

Criminal Injustice: A peek into the faults of the American criminal justice system in the context of the *Central Park Five* and *After Innocence* documentaries

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The criminal justice system is a necessity, with its vital role in ensuring safety and public order in American life, however, it is well-known that it needs major reform. From issues around police brutality to those of prisoner processing and handling, the allocation of punishment, and recidivism rates after release, there are major faults in the manner that inmates are handled and treated. With the advent and rise of social movements, such as “Black Lives Matter” and the Civil Rights Movement, and the work of groups such as the Innocence Project, it is now, more than ever, necessary to hold every component of the criminal justice system accountable for its handling of inmates and its relationships with the communities they serve. Thus, *The Central Park Five* and *After Innocence* give interesting and varied takes into the problems surrounding even prosecution and falsely convicted inmates’ capacity to handle life and social pressures outside prison after all the adverse experiences they faced during their false convictions and behind bars.

The Central Park Five, a documentary by Ken Burns, considers various issues relating to the criminal justice in the scope of the case of five then teenagers known as the “Central Park Five”. The five teenagers: Antron McCray, Raymond Santana, Kevin Richardson, Yusef Salaam, and Korey Wise, were widely believed to have taken part in the brutal rape, assault, and attempted murder of the “Central Park jogger”, Trisha Meili, because they were at Central Park alongside a mob of 25 teenagers in total who were assaulting and robbing fellow park visitors at about the same timeframe that the crime occurred. However, DNA evidence and testimony of the real perpetrator, Matias Reyes (also known as the “East Side Rapist” for his role in other rapes in the area), aided in the exoneration of the Central Park Five. However, it is important to look at the systemic issues that resulted in the convictions of these five men to begin with. One of the more pertinent issues dealt with throughout the course of this film involved the topic of

race. It's assumed that because this crime was perceived by the public as a brutal rape and assault perpetrated by five teenagers of black and Latino descent on an educated, innocent white woman, this resulted in the brutalization of these kids by both the system at-large and the public and their subsequent false convictions. Reverend Raymond Butts stated that "If this had happened in 1901, they would've been lynched, perhaps castrated, and their bodies burned, and that would've been the end of it." Natalie Bayfield, a journalist, also stated in the movie how interracial rapes were covered differently in New York City and how, at the same time as the Central Park Five case, a woman who was raped and thrown off a roof top "got little to no coverage because the assailants and the victim were in the same racial group." Also mentioned throughout the movie, as the main point of contention in the cases, was the sheer lack of physical evidence, other than the confessions which were later found to have been the result of fabrication. Because "there was no blood on the kids", the only grounds for conviction was "a question of believing the confessions or not" (*The Central Park Five*), but because the teenagers were encouraged by detectives, prosecutors, and the like to make a "believable", yet false, narrative to explain how Trisha Meili was so brutally raped and injured, these accounts were considered valid by most in the jury despite the discrepancies in evidence. Thus, in addition to issues relating to race and evidence, the malleability of juveniles in their susceptibility to peer pressure and, in this case to police interrogation, come into mind. Because the teenagers were so young and were not able to handle the physically and mentally demanding challenges of interrogation, such as the assumptions made by detectives and the outside world that they were inherently guilty, the Central Park Five were victimized by the system. However, their persistent claims to innocence and new facts of the case ultimately aided in their exoneration and rendering the "evidence" held against them as false. In short, the Central Park Five are an interesting case

study and microcosm of what's wrong in the criminal justice system, including how and why it must be reformed.

After Innocence also deals with the wrongs of the criminal justice system but includes a variety of cases from across the nation. Included in the film were the cases of: Vincent Moto (wrongfully convicted of rape, robbery, wrongful possession of a gun, and conspiracy, 9 years), Nick Yarris (wrongfully convicted of murder, 23 years), Wilton Dedge (wrongfully convicted for rape, 22 years), Dennis Maher (wrongfully convicted of rape, attempted rape and unlawful possession of a weapon due to possession of half an ounce of marijuana in his pocket, 19 years), J. Scott Hornoff (police officer wrongfully convicted of murder, 6 years), Calvin Willis (wrongfully convicted of aggravated rape, 22 years), Herman Atkins (wrongfully convicted of forcible rape, forcible oral copulation and robbery, 12 years) and Ronald Cotton (wrongfully convicted of rape and burglary, 11 years). Herman Atkins, whose step-father Elmer Clark – a highway patrolman – did not give him the benefit of the doubt when he claimed his innocence, was a complex case due to the dynamic of socialization towards the goodness of the criminal justice system. He claims that due to his experience in prison for 12 years, that “I’ll always be a step behind, I shouldn’t always be a step behind” (*After Innocence*) and holds resentment towards the criminal justice system because his mother passed away during his time in prison. However, Atkins saw the importance of education and began his BS in Psychology shortly after his release. Another interesting case is that of Ronald Cotton who, at the time of filming, formed a close friendship with his supposed victim, Jennifer Thompson-Canino, showing that even such tragedy can have the potential to create friendships. However, one of the more disappointing points in the film was during the case of Calvin Willis who served 22 years of false imprisonment. Despite this affront to justice, an Assistant District Attorney who worked on his

