



# WHERE IS THE JUSTICE IN OUR JUSTICE SYSTEM?



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Reader's Theater

Can a label create a self-fulfilling prophecy?

*Setting: Four friends gather before school on Monday. They talk among themselves while waiting for the morning bell to ring.*

**Shoshana:** Guess who I saw at the mall over the weekend? Tiffany.

**Albert:** For real? How is she doing?

**Shoshana:** She didn't look so good. I didn't talk to her, though. She creeps me out.

**Albert:** If she scares you, you don't really know her. She was always very friendly when we had to work together. I don't think people ever gave her a chance. It seems like she has been **condemned** as a bad kid since we were little.

**Caitlin:** In my eyes, she didn't **commit** a heinous crime. Okay, so she shoved someone who had been teasing her, and then she "threatened" someone over the internet. Does that really justify being expelled? Seems cruel to me.

**Shoshana:** Anyone who breaks a rule should pay a price. Tiffany knew that this school takes fighting and cyberbullying very seriously. We hear enough about it in our homeroom classes and assemblies. Tiff knew the consequences of what she did, and was held responsible for her actions. At least she isn't in police **custody**. In the future maybe she will think twice before acting so hard.

**Xavier:** I agree with you, Shosh, about consequences. But do you think expelling Tiffany will **deter** her from getting into trouble? I had a cousin who went to the same alternative school where they sent Tiffany. He had been in one fight before he got there, and then he started fighting every day. Now he's **incarcerated** and my aunt worries about him all the time.

**Caitlin:** That's horrible! Do you think your cousin wouldn't be in jail now if he could've stayed in regular school?

**Xavier:** I'm just saying that the dude had only been in one fight, and look at him now. Everyone deserves a second chance. Think about it. It could have changed my cuz's life.

**Shoshana:** Alternative school *is* a second chance. We need to stop letting kids get away with murder and only giving them a slap on the wrist.

**Xavier:** Shosh, chill out! No one was murdered. What I'm saying is that the punishment should fit the crime. So, if some guy has problems with fighting, then maybe he should have to do some volunteer work with people who have been victims of violence. That would actually teach him about the consequences of his actions and maybe **rehabilitate** him in the process.

**Albert:** That's not a bad idea, Xav. Maybe you should run for office or something. I can see it now: "Xavier Hernandez promises **rehabilitation** instead of **incarceration**." But seriously, maybe punishments like those could help kids who get in trouble get back on track. Let's face it, most adults divide us into bad kids and good kids. Good kids can do no wrong, and bad kids get busted over any little thing. Kids can change. Why should one mistake stay with them for the rest of their lives?

**Caitlin:** Yeah, Tiffany wasn't a bad kid until she got labeled as a bad kid. Meanwhile, kids like Edward do mean things all the time. Last week he pushed me out of the lunch line, and the lunch monitor was standing right there. Or course, nothing happened to him. The star athletes get away with everything. It's not fair that some kids seem to break the rules all the time and never get in trouble.

**Xavier:** What's the point of having a discipline code at all if some kids get expelled and other kids get nothing for doing the same thing? There's no justice in such **disparity**.

**Albert:** Next time Caitlin, push Edward back. He needs a taste of his own medicine. And you can show him how strong girls are.

**Caitlin:** Thanks for the suggestion Albert, but Shosh would have me disciplined for pushing, even if Edward deserves it. I'll use my **discretion** on when to **commit** physical violence—which is usually limited to torturing my little sister.

 **TURN AND TALK**

Describe a time that you did something wrong and received a punishment that you felt was too harsh. Explain what you feel should have happened instead.

**Safeguards in the U.S. Justice System**

In the United States, all people, including the president, are expected to obey the law. People who are accused of breaking a law may be brought to court. If a person is found guilty of **committing** a crime, he or she will receive a sentence, or official punishment. Our founding fathers were dedicated to ensuring that our justice system was truly just. For that reason, there are many safeguards to protect people who have been accused of breaking the law. Safeguards are methods to protect someone or something.

You may have seen a TV show where a police officer is taking someone into **custody** and starts to recite the Miranda rights: “You have the right to remain silent. Anything you say can and will be used against you . . .” Legally, this safeguard must be stated to people being placed under arrest so they know their rights.

Talk with a partner about how each of the safeguards described below would protect you if you were accused of a crime, and then jot down notes from your discussion.



**Presumption of innocence**

Accused people are considered “innocent until proven guilty.” Defendants do not have to prove that they are innocent. Rather, the prosecution must prove that the defendant is guilty. If the prosecution cannot prove guilt beyond a reasonable doubt, then the defendant is deemed innocent.

How could this safeguard guarantee justice for you if you were accused of a crime?

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**Speedy trial (Sixth Amendment)**

After a defendant is charged, a trial must take place quickly. There is no set time requirement for beginning a trial from the date that a suspect is taken into **custody** and charged. However, the Supreme Court decided in 1973 that if a defendant’s right to a speedy trial is found to have been violated, the charges against the defendant must be dropped and/or the court decision thrown out. The defendant cannot be retried for the crime.

How could this safeguard guarantee justice for you if you were accused of a crime?

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**Impartial jury (Sixth Amendment)**

Except in the case of petty crimes or in juvenile courts, all trial courts include a jury, which is a group of people who listen to the arguments of both the defense and prosecution, and then use their **discretion** to determine whether or not the defendant is guilty or innocent. The jury members must be considered unbiased. Lawyers on both sides in a case have the right to dismiss anyone from the jury pool whom they believe will be biased. The judge can also dismiss jurors whom he or she believes cannot be impartial or have a conflict of interest.

How could this safeguard guarantee justice for you if you were accused of a crime?

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Safeguards in the U.S. Justice System



**Assistance of counsel for defense (Sixth Amendment)**

Having legal counsel, or advice from a lawyer, is a right under the Sixth Amendment. If an accused person cannot afford a lawyer, then the state must provide one. Lawyers who defend the public and are paid with state or federal funds are called *public defenders*.

How could this safeguard guarantee justice for you if you were accused of a crime?

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**Plead the Fifth (Fifth Amendment)**

When defendants “plead the Fifth,” they are invoking a right guaranteed by the Fifth Amendment, which protects accused people from making statements that can then be used as evidence against them in court. That is why defendants can never be forced to take the witness stand in their own trials.

How could this safeguard guarantee justice for you if you were accused of a crime?

