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The American
Criminal Justice
System

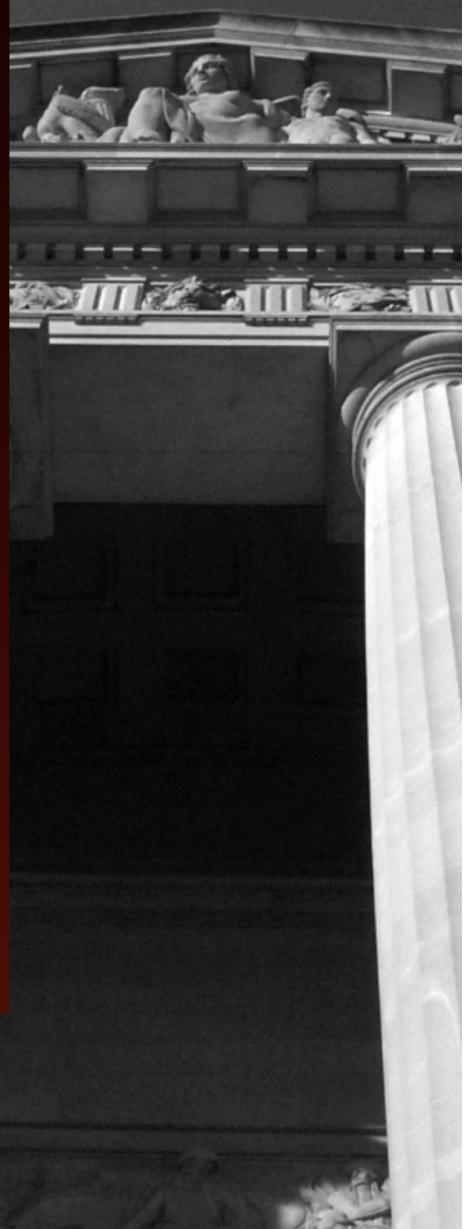


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Our Philosophy

Everything is political. Everything we do is implicated in, intertwined with, and swimming through spheres of politics. Whether it is the material politics of capitalism, where certain groups of people attain more wealth at the cost of others, or the black radical politics around the U.S., we are all participants in one way or another.

While it is true that everything is political, it is also equally a lie to say politics is everything for people. It is common to find high school students hating politics, either because of a deep resentment of a politician's subject-position or because of a perceived disconnect between politics and the student. It is an undeniable trend that high school students are gradually divesting from politics. Politics is seen as an external structure that denies the student any agency in changing politics.

However, though the downward trend is strong, we can do more to give students opportunities to garner agency. Whether the politics is engaged with the stability of American democracy or the progression of a feminist group, creating spaces for students to express their agency, their energy, their opinions can go a long way towards revealing their relation to the world.

We created Neo Politico to establish that space where any student, regardless of their prior experience, can voice their opinions on certain issues. Every opinion matters because everyone matters. We only hope that more students across the entire world can join us in increasing political engagement and producing a critical consciousness of the world.

An Unjust Administration of Justice

Author: Winfred Darko from The Bronx High School of Science, NY

Introduction

Throughout recent years, we have begun to realize that our education system is not perfect... well, at least the parents of students are finally realizing it. Students are overworked, and are suffocating under the very system that they are not only reaching into their pockets to pay for, but are glorified for doing so. Some may say, "at least students get an education, right? There are worse things you can be in, like jail." One can find a plethora of sources on the issues present within the education system, but it is also important to take a look at the second part of this statement. Let us explore the criminal justice system, about how jail is a common thing for people in certain areas.

What is the point of jails, one may ask. In theory, they are created to protect society, by removing criminals from the street and scaring people from committing crimes with the threat of isolation from society. This begets multiple questions. First of all, if jail is supposed to protect society, then why are punishments so great for minor offenses that do little harm? Finally, why are so few people concerned about the presence of justice (or lack of) in the criminal justice system? These are the questions that we will be tackling in this paper.

Administering Justice?

