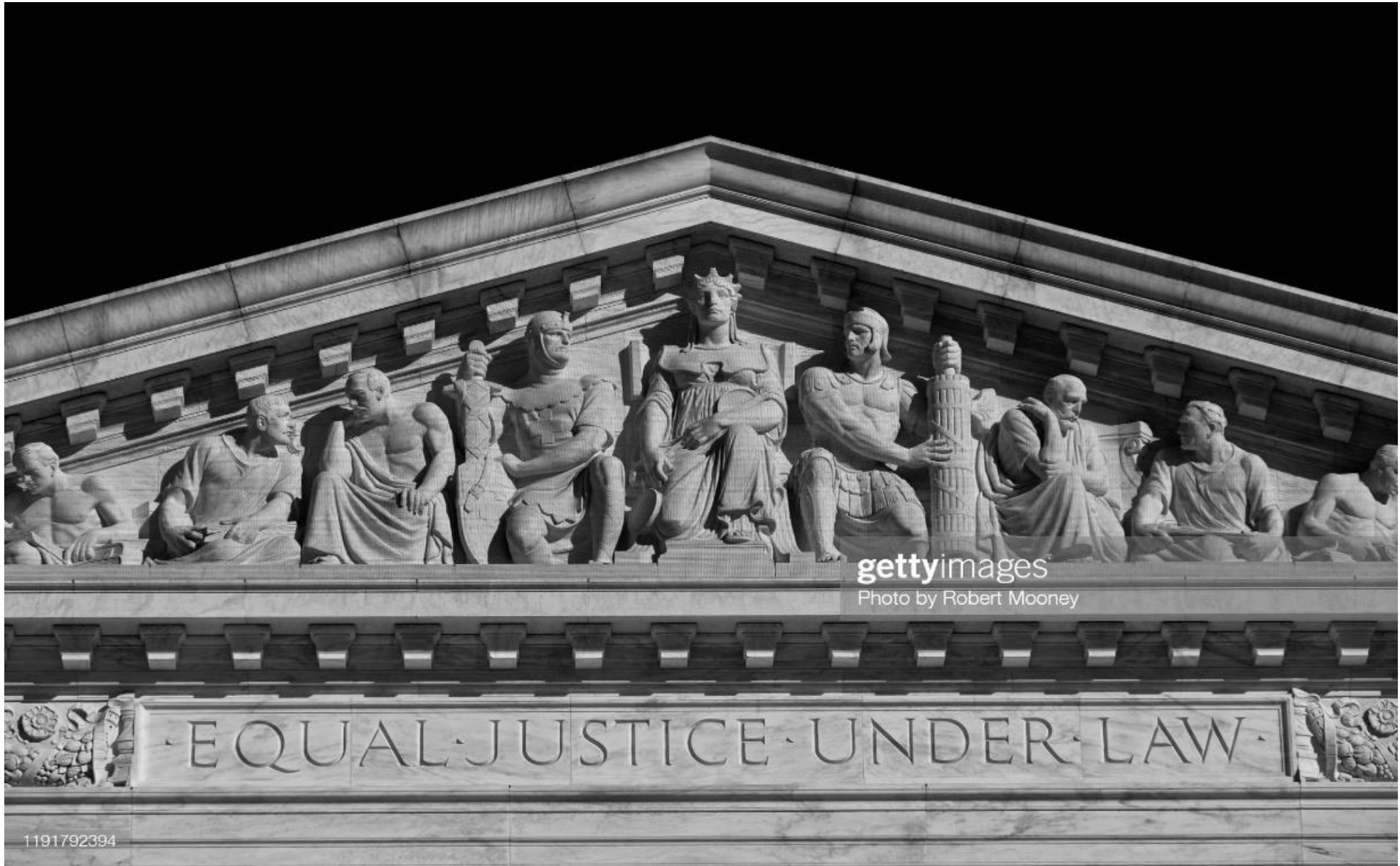




MISSION STATEMENT

Our mission is to investigate, educate, advocate and eradicate injustice within the American justice system for all people regardless of race, color, or ethnic background.





gettyimages

Photo by Robert Mooney

1191792394

Equal Justice Under Law

Equal justice under law is a phrase engraved on the West Pediment, above the front entrance of the United States Supreme Court building in Washington D.C. It is also a societal ideal that has influenced the American legal system.