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**Protection from “cruel and unusual punishments” (Eighth Amendment)**

This safeguard ensures that those taken into **custody** or **incarcerated** are not tortured or made to endure arbitrary and unnecessary physical punishments.

How could this safeguard guarantee justice for you if you were accused of a crime?

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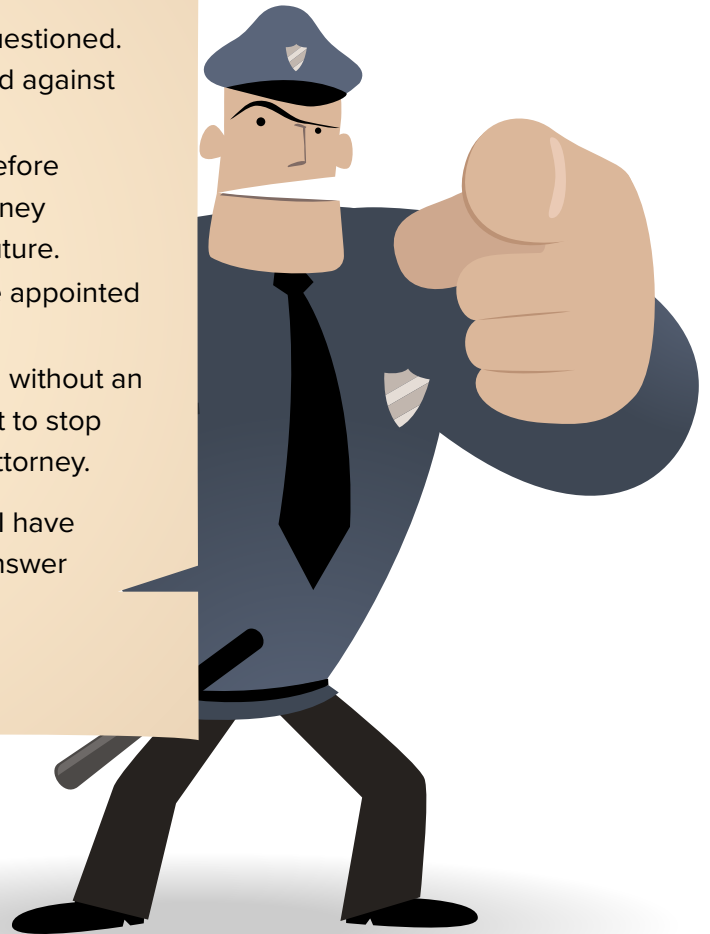
## Miranda Rights

Read the text of the Miranda rights and then answer the question that follows.

### Miranda rights:

- You have the right to remain silent when questioned. Anything you say or do can and will be used against you in a court of law.
- You have the right to consult an attorney before speaking to the police and to have an attorney present during questioning now or in the future.
- If you cannot afford an attorney, one will be appointed for you before any questioning, if you wish.
- If you decide to answer any questions now, without an attorney present, you will still have the right to stop answering at any time until you talk to an attorney.

Knowing and understanding your rights as I have explained them to you, are you willing to answer my questions without an attorney present?



Which safeguards do the Miranda rights ensure?

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## What is the purpose of punishment?

# Rehabilitation



Counseling, treatment, and/or therapy

# Deterrence



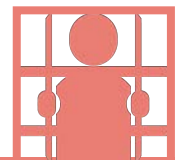
Harsh consequence to prevent people from doing something

# Retribution



Revenge by society or a victim

# Incapacitation



Control of a person's freedom of movement

# Restitution



Payment for damages

Most kids have experienced punishments ranging from time-outs to having a favorite toy or device taken away. Why do those in authority impose punishments? Below are examples of the different types of punishments that could happen in school.

**Rehabilitation:** Counseling for a bully to help him or her deal with any underlying issues.

**Deterrence:** Expelling students because of the zero tolerance policy for weapons at school.

**Retribution:** Making someone wash all of the desks after school after sticking a piece of gum underneath one.

**Incapacitation:** A student who starts fights receives in-school suspension so that he is removed from all other students.

**Restitution:** A student who loses a library book has to pay full price for it.

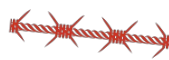
Jigsaw Activity

Read each punishment and identify the purpose(s) that it serves. You will examine the first two punishments as a class. Then, in small groups, you will examine four punishments that your teacher assigns you. Afterwards, your group will team up with another group to share responses.



**Example A:**  
**Corporal Punishment**

The UN Committee on the Rights of the Child defines *corporal punishment* as “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light.” Spanking, whipping, and caning are examples of corporal punishment. In Singapore, caning is used to punish 30 offenses, including drunk driving and visiting as a foreigner with an expired visa.



Rehabilitation

Deterrence

Retribution

Incapacitation

Restitution

notes:



**Example B:**  
**Public Humiliation**

From medieval Europe (400–1500) to Colonial America (1600–1700), public humiliation was used to **condemn** offenders. One punishment included wearing a symbol of the crime that was **committed**, such as wearing a giant rosary as a punishment for being late to church. Another popular punishment was spending a few days in the stocks, which was a wooden contraption that held the offender’s arms, head, and sometimes legs while community members threw plant, animal, and human waste at the offender.



Rehabilitation

Deterrence

Retribution

Incapacitation

Restitution

notes:

**Rehabilitation:**

Counseling, treatment, and/or therapy

**Deterrence:**

Harsh consequence to prevent people from doing something

**Retribution:**

Revenge by society or a victim

**Incapacitation:**

Control of a person's freedom of movement

**Restitution:**

Payment for damages

Jigsaw Activity

Set 1



**Weregild**

The Franks occupied what is now Belgium in the latter half of the first millennium. In the Franks' system of law, called Salic Law, *weregild* (*were-* “man” [like werewolf] and *gild-* “money” [like gilder]), were amounts of money assigned to every object and human life. If a Frank damaged another Frank's property or killed a member of another Frank's family, he or she would have to pay *weregild* to the victim or victim's family.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:



**Workhouse**

Popularized in England in the 1600s, workhouses were places where the unemployed and poor were sent to work. Workhouses were meant to teach “lazy people” the virtues of work and to rid the streets of potential thieves.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:



**Community Service**

Recently, community service has been used as a substitute for, or in combination with, other punishments, such as **incarceration** or fines. Community service involves doing unpaid work for an organization or agency that benefits the community. For example, someone who has littered may be ordered to perform community service cleaning up a community park or beach.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:



**Fine**

A fine is a sum of money that is usually paid to the government as a penalty for **committing** an offense. The dollar amount of a fine can range from small (\$50 for littering) to large (\$5,000 for throwing an object at a police car). Fines are often used in combination with other punishments, including community service and **incarceration**.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:

<b>Rehabilitation:</b> Counseling, treatment, and/or therapy	<b>Deterrence:</b> Harsh consequence to prevent people from doing something	<b>Retribution:</b> Revenge by society or a victim	<b>Incapacitation:</b> Control of a person's freedom of movement	<b>Restitution:</b> Payment for damages
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Jigsaw Activity

Set 2



LEX TALIONIS



**Capital Punishment**

Capital punishment, also known as the death penalty, has existed since ancient times. The word *capital* comes from the Latin *caput*, meaning “head,” since many early executions were carried out by beheading. Currently, 58 countries use capital punishment, including the United States.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:

**Lex Talionis**

Lex Talionis means “law of retaliation,” although it is sometimes called “an eye for an eye and a tooth for a tooth.” Punishments reflect the offense that was **committed**. For example, in Hammurabi’s Code of the ancient Mesopotamian civilization of Babylon (1770 BCE), code 197 read: “If he break another man’s bone, his bone shall be broken.”

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:

**Banishment or Exile**

Banishment is a form of punishment where an offender is forced to leave a community or area. Many ancient civilizations used exile as a consequence for violating societal norms, and some cultures continue to use it today. In their first year living in North America, the Puritans banished 10 people, and there were only about 100 people living in their community.

*In 1638, Anne Hutchinson was banished from the Massachusetts Bay Colony for her religious beliefs.*

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:

**Prison Sentence**

Until relatively recently, prisons were used only to house accused people until their trials or before their punishments. After the American Revolution, prison itself became a punishment. During sentences ranging from a few months to several decades, inmates spend time alone, in groups, doing work, and sometimes studying.

- **Rehabilitation**
- **Deterrence**
- **Retribution**
- **Incapacitation**
- **Restitution**

notes:

<b>Rehabilitation:</b> Counseling, treatment, and/or therapy	<b>Deterrence:</b> Harsh consequence to prevent people from doing something	<b>Retribution:</b> Revenge by society or a victim	<b>Incapacitation:</b> Control of a person's freedom of movement	<b>Restitution:</b> Payment for damages
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## From Behind Bars to the Bar Exam: One Man's Story of Redemption

What image comes to mind when you think of a convicted felon? A ruthless murderer? A heartless thief?

Shon Hopwood is a convicted felon. In 1997 and 1998, Hopwood **committed** five armed bank robberies. During that time, he and his crew stole almost \$200,000 before they were caught. Hopwood was 23 when he was taken into **custody** and charged with armed robbery, a felony offense. He told the presiding judge, Judge Richard G. Kopf, that he had **committed** to turning his life around, and that he should be given a reduced sentence. Judge Kopf was skeptical. In 1999, Judge Kopf **condemned** Hopwood to 12 years in prison and to pay \$134,544.22 of restitution.

During the first three years that he was **incarcerated**, Hopwood spent countless hours in the prison law library and used his newfound knowledge to help fellow prisoners. After hearing the story of an inmate named John Fellers, Hopwood determined that the law was not applied fairly in Fellers' trial. Using the prison typewriter, Hopwood wrote a *petition of certiorari*—a formal request for the Supreme Court to hear a case—for Fellers. The Supreme Court receives about 10,000 petitions each year and only approves about 80 of them. However, Hopwood's petition was approved, and the lawyer who read it was so impressed by the petition that he agreed to represent Fellers only if Hopwood would collaborate. The lawyer recalled, "It was probably one of the best cert. petitions I have ever read. It was just terrific." The case went on to be successful in the Supreme Court, with the justices agreeing 9–0 that the law had not been applied fairly in Fellers' trial. In the next three years, Hopwood wrote another successful petition of certiorari and also helped many inmates find ways to reduce the lengths of their **incarcerations**.

Hopwood remained **incarcerated** until 2008. As a felon, Hopwood faced many challenges. In most states, felons cannot vote or serve on juries. Employers and landlords can, at their **discretion**, deny felons jobs and housing. Felons also face restrictions on the kinds of support they can receive from the government, such as food stamps, public housing, welfare assistance, and education assistance. Hopwood was able to get a job at a company that assists lawyers in preparing documents, but only after the supervisor spoke to the Supreme Court solicitor that Hopwood had collaborated with on Fellers' case. She was admittedly nervous about hiring an ex-con, but gave Hopwood a chance and has had "zero regrets."

### TURN AND TALK

Upon release, what support does a felon need to lead a law-abiding life?

Should one's status as a felon have lasting consequences after one has served a sentence?

*continued on the next page...*



Shon Hopwood in 2013. Hopwood said that before entering prison, he "had no prior history with the law other than breaking it."



From Behind Bars to the Bar Exam: One Man’s Story of Redemption

Shon Hopwood is married with children and graduated from the University of Washington Law School. He has written a book and worked in the D.C. Court of Appeals. Hopwood turned his life around, but he was troubled by the fact that other people just like him were never given a second chance due to lengthy sentences.

In a 2010 article published in *The Atlantic*, Hopwood compared his 12-year sentence with one given to another armed robber named Adam Clausen. Clausen was sentenced to 213 years in federal prison, with a release date of December 1, 2185. In the article, Hopwood argued that federal mandatory minimum sentences, which were intended to make sentences fair, actually made sentences more arbitrary. Hopwood explained that mandatory minimum sentences take **discretion** away from judges and place it in the hands of federal prosecutors, who decide which charges to bring against an accused person. Once the charges are brought, the judge must hand down at least the mandatory minimum sentence if the accused person is found guilty. According to Hopwood, mandatory minimum sentences are the reason for sentencing **disparities**, such as the one seen between Hopwood’s and Clausen’s cases.



In 1999, Judge Kopf sentenced Hopwood to 12 years in prison.

Hopwood **condemns** lengthy prison sentences and believes that shorter sentences are necessary for **rehabilitation**.

In a dialogue on Judge Kopf’s blog, Hopwood wrote, “Five years is about the maximum amount of time for someone to ‘get it’ and change and create a different life ... It’s very difficult to ‘seize the day’ in prison and use every day to prepare for release when you[’re] staring at a 10- or 20-year sentence in the face.”