There is a drug that puts its consumers in a disillusioned state. It has led to its customers making terrible decisions, and enacting violence and harm towards people around it. Annually, it causes 3.3 million deaths worldwide.¹ There is another drug, which slowly deteriorates the very environment that we live in, causing physical harm such as asthma, cancer, and cardiovascular disease.² It is the cause of 1 in 5 deaths in the United States alone.³ There also exists a third drug. This one interferes with attention and balance. However, it can be used to dramatically decrease pain, including neuropathic and physical pain. Also, it has

been “used to stimulate appetite among HIV/AIDS patients and others who have a suppressed appetite due to a medical condition or treatment.”⁴ It can be used outside of drug-related purposes, as fabric for clothing, paper, insulation for homes, weed control (meaning that farmers would not have to use pesticides), water and soil purification, and much more. It has been recorded to be the direct cause of death of 0 people.⁵

Despite these facts, only one of these three drugs are illegal. For some reason, not only is the miracle drug illegal, but connection with the drug leads to insane prison sentences (a minimum of one year for possession, and a minimum of 5 years for selling or growing it) in the United States,⁶ especially for a drug that rarely harms anybody. Juxtapose this to Henry Ford, who received no jail time for using Jewish slaves to build vehicles for Hitler and the Nazis.⁷ In addition to this, the very possession of this drug is a felony, meaning that it can remove one from programs such as scholarships for college, job opportunities, and even the right to vote. Most people can tell just from the aforementioned that some of our laws are unjustly made and administered. But this is just the tip of the iceberg.

When we look at who suffers the most from unjust laws such as this one, we get a far worse image of the criminal justice system.

Throughout race, the amount of the use of this drug is relatively equal. The American Civil Liberties Union reports, “In 2010, 14% of Blacks and 12% of whites reported using marijuana in the past year; in 2001, the figure was 10% of whites and 9% of Blacks. In every year from 2001 to 2010, more whites than Blacks between the ages of 18 and 25 reported using marijuana in the previous year.”⁸ However, people of the African diaspora are far more likely to be arrested for it. In the same report, it is stated that on average, a black person was 3.73 times more likely to be arrested for marijuana possession⁹.

This begets many problems. For one thing, it means that a disproportionate amount of black people are being criminalized and arrested, compared to the amount of arrests for other races, even when

the crime rates are relatively equal to each other. As a result, in coherence with other factors, about one out of every 13 black males in America have lost the right to vote, a percentage four times greater than the rest of the adult population.¹⁰

Interestingly enough, this disproportionate arrest rate helps people reinforce the myth that black people are more likely to be criminals, which justifies a greater police presence in neighborhoods dominated by black people, which means that there is a greater arrest rate of African Americans, since many police departments have quotas. It is a never-ending circle of criminalizing black men and women.

It is important to ask ourselves, ‘why is this the case?’ Well, it may be that parts of the criminal justice system just have not changed. Police forces have been used since before the Fugitive Slave Act to control black populations. For centuries, the narrative of blacks being sub-human and inherently inferior have been shoved into the subconscious of American and European countries, in addition to the countries in which they have had influence (so almost the entirety of the known world). Because of this, most people, do not empathize with the struggles of black people. We can see an extension of this lack of care for black people with the Tuskegee experiment. African Americans were given syphilis, the disease, while being told that they were being treated for “bad blood.” The study lasted for 40 years (from 1932-1972), and the subjects were not given the medical assistance to heal their ailment, even though penicillin was the drug of choice by 1947.¹¹

Conclusion

Although there have been a few (legal) advancements in tackling racial inequality, a large number of laws have been used against African Americans, sometimes nullifying the positive effects of these few advancements in society. Sometimes, the law in itself is unjust, even if it is enforced equally. This may prove to some that protecting society and administering justice cannot be the major motivations behind the criminal justice system. Perhaps there are other reasons, ones not as poetic as ‘protecting society’.

