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Justice Dietzen
This comes to you,
I believe, in your
role as chair of the
Commission
Regards,
Rita Coyle DeMeules
MJC 430

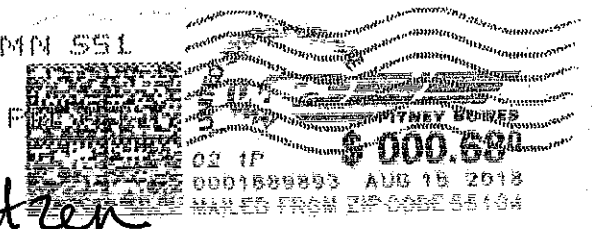


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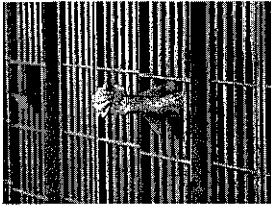
Bruce Western is a highly respected incarceration researcher that has spent his life studying incarceration.

Violent offenders, often victims themselves, need more compassion and less punishment

Bruce Western, Opinion contributor Published 4:57 p.m. ET Aug. 9, 2018

yes!

Criminal justice reforms will depend on healing this population group too frequently left out of the equation.



(Photo: Matt York/AP)

Violent offenders, more often than not, are victims long before they commit their first crime: A former inmate who spent two years in a Boston prison for robbery was given away by his mother, a heroin addict, by the time he was 5 — the same year her boyfriends began beating him up; when he was 8, he watched another kid get shot in the head in his housing project.

Another man, in and out of prison from age 18 to 33 for assaults and drug crimes, grew up getting routinely beaten by his mother and frequently saw neighbors get stabbed and shot in the New York community of his childhood.

Each man, unlike many of the perpetrators who victimized them, faced harsh punishment.

The complex reality of their lives — and the lives of so many other men and women like them — as both violent perpetrator and violence victim is one the U.S. justice system is ill-prepared to acknowledge or treat. This is a mistake that has put limits on criminal justice reforms designed to reduce the prison population.

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Fear dictates public policy

The push for sentencing reform is a strong one. For certain crimes, many states have rolled back long sentences and some prosecutors are even declining to press for maximum prison time.

Even so, elected officials are careful to say we should reconsider the tough-on-crime approach only for non-violent drug offenders. Victims of violence, they say, must be protected.

The truth, however, is that most people who go to prison have had to deal with violence all their lives.

When you listen to the stories of people who have committed violence, the distinction between victim and offender almost falls apart.

yes!

in a three-year Boston Re-entry Study (<https://scholar.harvard.edu/brucewestern/working-papers>), for which I was the chief investigator as part of a Harvard team, half of the 122 people we interviewed told us they had been beaten by their parents; 40 percent had witnessed someone being killed; 30 percent grew up with other family violence; and 16 percent reported being sexually abused. Nine out of ten of the people we interviewed got in fights throughout adolescence. An additional 50 percent said they were seriously injured in assaults or accidents as children.

Prison is also dangerous. Three-quarters of the people we interviewed reported they had seen an assault involving inmates or prison staff.

There are lifetimes of trauma that fill the prison system, and reform efforts have failed to confront issues of violence. Recent initiatives have reduced drug sentences and legalized marijuana. But direct drug crimes account only for a small share of state prison populations, where the majority of inmates in the USA are incarcerated. Most state inmates, 54.5 percent (<https://www.bis.gov/content/pub/pdf/p16.pdf>), have been convicted of violent crimes (though in many cases even those crimes may be drug related).

Reductions in incarceration will depend, at least in part, on reducing sentences for violent offenses.

The political challenges for achieving criminal justice reform are formidable. Political debate portrays violence as a characteristic of certain people — thugs who are beyond redemption, people with no conscience. Using anger and fear to punish them with life sentences or death has become an intractable part of public policy.

Address ills, use mercy in sentencing

The violent offender of political debates is mostly a fiction.



Violence is as much a characteristic of places as of people. Poor and chaotic homes, disorderly and low-income neighborhoods, and the prisons and jails that lie, in some cases, in close proximity to them, are places where violence frequently happens.

Some of the same violent conditions (domestic abuse, childhood sexual trauma) also exist in middle- and upper-income households. But people in higher-income areas also have more economic opportunity, greater access to mental health treatment and the ability to more easily leave bad situations behind.