Even though Judge Kopf declared on his blog, “Hopwood proves that my sentencing instincts suck,” Hopwood doesn’t blame Judge Kopf for his long prison sentence.

 **TURN AND TALK**

Do you agree with Shon Hopwood that the United States should do away with mandatory minimum sentences? Why or why not?

The United States Prison System

The **United States** has



of the world's **population** but of the world's **prisoners**



**TURN, TALK, AND WRITE**

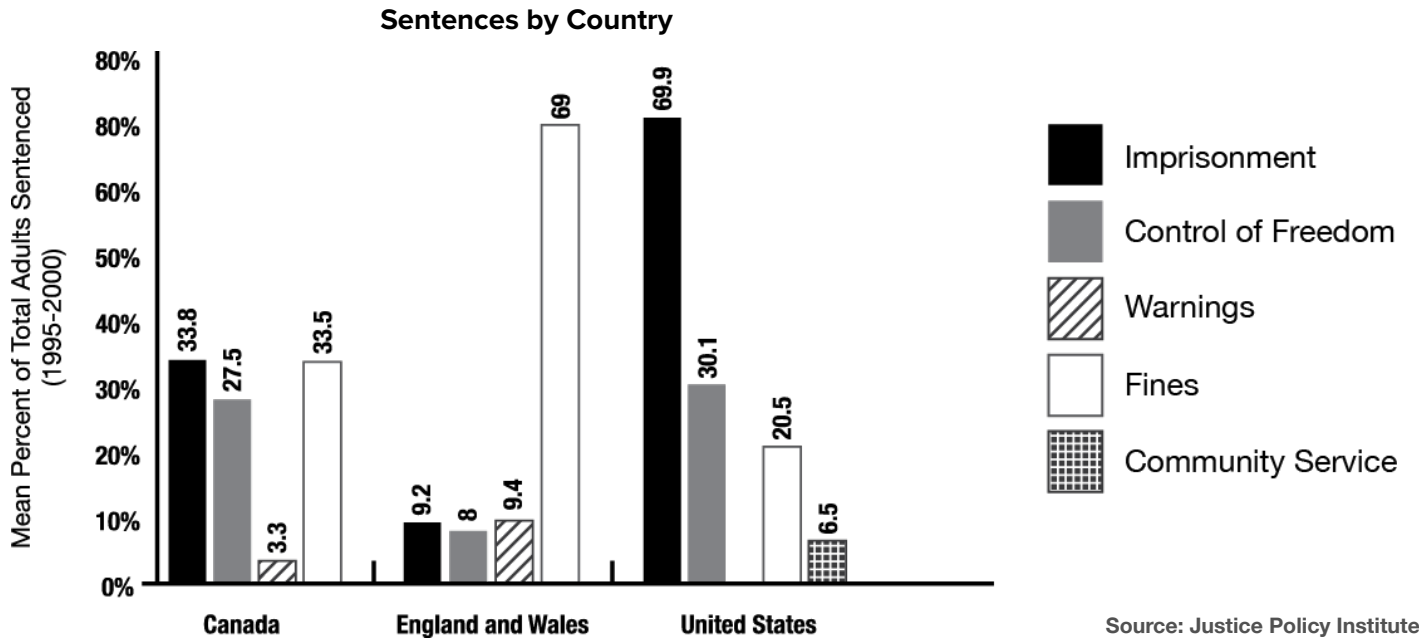
Why do you think the United States **incarcerates** the most people in the world?

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Country-to-Country Comparison



TURN AND TALK

Consider the most frequent form of punishment in each of these countries. What do the differences suggest about each country's beliefs about criminals?

	Homicide rate per 100,000	Incarceration rate per 100,000 (as punishment for any crime)	Average length of time in custody (excluding life sentences and death penalty)
United States	4.7	716	63 months
Canada	1.6	118	4 months
England and Wales	1.0	148	13 months



TURN, TALK, AND WRITE

Using the information from the chart and graph above, explain the **disparity** between the lengths of time spent in **custody** in the different countries.

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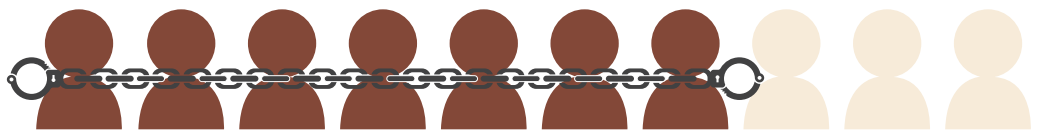
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Racial Disparities in the U.S. Justice System

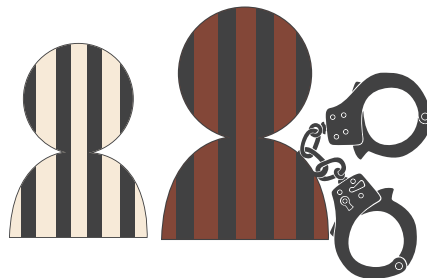
People of color make up  
**30%**  
of America's population  
but  
**60%**  
of the prison population.



**70%**  
of students referred to law enforcement are black or Hispanic. Students of color are far more likely to be taken into **custody** and placed in the juvenile justice system.



Black offenders receive, on average, longer sentences than white offenders for the same crime. Additionally, black offenders are  
**20%**  
more likely to be **incarcerated** than whites for the same offense.



People of color are *no more* likely to use or sell drugs than whites, but have much higher arrest rates. On average, a black person is  
**3.73**  
times more likely to be arrested for marijuana possession than a white person.