Equal Justice Under Law

- Fighting the criminalization of poverty through impact litigation.
- Raising public awareness in holding government officials accountable
- Policy reform achievements.
- Our work is changing the landscape of equality across America.

What are the 3 principles of Justice?

Equity - the quality of being fair and impartial.

Equality - The fact of being equal, of having the same value.

Need - a thing that is wanted or required.

A decorative scrollwork border in white, featuring intricate floral and vine patterns that frame the central text. The border is set against a dark background.

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.



Eighth Amendment

Excessive bail shall
not be required, nor
excessive fines imposed,
nor cruel and unusual
punishments inflicted.



**14TH
AMENDMENT:**

**NO STATE SHALL MAKE
OR ENFORCE ANY LAW
WHICH DENIES TO ANY
PERSON WITHIN ITS
JURISDICTION THE EQUAL
PROTECTION OF THE LAWS.**

Reading the original Constitution, a visitor from a foreign land would simply have no way of knowing that race-based slavery existed in America. As Abraham Lincoln would later [explain](#):

Thus, the thing is hid away, in the Constitution, just as an afflicted man hides away a wen or a cancer, which he dares not cut out at once, lest he bleed to death.

One could go even further and argue, as Frederick Douglass did in the lead-up to the Civil War, that none of the clauses of the Constitution should be interpreted as applying to slaves.

The “language of the law must be construed strictly in favor of justice and liberty,” he [argued](#).

The Constitution, let us not forget, was the product of compromise, crafted so as to be acceptable both to Federalists, those who wanted a strong central government, and Antifederalists, those who wanted a weak central government, such as the one under the first constitution, the [Articles of Confederation](#). (Yes, the labels should have been reversed.) The proof is that Alexander Hamilton and Thomas Jefferson, whose political philosophies could hardly have been more different, could both look on the Constitution with favor.

What are the steps in the criminal procedure?

- Investigation
- Charging
- Initial Hearing/Arraignment
- Discovery
- Plea Bargaining
- Preliminary Hearing
- Pre-Trial Motions
- Trial

The criminal justice system is heavily impacted by the bias of police mentality, as well as outdated judicial precedents. It is largely driven by racial disparities, which directly obstruct and deconstruct our minority communities.