case – Hugo Holland, claimed that “the government doesn’t owe an apology to anyone” as “the system worked as it should” (*After Innocence*), to me, a terrifying point of view that a public servant cannot even hold himself accountable in such a major miscarriage of justice. After his release, Willis claimed that he wanted “the right to be free, I want the right to live free... I want the things where I can live to be calm and be secure”, but because Louisiana does not have a compensation program for wrongfully convicted former inmates, he faced major obstacles in his life after imprisonment. But the most ironic and intriguing case may have been that of J. Scott Hornoff, a Rhode Island police detective who stated that “to have the whole judicial system turn around and target me was unbelievable.” While he was told “to break everybody, to break their spirits” as an officer of the law, at the end of the day, he claims that “The criminal justice system is its own world... they’re afraid of accountability.” (*After Innocence*) This explains the fact that according to Hornoff, “there was no apology from the judge, the prosecutor, the attorney general, in fact, I think they were upset with me for being innocent” (*After Innocence*). This was a sentiment like that of the Central Park Five in which many of the prosecutors, law enforcement, and even media sources who colluded to falsely convict them refused to take responsibility, even refusing to accept their wrongdoing or negligence in claiming the undeniable guilt of the Central Park Five. Resulting from such factors, all too many exonerated former inmates have similar views as Herman Atkins when he claims that his “whole faith, my whole belief was shattered in the justice system”.

Between the two documentaries (*The Central Park Five* or *After Innocence*), I feel that both documentaries offer a valid perspective on injustices that pervade the way that imprisoned citizens, overall, are treated in the United States. But because *After Innocence* gives such a variety of perspectives and cases in which individuals have been falsely imprisoned, it offers a

more accurate portrayal of what the system looks like due to its exploration of the many complexities in the American criminal justice system. I offer this opinion because, whether it be a lack of evidence, false testimony, or a processing backlog (as seen in *After Innocence*), there are various contributing factors as to why in the United States, individuals may be falsely imprisoned and stay falsely imprisoned. To me, the case of Wilton Dedge was an interesting case study exploring the wrongs of the American criminal justice system. The fact that Wilton Dedge, not only did not fit the description of the suspect at-large, but when it came to the evidence, he needed to be cleared twice of his supposed crime (through DNA testing) for the court to finally release him two years after the first time that DNA testing cleared him using two hairs found at the scene of the crime. At the same time, what resonates with me in his case is the fact that Dedge claims that he apparently “proved [his] innocence too soon” (*After Innocence*) while Milton Hirsch, the Dedge family attorney, begged the question: “Does innocence matter in Florida?” (*After Innocence*) It was stated by Dedge’s attorney at the Innocence Project that not only was the evidence (from the two hairs) not only admissible, but that no jury (with knowledge of such evidence) would convict Dedge, if a second trial were to occur, based on this evidence. However, it was also noted in *After Innocence* that Florida is a special case in criminal justice as its prior institution of Jim Crow resulted in systemic issues that exist in the Florida corrections system to this day. This path dependency may explain why it took so long for DNA testing to be conducted, as “In 1996, Dedge was one of the first Florida inmates to seek postconviction DNA testing” (The Innocence Project), five years before he won the motion to do so and six years before the first test was executed. At the same time, Dedge was not exonerated until April 2004 after “Further testing was ordered by the court on the semen evidence found on the anal swab recovered from the rape kit” (Innocence Project) that proved Dedge’s innocence. The case of

