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Sources

The 8th Amendment. Constitution. The Constitution Center. Web.

<http://constitutioncenter.org/interactive-constitution/amendments/amendment-viii>

The 8th Amendment says “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” This can be used as a focal point for my capstone. I will talk about how the Constitution, the foundation of our country, would be against bail, especially the discrimination within bail, which I will argue is a cruel and unusual punishment. I will use the Constitution, and specifically the 8th Amendment, as a reference document, and a method of evaluating all of my other sources. I will also see if this argument has been made in court before, against bail.

Ayres, Ian, and Joel Waldfogel. “A Market Test for Race Discrimination in Bail Setting”. Stanford Law Review 46.5 (1994): 987–1047. Web...

This source goes into depth about the industry of bondsman and the racial bias in bail. The journal specifically talks a lot about the incentive of bondsman businesses and who the industry targets. The particular journal did a study on a jail in New Haven, Connecticut, to study the impacts of bail and the discrimination behind it. The studies found that defendants of color had bail set 70% higher than those who were white defendants. The court they examined, said that the information found only “appears to correlate with race.” The journal breaks down into four parts that evaluate a certain case study, and relates it to the bigger issue.

Babington, Charles. “A New View on Corrections.” Trust (Pew Charitable Trusts) 2016: 17-21. Web.

This article is in the magazine of the Pew Charitable Trusts. Pew has been advocating to reform and change the criminal justice system for years. This article focused on Georgia and the “Justice Reinvestment Initiative.” The cause for this was because, like many states, Georgia was spending over one billion dollars on jails, and not seeing the crime rates go down. The public was demanding to see results from their taxpayer money and wanted to see a change. The Governor, Nathan Deal, asked the advice of Pew and other organizations to help reform Georgia’s criminal justice system. One of the key differences is that the initiative started with diverting money to substance abuse and mental health programs. Also, all of the offenders were revisited and any non-violent offenders were sent to alternative programs. Other representatives from around the country are trying to pressure Congress to help reform the system. A huge part of this is revisiting the topic of mandatory minimums. I will use this article to help talk about solutions and what has already started.

Barnes, Harry Elmer. “The Historical Origin of the Prison System in America”. Journal of the American Institute of Criminal Law and Criminology 12.1 (1921): 35–60. Web...

This journal goes into depth about the founding of the American prison system. It goes to the start, and talks about the reasons behind it. This is a great resource for my capstone as it delves into the necessity of a jail and how it was originally set up. I can compare the original jail to the

modern jail, and create a timeline focusing on the specific changes. The starting reason for a jail can be used to argue why the current jail model is cruel and unusual punishment for the poor.

Beaver, Kevin M., Cullen, Francis T., Q Wright, John Paul. *Does Punishment Work? Ethics in Practice an Anthology*. 4th ed. Massachusetts: John Wiley & Sons. 2014. Print.

This ethical essay explores punishment--how it works, and if it works. The essay begins with how punishment is justified and why people feel like there is a need for it. The main goal of punishment is deterrence, and if punishment does not accomplish this, it does not work. The authors discuss retribution vs rehabilitation. All three of the authors conclude that punishment does not work. I will use this resource in my capstone, because I want to look at bail through multiple lenses: one of them being an ethical lens. I will use this to talk about the prison system and the bail system.

Eckholm, Erik. "The New York Times." States Move Toward Treating 17-Year-Old Offenders as Juveniles, Not Adults. N.p., 13 May 2016. Web. 13 May 2016.

http://mobile.nytimes.com/2016/05/14/us/states-move-to-treat-17-year-old-offenders-as-juveniles.html?_r=0&referrer=http%3A%2F%2Fm.facebook.com.

This article talks about a prime example of why reform in the criminal justice system is needed. It talks about how youths are tried as adults and are punished for it for the rest of their lives. The young woman in the article talks about how she was sentenced because she got in a fight at school. Later the judge told her that her record would be expunged, however the arrest record still existed. The arrest record could be expunged for \$500, but she could not get a job due to her arrest record and did not have any spare money for it.

