



Toward a fairer criminal justice system

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It shouldn't matter that Jordan Edwards was a good kid. It shouldn't matter that he got great grades in school. It shouldn't matter that he was well-liked by his peers, his teachers, and his football teammates at his Texas high school.

But the tragedy of Jordan Edwards – a young man, shot in the head by a police officer as he sat in the passenger seat of a car leaving a party that had become dangerous – is all the more wrenching for the way it highlights a truth that is a devastating reality to young black men in America: doing all the right things is not enough to ensure you are safe or will be treated fairly.

Today in America, a great deal of our political discussion revolves around fairness. What is a fair way to structure or economy? To handle those who did not come to America legally? To distribute scarce public resources and benefits?34

There is nothing just or fair about what happened to Jordan Edwards. And his story is yet another in a long line of tragedies that now powerfully remind us of the long way we still have to go in creating a fair and just relationship between law enforcement, our criminal justice system, and the public our laws are supposed to protect.

Can law enforcement and criminal justice reform happen during a Trump administration? President Trump rightly points out that law enforcement is mostly made up of good people putting themselves in harm's way to protect us. He lauds the men and women in blue and often talks about the need to make it easier for the cops to do their jobs. Those are defensible positions; what is not defensible is, for instance, that President Trump has no problem continuing to hold that the "Central Park Five" are guilty despite DNA evidence exonerating them after serving lengthy sentences as wrongly convicted men, or that he wants to make it easier for law enforcement to seize property from those accused of no wrongdoing.

Donald Trump has had political success positioning himself as a "law-and-order" candidate. But according to new polling data from the Charles Koch Institute, there is an appetite for some changes to our justice system, calling for fair treatment of all citizens under the law, including curbing abuses of civil asset forfeiture. Trump voters, after all, are just as likely as Clinton voters to say that they know someone who has been incarcerated. By focusing on ways to make the justice system more fair to all, both his current supporters *and* the younger voters he has thus far failed to draw to the Republican Party could find overlap on some elements of criminal justice reform.

Trump voters and young voters both see room for improvement in how law enforcement and the justice system operate. Today, nearly three out of four Americans – including two-thirds of

Trump voters – believe that the rich have a better chance of being found not guilty of a crime than poor people. While Trump voters are less of the mind that race plays a role in unfair targeting by police, 71 percent of young people think that police violence against African-Americans is a problem.

I reached out to Emily Ekins of the Cato Institute for additional data on where young voters stand on these issues, and her survey paints a picture of a younger generation very concerned about a criminal justice system that is both unfair and overly harsh, with 58 percent of young people saying they think the criminal justice system is "too harsh" in its handling of crime, compared to only 34 percent of Americans overall who feel the same. She also finds young people of the mind that justice in America is not blind, with only one-third saying they think the justice system treats people of all races equally.

Or take civil asset forfeiture, where law enforcement can confiscate property from citizens even when those citizens are not charged with a crime. Infuriating stories recount seminars coaching officials to go after particular types of goods, such as cash and cars, simply as a way to boost department budgets. Between just 2008 and 2014, the amount of money being held by the Department of Justice and US Treasury for federal civil asset forfeiture *tripled* from \$1.5 billion to \$4.5 billion. On its face, there is nothing fair about taking and then refusing to return property to someone who is innocent, or targeting people not on criminality but on what kind of goodies can be seized. While President Trump has suggested he would strengthen the practice, his own voters disagree, with only 20 percent agreeing that "police should have the right to seize the private assets of a suspect, even if that individual is never prosecuted," while 59 percent disagree.

Adding additional detail to the question, in the Cato study Ekins finds that only 19 percent of those who are under age 30 believe the police should be able to take a person's money or property that is suspected to be involved in a drug crime before the person is convicted.

This not at all to suggest that these groups dislike the police themselves; both young voters and Trump voters have generally positive views of law enforcement. A majority of young voters and 81 percent of Republicans have favorable views of local law enforcement. And young voters are not at all "anti-cop"; 48 percent say they think that Trump's policy of calling to "end the 'anti-police' atmosphere in America and empower law enforcement" would make America better off.