Vincent Moto was also of interest to me. Moto served a total of nine years in prison of a twelve to twenty-four-year prison sentence after post-verdict motions filed in relation to the case were denied. However, efforts by groups, such as The Innocence Project, in “requesting that testing be conducted on a pair of the victim’s underwear, which contained semen from the crime” eliminated Moto as the perpetrator in the rape, involuntary deviate sexual intercourse, criminal conspiracy, and robbery charges. Thus, Moto’s conviction was vacated Moto gained his freedom after nine years of incarceration. It was also found that “The prosecution’s case hinged upon the victim’s identification of Vincent Moto as being one of her two assailants” (The Innocence Project), thus, Moto was the victim of inaccurate testimony by victims and eyewitnesses that are prevalent in the criminal justice system in subjecting inmates to wrongful convictions. However, exoneration (without proper compensation) does not change the fact that Vincent Moto lost out in nine years of his son’s formative development, in nine years of possible career prospects, of nine years of freedom. Unfortunately, he never truly received justice as, in 2011, a lower state court ruling that expunged his record was reversed by a higher court, also preventing him from receiving compensation for time spent in prison after his wrongful conviction. The cases of Wilton Dedge and Vincent Moto are clear examples of the simple fact that the criminal justice system is broken and, thus, must be reformed to ensure that innocent people are not convicted for crimes that they commit, that institutional barriers to the reversal of possibly wrongfully convicted inmates be torn down, and for rightful compensation for such inmates be a necessity for time lost.

Due compensation is a necessity, not only for the lives of those who are wrongfully convicted, but also to strengthen the integrity of our criminal justice system and is one major area that needs to be structurally reformed to give proper justice to wrongfully convicted

inmates. Compensation should include a combination of educational and job placement opportunities alongside financial compensation for what could essentially be considered a loss of time and a loss of life depending on what portion of a wrongfully convicted person's life was spent in prison. For instance, Yusef Salaam, one of the Central Park Five teenagers, stated that "It hasn't become easier to live as an adult, it's become harder" because "It's always more difficult to do something if you have this huge gap in your life taken away from you." (*The Central Park Five*) This so-called gap occurred as Salaam was only in his mid-teens when he was wrongfully convicted of the attempted murder, rape in the first degree, sodomy in the first degree, sexual abuse in the first degree, two counts of assault in the first degree, and riot in the first degree charges that the Central Park Five teenagers faced. Financial compensation should be paid for by all aggravators or negligent parties involved in promoting a wrongful conviction. For instance, in 2014, the City of New York was required to pay \$40 million to the Central Park Five in the civil suit the former inmates filed in 2003, resulting in "roughly \$1 million for each year of imprisonment for the men." (Weiser) This means that Korey Wise would receive almost \$13 million from the city while the other four men would receive nearly \$7 million each. Yusef Salaam, in commenting on the civil suit, stated that "Mayor de Blasio has said that he will settle this case for us and there has been some positive motion... We've been waiting for 25 years for justice." (Weiser) However, I also believe that media sources who helped sway public opinion against the Central Park Five teenagers should be held accountable through the requirement of contributing to such settlements, especially sources like the New York Post, or through the filing of possible defamation claims due to the sensationalist way their trial and case were reported. Additionally, the prosecutors and police officers involved in the collusion of the false narrative that the teenagers were subjected to should have also been forced to pay reparations because

their actions resulted in the wrongful conviction of these teenagers. The time involved in the sheer length of the proceedings surrounding the civil suit and damage to familial and other connections should also have been given consideration in determining the amount compensated for each former inmate. For instance, Anton McCray stated that his relationship with his father was never the same after the trial partially because of the widespread attention and scrutiny his family faced, surely that should be accounted for. Santana also claimed that “I’m always behind, all those years they took away from me I lost a lot” such as opportunities to form a career or “have a house, a car, gotten married” but because of this wrongful imprisonment, he claims that “I don’t have any of that... I don’t know how to regain that stuff anymore, so I’m just here.” (*The Central Park Five*) At the same time, the civil suit took over 11 years to reach a resolution, further delaying (and in the meantime, denying) justice for each of the Central Park Five and, thus, this time should be added (in some way) to the final amount of monetary compensation.

