1. Crime

A. Uniform Crime Reports and BJS Crime Victimization Survey

1. Types of crime: street crime

a. violent crime

b. property crime

c. trend

<http://www.pewresearch.org/fact-tank/2017/02/21/5-facts-about-crime-in-the-u-s/>

Crime Victimization Survey

<https://www.bjs.gov/content/pub/pdf/cv15.pdf>

d. comparison

2. Incarceration and cost

a. incarcerations 2.2 million

i. rate

ii. comparison

b. total $ 1970$11 billion 2000 $150 billion 2013 $212 billion

3. Demographics

4. Race and crime

<http://www.businessinsider.com/study-finds-huge-racial-disparity-in-americas-prisons-2016-6>

5. Women and crime

B. public perception

1. increasing crime rate

<http://www.gallup.com/poll/150464/americans-believe-crime-worsening.aspx>

2. Annenberg Study

II. Criminal Justice System as a social problem

A. Militarization of the police

1. Attitude

a. police as an occupying force

i. public is the enemy

ii. neighborhoods are occupied territory

b. morally superior to public

c. force is main instrument of enforcement

“stand between anarchy and social order”

2. Characteristics

a. equipment: automatic weapons, aircraft, armored vehicles, grenade launchers, flash bang grenades, “Darth Vader,” night googles, tear gas

b. recruiting

i. advertising: emphasizing force

ii. Clinton “Troops to Cops”

c. training

i. by military

ii. military tactics

iii. intelligence and surveillance

iv. snipers

d. SWAT

e. terminology

i. “collateral damage”

ii. “war at home”

3. Consequences

a. loss of Fourth Amendment

i. eliminate probable cause

ii. no knock

iii. stop and frisk

b. loss of Symbolic Third Amendment Posse Comitatus

c. increased violence against protesters

d. increased targeting and violence in neighborhoods of color

"blue on black"

e. survey: increased callousness towards “targets”

f. no accountability

i. investigate themselves

ii. prosecutors

iii. Grand Jury

Grand Jury does not determine guilt or innocence, but determines whether there is probable cause that a crime has been committed and that the subject of the grand jury investigation should be indicted and tried in court for that crime.

1. The Grand Jury is secret, no public is admitted.
2. Goal: “probable cause”
3. There is no judge present.
4. The Prosecutor is the only legal official in the proceedings (and because of this “defines” the law to the jury, not a judge).
5. The members of the jury are not screened for bias.
6. Defense attorneys are not allowed in the proceedings.
7. Court room rules of evidence, accumulation, accuracy etc. do not apply.
8. Evidence presented cannot be challenged, objections cannot be raised to questions
9. Defendant cannot call witnesses or present exculpatory evidence.
10. The prosecutor does not have to reveal evidence of innocence to the jury.
11. Limited use immunity can be used to force witnesses to testify in violation of right to self-incrimination
12. Witnesses can be imprisoned for contradictory testimony for the life of the grand jury.

It is no wonder that over 99% of all grand juries return indictments. Are there any similarities in the 1%?

B. War on drugs

1. Criminalization of drugs

2. Nixon and the beginning of the War on Drugs

3. Funding: Byrne Grants, COPS Grants, Homeland Securing Asset Forfeiture

<https://www.youtube.com/watch?v=3kEpZWGgJks>

4. Resources: 1033 Program, Homeland Security

5. SWAT

a. origin

b. war on drugs

6. tactics

a. stop and frisk

b. pretext

c. SWAT “raids”

i. 80,000 raids per year +1400% since 1980s

ii. 80% serve drug warrants to private residences, also doctors’ offices, private poker games, barber shops

iii. Based on informant or undercover drug buy

iv. 60% “dynamic entry” flash bang grenades, automatic weapons

v. 1/3 find no drugs, less than one third find weapons

vi. Wrong house! NYC 1 in 10

vii. Primarily target minorities and low income

7. legislation and courts

a. harsh penalties

i. mandatory and determinate sentencing

ii. crack cocaine

b. SCOTUS and elimination of Fourth Amendment

8. Propaganda

a. demonization

b. national security threat

9. consequences

a. “cash for cuffs” increase drug arrests more money/resoruces for department

b. mass incarceration, disproportionately minorities

c. costs

i. bureaucracy

ii. prison

iii. health

iv. families “one strike and you are out”

d. long terms consequences of being a felon

10. solutions

a. stop the drug war: legalize drugs

b. SWAT?

c. stop federal funding and military transfer

d. fix social problems

e. Fourth Amendment

f. new police “culture”

C. “Justice” for the poor

1. public defenders

2. court appointed

i. contributions, “efficient”

ii. sleeping, high, disbarred

3. contract

a. 1455 case

b. plea bargaining (48)

4. plea bargaining

5. bail as a prosecutorial tool: prosecutorial misconduct

John Oliver on bail:

[https://www.youtube.com/watch?v= IS5mwymTIJU](https://www.youtube.com/watch?v=%20IS5mwymTIJU)

6. wrongful convictions

a. Exonerations: 18/+300 since 1976

<http://www.innocenceproject.org/causes-wrongful-conviction>

b.. police and prosecutorial misconduct

i. coerced confessions

( Central Park Jogger in 1980s, Brent Butler)

ii. suborning perjury

(Ford Heights Four)

iii. manufacturing/falsifying evidence

( Ford Heights Four)

iv. excluding exculpatory evidence

(Roy Criner)

c. eyewitness (Clyde Charles, Brent Butler)

d. jail house snitches (Ford Heights Four: Williams)

D. Ignores Corporate Crime

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Legislation and Judicial Decision

* + 1. SCOTUS & Legislation
       1. *Ker v. California* 1964: exigent circumstances
       2. Military Cooperation with Law Enforcement Act 1981: increase police and military interaction, amended Posse Comitatus
       3. Hammering away at the Fourth Amendment (during Reagan, Clinton)
          1. *Illinois v. Gates* 1983: anonymous letter is probable cause
          2. *US v. Leon* 1984: as long as cops act in “good faith”
          3. *Massachusetts v. Sheppard* 1984: even defective warrants are okay
          4. *Segura v. US* 1984: searching without a warrant is excused
          5. *Nix v. Williams* 1984: “inevitable discovery”
          6. *Wilson v. Arkansas* 1995: no-knock is part of the 4th
          7. *US v. Ramirez* 1999: police can break in
          8. *US v. Banks* 2003: 15-20 seconds is sufficient
          9. *Hudson v. Michigan* 2006: illegal police behavior doesn’t undermine evidence
       4. Anti-Drug Abuse Act of 1986: used to begin SWAT teams
       5. *Terry v. Ohio* 1989: stop and frisk

2. Anti-terrorism and Effective Death Penalty Act

a. limit *habeas corpus*

i. review facts as determined by state court,

ii. decision must be "unreasonable" not just

"incorrect" Supreme Ct

iii. violation of constitution

b. after that only technical legal or procedural

2. limit time that new exculpatory evidence can be

admitted

a. 12 months

b. some states 30 days

c. some states closed discovery, prevents journalists

and defense attorneys from reviewing the evidence

after a conviction