Many of the people we interviewed found peace in their lives after incarceration by re-uniting with their families, finding stable employment, and in some cases by moving away from neighborhoods that could still be threatening and unpredictable. Changing social context was an antidote to the violence they had confronted throughout their lives.

What would justice look like if we recognized that violence is contextual often attaching to conditions of poverty and that victimization haunts those who have hurt other people? The anger that drips from our harshest sanctions — the death penalty, life without parole and lengthy enhancements for third-strike felonies — might be softened by mercy and compassion. This would mean re-examining long sentences for violent crimes, expanding parole release, and considering past victimization as a mitigating factor in sentencing.

We should also take victimization more seriously and attend directly to the needs of those who have been hurt. A sincere acknowledgement of harm by the perpetrator, in ways that survivors want and that guarantees their safety, can be important for finding peace. This kind of accountability asks for moral agency from the perpetrator to struggle with his actions in a way that incarceration does not.

Finally, if the chaotic circumstances of poverty can contribute to and perpetuate violence, then justice is found less in punishment and more in addressing the circumstances of poverty.

Relieving untreated addictions, fixing issues surrounding mental illness, and alleviating other social insecurities that accompany the harsh conditions of American poverty must be part of the compassion equation.

Bruce Western recently moved from Harvard to Columbia University, where he is a professor of sociology and co-director of the Columbia Justice Lab (<http://justicelab.iserp.columbia.edu/staff.html>). He is the author of the new book, "Homeward: Life in the Year After Prison" (<https://www.amazon.com/Homeward-Life-Year-After-Prison/dp/0871549557>). Follow him on Twitter: [@WesternBruce](https://twitter.com/WesternBruce) (<https://twitter.com/WesternBruce>)

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AUG 17 2018

POLITICS

Enforcing the Law Is Inherently Violent

A Yale law professor suggests that oft-ignored truth should inform debates about what statutes and regulations to codify.

CONOR FRIEDERSDORF JUN 27, 2016



BRAD LARRISON / REUTERS

Yale law professor Stephen L. Carter believes that the United States would benefit if the debate about what laws ought to be passed acknowledged the violence inherent in enforcing them.

He writes:

AUG 17 2010

Law professors and lawyers instinctively shy away from considering the problem of law's violence. Every law is violent. We try not to think about this, but we should. On the first day of law school, I tell my Contracts students never to argue for invoking the power of law except in a cause for which they are willing to kill. They are suitably astonished, and often annoyed. But I point out that even a breach of contract requires a judicial remedy; and if the breacher will not pay damages, the sheriff will sequester his house and goods; and if he resists the forced sale of his property, the sheriff might have to shoot him.

This is by no means an argument against having laws.

It is an argument for a degree of humility as we choose which of the many things we may not like to make illegal. Behind every exercise of law stands the sheriff – or the SWAT team – or if necessary the National Guard. Is this an exaggeration? Ask the family of Eric Garner, who died as a result of a decision to crack down on the sale of untaxed cigarettes. That's the crime for which he was being arrested. Yes, yes, the police were the proximate cause of his death, but the crackdown was a political decree.

The statute or regulation we like best carries the same risk that some violator will die at the hands of a law enforcement officer who will go too far. And whether that officer acts out of overzealousness, recklessness, or simply the need to make a fast choice to do the job right, the violence inherent in law will be on display. This seems to me the fundamental problem that none of us who do law for a living want to face.

But all of us should.

AUG 17 2018

On Thursday, Professor Carter will take part in panels on academic freedom and democratic culture at the Aspen Ideas Festival, cosponsored by the Aspen Institute and *The Atlantic*.

He is astute to include “regulation” in his proposed debate—in recent decades, agencies in the federal bureaucracy that few members of the public would associate with law enforcement have assembled SWAT units that carry out paramilitary raids, often against unarmed citizens engaged in nonviolent transgressions.

Are any readers persuaded by the notion that some laws they would otherwise support are better repealed, or never passed, because the benefits do not justify the violence that is likely to be triggered, sooner or later, by attempts at enforcement?

Email conor@theatlantic.com to join the debate.

We want to hear what you think about this article. Submit a letter to the editor or write to letters@theatlantic.com.

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