The Ethics and Economics of Private Prisons

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Any institution conceived to maintain and enhance the welfare of the people must be motivated purely, or at least primarily, by that goal. Any other format of a public institution is unable to effectively support the public interest without ethical contradictions. This is not to say that the public welfare can never be closely associated with non-governmental organizations, such as regional concessions to provider companies for organizing the distribution of utilities, but those instances must be led by extensive regulation and intrusive government oversight.

One such institution is the United States prison system. 2,266,800 adults were incarcerated in the United States in 2011, approximately .94% of the adult population,¹² with 6% of state prisoners and 16% of federal prisoners currently held in private prisons.¹³ The prison system's purpose is to uphold justice by enforcing the rulings of the legal system, specifically in the context of criminal acts. This system cannot make a profit or otherwise be privately operated if it intends to not obstruct the operation of justice and sustainably rehabilitate inmates.

The control of the prison system by private corporations is expanding and presents a problem which could eventually become unstoppable. The strength of multi-billion dollar companies in controlling state prisons resides in its inevitable concession system. As mentioned earlier, often when public utilities and services are devolved to private powers they are restricted by leasing to single large companies who then gain a foothold in regional politics as a result of their integration into the legal system. This manifests itself in lobbying as well as the simple image of prisons cracking down on crime, giving strength to politicians who praise them.¹⁴

Organizations such as the Corrections Corporation of America (CCA) fund research on the fiscal benefits of privatization, often times purposefully performing methodological inaccuracies in order to

enhance the data collected. One California study compares the most expensive public prison to its antipode in the private industry. Unsurprisingly, this same research is currently being used by researchers at Temple University to persuade state legislatures to consider privatizing their own prison systems.¹⁵

Inmates do not generally expect to lounge in Versailles when sent to prison, but the conditions faced by occupants of private prisons are dramatically worse than those in public facilities. The American Civil Liberties Union and other organizations have launched investigations and filed multiple lawsuits against private prisons across the United States for holding inmates in horrific conditions and not providing them with care necessary to maintain their physical and emotional wellbeing. One report describes these conditions as “a perpetual state of crisis, where prisoners live in barbaric and horrific conditions and their basic human rights are violated daily.”¹⁶

The abuses felt by prisoners in private institutions are neither appropriate for this article nor are they effable, but they should not surprise a careful observer when one considers the motives of corporate corrections facilities. If private prisons nurtured inmates and rehabilitated them so they could reenter society and live fulfilling lives, they would never come back to prison. This is problematic in a world where corporations like GEO group and the CCA make more money from more inmates staying for longer periods of time. The CEO of CCA Damon Hininger once said “[r]eentry programs and reducing recidivism are 100 percent aligned with our business model,” or in lameman’s terms, he wants prisoners to come back, and doesn’t want them to leave.¹⁷ This also intersects with how these businesses influence policymakers and judicial officials to push for maximum sentences on convicts.

The negative implications of private prisons on society are not born only by those held within it, but also those who fund it. As the number of prisoners within prisons increases, the amount of money the government must spend on them increases proportionally.¹⁸ While prison corporations argue that giving them ownership of prisons streamlines the process of inmate processing and decreases the cost of their holding, every other aspect of the justice system is encumbered by their integration.

One must take into account the entire prison-industrial complex when evaluating the economic implications of private control of justice. The horror of police arrests, the process of judicial hearings and trials, and the complexity of prison transfers and government agency overlap all expand when the number of arrests increases, the length of prison sentences increases, and the amount of police patrols increases¹⁹.

When considering government economics, it is important to identify alternative methods to resolve fiscal imbalances. Thankfully, there is already a different way to house prisoners, in prisons. While the terrifying conditions of prisons will remain absent private prisons, their proximate cause will cease to operate and the ethical dilemma raised by the prison system can refocus on issues of institutional discrimination rather than the failure of the profit motive.

