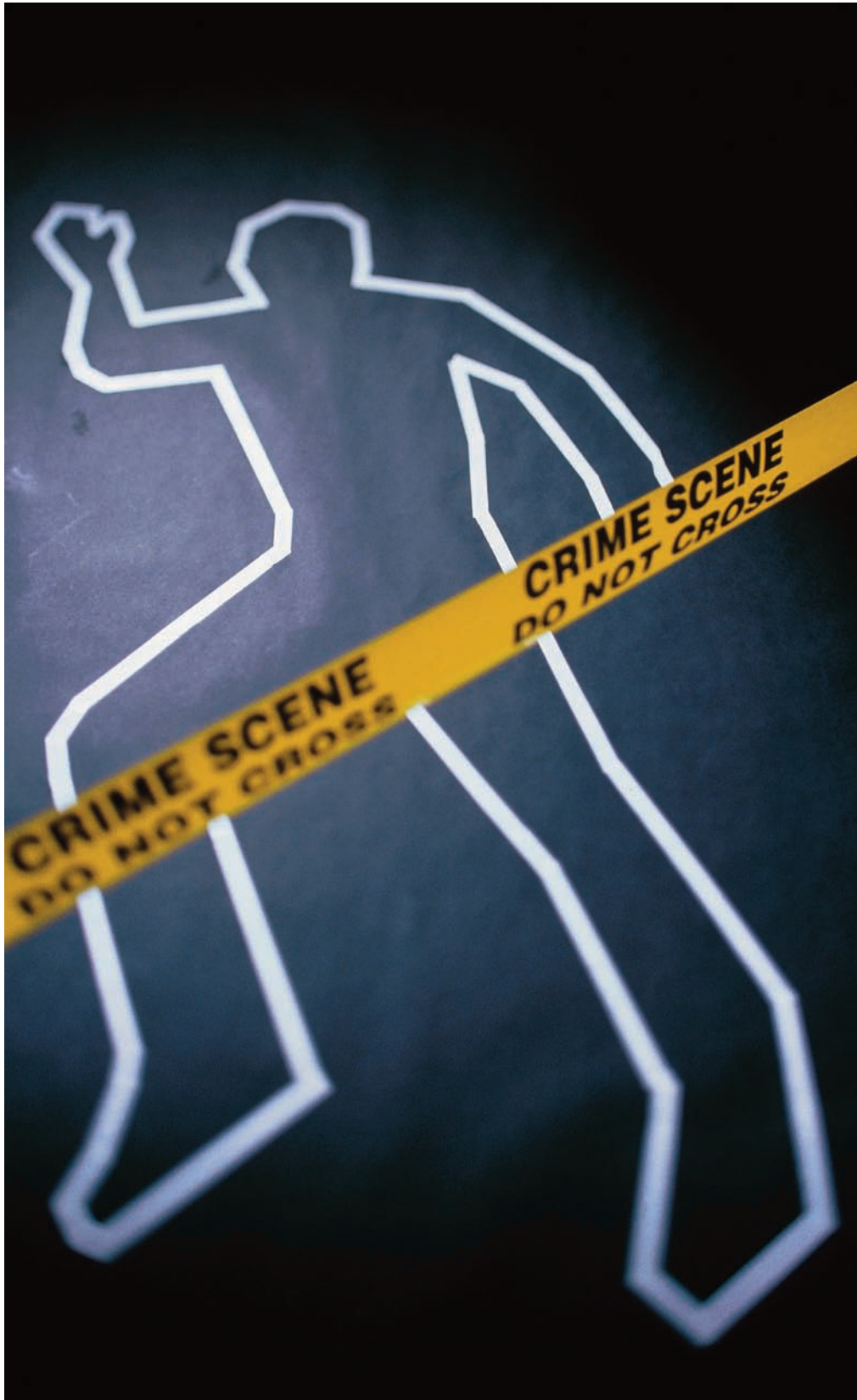


Stop Casting Stones: The Failure

By Alex Mikulich, Ph.D.



It's obscene.

The obscenity is not only in the increasing rate of homicide in New Orleans—up 14 percent from 2010 to 2011—or the loss of innocent lives, or the senselessness of the murders committed. The height of obscenity arrives when we, as a city, acquiesce to the loss of life as if those who died do not matter, or as if “they got what they deserved.”

The collective failure to mourn the loss of every life and failure to recognize how every victim is one of our own marks our own inhumanity.

There is a different way. I will highlight best criminal justice practices from other cities in a subsequent article. This article focuses on a prerequisite: recognizing the failure of a punitive criminal justice system.

In a recent op-ed in the New Orleans *Times-Picayune*, Jarvis DeBerry expressed embarrassment that his reaction to the New Orleans Saints loss to the San Francisco 49ers exceeded his reaction to people dying by gunfire in New Orleans:

I'm embarrassed that I've become acclimated and accustomed to old people being shot, to toddlers being killed, to police chiefs making excuses, to the silence of so many people shrugging.¹

DeBerry rightly asks: “How do I recalibrate my emotions so that violence on the street makes me upset—every single time?”²

I share DeBerry's embarrassment, grief, and outrage.

