

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/why-we-say-criminal-legal-system-not-criminal-justice-system>

Public Facing Advocacy Writing

Lawmakers and media often speak of the criminal justice system or of criminal justice reform. But more and more people and organizations are using the term criminal legal system to describe policing, prosecution, courts, and corrections in the United States. Accuracy in language matters, and these systems do not deliver justice, nor have they ever.

At this country's birth in 1776, Black people were not considered fully human under the law and, in 1857, [the nation's highest court ruled](#) that Black people had no rights which the white man was bound to respect. Today's criminal legal system grew from these racist roots and [continues to disproportionately harm Black people and other people of color](#), as well as people experiencing poverty.

Police are far more likely to [stop](#), [search](#), and [arrest](#) people of color. They are more likely to [use force](#) on Black people than on white people, [often without facing repercussions](#) themselves. After an arrest, people of color and people experiencing poverty have starkly worse experiences in the criminal legal system than white people and those who are rich. People who can afford to pay money bail, for example, are able to return to their jobs and families as they await trial. In a country where more than 25 percent of people in [a 2021 survey](#) reported no emergency savings, many cannot afford to purchase their freedom. As a result, more than half the people filling U.S. jails have not even been convicted of a crime. The coercive nature of such pretrial detention can compel people to plead guilty to crimes they did not commit, simply to avoid spending [months](#) or even [years](#) in jail waiting for trial.

When convicted of crimes, Black and Latinx people are punished more severely, with [harsher prison terms](#) and more [death penalty sentences](#) than white people found guilty of the same crimes. Racism even creates hierarchies within the Black population, with [lighter-skinned Black people receiving more lenient sentences](#) than darker-skinned Black people.

With nearly [two million people](#) in the nation's prisons and jails, the United States incarcerates at a rate of more than [600 people](#) per 100,000. This rate is at least [double that of all but a handful of countries](#) and does not promote public safety. And while Black people represent only 13 percent of the U.S. population, 35 percent of incarcerated men and 44 percent of incarcerated women are Black. Black people also make up [the majority of those exonerated after wrongful convictions](#). Once in prison, [Black people are more often placed in solitary confinement](#), the long-term use of which has been deemed torture by the United Nations.

Beyond its clear mistreatment of Black people, the criminal legal system is also deeply unjust to those experiencing poverty, [mental illness](#), [housing instability](#), and [drug issues](#). Behavior like selling or possessing drugs is [overpoliced](#) in poor neighborhoods, overcriminalized, and [severely punished](#) with loss of freedom. Meanwhile, crimes committed against people experiencing poverty, [like wage theft](#), have historically received rarer, lighter punishment.

After people emerge from prison, the criminal legal system further targets people by imposing [fines, fees](#), and restrictions on [employment](#) and [housing](#) that make it hard for people who have been convicted of crimes to earn a legal living. Too often, this results in a cycle of incarceration that is hard to escape.

For all of these reasons, criminal justice system is a misnomer. Throughout history and across the world, false language has facilitated the systemic, inhumane treatment of groups of people. This is certainly the case for people impacted by the U.S. criminal legal system. Words shape how people think, and our speech should recognize that our system of racially biased policing and draconian punishment is not just. Instead, it destroys countless lives and wastes resources, while failing to ensure public safety. Acknowledging this with accurate language is one small step toward creating systems that truly deliver justice for all.

SPECIAL REPORT (CHAPTERED)

NEWS

NEWS

Transformative change, sent to your inbox.

Vera Institute of Justice. All rights reserved.