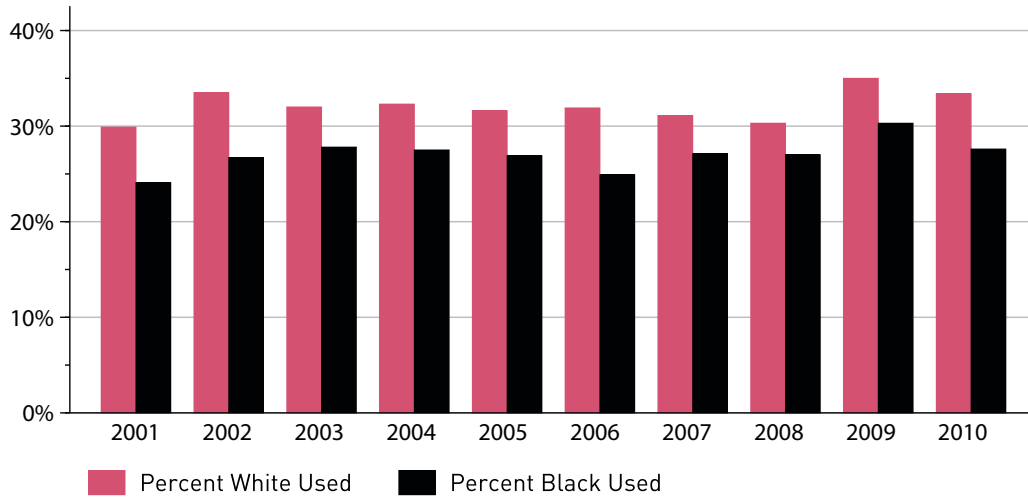


 **TURN AND TALK**

Why might minorities be less likely than whites to call the police when a crime has been **committed**?

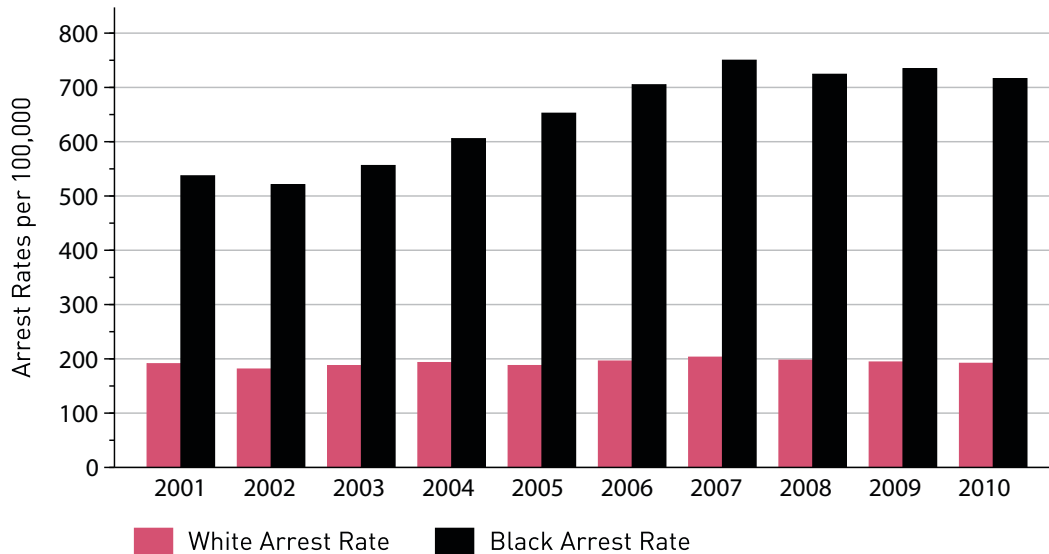
Racial Disparities in the U.S. Justice System

**Marijuana Use Among 18- to 25-Year-Olds by Race: Used Marijuana in Past 12 Months (2001-2010)**



Source: National Household Survey on Drug Abuse and Health, 2001-2010

**Arrest Rates for Marijuana Possession by Race (2001-2010)**



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

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**TURN, TALK, AND WRITE**

How is it possible that the U.S. justice system can have such **disparities** between different races? If more white people use marijuana, why are more black people **condemned** and **incarcerated** for it?

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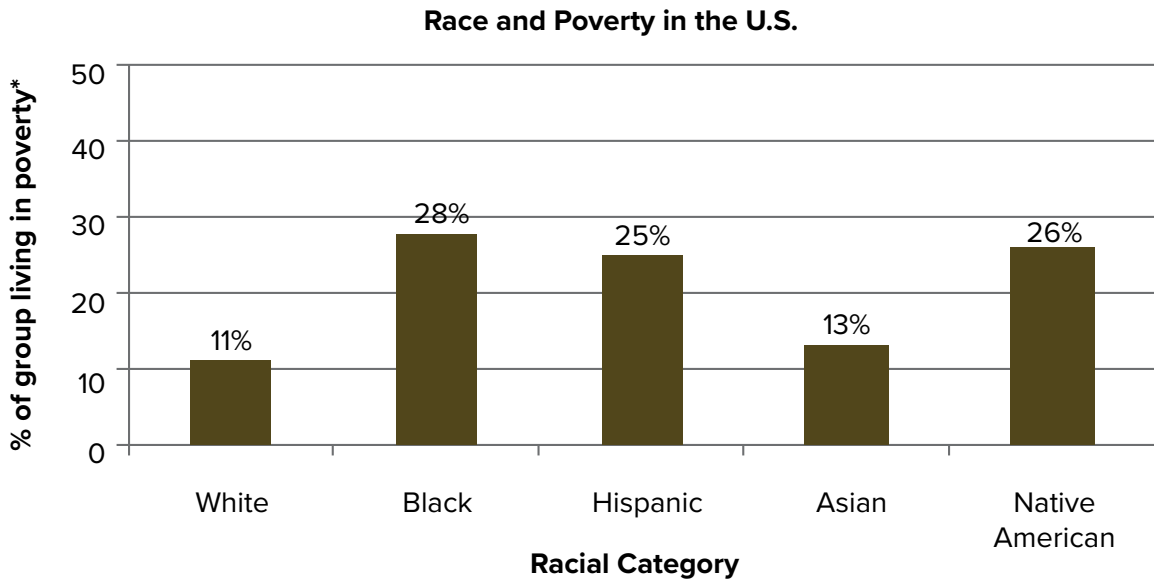
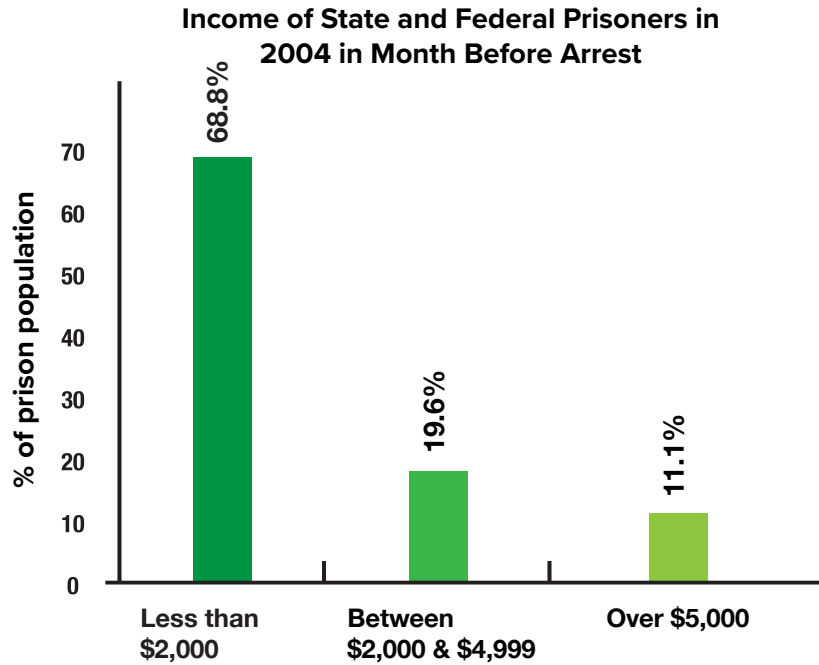