Racial Discrimination in Law Enforcement

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In the United States' criminal justice system, law enforcement is the first step of the three level pyramid of the criminal justice system. Generally, the role of law enforcement is to maintain peace and order within society by removing and correcting potentially violent threats to this said peace and order. Law enforcement is perhaps the most crucial aspect of the justice system since law enforcement officers such as police gather supposed criminals to be upheld in a court of law. However, as with all institutions, law enforcement is susceptible to myopia and vice. Corruption in law enforcement takes the form of racial profiling, police brutality, and (insert another example). A critical issue lies within public doubts of the stability of its own law enforcement, especially accusations of law enforcement displaying racial discrimination in executing justice. Even though the U.S. criminal justice system operates on the grounds of secular and egalitarian policies, racial discrimination is indeed evident in the U.S. criminal justice system's law enforcement. As of recent, the U.S. media has brought to light incidents of white police officers utilizing deadly force against African American suspects, and the public have displayed mix reactions. Although public doubts of our law enforcement are justified, there are achievable methods to stop discrimination that is inherent in the system.

Because law enforcement is a delicate and significant matter in upholding peace and domestic safety, there are of course specific laws and amendments exclusively pertaining to law enforcement. A premier example can be found in the Fourth Amendment of the Bill of Rights, which protects citizens against unwarranted searches and seizures:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized²⁰.

At face value, the amendment states this fact only; as with all laws of the Constitution, the Fourth Amendment gives a solid but ambiguous statement that is open to interpretation and manipulation as

society sees fit. Something important to note is that the amendment states that law enforcement may conduct searches and seizures for which they have justifiable cause and reason. However, a “justifiable cause and reason” for conducting such a search is unclear as well; what counts as a justification is totally up to the discretion of police officers and court rule.

A controversial policy tied to Fourth Amendment rights is stop and frisk -- a policy that involves arbitrarily halting a suspicious person at random and conducting a quick examination of the person. In essence, stop and frisk contradicts Fourth Amendment rights but it is completely legal and common practice, especially in urban environments. Stop and frisk is meant for preemptive measures, but strangely enough, those who are black appear to be targeted more often than other races. According to a 2014 NYPD report on stop and frisk incidents, about 55% of those who were halted by cops were innocent and/or were black. The years preceding 2014 have stop and frisk rates of blacks above the 50% mark. Those who were stopped and frisked and of white or Latino ethnicity remained below the 50% threshold for the 2014 report and preceding years' reports²¹. The data shows a certain bias amongst law enforcers when choosing appropriate subjects to target, which is that of relying on the color of a person's skin first and foremost and then leaving other physical characteristics as secondary.

There are several reasons as to why African Americans are the most frequently involved racial groups in law enforcement activity. For one, there is a high population of African Americans and other racial minorities living at or below the poverty line due to socioeconomic inequality prevalent in the U.S²². Those living at or below the poverty line also tend to live in clusters in the same area -- where amenities in the neighborhood are subpar. In these neighborhoods, violent crime tends to be part of recurring events, as opposed to affluent and upscale areas that typically enjoy little to no crime. This leads to law enforcement focusing most of their funds and efforts in these neighborhoods and also incarcerating many of its inhabitants. In turn, this results in minorities being the dominant demographic in prisons. Of course, a large group of people with a defining characteristic -- that is in this case, skin color -- is subject to generalization and stereotyping and then applied to others outside of the group who coincidentally share

the same characteristic. These generalizations and stereotypes made then trickle down to the public and media, continuing and perpetuating them.

Although it is evident that racial discrimination is present in our law enforcement, it does not need to be a perpetual stain on U.S. law enforcement. There are several paths that can be taken to rectify flaws within our own law enforcement and society to eliminate racial bias in the system. The most important step that can be taken is to inform the youth demographic of racism and its detrimental nature and refraining from instilling racist values in our youth. Racism can become inherent at a young age, as children are exposed to different ideals and absorb them readily. Racist beliefs can be expressed and exposed to a child at home, through peers, at school, or in the media. These beliefs are often expressed subtly and then manifest in the child later in their lifetime. Therefore, a good starting point to correcting racial bias in law enforcement is within society itself, as it is an influential platform that unfortunately lacks in egalitarian attitudes. Another step to be taken is to strengthen anti-discrimination policy and implement stricter criteria to hiring acceptable law enforcement. Tighter background checks, including mental background checks, and stricter policies with the use of firearms decrease incidents in which a police officer may use lethal force against a suspect. An interesting public proposal that has been introduced recently is to attach surveillance cameras on police officers to monitor their activity during work hours and investigations. Though this proposal may seem impractically ludicrous at first, the startling lack of evidence and disagreement between witnesses in several police-killing trials supports such a proposal as advantageous.