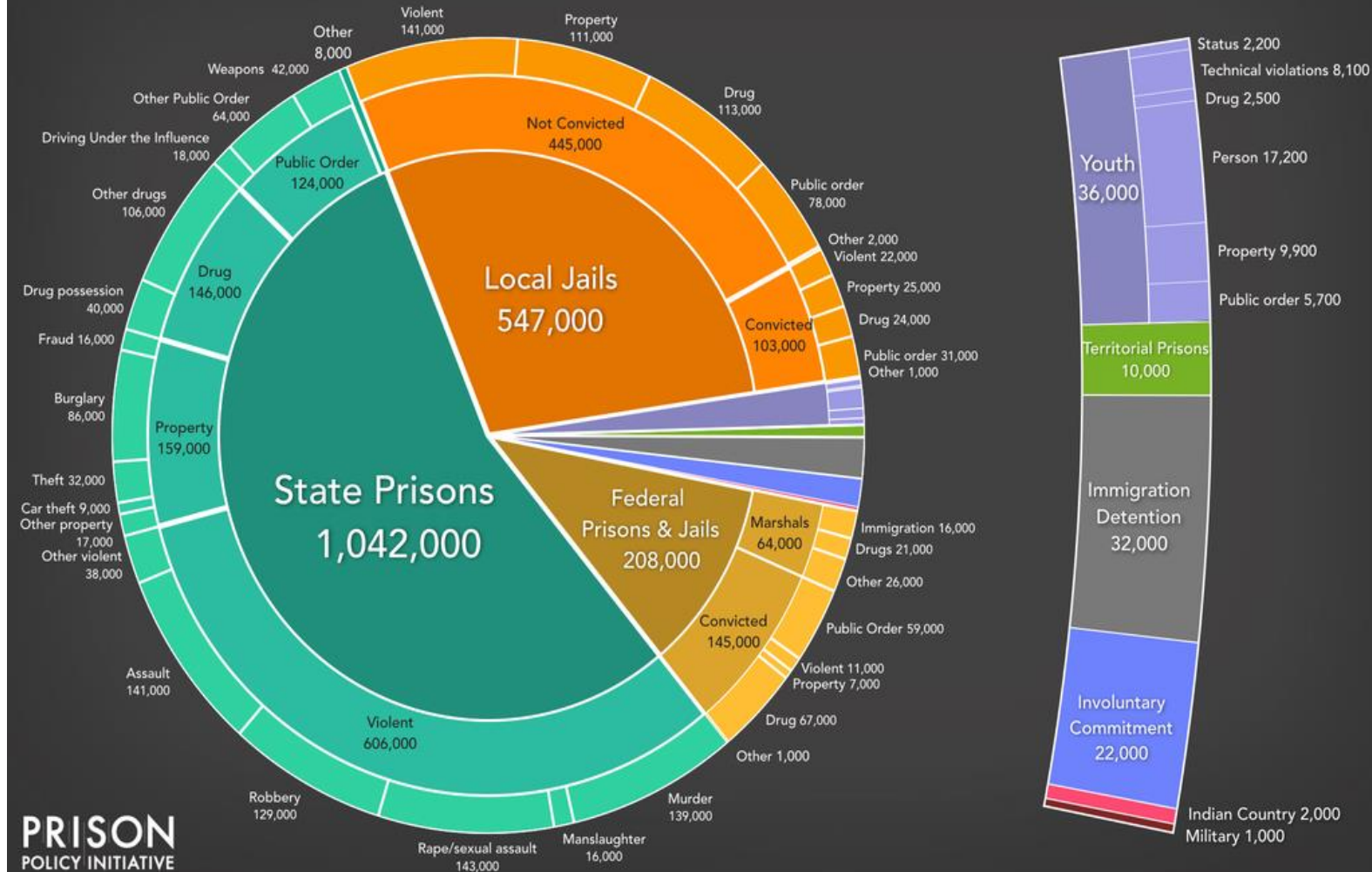
ORIGINS OF MODERN-DAY POLICING

The origins of our modern-day police mentality can be traced back to the "Slave Patrol". The earliest formal slave patrol was created in the Carolinas in the early 1700s, with the following mission: **to establish a system of terror in response to slave uprisings with the capacity to pursue, apprehend,** and return runaway slaves to their owners, including the use of **excessive force to control and produce desired slave behavior**. Slave Patrols allowed forcible entry into any home solely based on suspicions of protecting runaway slaves. Slave Patrols continued until the end of the Civil War and the passage of the 13th Amendment.

The United States incarcerates more of its citizens than any other country

How many people are locked up in the United States?

