



He Wasn't Going Back to Jail

Earlier this evening, I watched a videotaped interview with Rayshard Brooks, the twenty-seven-year-old killed by Atlanta Police on Friday, June 12, 2020. In this interview, Rayshard spoke candidly about his frustration of wanting to do the “right” thing after incarceration. He spoke about how difficult it was to want to spend more time with his children. However, as a result of his probation requirements, he could not, because he often had to work longer hours to pay his “societal debt”. He wasn’t going back to jail.

The night he was killed, Rayshard can be seen in a video with terminated Atlanta Police Officer Garrett Rolfe, pleading to walk home, asking to lock and leave the vehicle that was in his possession. Examining the actions that took place next, and the subsequent ending, one can only hypothesize that this young father made a decision that he wasn’t going back to jail. This writing does not serve to vilify law enforcement. Its purpose is to simply examine a system that leaves men and women powerless in the face of the aftermath of incarceration. More specifically, Black men and women, in its punishment, housing access, voting rights, and familial implications. He wasn’t going back to jail.

Statistics show that the criminal justice system, in its pervasiveness, is discriminatory in its punishment of Black men and women. The Sentencing Project reveals, “African Americans are more likely than white Americans to be arrested; once arrested, they are more likely to be convicted; once convicted, they are more likely to experience lengthy prison sentences. African-American adults are 5.9 times more likely to be incarcerated than Whites, and Hispanics are 3.1 times as likely. As of 2001, one of every three black boys born in that year could expect to go to prison in his lifetime, as could one in every six Latino boys—compared to one of every seventeen white boys. Racial and ethnic disparities among women are less substantial than men, but remain prevalent.”

These disparities continue once an individual has completed sentencing, which subsequently includes any restitution. Many landlords will not allow those with felonious convictions housing. The rationale is the mitigation of liability. This often leads returning citizens with fewer options such as having to live with a family member that owns their home, or assuming the risk of living with someone who rents. The latter will almost certainly lead to the eviction of the renter. Both options strip away the idea of self-sufficiency. Although recognized as a discriminatory practice, there is no law in place that prohibits this form of discrimination. He wasn’t going back to jail.

Moreover, states often have autonomy in the manner in which they either deny or restore voting rights for returning citizens. States are able to exercise variation regarding these requirements, which include having to reapply for voting rights to be restored after time has been served, and restitution paid in full. Some states go as far as having returning citizens request a gubernatorial pardon for voting restoration. He wasn’t going back to jail.

Incarceration and subsequent criminal histories also have a great impact on children. Having an incarcerated parent, or a parent that has been incarcerated, negatively impacts familial structure. Though many states and municipalities have worked to “ban the box” (checkboxes on applications that ask the job seeker whether he or she has a criminal history), many employers will not hire individuals with criminal history. Many times, returning citizens are faced with working several jobs, or unusually long hours to make their financial responsibilities (Rayshard Brooks talked about this in his interview). Incarceration of parents is an adverse childhood experience that can lead to developmental delays; whereas, the child, instead of regular development and growth, is left missing a parent. Children are often left depressed as they experience the social isolation that can result in having a parent that is or has been incarcerated. Lastly, many children of incarcerated parents are left adultified--having to grow up too quickly and experience life in a manner that is inappropriate for a child. He wasn’t going back to jail.

This list is not exhaustive; in all transparency, it does not even scratch the surface. As an action call, we must examine the disparities of a system that is not equitable in how it wields its punishment. Systemic racism is working in accordance with its design. It serves to hold its creators powerful through its oppressive nature. It is visceral, it destroys familial bonds, and dehumanizes by stripping away basic human rights. We use cliché phrases like “pay his/her debt to society”, when we know that the debt is never fully repaid. Maybe my view of paying a debt is monolithic and simplistic. The way I see it, if I owe someone two dollars, and I pay the two dollars, I no longer owe. My debt is paid, and both the borrower and lender move forward. If this very simple concept of debt repayment is understood, why is the punishment beyond the debt continually allowed? This current construct “green lights” discriminatory practices, and “gaslights” the reactions of those who are discriminated against.

We will never know in those final moments Rayshard Brook’s exact thoughts. What we do know is...He didn’t go back to jail.

-Katrina Harley

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The Sentencing Project. 2018. Report To The United Nations On Racial Disparities In The U.S. Criminal Justice System | The Sentencing Project. [online] Available at: <<https://www.sentencingproject.org/publications/un-report-on-racial-disparities/>> [Accessed 18 June 2020]