Although the system of law enforcement has improved significantly, racial discrimination is a very real and difficult issue that must be tackled in order for law enforcement to work most efficiently.

Effectiveness of Juvenile Justice Programs

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The United States' juvenile justice systems have struggled in obtaining a coherent balance of both punishing juveniles for violations of the law and with establishing a constructive system that sets juveniles on the proper path in life. A continuous challenge for the juvenile justice system is to not only to protect the public from juvenile offenders, but it is also to help induce a self-sustaining behavior change that will endure throughout the juvenile's life. The current system of juvenile justice has illustrated effectiveness to some extent, but studies have shown that approximately 57% of juvenile delinquents are arrested again by the age of 25.²³ This high rate of repeat offenses by juveniles after treatment illustrates the existence of flaws in the juvenile justice system, but several alternatives to traditional treatment do exist.

The current juvenile justice focuses on rectifying delinquency through community supervision and counseling, but a small percentage of juvenile delinquents bypass the juvenile system and are instead charged as adults even if they are under the age of eighteen depending on the crime committed. Juveniles who are tried as adults are often exposed to vitriolic environments and are absorbed into a culture of crime within prisons and in turn continue to follow a pattern of crime into their adulthood. However, most juvenile delinquents are either sent to juvenile court for hearing or they are sent to diversion programs. In addition meta-analysis studies have illustrated that juveniles sent to court had a higher rate of being arrested later in life than those who bypassed court and were sent directly to community programs.²⁴ Therefore, instead of acting as a deterrent to crime the juvenile court system fosters criminal activity.

Another method for deterring crime that the juvenile justice system employs is shock incarceration, which sends juveniles to an adult prison for one night in attempt to scare and intimidate them so that they would never wish to commit a crime again.²⁵ Unfortunately this technique is largely ineffective and it also tends to increase criminal activity among the juveniles who are treated this way.²⁶ One of the most prevalent processes for treating juvenile delinquency is the employment of residential institutions such as boot camps, treatment facilities, and detention centers. The purpose of these residential facilities is to

provide an opportunity for rehabilitation and to protect the community by removing troubled youth from their homes. However, these residential programs are largely ineffective and several studies have shown that mental health and educational services are not fully met in these facilities and thus they increase criminal activity.²⁷ The use of residential institutions for juvenile delinquents has caused controversy over whether the atmosphere of these facilities fosters crime instead of deterring it. However, since public safety is a primary goal of these programs it has been proposed that only serious juvenile offenders should be sent to these facilities, while smaller offenders are placed in community programs and services that do not provide such a vitriolic atmosphere. Although the current juvenile justice system employs an array of different policies and methods for reducing criminal activity among youth offenders, these methods have largely been ineffective. However, three methods that have been shown to effectively reduce the rate at which juvenile delinquents return to patterns of criminal activity in their future are functional family therapy, multisystemic therapy, and multidimensional treatment foster care.

Functional family therapy (FFT) is a family and community based treatment first developed in 1982 as a means to reduce antisocial behavior, which often fuels delinquency in repeat juvenile offenders.²⁸ Evaluations of functional family therapy have illustrated that this method decreased antisocial behavior in juvenile offenders and it has now become one of the most widely employed juvenile programs with 270 programs globally. Functional²⁹ Family programs currently treat nearly 17,500 youth and their families annually and it they aim to maintain new patterns of family behavior to replace dysfunctional ones that often fostered delinquency. Functional family therapy programs also integrate behavioral and cognitive interventions through the engagement of family members and extensive efforts to improve the behavior of the individual. The functional family therapy program is one of the most effective policies under the juvenile justice system and it has exhibited continual improvement in the reduction of antisocial behavior and it continues to serve as an effective means of deterring young offenders from lives of crime.