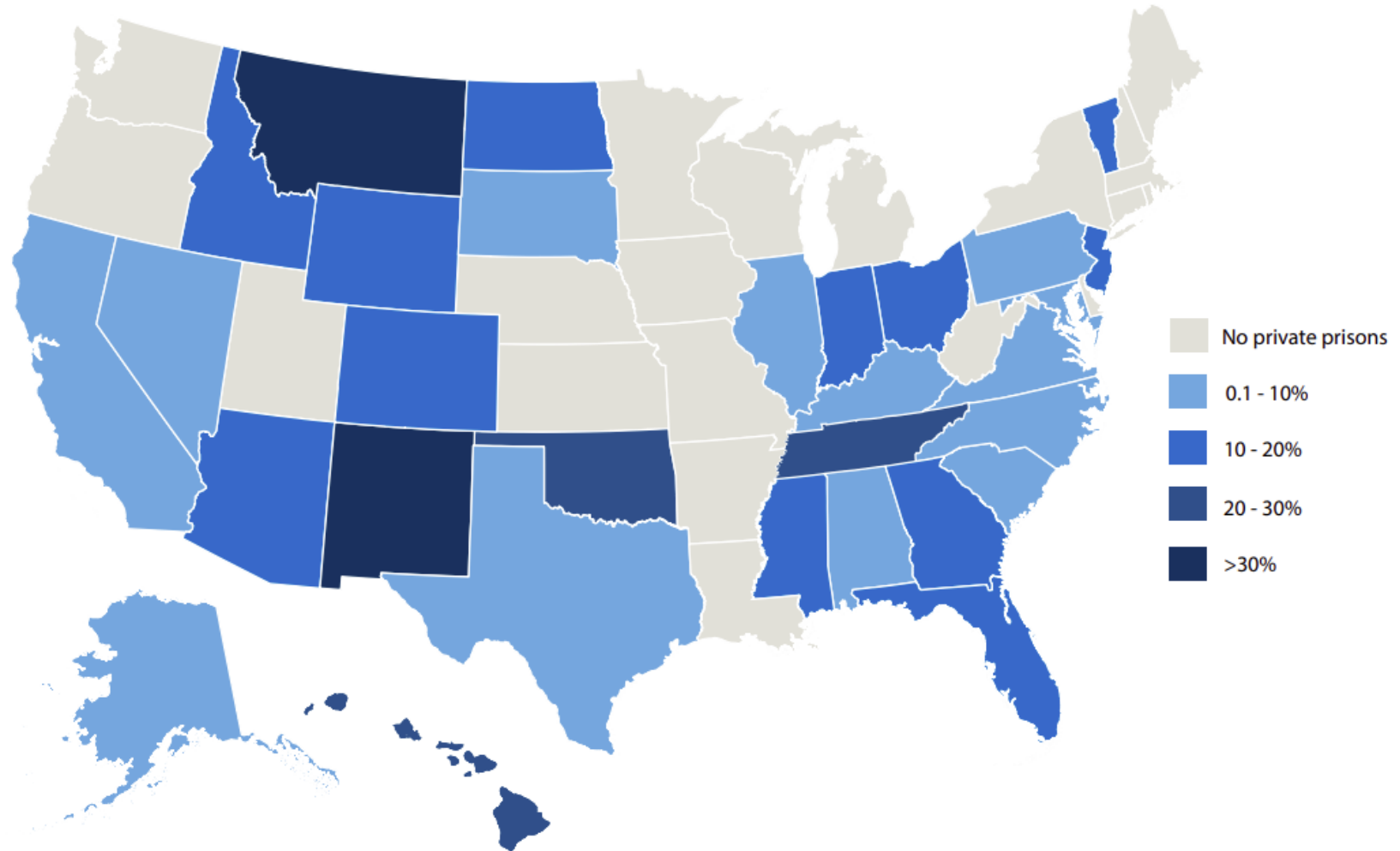
The U.S. locks up more people per capita than any other nation, at the staggering rate of 573 per 100,000 residents. But to end mass incarceration, we must first consider *where* and *why* 1.9 million people are confined nationwide.



PRISON
POLICY INITIATIVE

Sources and data notes: See <https://www.prisonpolicy.org/reports/pie2022.html>

Proportion of imprisoned population in private prisons, 2019



Overall private prison population numbers, 2019

According to the U.S. Bureau of Justice Statistics (BJS) in 2018 black males accounted for **34%** of the total male prison population, white males 29%, and Hispanic males 24%.

