

# The growing problem of mass incarceration and wrongful convictions

[Law](#), [Crime](#)



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## **Introduction**

In Tayari Jones book *An American Marriage*, Roy, was wrongfully convicted of raping a woman he met after an argument with his wife (Jones). Although Roy got released from prison several years before he was supposed to be released, his life was never the same. Even though he was free from prison, he wasn't free from the label that had been wrongfully placed on his name. Our judicial system has a race bias that negatively impacts individuals in our community. African American men are one of the highest people who are racially profiled for crimes. Individuals in our community are negatively impacted because children are seeing their fathers or loved ones being treated unfairly and being wrongfully convicted of crimes. Thus, leading to a negative impact on their future. Often, we see innocent black males being wrongfully convicted of a crime. In a YouTube video, rapper Meek Mill stated that 47% of people wrongfully convicted are African American (Mill). These

innocent black men often face a longer time to have their names cleared of a crime that they did not commit than white men who are wrongfully convicted (Chokshi). African Americans who are wrongfully convicted of murder, spend an average of three more years incarcerated than Caucasians who were cleared of the conviction (Chokshi). To make our judicial system more effective, we should investigate police officers, jurors, prosecutors, and judges who have admitted to misconduct such as lying to get a person incarcerated.

### **Pulled Over by the Police**

Why do so many African Americans get convicted? African Americans are prone to being racially profiled and harassed. The term “driving while black” is one of many examples of an African American being racially profiled and harassed. This means that black people are more likely to be pulled over by police simply because they are black. The police officer may not even have a valid reason as to why they are pulling them over. They do not want to become the next victim that is shot by the police simply because they are black. White law enforcement already has a pre-perceived notion that black people are criminals especially black men. African Americans are more likely to get arrested for petty crimes and misdemeanors. They are also more likely to get charged with drug related crimes than whites. When white men are caught with drugs, they are more likely to be given a warning but whereas a black man, he would be charged. He would not have the opportunity to be let off with a warning. Not only are black people more likely to be convicted on drug related charges, they are also more likely to be wrongfully convicted of

sexual assault more than white people. According Niraji Chokshi, 59 percent of exonerees of wrongful convictions of sexual assault are African Americans and only 34 percent are Caucasian (Chokshi).

## **On Trial**

While on trial, blacks could be faced with a jury of all whites. The judges could be more likely to give longer sentences to African Americans. Some judges can be racist and have sketchy backgrounds. Those judges could have incarcerated many innocent blacks. Even the prosecutors could have a hand in not making sure justice is rightfully served. For example, in Emily Bazelon's article "If We Can't Prevent Wrongful Convictions, Can We At least pay for them?" she tells us about a former prosecutor, A. M. Stroud III, who admitted that he only cared about winning than making sure justice was served (Bazelon). The former prosecutor revealed this in a letter he wrote almost 30 years after the trial (Bazelon). Mr. Stroud admitted to not only making sure he won the case but also not taking the proper precautions to see if Mr. Ford was the one who committed the crime or not (Bazelon). Mr. Stroud stated in his letter that "he failed to chase down leads suggesting he had the wrong man because he was "blinded" by his certainty that Mr. Ford was the culprit" (Bazelon). When put on trial there could be a possibility that a person's fate could lie in the hands of an all-white jury. This could lead to a bias verdict. These people already have the impression that African Americans are criminals. They see the color of their skin and unfortunately that is all that it takes for them to say guilty. With a diverse group of jurors, the verdict would be fair and unbiased.

## Released

Being wrongfully convicted of a crime is punishment enough. When exonerated and released, these people are looking for a fresh start. But once released, they are faced with another slap in the face. These innocent exonerees are faced with even more challenges. They find themselves not being able to get a job or housing (Healy). All because of a crime that they did not commit is still on their record. Take Audrey Edmunds for example, Ms. Edmunds is an African American woman who spent eleven years in prison for a crime she was later found innocent of (Healy). When released she was hoping for a fresh start and to put that part of her life behind her. Unfortunately, Ms. Edmunds was unable to do so. A few months after being released, she went to apply for a job only to later find out that she would be rejected (Healy). She tried again with a different company only to find the same outcome (Healy). Although, she was found innocent, her charge still appeared (Healy). It could take years for the state to completely clear a criminal record after being wrongfully convicted (Healy). The process of having your record cleared after a wrongful conviction is not only a long process but it is also expensive (Healy). Even after they are cleared, the charges still show up in background checks and during traffic stops (Healy). Which is unfair for those who are wrongfully convicted. It doesn't stop there. They can also find themselves not being able to vote (Mill). This can take a toll on them. These innocent people are robbed of their freedom and their life and then when they are released, they are still met with problems.

## **Overcrowded Prisons**

Our prison systems have become overcrowded. According to the article “The Myths of Mass Incarceration,” 600,000 people are imprisoned over the course of the year and nearly 1.5 million people are either in state or federal prison (Pfaff). Not only are our prisons over-crowded, but the jails are too. There are 750,000 people in the county jails (Pfaff). With so many people being wrongfully convicted of crimes, this can be a contributing factor of the prisons being overcrowded. Mass incarceration has become a problem. Some people think that the more prisoners in the prison means less crimes that are happening. Many people who are in prison are in there because of petty crimes like drugs. The United States holds about 20 percent of the world’s prisoners (Pfaff).

## **Racial Bias Is Not a Myth**

Many people argue that there is not a racial bias in the judicial system. Some would even say that our judicial system treats everyone the same. One group is not singled out or harassed because of the color of their skin. White people do not get a slap on the wrist when it comes to crimes. The judicial system is fine the way it is and does not need change. Black people are not more likely to be falsely convicted of crimes. Some would even go as far as saying the prisons are not overcrowded and that no evidence is hidden during trial. But in John Pfaff’s article, “The Myths of Mass Incarceration,” he tells us that there are 20 percent of the world’s prisoners being held in the United States prison system (Pfaff, 18). Not only does mass incarceration affect the prisoners and their families, but it also affects the economy. The

United States spends \$50 billion on state prisons and \$30 billion on county jails (Pfaff, 21).

To those who say that the judicial system is fine the way it is and that there is not any racial bias in the judicial system or that the judicial system is flawless, in Emily Bazelon article “ If we Can’t Prevent Wrongful Convictions, Can We At least pay for them?” a former prosecutor admitted that he was certain the African American man on trial was guilty (Bazelon). Not only did he have a pre-perceived notion about that person, but he also failed to investigate to make sure that man was guilty. According Niraji Chokshi article, “ Race Bias is Found in Wrongful Convictions” evidence can purposely be hidden, tampering the witnesses, even perjury can occur (Chokshi). This shows us that the judicial system is flawed in many ways.

## **Conclusion**

In conclusion our judicial system is faulty and has a race bias. Our communities are impacted negatively by these two. Families are ripped apart. Children are having their mothers and fathers taken away from them. Our judicial system has got to do better at handling these things. Change is needed in the system. For justice to be served correctly and for rise of imprisonment to decrease, change must come, and that change must start in the judicial system.