Another effective program under the juvenile justice system is Multisystemic therapy, which is a

community and family based treatment for young offenders who have a past of substance abuse, emotional instability and violent crime that are often at risk of being placed into residential facilities. Multisystemic therapy is one of the most effective ways in dealing with violent offenders and it reduces crime rates among these offenders significantly in comparison to traditional relocation facilities.³⁰ Currently Multisystemic therapy is delivered to more than 17,000 young offenders and their families annually and it deals with the offenders' different daily influences including neighbors and family. Multisystemic therapy has supported the roles of improved family functioning and decreased the offenders association with deviant peers who provide negative influences. Furthermore, Multisystemic therapy has been proven to prevent youth offenders from continuing to commit crimes and it has served as a sustainable form of treatment that sets young offenders on the proper path in life.³¹

Multidimensional treatment foster care has also proven to be an effective way to treat young offenders through the use of community based foster care as an alternative to state detention. This program is mostly employed on offenders who have extreme antisocial behavior that cannot be left at home.³² Multidimensional treatment foster care is employed in over 50 sites in the United States and it treats about 1,300 youth offenders. Multidimensional treatment foster care is based on principles of social learning and behavior therapy and it heavily emphasizes the role of parental supervision and monitoring in order to promote positive school performance and interaction with peers. The multidimensional treatment foster care program increased parental involvement, decreased association with negative influences, and even improved schoolwork for offenders.

The current juvenile justice system has several major flaws and instead of reducing the levels of crimes in young juveniles it instead proliferates them by placing juveniles in vitriolic environments. However, three alternative systems that have been shown to effectively reduce emotional problems and reduce criminal behavior within young delinquents are functional family therapy, multisystemic therapy, and multidimensional treatment foster care. These three methods have provided a viable and effective way to

treat young delinquency without exacerbating criminal behavior as traditional methods such as the juvenile court system or relocation facilities do. Therefore functional family therapy, multisystemic therapy, and multidimensional treatment foster care should be employed more heavily to rectify the growing problems of the juvenile justice system and prevent young delinquents from becoming future criminals.

Minority Relations with the U.S. Justice System

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One word: Bad.

According to a report from the National Research Council, the American prison system has devastating effects on increasing sections of the nation's society.^[1] Out of the one percent of adults currently incarcerated in the United States, a majority are from disadvantaged backgrounds. In its own words, the report explains that "in communities of concentrated disadvantage—characterized by high rates of poverty, violent crime, mental illness and drug addiction—the United States embarked on a massive and unique intensification of criminal punishment" from the 1970s to current times. "Although many questions remain unanswered, the greatest significance of the era of high incarceration rates may lie in that simple descriptive fact³³."

Of those counted in the 2010 U.S. Census, 72.4% were white, 12.6% were black or African-American, 16.3% were Hispanic, and the rest of the population were of other minorities.³⁴ Prisoner population is extremely unrepresentative of this - most prisoners had no jobs before incarceration or were under the poverty line, and about 60% of prisoners were black or Hispanic/Latino, despite their making up of 28.9% of the American population.³⁵ According to a study published in the American Journal of Public Health, an adult male in the U.S. has a nine percent lifetime chance of being imprisoned, increasing to nearly thirty percent for blacks and sixteen percent for Hispanics.³⁶

These statistical facts show that the American prison system is largely biased against minority, economically disadvantaged people, as a result of stricter "tough-on-crime" and "broken windows" laws and law enforcement that make it much harder for innocent or nonviolently criminal people to escape the scrutiny and stigma of punishment. Some methods that lead to their arrests are the planting of evidence (in 2011, an ex-NYPD-detective admitted that narcotics squads frequently planted drugs on innocents in order to meet arrest quotas),³⁷ and body searches without probable cause (deemed legal by the Supreme

Court in 2012).³⁸ The drug wars and the 9/11 attacks (among other terrorist acts) have led to increased use of racial profiling against blacks, Hispanics, and Middle Easterns.³⁹