Other forms of compensation should also be considered in cases of wrongful imprisonment. Vincent Moto, for instance, claims in *After Innocence* that his record was not yet expunged in the eight years following his exoneration, thus, he experienced (at the time of filming) feelings of depression resulting from his inability to find decent work to support his children or himself, with additional struggles in terms of community acceptance. Plus, the fact that Moto was imprisoned at the age of 22 to ultimately serve 9 years in prison meant that opportunities to receive job training, higher education, etc. were lost or subject to great impediment. This was especially detrimental because, as Moto claims, that time would have been prime in securing a career, a family life, and the like. Thus, as Nick Yarris also suggested in *After Innocence*, the same job placement, entitlement to healthcare, housing, etc. that parolees are entitled to receive should also be applied to exonerated former inmates because the state

denied justice to those exonerated individuals. To right these wrongs, the American criminal justice system must do a better job in enforcing procedural reform and providing greater opportunities for exonerated inmates. For instance, in the case *Commonwealth of Pennsylvania v. Vincent A. Moto*, the expungement of Moto was denied based on the so-called “strength of the original 1987 case against him and the inability of the DNA evidence to exonerate him” (Justia) despite DNA evidence to the contrary that did, de facto, exonerate Moto. At the same time, a new trial was never able to be conducted simply because the “victim had moved out of state” (Justia Law), which made it impossible to retry Moto in a fair hearing despite a preponderance of evidence towards his innocence. In my opinion, the burden of proof should have weighed toward the state as it is only logical that, because results of the DNA (sperm) evidence was contrary to the charges Moto faced, Moto could not have committed the associated crimes even though he was apparently at the scene of the crime at a similar time. The fact that the Supreme Court of Pennsylvania Eastern District refused to expunge Moto’s record with the evidence on-hand relays to the absurdity of procedural obstacles that wrongfully convicted individuals face. Because of this decision, Moto remains with the burden of a crime he most likely did not commit. As for the encouragement of educational and other opportunities towards job placement, the RAND Corporation found that “Prison inmates who receive general education and vocational training are significantly less likely to return to prison after release and are more likely to find employment than peers who do not receive such opportunities”. On average, the RAND Corporation, found that “a \$1 investment in prison education” reduced the cost of incarceration “by \$4 to \$5 during the first three years post-release”. This is substantial proof that higher educational opportunities in prison are good for society at-large and greatly reduce recidivism with inmates benefiting from such programs having a “43 percent lower odds of

returning to prison than those who do not.” (RAND Corporation) Similar programs, such as New York City’s newly installed “Jail to job” scheme (CBS News) that offers direct paths of employment to short-term prisoners at Riker’s Island, notorious for its brutality, should also be encouraged to ensure that former inmates have reason to steer clear of further criminal activity. However, it is also clear that, at least in the case of Raymond Santana, the negative psychological effects of imprisonment, coupled with societal stigma that former inmates face after release, are immediate hurdles to prisoner reform and actual change in their behavior (or in Santana’s case, it encouraged criminal behavior in the first place). Due to these factors, Santana resorted to joining a drug gang as his alienation from the free market (based on his wrongful conviction, thus, having a record) resulted in him having nearly no choice but to engage in the black market and the shadow economy, even though he earned an Associate’s degree in prison. Thus, it is necessary to inform the public and ensure communities in which prisoners are released that, at release, they former inmates are ready to re-enter society and are no longer a danger to themselves or others. However, if Santana was not cast as guilty, to begin with, such a situation would not have occurred. Thus, procedural reforms that mandate the actual assumption of “innocent until proven guilty” must be instilled in law enforcement institutions to prevent the mindset that, as Saul Kassin stated in *The Central Park Five*, that a person in custody had to be guilty of something simply because they were arrested.

These issues only undermine the whole point of bringing justice to citizens, thus, reforming the practices of police departments is necessary for the proper functioning of the criminal justice system and to gain (or retain) its citizens’ trust. Improvements in the interrogation process are necessary as, in the cases of the Central Park Five, age played a huge role in the teenagers’ cooperation and victimization in the collusion against them that police

officers and prosecutors were involved in. Such collusion and fabrication should not have occurred and officers should be expected to, with the huge amount of discretion they receive, treat a suspect or citizen in a manner appropriate to their age, experience, etc. and with fairness. It is also important to remember that the Central Park Five claimed that they took part in no criminal activity and had no history of crime in the first place and were still interrogated in such a manner and brutalized in the public discourse. Additionally, one of the most problematic events in the Central Park Five case is the knowledge that Korey Wise, at sixteen, was imprisoned at Riker's Island (a notorious detention facility with "the worst of the worst" of New York City criminals) simply because New York state has the lowest cutoff age for juvenile delinquents at 16 years of age. As a result, he claimed that he "had to grow up fast" to adapt to the prison subculture in such an institution. It is a major issue that juveniles, especially with the fact that they are more susceptible to peer pressure, are held in a facility like Riker's Island no matter the crime committed because these teenagers may become socialized in the context of criminal activity they are exposed to by older prisoners and may even be encouraged, at release, to commit such crimes. Greater oversight is also necessary towards proceedings surrounding the handling of evidence. A relatively recent case that highlights the issue of handling evidence is that of Annie Dookhan, a chemist who forced prosecutors in the state of Massachusetts "to throw out more than 21,000 drug convictions on Tuesday, five years after a chemist at the state drug lab was caught tampering with evidence and falsifying tests." (CBS News) Also, the high potential of permanently affecting so many lives should be grounds to subject new and current law enforcement officers and related personnel to stricter standards of training and higher salaries, as a result, to ensure that they remain stewards of the communities in which they serve and are a part of. Greater oversight is also necessary in ensuring that prosecutors are not

