America's Criminal Injustice System

By: Hugh B. Price

Let's be clear. I have no tolerance for crime. I want America's neighborhoods and the people who live in them to be safe. I want predators, violent criminal gangs, one-man and one-woman crime waves and drug dealers who prey on children off the streets.

But we must also be clear-headed, and smart, about how to fight crime. For years our politicians have scrambled to upstage one another in showing how tough they could talk about revenging crime. The trouble is they've squandered billions of taxpayers' money in this macho game. They've boasted about passing lengthy prison sentences for nonviolent offenders, sentences that have produced the two-decade long explosion of new prison construction in state after state.

Now, that spending spree has proved a drag on the fiscal health of numerous state budgets and on the economic development of the larger society. We've locked people up in greater numbers than ever before, while climinating prison rehabilitation, education and job-training programs.

No wonder the ability of ex-offenders to even be in a position to pursue legitimate work when they are released can be summed up, as Paul Street of the Chicago Urban League writes in the current issue of Opportunity Journal, as bad and dismal.

"No wonder, then," he goes on to say, "that U.S. recidivism rates hover around 60 percent for ex-offenders."

It makes no sense to pretend that the large majority of those sent to prison will not be released from prison someday. Nor to pretend that the various "three strikes and you're out" laws are nothing but an idiotic public policy that has needlessly locked up tens of thousands of nonviolent offenders who'd be better off in community-based treatment programs and supporting their families as some states are beginning to realize.

Equally important, the nation's wrongheaded approach to criminal justice has far too often compounded the tragedy of a crime being committed with the tragedy of an innocent person being nonetheless swept up in the criminal justice system. And, needless to say, the further tragedy of the actual perpetrator of the crime not being brought to justice at all.

Two recent incidents, one in Detroit, the other in New York City, starkly illustrate some of the things wrong with America's criminal justice system.

In Detroit, after having spent 17 years in prison for the rape and murder of a 16-year-old girl, 54-year-old Eddie Joe Lloyd was set free on August 16; because DNA testing had proved that he couldn't have committed the crime.

In New York over a recent weekend, 23-year-old Bradley Gumbel, a son of Bryant Gumbel the television personality, was set free after spending 20 hours in custody under suspicion of snatching a woman's purse.

The wrong done to Lloyd is by far the more egregious. Lloyd, who has long suffered from mental instability, was in a mental hospital and on medication when he "confessed" to a crime that had horrified Detroit. However, his attorneys have charged that police

detectives fed Lloyd details of the gruesome crime in order to entrap him and have called for a U.S. Justice Department probe of the case.

Gumbel was arrested because of mistaken identity. A mugger tackled the victim late at night on New York's Upper East Side, snatched her purse and ran. Seeing him from the back, she described to the police a tall, thin Black man with close-cropped hair and a white T-shirt. A short time later, while canvassing the area in a police squad car, she pointed to Gumbel, who was walking down the street.

Fortunately, Gumbel had an alibi. He had just dropped off his date for the evening, and she could vouch for his whereabouts. Fortunately, Gumbel's home was on the Upper East Side, too, and he was heading directly there. Fortunately, Gumbel's family attorney is one of the city's best. Fortunately, Gumbel has a good job, and has never been even remotely in trouble with the law.

As for his matching that description of the mugger, Newsday columnist Ellis Henican put it best, writing, "Sure he did-he and a few hundred thousand other innocent individuals in the general vicinity of New York."

With his resources, Henican went on to note, Bradley Gumbel was out of jail and trouble quickly. "But the question still needs to be asked," he reminded us: "How often do people, especially young Black men, get swept up in one of these one-witness identifications, then end up in prison for crimes they didn't commit?

In fact, it's just one of many questions that ought to trouble those who want an effective-and fair-criminal justice system, one truly based on justice for all.

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