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One Year Later: Reflections from the Mass Incarceration Symposium Student Steering Committee

Meghan Kruger* and Danielle Dufault†

The *Law Review* symposium has become an annual event at Roger Williams University School of Law. Traditionally, it has been a forum for students, academics, and practitioners to engage in a deeper and more concentrated discussion about a variety of trending legal topics. Past symposia have focused on a wide array of topics at the behest of members of the student body and faculty. These topics ranged from marine affairs, to issues surrounding child witnesses in legal proceedings, to NCAA compliance and its legal implications, just to name a few. Last year, however, the Symposium Committee, led by the Honorable Judith Colenback Savage and powered by her boundless energy and contagious enthusiasm, set out to use these once insulated legal discussions as a forum to spark a more important conversation throughout Rhode Island and beyond.

The 2015 symposium was groundbreaking in every sense of the word. We tackled one of the most critical, yet controversial, legal topics of our time and, in doing so, brought together some of the most influential members of the legal, political, and social

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justice communities. As co-chairs of the Symposium Steering Committee, and more importantly, as students, we also attempted to do something remarkably different from symposia of the past. So much of our law school experience is shaped by the organizations we are involved with, or the various niches we are drawn to, or who we happened to sit next to on that first day of Civil Procedure. But we knew that in order to sound the proverbial alarm on mass incarceration, we needed all hands on deck; and so we endeavored to expand the event beyond the traditional realm of *Law Review*.

It quickly became apparent that in order for the symposium to become an impetus for change, we needed to request and encourage as many people and organizations to participate as possible. We recruited representatives from the Association for Public Interest Law (APIL), the Multi-Cultural Law Students Association (MCLSA), the Criminal Law Society, the Mental Health Law Society, and many others. Members of both *Law Review* and Moot Court volunteered their time both to planning the event and helping with the day-of operations. First-, second-, and third-year students worked together determinedly on the program details. On the day of the event, the halls of the school were transformed into a maze of booths staffed by dedicated student and community groups and were chock full of resources and literature for the taking. This broad cooperative involvement became the hallmark of this symposium and set the tone for what was to come.

The emotion in the room that day was palpable. Members of the bench, bar, student body, and community overflowed the rooms of our law school. All those in attendance knew they were there to be part of a presentation that could be dynamic, but also was sure to be uncomfortable. Everyone had shown up that day—for one reason or another, and no one reason better than another—to help us sound the alarm on mass incarceration.

Keynote Speaker Bryan Stevenson set the tone for the day by imploring all of us to do one thing: *to get proximate*. Get proximate by putting what we thought we knew as we walked into our law school that morning aside to allow us to get close to the issues that surround mass incarceration. Mr. Stevenson made us realize that the only way to affect change is to be close to those who society—we—have discarded. Esteemed author Marc Mauer

shed light on the causes and consequences of mass incarceration. Intimate fireside chats revealed the struggles and the victories in the lives of James Monteiro and Luis Estrada, formerly incarcerated individuals who are now using their experience and influence to change the system and to remind us that we are not to be defined by our darkest days. These chats also gave members of a number of different organizations across the nation the opportunity to share stories about the audacious work they are doing to ameliorate the causes and effects of mass incarceration.

Even the lunch break was designed to facilitate the act of getting proximate to one another, giving attendees the opportunity to mix, mingle, and learn about one another and why they had chosen to attend that day. A presentation from the Rhode Island Department of Corrections broke down the distressing, but very real, statistics showing how the issue of mass incarceration should be of the utmost importance to Rhode Islanders, given that our small state ranks among the highest in the nation for residents under the supervision of the Department. The day ended with an unconventional and, frankly, unprecedented, panel that brought together representatives from the Attorney General's office, the Public Defender's office, the Rhode Island State Police, and The Rhode Island Parole Board, among others, which led to a conversation which included input from all sides of the decades-long mass incarceration epidemic.

Over the course of the day, stories were told and tears were shed. Questions were asked and certainly many more were left unanswered. There is no doubt that many participants and attendees alike left the symposium baffled, frustrated, and maybe even infuriated. The day ended, however, with a sentiment shared by all who were there to witness the remarkable gathering—*that we can do better*.

In an attempt to capture the audience's response, the Symposium Committee created and made available an attendee questionnaire. Many people took the time to provide their feedback, which demonstrates the impassioned and responsive nature of the audience. Many attendees' feedback reflects their personal experiences and their views surrounding mass incarceration and probation, as well as the lessons learned

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throughout the day.¹ The following is a compilation of many of the comments received. One question asked was: “Are there too many people in prison in Rhode Island?” Included below are a few answers to this question:

“Yes. Nonviolent defendants and mentally ill [defendants] should not be there not just due to the cost [to] the prison system, but more importantly the cost to the incarcerated defendant.”