Recent events such as the killings of Walter Scott and Michael Brown cast further light on a racist tendency in the police. In a thorough investigation, the Department of Justice found that “Ferguson’s police and municipal court practices both reflect and exacerbate existing racial bias, including racial stereotypes,” in which that “nearly 90% of documented force used by FPD officers was used against African Americans” and “emails circulated by police supervisors and court staff that stereotype racial minorities as criminals, including one email that joked about an abortion by an African-American woman being a means of crime control.”⁴⁰ The video of Scott's murder, in which the police officer involved can be seen firing multiple, unnecessary shots at a fleeing Scott, and then placing his gun beside Scott's body, as a means of planting false evidence, speaks for itself.^[10] Police officers generally go unpunished due to their high position of authority in society, and this general lack of punishment encourages racist police and judges to keep on ‘business as usual’.

Something needs to be done to stop discriminatory practices in law enforcement, and the solution will not be passing reforms. A whole new system will have to be carried out to resolve racism and to actually execute true justice in the criminal justice system at the roots. Such a system would have at least some of the following features: lack of minimum mandatory sentences, lack of federal or state investment or charter of private prisons and jails, lack of excessive bails, lack of racial profiling, lack of searching without probable cause, and finally, an extreme reduction in the superfluous privileges abused by police, or perhaps even the complete riddance of that brutal profession. It is wholly unrealistic to think these can be achieved through systematic reforms however. It would take near a revolution to.

The Effect of the Prison Industrial Complex on Domestic Legislation

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Restrictive immigration bills, mandatory minimums, and stricter drug sentencing laws; what do all of these have in common? They limit the freedoms, opportunities, and abilities of those in our country who need them most - minorities, the socioeconomically disadvantaged, and those in need of proper rehabilitation. Who or what force could possibly be responsible for convincing Congress to pass laws like these?

Here, the prison-industrial complex comes into the fray. The prison-industrial complex, or the for-profit prison industry, refers to the many for-profit corporations like GEO Group and the Corrections Corporation of America (CCA) that operate correctional facilities. State governments contract these corporations and turn over their prisons, and the corporation manages the prison at every level from guards to staff to food to facilities. States began relying on corporations to manage their prisons in 1984, with the Tennessee government's contract to the CCA to manage a single prison in Hamilton County. The prison industry has expanded since then, now containing 133 thousand prisoners⁴¹ (over 8% of the nation's prisoners).

First and foremost, it is worth understanding why and how for-profit prison industries make the amount of money they do, because they certainly do make money - and lots of it. Mint Press reports that the industry turned out over \$5 billion in profits in 2011, and that corporations like CCA have seen their profits increase by 500% over the last 20 years.⁴²

The industry rakes in the vast majority of its billions from government contracts to operate prisons. These contracts are largely granted under the assumption that the private prison will acquire as many prisons as possible to save the government as much money as possible. As such, many contracts contain what are called "occupancy quotas" - in order to keep operating,⁴³ the prison must maintain a certain amount of prisoners within its facilities. Ira Robbins of American University, after analyzing government

contracts to private prisons, concludes that over 65% of contracts included occupancy quotas mandating 100% occupancy at all times.⁴⁴

With that in mind, what prisoners actually occupy for-profit prison facilities? Unsurprisingly, their demographics are significantly different than those of state prisons. Business Insider explains that while minorities are over-represented in all prison facilities, they constitute 29% more of the population in private prisons than state-run prisons, and Christopher Petrella of the Journal of Radical Criminology finds that to be true in all states with private prisons.⁴⁵ Many of these minorities are either in private prisons for minor drug offenses or, even more prevalently, for immigration offenses. Private prisons manage almost half of all undocumented immigrants, totaling almost 25,000 inmates according to Aaron Cantu of Alternet.⁴⁶