The Bureau of Justice Statistics (BJS) of the U.S. Department of Justice is the **principal federal agency responsible for measuring crime, criminal victimization**, criminal offenders, victims of crime, correlates of crime, and the operation of criminal and civil justice systems at the federal, state, tribal, and local levels.

HOLDING POLICE OFFICERS ACCOUNTABLE IS DIFFICULT

- In 2020, there were 1,021 fatal police shootings, and in 2019 there were 999 fatal shootings. Additionally, the [rate of fatal police shootings](#) among Black Americans was much higher than that for any other ethnicity, standing at 35 fatal shootings per million of the population as of March 2021. ([statistica.com](#))
- Since 2005 (through June 24, 2019), 104 non-federal law enforcement officers have been arrested in connection with fatal, on-duty shootings. ([Police Integrity Research Group, Bowling Green State University](#))
 - To date, only 35 of these officers have been convicted of a crime, often a lesser offense such as manslaughter or negligent homicide, rather than murder.
 - Only four officers have been convicted of murder during this period and have seen their convictions stand.
 - Another 23 officers were acquitted in a jury trial and nine were acquitted during a bench trial decided by a judge.
 - Eleven other cases were dismissed by a judge or a prosecutor and in one instance, no true bill was returned from a grand jury.
 - Currently, there are 24 non-federal law enforcement officers with pending criminal cases for fatal shootings.

POLICE BRUTALITY

Eight months before George Floyd was killed by police in Minneapolis after he allegedly used a counterfeit \$20 bill, **Byron Williams, a 50-year-old black man in Las Vegas, was pulled over by police because he didn't have a light on his bicycle.** Williams tried to run away, then followed orders to lie on the ground; when an officer put a knee in Williams's back, he struggled to breathe. Then the **officers dragged him around the corner** and, according to family members who reviewed body-cam footage, [exchanged high-fives and laughed](#). Like Floyd, Williams's last words were "I can't breathe."

It's another one of the roughly **28,000 fatal encounters** citizens have had with the police in the U.S., since the year 2000, documented in a [new data visualization](#) called Their Names that pulls data from a research project called [Fatal Encounters](#). The data has been visualized in other ways in the past, but the new site makes it easier to see each personal story—and to see the sheer scale of police violence. Close to **6,000 of the victims are black**, with an additional **9,000 victims listed as "race unspecified."**

THE COST OF POLICE BRUTALITY IS HIGH

- While many police brutality and fatal police shootings are not prosecuted in criminal court, victims and the families of victims have been able to pursue civil judgments, which **cost millions of taxpayer dollars each year**.
- \$175.9 million in civil judgments and claims for police-related lawsuits was paid by New York City during the 2019 fiscal year. New York City has the largest police force with 36,000 members serving 8.3 million people.
- \$500 million was paid out by the City of Chicago between 2004 and 2014 for police misconduct-related lawsuits. The Chicago police department has 12,000 officers serving 2.7 million people.

National Registry of Exonerations RACE AND WRONGFUL CONVICTIONS

Race is central to every aspect of criminal justice in the United States. The conviction of innocent defendants is no exception.

As of October 15, 2016, the National Registry of Exonerations listed 1,900 defendants who were convicted of crimes and later exonerated because they were innocent; **47% of them were African Americans, three times their rate in the population.**

1. About 1,900 additional innocent defendants who had been framed and convicted of crimes in 15 large-scale police scandals were cleared in “group exonerations;” the great majority of those defendants were also black. Judging from the cases we know, a substantial majority of innocent people who are convicted of crimes in the United States are African Americans. What explains this stark racial disparity? We study that question by examining exonerations for murder, sexual assault, and drug crimes, the three types of crime that produce the largest numbers of exonerations.

2. What we see—as so often in considering the role of race in America—is complex and disturbing, familiar but frequently ignored.

1. All National Registry data reported in this paper are as of October 15, 2016, when the Registry listed 1,900 individual exonerations. Information about any individual exonerations we discuss may be found by searching for the exonerees by name on the Registry website.