“Yes. The difficult part is [that] policies that are general do not work. All non-violent drug offenders? Maybe, this answer needs to give discretion for the individuals involved.”

“Absolutely too many. We should not be incarcerating people for drug offenses. Money [would be] better spent on prevention and treatment. We should not be incarcerating people for victimless crimes ([e.g.] drug possession, prostitution). We should seriously consider alternatives to incarceration for non-violent offenders.”

The majority of respondents agreed that not only are there too many people in prison in Rhode Island, but also that many of those who are incarcerated suffer from mental illness or addiction. Many respondents were concerned with the high incarceration rate for those suffering from such illnesses and suggested a system more focused on rehabilitation, counseling, and prevention for those crimes that do not pose a risk to public safety. For example, one attendee said, “there [is] a need to support [and] rehabilitate [the prison] population, but not [through] isolation.” Another stated, “prison is not the place for drug addicts or the mentally ill. Non-violent offenders of drug possession and the mentally ill are hidden in jails because we as a society don’t have a better solution.”

The following responses to the question of whether or not the criminal justice system is racially biased capture the audience’s

1. Many thanks to Kelley E. Nobriga and Sarah E. Driscoll for compiling and editing the responses that appear in this piece. All answers are anonymous answers taken from the Symposium Questionnaire, filled out by attendees of the Symposium. Some comments have been edited for clarity. The editors made no changes to the substance or voice of the anonymous attendees’ responses.

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consensus on this alarming, and avoidable, aspect of mass incarceration:

“Yes! Race should continue to be addressed openly. The problem is we don’t like to admit race is a factor and these conversations threaten our belief that the civil rights movement should be over.”

“Yes—the numbers speak for themselves. The problem needs to be addressed on multiple levels—poverty, education, policing, violence in communities, [and] sentencing disparities.”

“People *are* still biased and we all suffer from it.”

“Antiracism work [is] req[ui]red] of all engaged in the [criminal justice] system.”

After obtaining feedback on the many factors that contribute to Mass Incarceration, the questionnaire turned to the future. Wondering where we should go from here, the Symposium Committee asked: “What needs to change and how would you effectuate change?”

“By keeping proximity [and] allowing myself to be broken.”

“We must pay attention to the fact that often the victimary was a victim at one point or another.”

“[We] need innovative, inspirational, ethical leadership with [the] authority and desire to make change.”

“Frontload funding to support programs and provide social, health, and vocational services necessary to successfully rehabilitate individuals. Provide incentives.”

“Wish we could get the message out that economical change would be beneficial for all.”

“More conferences like this—educate our public and demand it from our political leaders. When a politician proposes legislation from a place of fear, let them know it does not help.”

“Get more people involved.”

“Communities need to be more welcoming to those returning from prison. We expect[] them to find housing,

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employment and “become productive members of society.” But what we generally expect is for them to find employment somewhere else (not in my backyard), and to live somewhere else (in another neighborhood).”

“The change must come from those in power with the commitment to change [and the] willingness to become uncomfortable.”

Some of the comments above mention “leadership,” “ethical politicians,” “those in power,” and “communities.” The next, and perhaps most important question, required the audience to identify those individuals by asking: “Who needs to be involved in making change?” The answers were unequivocal:

“Everyone!”

“Humans.”

“The participants of the symposium.”

“Everyone—it affects all of us!”

“Legislators need to change some laws and enact some others. Judges and prosecutors need to change their approach to societal problems and systemic injustice.”

“Everyone! Grassroots to policy makers; artists to judges.”

“State legislature, Rhode Island Bar, community action organizations.”

“*All.*”

“Everyone, including the public. Information needs to be disseminated regarding [the] extent of [the] problem.”

“*All hands on deck.*”

As we reflect on the symposium nearly one year later, progress indeed seems, and certainly is, slow; but the alarm is still sounding—and the conversation continues. Change is on the horizon, as evidenced by the honoring of Judge Savage as the 2016 Champion of Justice in recognition of the tireless work that she has done to put the foundering ship of justice back on its intended course. Our commitment to change continues by the fostering of this crucial conversation through the publication of this Edition. Contained herein are academic and student pieces dedicated

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solely to the many issues surrounding mass incarceration, including the first annotated bibliography on the topic. We proudly reflect today knowing that we have started a critical discourse by getting proximate and doing what no other law school has done. Our community's commitment to change perseveres each and every day that we consciously decide to *get proximate*.

A journey of a thousand miles begins with one step. We proudly took our first step on March 27, 2015. It was an honor and a pleasure to become truly immersed in what is now remembered as a milestone in not only our legal education, but also in the legacy of Roger Williams University School of Law. Thank you for engaging in this conversation with us and choosing to *get proximate*.