Yet, these are tricky emotions. In Louisiana's past, the manipulation of collective rage too often led to the swift and brutal use of lynching (see “The Audacity of Eucharistic Hope and the Legacy of Lynching,” *JustSouth Quarterly*, Winter 2011, p.4).

A recalibration of emotion, including the collective mourning of every murder victim, must be joined with a re-focused public policy agenda. First, however, we need to recognize how punitive crime policies over the past 30 years have failed.

of Punitive Crime Policy

We have had a sense of outrage over the past three decades expressed in “get tough on crime” policies. That response has led, both in Louisiana and this nation, to the highest incarceration rates in the world. The hyper-incarceration of African-American, Latino, and poor white men utterly fail to make our state or nation any safer. The disproportionate number of African-American men on Angola’s death row has done little, if anything, to stem violence in Louisiana. Crime policy has been misdirected at punishment rather than reducing crime.

As criminologist Mark Kleiman explains, the focus on severity of punishment in the “get tough on crime” agenda tends to create more costs, and more crime, than anything else. New Orleans may be in the midst of a “vicious cycle,” where vast numbers of severe prison sentences and the imposition of the death penalty not only fail to deter crime, these policies are part of a cycle of violence itself. Kleiman calls “get tough on crime” policies the failure of brute force.³

This failure is evident in a recent practice in New Orleans. Nearly one year ago, Police Superintendent Ronal Serpas introduced a policy to publicize the criminal records of murder victims. The policy was designed to “reassure locals who live by the law that they are most likely going to be absolutely fine if they refrain from criminal activity.”⁴

Fortunately, the New Orleans Police Department announced on February 1, 2012, that it would no longer release the criminal record of homicide victims, in response to the advice of local clergy.⁵

Sadly, however, the police chief continued to highlight the sociological link between victimization and criminalization in the same announcement. The NOPD will continue to release victims’ data monthly without any names.

Although many victims commit no crimes, few criminals avoid victimization. The problem is that such a policy only re-victimizes victims’ families and heaps insult on the same communities that

suffer poverty, social exclusion, weak schools, and crime itself. The problem is that releasing victims’ criminal record more likely contributes to, rather than deters, violent crime.

African-American communities tend to perceive past and present injustices by the police and criminal justice system as the expression of disrespect and unfairness against African-Americans. Perceptions of the injustice of criminal justice leads to crime because, first, individuals believe that the law, the police, and the system lack legitimacy, and, second, individuals deny the shame of being treated unfairly and externalize these feelings by acting out with anger, rage, and defiance.

As criminologists James Unnever and Shaun Gabbidon explain:

*Extant research indicates that African Americans should be more likely to offend—externalize anger-rage-defiance—in order to distance themselves from the shame that results from being... unjustly treated by whites who show little remorse for their actions.*⁶

In the case of 17-year-old Corey Thompson, who was shot dead near his mother’s Sixth Ward apartment in December 2011, police said Thompson was arrested for juvenile fighting, but police did not mention that he was found not guilty. Hyatta Droughn, Thompson’s aunt, says she “hurts for grieving families every time she sees such information.” She adds that it is “just not appropriate to put someone’s record on television, especially at that time.”⁷

The illogic of that policy became doubly apparent when a good samaritan, Harry “Mike” Ainsworth interrupted a car-jacking in Algiers Point and was shot to death on Wednesday, January 25, 2012. Although the New Orleans police recognized Ainsworth’s heroism, they also released information that he had been arrested for drug distribution and served time on probation in the 1980s and from 2006 to 2008. It strains reason to ask how such information is relevant to Ainsworth’s murder.

It is hard not to think of the Pharisees and Scribes, who brought a woman caught in adultery to Jesus and demanded that she be stoned, according to the commandment of Moses. We all recall Jesus’ response: “Let the one among you who is without sin be the first to cast a stone at her” (*John 8:7*, New American Bible).

ENDNOTES

- 1 Jarvis DeBerry, “If only crime upset New Orleans like a Saints Loss,” *New Orleans Times-Picayune* (Sunday, January 22, 2012), op-ed page, available online at http://www.nola.com/opinions/index.ssf/2012/01/if_only_crime_upset_new_orlean.html
- 2 Ibid.
- 3 Mark R. Kleiman, *When Brute Force Fails: How to Have Less Crime and Less Punishment* (Princeton University Press, 2009).
- 4 Katy Reckdahl, “NOPD release of murder victims’ criminal records is challenged,” *New Orleans Times-Picayune* (January 1, 2012), available online at http://www.nola.com/crime/index.ssf/2012/01/nopd_release_of_murder_victims.html
- 5 Accessed online at www.nola.gov/en/PRESS/New-Orleans-Police-Department/All-Articles/20120201-NOPD-Changes-Policy-on-Sharing-Public-Criminal-Records on February 2, 2012.
- 6 James D. Unnever and Shaun L. Gabbidon, *A Theory of African American Offending: Race, Racism, and Crime* (New York: Routledge, 2011), p. 57-59.
- 7 Ibid., Quote in Reckdahl, “NOPD release.”