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Income and Incarceration in the U.S.



\* In 2014, the federal poverty level for a household of one was \$11,670 (yearly income). The figure increases by \$4,060 for each additional member of the household.



**TURN, TALK, AND WRITE**

Do you think people who live in poverty are more likely to **commit** crimes? Explain why or why not.

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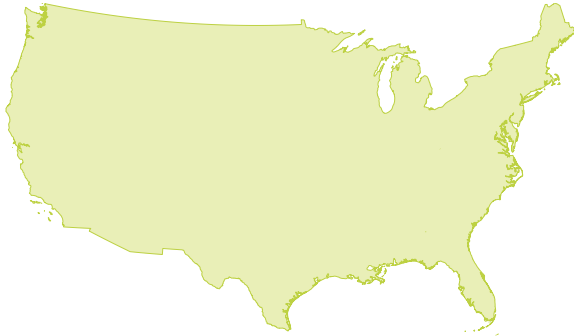
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**Debate**

**What should be the primary purpose of a justice system?**

**Directions:** Below are the statements of purpose from the official websites of three national prison systems. Read each statement and determine its primary purpose: restitution, **rehabilitation**, **deterrence**, retribution, or incapacitation?



**United States:**

The Federal Bureau of Prisons protects society by confining offenders in the controlled environments of prisons and community-based facilities that are safe, humane, cost-efficient, and appropriately secure, and that provide work and other self-improvement opportunities to assist offenders in becoming law-abiding citizens.

<https://www.bop.gov/about/>

Primary Purpose: \_\_\_\_\_



**Canada:**

Our mission: as part of the criminal justice system and respecting the rule of law, we contribute to public safety by actively encouraging and assisting offenders to become law-abiding citizens, while exercising reasonable, safe, secure and humane control.

<http://www.csc-scc.gc.ca/about-us/index-eng.shtml>

Primary Purpose: \_\_\_\_\_



**England and Wales:**

Her Majesty's Prison Service serves the public by keeping in **custody** those **committed** by the courts. Our duty is to look after them with humanity and help them lead law-abiding and useful lives in **custody** and after release.

<http://www.justice.gov.uk/about/hmps>

Primary Purpose: \_\_\_\_\_



**TURN AND TALK**

All three statements use the word humane, meaning “showing compassion.” What actions or conditions would violate prisoners’ right to humane treatment?

Debate


What should be the primary purpose of a justice system?

As you prepare for the debate, consider the following questions:


- What if the offender is a juvenile?
- What if the offender is an adult?
- What about non-violent crimes (theft, fraud, drug possession)?
- What about violent crimes (assault, murder, abuse)?
- What about first-time offenders?
- What about repeat offenders?
- What is better for society?
- What about the fact that most people who have been **incarcerated** will re-enter society at some point?

Using information from the unit and your own experience, fill out the chart below with evidence to support your group's position.

Position:

■ **Rehabilitation** 

or

■ **Incapacitation** 

Evidence to support position:

Arguments against other position:

Notes:

## SHON HOPWOOD

Shon Hopwood was not as hard on Judge Kopf as Judge Kopf was on himself. In response to Judge Kopf’s statement, “My sentencing instincts suck,” Hopwood wrote the following:

*But as a judge, you’re constrained by the system we have. I’ve never believed that it’s up to judges to fix that system on their own. It requires citizens to view criminal justice issues differently (and heck, to view prisoners differently), and a Congress to actually pass some legislation.*

In the space provided, respond to Hopwood’s remarks from Judge Kopf’s blog. Use the following questions to guide your response:

- Do you think people can change?
- Should someone who has been **incarcerated** be permanently **condemned** as a criminal?
- What do you think Hopwood means when he says citizens would need to change their views about the criminal justice system and prisoners?

Use examples and reasons to support your argument.

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## Summer Camp...in Prison

Most kids look forward to summer camp as a chance to get away from their parents' ubiquitous gaze. But for other kids, camp is actually an opportunity to see an **incarcerated** parent who is absent during the rest of the year.

The Pew Charitable Trusts reports that 1 in 28 kids in the United States has a parent in prison. For African American kids, the number is one in nine. The Hope House in Washington, D.C., has a variety of programs to keep children connected with fathers who are serving prison sentences far from home. One of these programs is called Father to Child Summer Camp Behind Bars. Each summer, camp counselors **commit** to taking groups of 15 children to a week-long sleepover camp located near the prison where their fathers are in **custody**. During the day, children travel to the prison and spend several hours with their fathers doing activities, such as art, creative writing, and playing games. At night, they engage in typical camp activities like building campfires and eating s'mores.



Kobe is a 14-year-old boy whose father is incarcerated. One day, Kobe's father called Kobe from prison and asked him to attend the Father to Child Summer Camp. Kobe remembers how he felt before attending camp: "I was actually a little nervous—not really much about the prison, as I was really more nervous about seeing him than the prison itself, because I hadn't seen him in a few years." But Kobe says that he and his dad "hit it off from the start." Kobe realized that he and his father had similar senses of humor.

Hope House has two other programs that help kids stay connected to their incarcerated fathers. Children who participate in the Child to Father Teleconference Program visit Hope House headquarters in Washington, D.C., every two weeks to video-chat with their fathers online. During each call, fathers attempt to **deter** their children from getting into trouble by reminding them to work hard in school.