2. African Americans are over-represented among exonerations for other crimes as well.

- Sexual Assault (289)
 - White – 34%
 - Black - 59%
 - Hispanic - 6%
 - Other - 1%

Sexual Assault

- Judging from exonerations, a black prisoner serving time for sexual assault is three-and-a-half times more likely to be innocent than a white sexual assault convict. The major cause for this huge racial disparity appears to be the high danger of mistaken eyewitness identification by white victims in violent crimes with black assailants.
 - Assaults on white women by African-American men are a small minority of all sexual assaults in the United States, but they constitute half of the sexual assaults with eyewitness misidentifications that led to exoneration.

(The unreliability of cross-racial eyewitness identification also appears to have contributed to racial disparities in false convictions for other crimes, but to a lesser extent.)

- Eyewitness misidentifications do not completely explain the racial disparity in sexual assault exonerations.

Sexual Assault (continuation)

Some misidentifications themselves are in part the products of racial bias, and other convictions that led to sexual assault exonerations were marred by implicit biases, **racially tainted official misconduct**, and, in some cases, **explicit racism**.

- African-American sexual assault exonerees received much longer prison sentences than white sexual assault exonerees, and they spent on average almost four-and-a-half years longer in prison before exoneration.

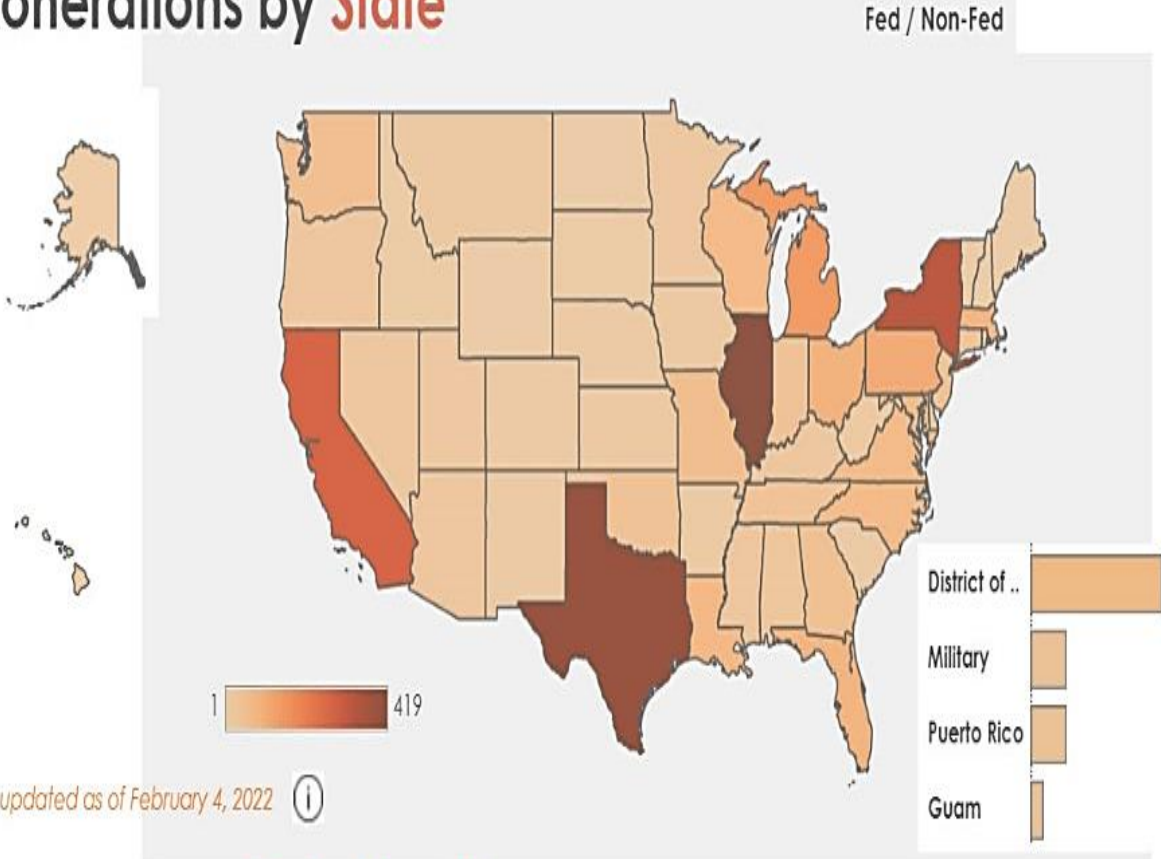
It appears that **innocent black sexual assault defendants receive harsher sentences than whites if they are convicted, and then greater resistance to exoneration even in cases in which they are ultimately released.**