dedicated to any sort of agenda when it comes to the lives of arrestees, instead, focusing on delivering actual justice to serve their constituents rather than just winning the case. Finally, to begin with, the focus of the American criminal justice system should be shifted towards community engagement and improvement rather than simply being “tough on crime”. Practices, such as broken windows, should be replaced with community policing as the trust of a community is a sheer necessity towards solving cases, alleviating criminal activity, and the like. With more trust within a community in its representatives of the American criminal justice system, police and correctional departments can also ensure the success, rather than the alienation, of former inmates (whether exonerated or expunged or not) as this would likely translate into greater job opportunities and reduced recidivism among inmates of a system that would be perceived as reformatory rather than simply as an adult daycare holding the “worst” in society.

Because of the current nature of our criminal justice system that's rife with corruption, collusion and even criminality, I feel that it is best to take a civil libertarian, individual rights approach, rather than a public order approach, because of the imperfections in our system. Prisons often socialize inmates to conform to their surroundings, and when they are released, those traits matriculate in some form or fashion and, due to social stigma in America concerning prison time, high rates of recidivism result. Because the systemic issues (e.g. poverty, lack of educational opportunities, lack of mental health services, homelessness, etc.) that aid in causing criminality in these individuals are not addressed, this becomes a vicious cycle that involves more than just individuals, but also their families and even communities and local subculture. Public order tactics are often ineffective as they may only harden criminals or citizens in their view as to the intents of the criminal justice system, something we saw with the citizens of

Ferguson regarding their local police department after the murder of Michael Brown, an eighteen-year-old who was charged with robbing a convenient store. Instead, they focus on notions of personal responsibility that do not paint a clear or complete picture of why that person committed such crimes in the first place, particularly in terms of low-level criminal or drug activity. Other tactics, such as being “tough on crime” through mandatory sentencing that predominantly disadvantage people of color or low-income individuals, also reduce overall trust in the system as they aid in breaking up families and, as a result, tearing apart entire communities. At the same time, laws on the books that criminalize acts, such as drug possession, should be revised to meet local and community needs rather than instill a blanket approach indiscriminately without considering contexts such as: poverty, economic downturn, racial disparities, etc. Thus, it is better to instill alternative sentencing, community policing, and other such practices to reduce the social burdens that accumulate with increased recidivism, dangerous neighborhoods, and overall adverse socioeconomic conditions. Additionally, the fact that there is even a small possibility that inmates who face long prison terms, or even the death penalty, are innocent should be reason enough to rethink the death penalty in domestic, non-terrorism related crimes. Had certain groups had their way and the death penalty was somehow utilized against the Central Park Five teenagers, who knows whether these men would have received justice? To prevent high recidivism rates, high criminality, and other such conditions within a community, a focus on individual rights (e.g. acknowledging the autonomy and self-determination of individuals within the legal framework, assuming innocence, etc.) is simply an imperative.

In short, there is much room for improvement in the American criminal justice system. From the cases of Wilton Dedge, to Herman Atkins or the Central Park Five, all wrongly convicted inmates are victims of negligence and wrongdoing on the part of prosecutors, law

enforcement, and other stewards of our criminal justice system, and there are possibly numerous more. Reform is a necessity, not only to ensure justice for all suspects, possible wrongfully convicted inmates and victims, but to instill community trust in the system itself for the sake of integrity. With the installation of necessary reforms, such as: fair sentencing, strict standards for law enforcement, greater oversight and accountability, and greater career, housing, etc. opportunities after time has been served in prison, it is possible that our currently stratified, institutionalized American criminal justice system will empower and reform, rather than simply serve as an adult daycare to, its prisoners.

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