Flemming, Roy B., C. W. Kohfeld, and Thomas M. Uhlman. "The Limits of Bail Reform: A Quasi-experimental Analysis". *Law & Society Review* 14.4 (1980): 947-976. Web...

This is a case study that evaluated over 38,000 defendants in an urban setting. This article talks about an experiment conducted to attempt to reform bail and sentencing. There were two options over a six year period. One option was a release without bail, and the other one was a bail deposit. This is an essential resource for my capstone. A key part of my research is looking to reform bail and to see what has already been done and tried across the country. This will help because it seems to be a starting point of bail reform, and I can track the progression since.

Foote, Caleb, *The Coming Constitutional Crisis In Bail*. Pennsylvania: University of Law Review, 1965. Print.

This essay argues that bail is an unfair attack on defendants. It argues that bail has created a crisis that calls for a major intervention. The author attacks the courts by saying that bail is based upon a person's financial security. The paper talks about how putting the poor in jail is essentially a punishment for being poor. The argument is made that bail is outrageous because most of the "crimes" committed are petty, and they would not amount to anything anyway. The paper also talks about how the most common way a poor person ends up in jail is through pleading guilty.

Hepp, Chris. "Phila. Wins \$3.5M Grant to Cut Inmate Numbers." Philly-archives. N.p., 14 Apr. 2016. Web. 18 May 2016.

http://articles.philly.com/2016-04-14/news/72298248_1_justice-system-philadelphia-prisons-deputy-managing-director>.

This is an article talking about the MacArthur Grant that Philadelphia just received. This was the first article I read about Philadelphia receiving this grant so it was very informative. It talks about how the plan will be implemented, and the details of receiving a highly sought after grant. I also talked about this in my interviews to get different organization's opinions on how this will affect the criminal justice system and if it is the next big step for Philadelphia. As the money is implemented from this grant I will be able to update the website with how it impacts the jail system in Philly.

"H.R.5484 - 99th Congress (1985-1986): Anti-Drug Abuse Act of 1986." Congress.gov. N.p., n.d. Web. May 2016. <https://www.congress.gov/bill/99th-congress/house-bill/5484>>.

In 1986 the Tough On Crime Movement was in full swing when the Anti-Drug Abuse Act of 1986 was passed, which included mandatory minimum sentencing for drug related crimes. The Movement was centered around policies that were aimed at reducing crime, especially drug related crime. This law was hugely a part of the Tough On Crime Movement. Ronald Reagan signed the bill into law.

Last Week Tonight. HBO. New York, June 7, 2015. Television.

This source was used as a foundation for my capstone. John Oliver talks about how bail is way to punish the poor, without them even being guilty. Oliver says that bail is disproportionately hurting the poor, and this helped to inspire my capstone. It gives a general overlook of the issue, with specific cases for evidence. This episode of Last Week Tonight interviews a defense lawyer of the consequences of impoverished people being in jail, awaiting a trial. This show delves into the issue of citizens being pressured to plead guilty. It also shows bail bond businesses that manipulate their clients.

"MacArthur Grant Proposal Overview." (2016): n. pag. 2016. Web.

<https://alpha.phila.gov/media/20160412130650/Philadelphia-Proposal-for-Announcement.pdf>>.

This is the grant that Philadelphia won from the MacArthur Foundation. The grant was to reform jails, provide new programs, and alternatives to bail. This source was analyzed a lot during my research. Since this grant is Philly specific I looked to see what benefits there were. This source is directly used in my website. I also talked about this in my interviews to get different organization's opinions on how this will affect the criminal justice system and if it is the next big step for Philadelphia. As the money is implemented from this grant I will be able to update the website with how it impacts the jail system in Philly.

The National Association of State Budget Officers. "State Spending for Corrections: Long-Term Trends and Recent Criminal Justice Policy Reforms." (n.d.): n. pag. 11 Sept. 2013. Web.

