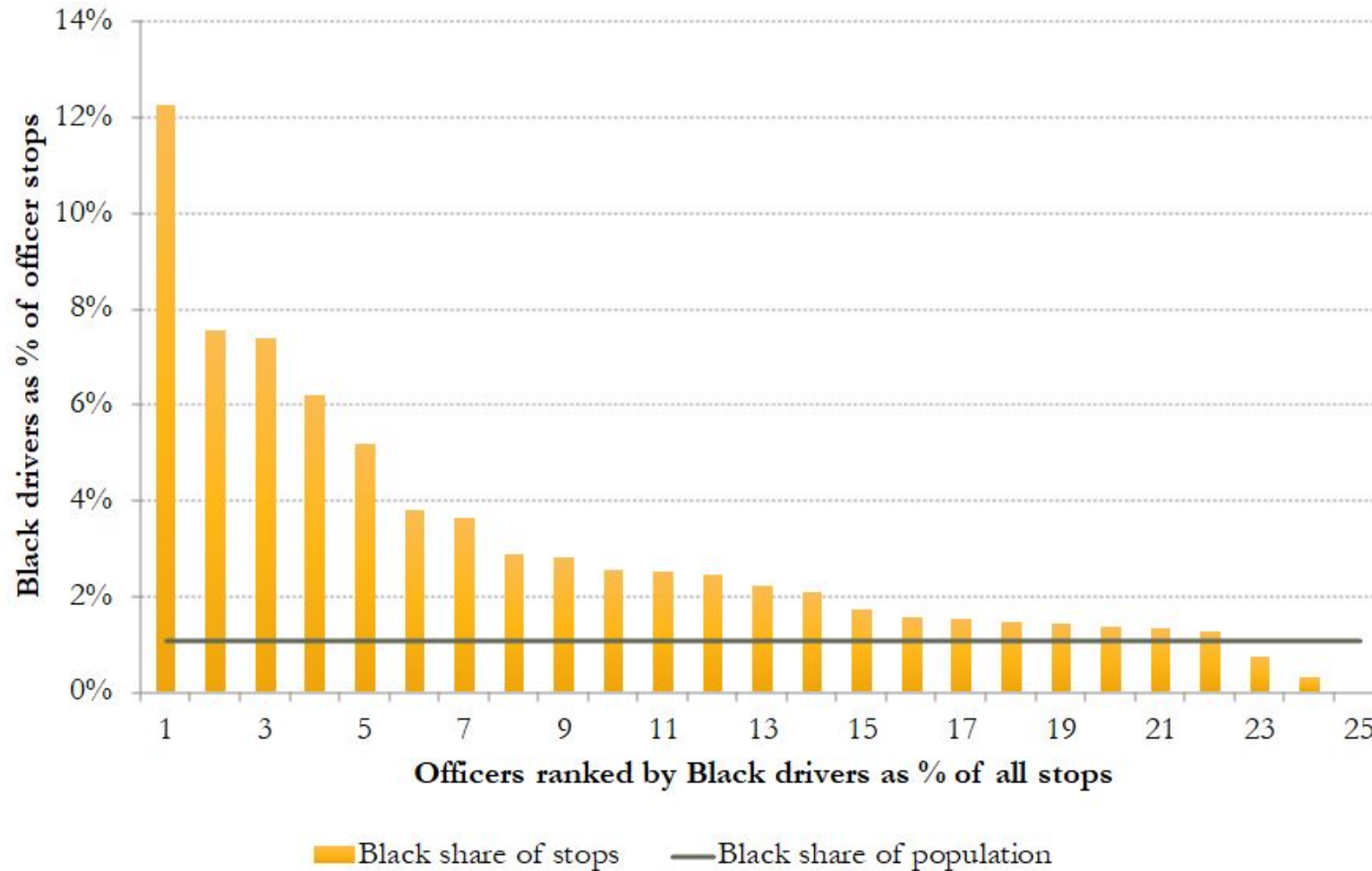
BLACK/WHITE SEARCH RATE



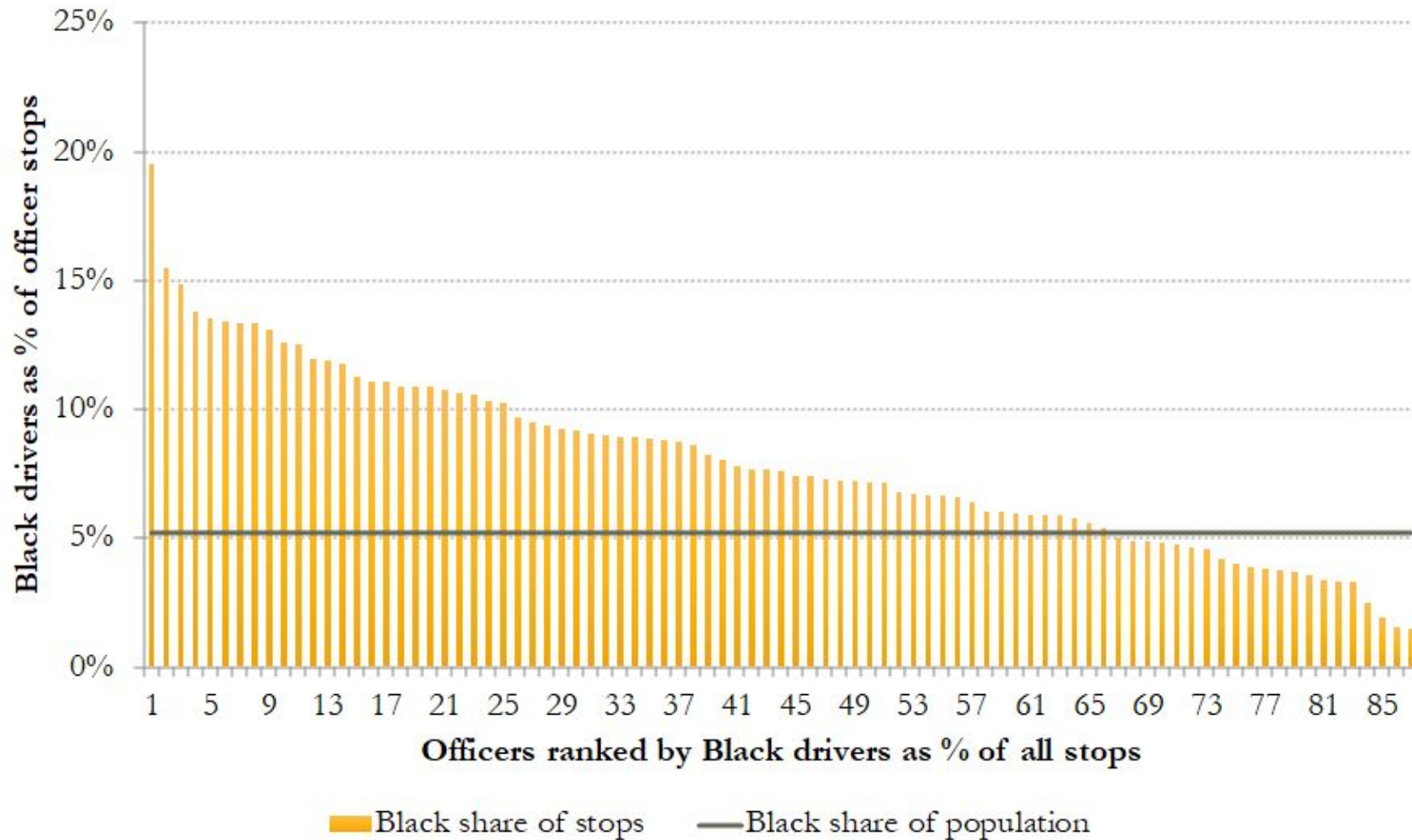
**AT THE AGENCY LEVEL, A LARGE SHARE OF
OFFICERS HAVE DISPROPORTIONATELY HIGH
STOP RATES OF BLACK DRIVERS**

For agencies, this means that disparities **cannot be attributed** to the isolated behavior of just a few officers.

BENNINGTON POLICE DEPARTMENT: BLACK DRIVERS AS % OF ALL STOPS BY OFFICER



BURLINGTON POLICE DEPARTMENT



BEYOND THE SENTENCE: “COLLATERAL CONSEQUENCES” IN AMERICAN PUNISHMENT



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DEFINING DISCRIMINATION: PLURAL “RACISMS”

- Professor James L. Forman Jr.'s question: a racially-discriminatory criminal-legal system in Washington, D.C.?
- Today: facing city mayors, police chiefs, and many police who are themselves committed reformers – and indeed may themselves be people of color. How can we understand this?
- Plural “racisms.” *Systemic* racism: discriminatory *impact*, discriminatory *results*, can occur even when those running the system understand themselves to be *anti-racist*.
- Describing a racially discriminatory *system* does *not* accuse the people working in that system of *bias*, or racial *hostility*. But it *is* a denunciation of the unfair *results* of rules and practices, and a call to action.



INEQUITABLE PUNISHMENT IN AMERICA: RACE AND SOCIOECONOMIC STATUS

- Our national focus today is on racial disparities in American policing and American punishment – as it should be.
- The terrible inequities of American punishment are problems of race and place. Race and poverty.
- About two-thirds of prisoners come from the poorest fifth of the population.



