

## ***The Unjust Bars***

*A Pumphrey Law Scholarship Essay by Marie H. Sosa*

***What's one problem with the criminal justice system in the US and how would you fix it?  
800-1000 words***

### **Introduction**

There's the sudden realization that the gavel has fallen, and your world crumbles as your fate has been sealed for a crime you did not commit. The air thickens as you're being taken away, with each next step weighing heavier than the last. The lingering scent of unspoken goodbyes thickens as you take one final glimpse of your family. One single case, one error, one inexperienced legal representation — these factors are all it takes to place an individual face-to-face with the chilling presence of the prison bars.

### **Wrongful Imprisonment**

Nearly two million people have undergone this once in their lives. Wrongful imprisonment is an issue that our society continues to go through every day. Countless individuals find themselves unjustly convicted and incarcerated for crimes they did not commit. Confessions, flawed evidence, and eyewitness misidentification are some of the many criminal justice system errors that contribute to the miscarriages of justice.

It may seem absurd to falsely confess to a crime, but it happens in twelve percent of wrongful convictions. Lies, intimidation, and incapability are what suspects experience when they are being interrogated. Police officers are allowed to lie to have the suspect believe that evidence has proven that they are the perpetrator or even intimidate them to confess by using false assurances, which can pressure the suspect. People who are deprived of nutrition and/or sleep are more vulnerable to pressure, even if they have intellectual disabilities.

About a fourth of exoneration cases happen because of false or misleading forensic evidence, even with the most reliable evidence, experts can fail to acknowledge the limitations or percent of error. Everyone can make mistakes, even forensics analysts, whether mixing up the samples, contaminating evidence, or even not following simple protocol.

The next biggest factor of wrongful imprisonment is eyewitness misidentification. Sometimes police officers can unknowingly lead a witness's confidence in a specific suspect. Experiencing a stressful event, like a crime scene, can leave a witness less incapable of making an accurate identification. Eyewitness identification is a persuasive piece of evidence, regardless that every one in three eyewitness identifications is false (National Institutes of Health).

Lastly, witness perjury has been a factor for over half of exonerations. They may be a suspect in the defendant's charges, believe there is too much evidence to prove they are guilty, or that they

have a better chance of accepting the given benefits: favorable plea bargain, dismissal of their charges, or special privileges. Perjury is a powerful trick that convinces most witnesses to lie for a beneficial incentive.

## **Racial Bias**

Moreover, racial bias and profiling play a significant role in perpetuating this injustice. People of color, particularly black individuals, are often unfairly subjected to biased practices, leading to unfair arrests and harsher sentences. Racial profiling, where individuals are targeted or treated differently based on their race, not only reinforces harmful stereotypes but also continues a cycle of mistrust between communities and law enforcement. People of color often find themselves unfairly singled out by law enforcement. Not only are the innocent individuals robbed of their freedom but their educational opportunities, career prospects, and even family dynamics are all put at risk.

## **The Future**

The consequences of wrongful imprisonment extend far beyond the prison walls, limiting the opportunities for individual education and careers. Their criminal record shadows over every job application and admission, leading to unemployment for many. In 2003, only forty-five percent of respondents were currently employed eight months after their release. The fifty-five percent unemployed were affected by their criminal history, age, physical health condition, and mental health condition. The effect on one's professional life is not just a consequence of lost time but a systemic issue that perpetuates the hardships long after their release.

Families have to bear the emotional, financial, and social burdens of a loved one's unjust imprisonment. Children, in particular, face enduring challenges. The absence of a parent during developmental stages can lead to emotional and psychological scars. The Population Reference Bureau reveals that children with an incarcerated parent were more than three times more likely to have behavior problems or depression than similar children without an imprisoned parent. Not only are individuals robbed of their freedom but the well-being and future of their families are jeopardized.

## **Our Power**

I cannot control when the gavel hits the surface in court, but as a Latina majoring in psychology, I can promote a change. I want to collaborate with criminal justice agencies to apply my learned skills and knowledge to a training curriculum to diminish the rate of wrongful imprisonment. Engaging with communities affected by this issue will help me understand their experiences and concerns. This will benefit cases by educating judges and juries on dismantling racial bias in the criminal legal system. Offering my expertise as an expert witness in legal cases will be one step closer to a less flawed criminal justice system.

Together as a society, we have the power to weed out the flaws within our criminal justice system. By working together, we can strive to dismantle, promote equitable practices, and

ensure that our criminal justice system upholds the principles of justice and fairness. Putting an end to wrongful imprisonments is a challenging journey, but one I want to be a part of: achieving a more equitable society.

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