<https://www.nasbo.org/sites/default/files/pdf/State%20Spending%20for%20Corrections.pdf>>.

This resource shows data concerning the prison population from 1978 to 2012. This report discusses the spending of prisons and jails. The costs are explained at both a state and federal level. The report talks about the need for reform due the costly expenses of jails and prisons. This resource was used to confirm information about costs and to understand the rise of jail and fall of the jail population. The report urges states to reform the criminal justice system in order to be more cost effective and to lower the overall prison population.

Newell, Walker, The Legacy of Nixon, Reagan, and Horton: How the Tough On Crime Movement Enabled a New Regime of Race-Influenced Employment Discrimination. Berkeley Journal of African-American Law & Policy. January 2013. Web.

<http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1014&context=bjalp>

This journal focuses on the government movement "tough on crime." It talks about the backlash of the Civil Rights movement and how the government has spearheaded this campaign. The author talks about how the tough on crime campaign targets minorities, and is another power dynamic against African americans. It analyzes the discrimination within the prison system and the impacts the system leaves. This author evaluates the programs trying to reform the prison system and brainstorming efforts to help ex-offenders in their lives after prison. The author discusses the impact of jail on people, and how it follows them throughout their entire lives.

Person, and Anna Maria Barry-Jester, Ben Casselman and Dana Goldstein. "Should Prison Sentences Be Based On Crimes That Haven't Been Committed Yet?" FiveThirtyEight Should Prison Sentences Be Based On Crimes That Haven't Been Committed Yet Post Updates. N.p., 04 Aug. 2015. Web. May 2016.

<http://fivethirtyeight.com/features/prison-reform-risk-assessment/>.

This article is all about risk assessment. Professors have been developing equations to predict how much of risk someone is when they are sentenced. This would be used as a tool for judges. The proposed plan doesn't have the risk assessment tools decided for the judge nor does the judge have to listen to it. The discussion takes place about the idea vs practice. In theory the tool could be very useful and could help a lot of people who are low risk to communities get lesser sentencing. However, that's only if it goes well. A lot can be wrong when predicting someone's riskiness through numbers with cold calculations.

Pinto, Nick. "The Bail Trap." New York Times Magazine 13 Aug. 2015: 38-45. Web.

This article talks about the impact of bail on people in poverty. The article focuses on a few cases in particular, within New York. The author details how people experience bail, and how it affects their trials and the outcomes. The author also includes many solutions to bail. People that the author has cited have said that bail is an easy fix---get rid of it; there are also reform programs offered. The bigger, and systemic issue is that bail targets people of color and impoverished people. The article pushes people to think of the larger issues including mandatory minimums, harsh prosecutors and judges, stop and frisk policies. This has probably been the most useful article I have read on this topic.

Political Research Associates. Modern Tough on Crime Movement. Public Eye. 2005. Web.

http://www.publiceye.org/defendingjustice/con_agendas/toughcrime.html

This website focuses on the tough on crime movement. It explores the policies that the government has put in place as part of the campaign, and looks at the public's reaction. The website focuses on the discrimination through this campaign and how it targets minorities. The website has a specific section on how protest has turned into crime. This transformation has come from the viewpoint of governors, so now protesters are criminal and against the law. The articles go into depth about the root of crime, and the issues behind it. I will use this in my capstone to help break down the tough on crime movement.

Rainbolt, George W. Rights. Ethics in Practice an Anthology. 4th ed. Massachusetts: John Wiley & Sons. 2014. Print.

This ethical essay talks about each person's rights. The essay distinguishes between positive and negative rights. Positive rights require others to do things, whereas negative rights do not require the interference of you. These rights coexist. I am using this essay to go back to the basics of a person's rights and what they are entitled to. Rights are essential when talking about contemporary ethics, so this will help when looking at bail through an ethical lens. I will analyze what rights a defendant has and what is taken away from this, whether or not it is ethical based on the law, and ethics.