COLLATERAL SANCTIONS: “INVISIBLE PUNISHMENTS”

- Conviction leaves a mark *beyond the sentence*, beyond courts and corrections. Across the U.S., restrictions *accompany* a conviction: “invisible punishments.”
- *Not* usually part of a sentence, and *not* usually imposed by courts or corrections – are technically “civil” penalties.
- Because of that, can be added any time, even many years later – and there is *usually no obligation* for prosecution, judge, defense counsel or corrections to tell people about them.
- Imposed on *broad classes* of people convicted of crime, including those *never incarcerated*.



TERMINOLOGY & THRESHOLDS

- “Person-first” language is critical, for *accuracy*’s sake: “People convicted of crime;” “people with records;” “people with criminal-justice involvement;” “people with backgrounds;” “justice-involved individuals;” “returning citizens;” “custodial citizens;” “carceral citizens.”
- Felony conviction is the most important threshold, or trigger. But: an arrest, a warrant, an “open case,” a charge, and a misdemeanor offense, can all trigger *some* CCs, in *some* places.
- CCs are *not* necessarily lifted if a conviction is expunged, sealed, set aside.



COLLATERAL DAMAGE BEYOND THE LAW

- Families. One in 9 African American children; 1 in 28 Latino children; and 1 in 57 white children in the United States have an incarcerated parent.
- Financial burdens: surcharges, fees and fines.
- Alienation, at the individual and communal levels.
- Fundamental social measurements: U.S. unemployment figures, Census numbers, and voter-turnout figures are all skewed.



“DRASTIC MEASURES:” IMMIGRATION AND SEX-OFFENDER CONSEQUENCES

- Even for *legal* non-citizens, criminal convictions now regularly lead to deportation – even misdemeanors.
- People convicted of “sexual offenses:” face possible “civil commitment,” *after* criminal sentence; onerous registration requirements, reporting requirements, and living-location restrictions.



COLLATERAL SANCTIONS AT HOME: HOUSING, BENEFITS, AND PARENTING

- Housing: private and public landlords may exclude and evict
 - Many localities, including Burlington, Vermont, understand the damage done, and use case-by-case determination
- Benefits: TANF & SNAP – restrictions on those convicted of drug felonies
 - SNAP (food): about half of states have modified restrictions; half of states have no restriction.
 - TANF (funds): almost half have no restriction; about 20 have modified restriction, and 10 states have full bans
- Parenting
 - Biological parents: “unfitness,” and termination of parental rights.
 - “Volitional” parenting: restrictions in federal (via Social Security) and state law



COLLATERAL SANCTIONS AT WORK: EMPLOYMENT

- Private employers: background checks, often using error-filled records
- Private employers: application questions, and the refusal to hire; many state and local laws now *limit* that ability – “Ban the Box” laws *postpone* the question.
- Public employers: government jobs may be restricted, or difficult to get
- Occupational licensure (e.g., to be a home health aide, security guard, tattoo artist, plumber): varying, discretionary restrictions, with different rules in different states.
- Military service: branches vary; recruiters play key roles; recent research shows people with records make *excellent* soldiers



COLLATERAL SANCTIONS IN COLLEGE: HIGHER EDUCATION

- Under federal law, drug convictions occurring *while* a person is receiving aid may lead to suspended eligibility; eligibility can be regained through programs, testing, and time.
- Pell grants are no longer available to prisoners, but many colleges and universities, including UVM, now offer for-credit classes in prisons.



CITIZENSHIP: VOTING RIGHTS & JURY SERVICE

- Voting rights: 2 states (including Vermont) have no restriction; 17 states only disqualify prisoners – others can vote; 3 disqualify only prisoners and people on parole; 18 bar prisoners, parolees, and probationers; 11 bar voting for the full sentence, and *some* post-sentence. *Most people with felony convictions are allowed to vote*, but many government officials and affected people don't know that.
- Jury service: 49 states have some level of restriction; 21 permit restoration of eligibility; 28 have permanent bars



FIREARMS

- Federal law *withdraws* firearms rights upon felony conviction...
- ...but states *restore* those rights. (States also impose their own restrictions, usually in effect mirroring the federal ban.)



COLLATERAL SANCTIONS & AMERICAN CITIZENSHIP

- Citizenship: do these policies bring about a “caste” condition, “internal exile,” “civil death?”
- Variation, discretion, and discrimination: *porous* boundaries; doors that *may* open, for *some* people in *some* places



Q & A



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FINDING ANSWERS TOGETHER

CONTINUES!

Resources: go.uvm.edu/amazing-grace

Session Three: **Wednesday, July 1, 2020**

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go.uvm.edu/amazing-grace

go.uvm.edu/systemicracismeval



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