The Father to Child Reading Program supplies **incarcerated** fathers with children's books, and then records them reading the books. Afterwards, the book and recording are sent to the inmate's children. Often times, this is the first story that the father has ever read to his child. The Father to Child Reading Program has sent over 10,000 stories, and most children read more after receiving the books and recordings from their fathers.

While these programs were created with the children in mind, they have also played a large role in the fathers' **rehabilitation**. Research shows that inmates who maintain close social ties to those outside of prison are less likely to return to prison. Kobe, who hopes to be a Camp Behind Bars counselor one day, talked about the camp's effect on his father: "It saved me and my father's relationship...He's told me before that I'm one of his motivations to come out and become a better man. And he felt like he's atoned for his mistakes, and now he's ready to come out and lead a better life and reconnect with me and his other son."



### TURN AND TALK

Imagine you were able to design a program to help connect prisoners to their children. Describe the program that you would design.

Prison is meant to be a punishment for criminals. Who else might feel punished as a result of another person's imprisonment?

## Do you learn more in prison or in school?

Great **disparities** exist in the cost of **incarceration**. In 2012, the state with the highest price tag was New York, which spent a whopping \$60,000 per inmate per year. In contrast, Kentucky spent about \$14,600. The average cost of **incarceration** across all U.S. states is about \$31,300 per inmate per year.

Some people argue that dollars spent on education do more to reduce crime than dollars spent keeping prisoners in **custody**. One study followed children from low-income families who participated in a free one- to two-year preschool program that cost \$11,300 per child per year. By the time these participants were 40 years old, 28% of them had been to jail or prison, compared to 52% of those from the same population who had not been to preschool.



1. Imagine that the federal government has decided to expand the free preschool program that serves children from low-income families. How much would it cost to offer two years of preschool to a cohort of 100 children?
2. Based on the data provided above, how many fewer participants in the free preschool program will go to prison or jail by the age of 40, compared to their peers who did not attend preschool?
3. How much money is saved by these reduced **incarcerations** (assuming an average sentence of four years)?\*
4. Compare the price of free school for the whole cohort (your answer to #1) to the money saved by reduced **incarcerations** (your answer to #3). Does this data support the argument that the United States needs to fund free preschools? Explain.



### TURN AND TALK

What other benefits to society would come from ensuring that children from low-income families receive free preschool?

\*The true difference will be somewhat less because money in the future is discounted by the amount of interest that money could earn in the meantime if it were invested.

## Science Can Set You Free

You may have heard a parent or teacher say, “You are unique. There is nobody exactly like you on Earth.” Indeed, our very fingerprints can be used to tell us apart. But just how different are we when you really get down to it ... all the way down to a cellular level?

Every living thing is made up of cells. Inside every cell is a long chemical strand that holds information that determines how we look, develop, and function. This chemical strand is called DNA. Over the last century, several scientific discoveries have enabled scientists to determine the structure (how it is built) and function (what it does) of DNA. It turns out that although we are all different in many ways—height, hair color, eye color, body type, etc.—DNA is 99.9% the same for all humans. The 0.1% variation in our DNA accounts for our individual biological uniqueness. Each person’s DNA is different, except in the case of identical twins, who share exactly the same DNA.

### The Role of DNA in Court

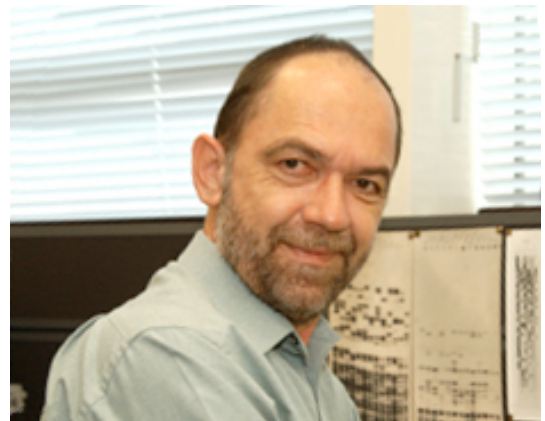
In 1984, Sir Alec Jeffreys was the first scientist to present DNA evidence in a criminal trial. Jeffreys showed how a sample of DNA collected from a crime scene did not match the DNA of the prime suspect. The sequences were different. The suspect in **custody** was released. Then, another suspect’s DNA profile was found to match the sample taken at the crime scene. This suspect confessed to the crime and was **condemned** and **incarcerated**.

In 1992, two American lawyers founded the Innocence Project, an organization that uses DNA evidence to exonerate, or prove the innocence of, people who had been found guilty of crimes they did not commit. As of June 2015, the Innocence Project has helped to exonerate 329 people. Here are some statistics from the Innocence Project webpage about their DNA-based exonerations:

- Eighteen people had been **condemned** to death before DNA proved their innocence and led to their release.
- The average sentence served by DNA-based exonerees was 14 years.
- Over 70% of those exonerated by DNA testing were people of color.
- In almost half of the DNA-exonerated cases, the actual perpetrator was identified by DNA testing.
- Eyewitness misidentification was the single greatest cause of wrongful convictions nationwide, playing a role in over 70% of convictions that were overturned through DNA testing.

In one case, the Innocence Project helped exonerate a man named Anthony Johnson after 24 years in prison. On October 19, 1984, Angela Bond was found murdered in her bed in Bogalusa, Louisiana. Johnson, Bond’s boyfriend at the time of the murder, was taken into **custody** and then charged for the crime.

The prosecutors used a hair sample, witness testimony, and a claim that Johnson had knowledge of the murder weapon to make their case. Johnson asserted his innocence and indicated that the only reason he knew about the murder weapon was because the police had given him the information. During the trial, Johnson’s lawyer suggested that another man named Matthew Brown had in fact **committed** the crime. Brown had already confessed to two other murders in the same town—one of which took place in the same bedroom where Bond was found! But Brown refused to testify. On February 26, 1986, Johnson was convicted of second-degree murder and sentenced to life in prison.