Schmitt, John, Kris Warner, and Sarika Gupta. The High Budgetary Cost of Incarceration. Washington, DC: Center for Economic and Policy Research, 2010. June 2010. Web.

<<http://cepr.net/documents/publications/incarceration-2010-06.pdf>>.

This report analyzes the cost of incarceration and the impact the high budget has. The source talks about how the United States is known as the "Incarceration Nation" since we have the world's biggest prison population. It compares the U.S.'s statistics to other countries involving incarceration. This source explores the reasons behind the rise in incarceration. The report compares the rise in violent crime and property crime to the rapid rise in the prison population. This source also compares the cost of incarceration at the local level to state level to the federal level.

The Sentencing Project. "Trends in U.S. Corrections." (2015): 1-8. 2015. Web. 05 Mar. 2016.

<http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf>.

This source analyzes trends in corrections. It is a fact sheet that compares different types of crimes and how they play into the rise in incarceration. This source also compares the United States to other countries and their rates of incarceration. The United States is number one by far in terms of how many people we incarcerate. The source talks about people in jail compared to people on parole or probation. The fact sheet also gives statistics involving drug policies, arrests, and convictions.

Slobodzian, Joseph A. "Kenney Appoints Judge Lerner to a Cabinet Post." Philly-archives. Philly.com, 20 Feb. 2016. Web. 05 Mar. 2016.

<http://www.philly.com/philly/news/politics/20160219_Kenney_appoints_Judge_Benjamin_Lerner_to_top_post_in_his_administration.html>.

This article talks about Philadelphia was awarded a grant from the MacArthur Foundation to help reduce the prison population within the city. Mayor Kenney recently appointed Judge Benjamin Lerner as deputy managing director for criminal justice. A lot of Lerner's professional career was spent as a public defender. This shows that big cities are taking steps to improve their criminal justice systems, and create strategies that last for awhile. I will utilize this source in the section on the website that reviews current initiatives cities are taking, and possible solutions that it will create.

Von Bergen, Jane. "'Clean Slate Act' Could Give Ex-offenders a New Chance." Philly-archives. N.p., 14 Apr. 2016. Web. Apr. 2016.

<http://articles.philly.com/2016-04-14/business/72298263_1_records-ex-offenders-school-trips>.

This article gives details on how ex-offenders who were convicted of minor crimes that were non-violent or non-sexual can get their record to be made non-public. The only people who would have access to the records are the police. This would be a huge step for Pennsylvania, because in the article it says around 3 million people in Pennsylvania have some sort of criminal record. This would also make it much easier for ex-offenders to apply and get a job.

Pictures Used for Website

"10 Most Affordable Neighborhoods In Philly." N.p., n.d. Web.

<<http://www.movoto.com/guide/philadelphia-pa/most-affordable-neighborhoods-in-philadelphia/>>.

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"America's Peculiar Bail System." Priceonomics. N.p., n.d. Web. May 2016.

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<<http://www.easternstate.org/contact/press-room/photos>>.

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<<http://www.legalreader.com/justice-department-new-york-city-reach-agreement-on-long-overdue-rikers-island-reforms/>>.

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<<http://www.aroundphilly.com/2012/05/15/keep-off-city-hall/>>.

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"Philadelphia Gun Stats." N.p., n.d. Web. <<http://www.apainc.org/philadelphia-gunstat/>>.

"Philly Receives \$3.5M MacArthur Grant." Metro. N.p., 13 Apr. 2016. Web. May 2016.
<<http://www.metro.us/philadelphia/philly-receives-3-5m-macarthur-grant/zsJpdm---gPol8qdwbybsrQ/>>.

"Possibly Historic Home Being Renovated in West Philly Next to Paul Robeson House." OCF Realty. N.p., n.d. Web. May 2016.
<<http://www.ocfrealty.com/naked-philly/university-city/possibly-historic-home-being-renovated-west-philly-next-paul-robeson>>.

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<<https://www.nccivitas.org/2015/questioning-the-narrative-of-underfunded-public-schools-in-low-income-areas/>>.