Promoting legislation not only to criminalize minor drugs but especially to enforce harsher penalties for undocumented immigration can only benefit for-profit prisons; as mentioned earlier, they must find whatever means possible to meet their occupation quotas and continue churning out billions from their contracts. As a result, the for-profit prison industry is deeply ingrained in American domestic policymaking in multiple ways, and one of the most prevalent ways is lobbying. Corporations can lobby a politician by sending representatives to propose their ideas for reform to the politician and simultaneously contribute gifts or campaign funds to push their proposition further. An ACLU investigation found that in 2013 alone, the for-profit prison industry spent over \$7 million on lobbying efforts to gain influence in politics⁴⁷. Corporations don't just lobby politicians, though; they lobby the CIA, Department of Homeland Security, Department of Indian Affairs, Department of Labor, and more⁴⁸. The legislation these corporations push for are not standard reforms, but new laws intended to promote mass incarceration and increase the populations of prisons. In doing so, the share of prisoners in private prisons increases, and the prisons make more money.

Lobbying from the private prison industry has been notoriously effective. One of the most notable examples has been the passage of Arizona SB1070, where the CCA conspired with conservative politicians

to pass a bill authorizing police to randomly stop anybody whom they suspected of being an undocumented immigrant, to determine who is and isn't an illegal immigrant, and to arrest them as the police saw fit⁴⁹. The Detention Watch Network adds that for-profit prison lobbying increased sharply after immigration freedom rides in 2004, immigrant mobilizations in 2007, and during 2005 measures to restrict immigration and militarize the US-Mexico border. Stephen Nuno of NBC adds that for-profit prison plans exist to add in more border checkpoints in the coming years⁵⁰. Corporations like GEO and CCA have also inserted themselves into the American Legislative Exchange Council (ALEC), a group of conservative state lawmakers and industry representatives that drafts legislature for use in state governments⁵¹. Its participation in ALEC was instrumental in the drafting of SB1070, and is one of the reasons that its influence in the state-level and federal government is so strongly felt⁵².

These laws only serve to spur mass incarceration, jeopardize the livelihood of these undocumented immigrants, and, according to the ACLU, place immigrants in horrifying, dehumanizing, and overcrowded conditions. Some of these prisoners are forced to sleep in Kevlar tents outside of prisons, and others are subjected to brutal solitary confinement quotas that dictate a fixed percentage of prisoners to keep in solitary at all times⁵³. The New York Daily News explains that for-profit prisons have made an additional \$5.1 billion through contracts to house detained immigrants. There is a motive for their lobbying, and it is unjust⁵⁴.

As startling as it may seem, the influence of private prisons isn't slipping in the slightest. Private prisons are only becoming more and more profitable, and corporations have seen their stock skyrocket - CCA, for example, saw an increase in its share price by over 34 times since 2000⁵⁵. The only way to solve this and finally spur progressive legislation for those who need it the most is to place this issue on a pedestal, and let all those who can know that our legislation is not independently minded and, so long as these corporations turn profits by spurring mass incarceration, it never can be.

¹ Global Status Report on Alcohol and Health 2014. Geneva: World Health Organization, 2014.

² "Smoking – Health Risks." Netdoctor. http://www.netdoctor.co.uk/health_advice/facts/smokehealth.htm.

³ "Health Effects of Cigarette Smoking." Centers for Disease Control and Prevention. February 6, 2014. www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/#definition

⁴ "Health Effects of Cigarette Smoking." Centers for Disease Control and Prevention. February 6, 2014. www.livescience.com/24554-medical-marijuana.html

⁵ "FIRST, DO NO HARM: CONSEQUENCES OF MARIJUANA USE AND ABUSE." Marijuana and Medicine: Assessing the Science Base. 1999. <http://www.nap.edu/openbook.php?isbn=0309071550&page=109>.

⁶ "NORML.org - Working to Reform Marijuana Laws." FEDERAL Laws & Penalties. <http://www.norml.org/laws/item/federal-penalties-2>.

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The law is neither good nor bad. Instead, the law is a tool and the person wielding the law is the person who has power. But who wields the law today? What is justice and who defines justice?

In the 2nd issue of Neo Politico, contemporary students explore the structures of the American criminal justice system and the structures that implicate the system.

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