3,000
Exonerations
since 1989

26,710
Years Lost -
Total

8.9
Years Lost -
Avg./Case

Exonerations by State



Data updated as of February 4, 2022

Exonerations Total by Year

Contributing Factors	
Mistaken Identification	<input type="checkbox"/> Absent <input type="checkbox"/> Present
False Confession	<input type="checkbox"/> Absent <input type="checkbox"/> Present
Bad Forensic Evidence	<input type="checkbox"/> Absent <input type="checkbox"/> Present
Perjury / False Accusation	<input type="checkbox"/> Absent <input type="checkbox"/> Present
Official Misconduct	<input type="checkbox"/> Absent <input type="checkbox"/> Present

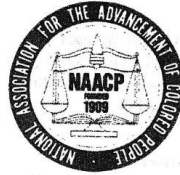
Crime	
Murder	1,139 (38%)
Sexual Assault	349 (12%)
Child Sex Abuse	299 (10%)
Drugs	453 (15%)
Robbery	
Other	613 (20%)

Race/Ethnicity	
Black	1,522 (51%)
Hispanic	364 (12%)
Other	
Don't Know	
White	1,038 (35%)

Gender	
Male	2,740 (91%)
Female	260 (9%)

Additional Aspects	
DNA	<input type="checkbox"/> Absent <input type="checkbox"/> Present
Guilty Plea	<input type="checkbox"/> Absent <input type="checkbox"/> Present

Activate Windows



N.C. NAACP
919.682.4700
866-NC.NAACP
www.naacpnc.org

Rev. Dr. William J. Barber II, President
Mrs. Amina Josey Turner, Executive Director
Darryl Hunt, Director ADPP
Rob Stephens, Assistant Director ADPP

The Swecker Report

A Policy of Perjury

The Tip of the Iceberg of Institutional Racism in N.C.'s Criminal Justice System

In March 2010 Atty. Gen. Roy Cooper hired former FBI agent Chris Swecker to analyze evidence for a 16-year period from a State Bureau of Investigation (SBI) lab. Cooper acted after the N.C. Innocence Commission found SBI Agent Duane Deaver appeared to have deliberately withheld evidence that proved red stains found in the vehicle of Greg Taylor, who had served 16 years in prison for a murder conviction, based primarily on Deaver's testimony, were NOT blood. Deaver testified the red stains WERE blood. Lying under oath to the jury or judge is a crime called perjury.

The *Raleigh News and Observer* waged a campaign to get Cooper to take action. The paper printed daily front-page reports of other instances of probable perjury by SBI agents. In August **The Swecker Report** was released. It confirmed there was a **Policy of Perjury** in the SBI's blood analysis lab during an extended period of time. At least 269 defendants may have been the victims of intentional or negligent misrepresentations by the SBI.

The Swecker Report created a crisis of confidence in the N.C. criminal justice system. Judges, district attorneys, defense lawyers, law enforcement officers and people convicted of crimes based on phony SBI evidence and testimonies are all reviewing their cases. One observer said, if this type of scandal had happened in any other advanced society, the government would fall.

