

When Cops and Prosecutors are Racist Criminals - Half of Wrongfully Convicted Prisoners in America Are Black

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The ironically named criminal justice system in this country is good at prosecuting and creating many criminals but not very good at producing any justice. The United States would not have the largest prison population of any other country on earth if it did not also have the harshest prosecution and sentencing system of any other country. America's addiction to racism and violence creates outright criminality among police and prosecutors. Their misconduct is tolerated and even encouraged and the result is an untold number of innocent people in jail.

In 1989, five New York City teenagers, four black and one Latino, were convicted of raping and assaulting a then anonymous woman known as the Central Park jogger. In the now infamous case the teens were coerced into giving false video taped confessions. None of the established procedures for interviewing minors were in place and police and prosecutors broke the law in order to convict them. Unable to pay for good legal representation and convicted in the court of public opinion, the five spent between six and thirteen years behind bars.

In 2002 a sole perpetrator confessed to the attack, DNA tests proved his guilt and the convictions were vacated. Thanks to the new documentary, [The Central Park Five](#), the prosecutors who orchestrated the travesty have come under scrutiny but none of them have suffered as a result of their actions. Until very recently prosecutor Elizabeth Lederer bragged about her involvement in the case and included it in her biography. She is still a law professor at Columbia University. It isn't clear why anyone would want her to teach anything about the law, but there she sits in the lap of establishment legal profession luxury. When an outraged citizen circulated [a petition](#) pressuring Columbia to fire Lederer, the wagons circled around her and the media excoriated those who only wanted accountability and justice.

Lederer's boss, [Linda Fairstein](#), also made quite a name for herself in the ensuing years. She became a best selling author and a wealthy woman after the prosecution. Her behavior in getting the teens arrested and convicted was particularly egregious.

"Fairstein gruffly dismissed Yusef Salaam's aunt and threatened his mentor, Brooklyn federal prosecutor David Nocenti, in refusing to let them see the teen while he was being interrogated. According to both Sharonne Salaam and Timothy Sullivan's book on the case, *Unequal Verdicts*, Fairstein then called her husband to demand the home number of Nocenti's then boss, Brooklyn U.S. Attorney Andrew Maloney, so she could get the young

attorney fired. According to court records, Fairstein even tried to block Sharonne Salaam from interrupting the interrogation, despite Sharonne's claims that Yusef was 15 and too young to be questioned without an adult."

The five men will not get back the years they lost in prison, but the world knows they were innocent. However, the city of New York still maintains their guilt and fights every effort to bring them some financial justice. The exonerated men filed a \$250 million lawsuit in 2003 but the city has spent the past ten years defending itself and even attempted to intimidate the documentary producers by issuing subpoenas for their [video footage](#).

In New York others still languish in jail, sometimes for decades, because of law enforcement corruption. There are now 50 murder convictions under review by the Brooklyn district attorney's office because of one man, retired detective [Louis Scarcella](#). His criminal behavior came to light when an innocent white man, David Ranta, was freed after spending 23 years in jail because Scarcella coached a witness into falsely identifying him as a killer.

When Scarcella wanted an individual convicted he stopped at nothing to make his case. He took informants out of jail and allowed them to smoke crack and visit prostitutes. Supposed witnesses deny having spoken to him, or were told whom to pick out of a line up or told what to say. One prostitute allegedly witnessed six different murders investigated by Scarcella and testified under oath every time.

The district attorney's office is now investigating these cases, but they can hardly investigate themselves. How did supposedly smart people allow the same person to testify numerous times that she had witnessed murders? The answer is obvious. Anyone who noticed the implausibility of these situations must also have noticed that the Scarcellas of the NYPD worked hand in hand with prosecutors to prosecute as many people as possible and that their bad behavior was condoned.

Shabaka Shakur is serving the 26th year of a 40 year sentence in part because Scarcella claimed he made self-incriminating statements. There are no records of such a statement, yet Shakur was convicted anyway. Derrick Hamilton was paroled after serving 21 years in prison and now strives to prove he was set up by Scarcella. "He told me, 'I know you didn't commit this murder, but I don't care.' "

Those words may have been spoken by one man, but they represent the thinking of an entire system and its attitudes towards black people. One-half of all [wrongfully convicted](#) prisoners are black. Mass incarceration depends on an assembly line of conviction and imprisonment and too few who are charged with caring about justice really do.

It is indisputable that America strives to put as many black people behind bars as possible. Inevitably some white people will be caught up too, but the goal of criminal justice is to make every black person a criminal. No one knows how many Shabaka Shakurs and Derrick Hamiltons there are behind bars in New York and across the country.

Any discussion of ending mass incarceration must address these travesties which take place on a daily basis. The crooked prosecutors and cops must be held accountable. They ought to be charged criminally themselves. There is no incentive for them to obey the law if they are not. The exonerated men and women are expected to quietly accept their misfortune and disappear without expecting any relief. In a sense that is the expectation for all black

people. We are known to be innocent but the system doesn't care.

Margaret Kimberley's Freedom Rider column appears weekly in BAR, and is widely reprinted elsewhere. She maintains a frequently updated blog as well as at <http://freedomrider.blogspot.com>. Ms. Kimberley lives in New York City, and can be reached via e-Mail at [Margaret.Kimberley\(at\)BlackAgendaReport.com](mailto:Margaret.Kimberley(at)BlackAgendaReport.com).

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