**Alec Jeffreys, British Scientist**  
Photo by Morpheus (2008).



**Anthony Johnson**  
Printed with permission from Innocence Project New Orleans.

*continued on the next page*

Science Can Set You Free

Over the years, Johnson made several requests for an appeal, but they were all denied. Finally, in 2004, Johnson reached out to the Innocence Project New Orleans. People working for the Innocence Project were able to show that Johnson’s DNA did not match samples taken from the crime scene. In fact, the DNA was later found to match Brown’s (the man who had **committed** the two other murders in Bogalusa). During their reinvestigation of the case, Innocence Project New Orleans lawyers also uncovered **disparities** in the evidence that the prosecution presented: At least two people had told the police that Brown had admitted to Bond’s murder.

Johnson was released from prison in 2007 and spent three years in trial court trying to prove his innocence. Twenty-six years after his arrest, and after serving 24 years in prison, all charges against Johnson were finally dismissed on September 15, 2010. Johnson has since filed a wrongful conviction lawsuit, but as of March 2016, he has received no compensation for the years of his life that he spent in prison for a crime he did not **commit**.

**How does DNA evidence work?**

DNA is short for **deoxyribonucleic acid**. It is made up of nucleotides and is shaped like a twisted ladder. Each nucleotide includes a sugar, a phosphate group, and one of four nitrogen-containing units called *bases* (see Figure 1). Sugar and phosphate form the sides of the DNA ladder, and the bases fit together like puzzle pieces to form the rungs.

The four base units are adenine (A), guanine (G), cytosine (C), and thymine (T). Only certain bases can pair together. Look at the DNA representation in Figure 2. Can you tell which base always connects to thymine and which base always connects to cytosine?

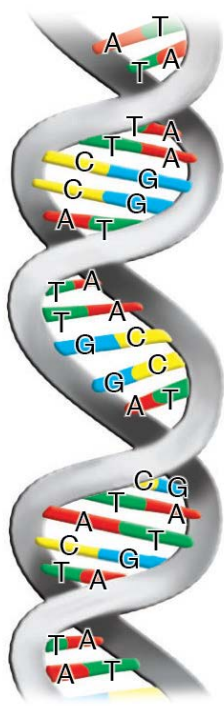


Figure 2

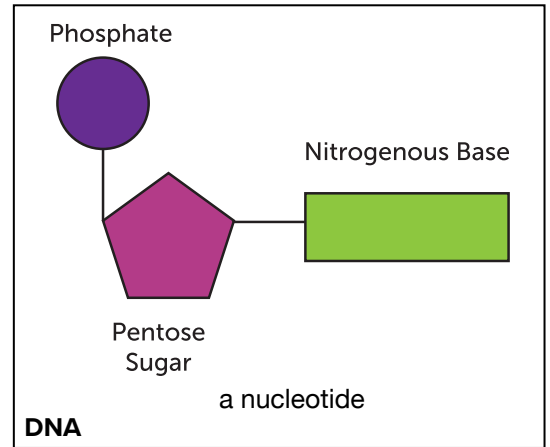


Figure 1

**Activity:**

One way that scientists perform DNA identification is by finding long sequences of bases that are identical in two samples. In this simplified activity, you will determine whether two samples match by looking for a sequence of at least 10 matching base pairs. Fill in the missing bases in the samples below and then answer this question:

Could these two samples of DNA belong to the same person?

Sample 1	Sample 2
A-□	C-□
C-□	□-G
□-T	□-T
□-C	G-□
□-G	C-□
C-□	□-G
□-A	T-□
A-□	□-T
□-C	G-□
C-□	□-G
G-□	G-C
□-A	□-G
T-□	A-□



Examining the Focus Words Closely

SoGen Unit 8.5

FOCUS WORD OR *RELATED FORM	DEFINITION	SAMPLE SENTENCE	TURN AND TALK
<b>deter</b> (verb)	to prevent or discourage	The city installed cameras in the park to <b>deter</b> people from writing graffiti.	<i>What could your school do to <b>deter</b> students from cheating?</i>
* <b>deterrence</b> (noun)	the act of preventing someone from doing something, especially by threat of punishment	When students realized they could be suspended for bullying, this was enough <b>deterrence</b> for them to stop picking on other kids in school.	<i>Would it be fair to have harsh punishments in place at school as <b>deterrence</b> from rule-breaking? Why or why not?</i>
<b>condemn</b> (verb)	to publicly disapprove of; to assign a punishment	Adanna <b>condemned</b> the new uniform as ugly and boring. The murderer was <b>condemned</b> to life in prison.	<i>Do you support or <b>condemn</b> the death penalty? Explain your choice.</i>
<b>incarcerate</b> (verb)	to put in prison	Even though five people helped rob the bank, only two were charged and <b>incarcerated</b> .	<i>Some people believe that animals in zoos are essentially <b>incarcerated</b>. Do you agree? Why or why not?</i>
* <b>incarceration</b> (noun)	the act of putting someone in prison	The <b>incarceration</b> rate increased after harsher laws were put in place.	<i>What are some ways of controlling someone's freedom other than <b>incarceration</b>?</i>
<b>custody</b> (noun)	protective care by a person or institution	The refugee was placed into the <b>custody</b> of a host family that helped him to adapt to life in a new land.	<i>What might someone lose <b>custody</b> of a child?</i>
<b>discretion</b> (noun)	the right to decide what should be done in a situation	Doctors must use their <b>discretion</b> when deciding what information to share about a patient.	<i>Who should have the <b>discretion</b> to decide whether students graduate?</i>
<b>disparity</b> (noun)	a difference or inequality, especially one that is unfair	Noting the <b>disparity</b> between students who had computers and those who didn't, the school kept the computer lab open for two extra hours per day.	<i>Women generally earn less than men for doing the same job. What might explain this <b>disparity</b>?</i>
<b>rehabilitate</b> (verb)	to bring back to a normal state through therapy or other services	After the bike accident, Tho needed eight weeks of physical therapy to <b>rehabilitate</b> his arm before returning to the tennis team.	<i>If someone's reputation has been damaged by gossip, what steps would help <b>rehabilitate</b> it?</i>
* <b>rehabilitation</b> (noun)	the act of restoring something to a good or healthy condition	Jamal used a cane until he finished <b>rehabilitation</b> for his knee injury.	<i>Should athletes who play too soon after an injury be penalized for not completing enough <b>rehabilitation</b>?</i>
<b>commit</b> (verb)	to carry out or do something illegal or wrong; to dedicate oneself to a cause	Sirinya <b>committed</b> herself to learning the names of all of the countries and their capitals, so she made flashcards and had her mother quiz her.	<i>How could someone <b>commit</b> a crime without knowing?</i>