The NAACP believes **The Swecker Report** is the *Tip Of The Iceberg* of institutional racism in North Carolina's criminal justice system. Swecker only looked at the SBI's blood laboratory—one out of six labs at the SBI. And this quick look only covered a 16 year period, from 1987 to 2003. The NAACP immediately demanded a comprehensive investigation of all the SBI laboratories for the period 1977-present.

"We believe," NAACP Pres. Dr. William Barber said, "that large, equally rotten revelations lurk beneath the surface that are capable of sinking the ship of state. The unwritten social contract that binds citizens and their government together has been stretched and nearly breached. Cynicism and distrust is loose in the land. Rumors based on misinformation spread daily. The facts – as painful as they are to face -- must be publicized."

Some Fast Facts From The Swecker Report

- 230 cases analyzed by Mr. Swecker
- 269 human beings convicted by State based on questionable SBI testimony
 - 80 human beings still serving long sentences in prison
 - 5 human beings died while in prison
- 4 of 269 human beings are now scheduled for execution by the State:
 - **Patricia Jennings, Chris Roseboro, John Elliot, Terry Ball**
- 3 human beings already executed by the State:
 - **Desmond Carter, John Hardy Rose and Timothy Keel**

That Red Stain Might Be Ketchup, But Don't Tell Anyone

Each of the 230 blood lab cases Swecker reviewed involved an SBI analyst exaggerating a lab finding that a red substance found at a crime scene *might be blood*. The SBI analyst did not qualify his testimony that the preliminary tests only had proved there was *a chance* that the red substance on, say, the defendant's clothes or car was blood. However, the same positive results also might mean the red substance could be tomatoes or ketchup. Nor did the SBI analysts explain to the jury that whenever the preliminary tests yields a positive result for blood, ketchup or whatever, the SBI then conducts a second, more accurate test, called a confirmatory test.

These exaggerations and half-truths about the meaning of the screening test are bad enough. **In every one of the 230 blood presence cases** reviewed by Swecker, the SBI exaggerated the significance of the screening test to the prosecutor. Both the SBI and the prosecutor knew that the prosecutor is obligated by law to give any evidence to the defendant and his lawyer that tends to help the defendant's case. But, with what may have been a wink and a nod, the SBI in every case told the prosecutor the screening test revealed **"chemical indications for the presence of blood."** And, **piling perjury on perjury, in every one of the 230 blood presence cases** reviewed by Swecker, the SBI **failed to report** that its second, more accurate test, found **no blood present**, or the tests produced **inconclusive or no results**.

Keep in mind the prosecutor is legally bound to give any evidence that might help the defendant to him. The SBI's only **written** report to the prosecutor contained the opposite of the truth (most people call this a "lie") in these cases. This misleading written report, which the prosecutor duly handed to the defendant, stated as a scientific fact that there were **"chemical indications for the presence of blood."** The SBI knew when it engaged in this charade to keep the truth from the defendant, that this statement was, on its face, misleading, inaccurate, and that later tests had shown it to be a lie. As of today, there has been no investigation of the prosecutors' state of mind when they received and transferred this misleading written report –designed to give scientific weight to the presence of blood at the crime scene -- when in fact the SBI, and possibly the prosecutor knew at the time this was not true. In each of the 230 cases analyzed, the SBI knew it had evidence that contradicted the written document it gave to the prosecutor to give to the defendant.

The audit was conducted by two former FBI agents hired by N.C. Attorney General Roy Cooper. **They found that SBI analysts had reported test results that showed the possible presence of blood on evidence, yet withheld test results that showed the opposite.**

Ex-SBI analyst defends withholding test

results | Raleigh ...

<https://www.newsobserver.com/news/special-reports/article10365455.html>

Aug 20, 2010, **David J. Spittle**, left the bureau in 2001 with a salary of \$59,628. News researcher Brooke Cain and database editor **David** Raynor contributed to this report.

TYRANNY IN AMERICA

Book can be purchased on Ebay.com

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