

Guilty until proven innocent

Week 1: Foundations of the Presumption of Guilt

Historical Roots of “Guilty Until Proven Innocent”

Ancient and Medieval Origins

- **Roman Law:**

Roman law laid some groundwork for modern legal systems, it operated under a mixed framework. Lower classes and slaves were often presumed guilty and subjected to harsh punishments with minimal evidence.

- Torture was widely used to extract confessions, a practice rooted in the assumption of guilt.

The Disputation of Paris (1240) & The Burning of Jewish Books (1242):

- French authorities, under King Louis IX, staged a rigged trial against the **Talmud**, falsely claiming it was heretical.
- Jewish scholars were not given a fair defense, and the verdict led to the public burning of **thousands of Jewish books** in Paris.
- This event exemplifies how fabricated trials, religious intolerance, and government-sanctioned bias led to **destruction and suppression of knowledge**.

- **Feudal Europe:**

During the Middle Ages, guilt was often presumed unless proven otherwise, particularly for the lower classes. – Trial by Ordeal

Witch Trials and Moral Panic

- **Salem Witch Trials (1692):**

The Salem Witch Trials were a stark example of presuming guilt. Accused individuals faced near-certain conviction based on spectral evidence, public hysteria, and bias.

Burden of proof was placed on the accused to prove their innocence.

- **European Witch Hunts (15th–17th Centuries):**

Inquisition-era courts presumed guilty in cases involving heresy and witchcraft.

Accusations alone were often enough to seal the fate of the accused.

Colonial and Early American Justice

- **Slave Codes:**

In colonial America, enslaved individuals were presumed guilty in any disputes with free people. The legal system was designed to protect the property rights of enslavers rather than provide fair trials.

- **Sedition and Treason Cases:**

Accusations of treason in early American history often carried the presumption of guilt, especially in politically charged cases like those during the Alien and Sedition Acts period.

Modern Manifestations

- **Jim Crow Era:**

During the Jim Crow period, Black Americans accused of crimes were often presumed guilty, leading to lynchings and unfair trials without evidence or due process. Scottsboro

Boys (1931) – Nine black teens accused of raping white woman and were assumed guilty.

- **Post-9/11 Era:**
The global war on terror introduced the idea of "guilty until proven innocent" in cases involving terrorism suspects.
- Overview of how legal systems have shifted from presumed innocence to systemic bias.

Week 2:

Media & Public Opinion: Creating Criminals Before Trial

- How sensationalism and biased reporting shape public perception of suspects.
- The Central Park Five.
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- **Race & Class: Who Gets Presumed Guilty?**
- Disparities in how race and socioeconomic status impact legal outcomes.
- Kalief Browder (jailed without trial for 3 years).

Breakout groups – class projects for Capstone presentations

1. **The Erosion of Innocence**

- *Research Question:* "In what ways does the presumption of guilt manifest in modern criminal cases, and how does this contradict the principle of 'innocent until proven guilty'?"
- **Objective:** Analyze case studies (e.g., the Duke Lacrosse case, Kalief Browder, or the Central Park Five) to explore how societal bias, police practices, or prosecutorial behavior assume guilt from the outset.
- **Deliverable:** A presentation or timeline showing how the presumption of guilt influenced key moments in the case.

2. **Media's Role in the Presumption of Guilt**

- *Research Question:* "How does pre-trial media coverage contribute to the perception of guilt, and what safeguards can prevent it from influencing judicial outcomes?"
- **Objective:** Examine cases like O.J. Simpson, Amanda Knox, or Casey Anthony, focusing on headlines, soundbites, and public sentiment before and during the trial.
- **Deliverable:** A mock press release demonstrating how responsible media could frame cases without presuming guilt. Recommendations to prevent media bias.

3. **Systemic Bias and the Presumption of Guilt**

- *Research Question:* "How do systemic factors—such as race, class, and gender—and mental health, amplify the presumption of guilt? What are the real-world consequences for defendants?"

- **Objective:** Investigate disparities in bail decisions, police interrogations, or sentencing outcomes, drawing on data from sources like the Sentencing Project or Innocence Project.
- **Deliverable:** A presentation showing the impact of these disparities, including recommendations to mitigate bias.

4. Reversing the Presumption of Guilt

- *Research Question:* "What reforms or policy changes are most effective in combating the presumption of guilt within the justice system?"
- **Objective:** Focus on practical solutions such as reforming bail practices, improving public defender systems, or regulating media coverage. Research successful reforms in other jurisdictions (e.g., Norway, Sweden, Germany) and assess their applicability in the U.S. and "the Code of Blue".
- **Deliverable:** A policy proposal detailing specific actions to reverse the culture of guilt in the American legal system and recommendations.

Week 3:

The "Code of Blue" – Police Culture and Misconduct

Police Misconduct and the Shield of Impunity

- Examining the "blue wall of silence" and lack of officer accountability.
- Derek Chauvin (George Floyd), NYPD corruption cases.

False Testimony & Fabricated Evidence

- How false witness accounts and fabricated police reports send innocent people to prison. The Tulia Drug Busts (where dozens of Black residents were falsely accused).

Mental Health

Weaponizing the Criminal Justice System

Police Training and the Presumption of Guilt in Mental Health Crises

Law Enforcement & mental health: A Deadly Intersection

- The criminalization of mental illness and lack of police de-escalation training.
- Case studies: Elijah McClain, Daniel Prude.
- Discuss personal stories with students.

Breaking the Cycle – Reform & Justice

Prosecutorial Misconduct & the Power of Plea Bargains

- How prosecutors coerce innocent defendants into guilty pleas.
- Curtis Flowers (prosecuted six times for the same crime).

Systemic Failures in Training

Police officers often lack adequate training to identify and de-escalate mental health crises, which can lead to tragic outcomes when symptoms are misinterpreted as aggression or criminal behavior. The presumption of guilt—where individuals are treated

as dangerous before any assessment—is harmful to those with mental illnesses, who may already struggle with societal stigma.

- **Minimal Training Hours:** Many police academies spend only a fraction of their curriculum on mental health crisis intervention. This creates a gap in understanding behaviors like disorientation, emotional outbursts, or non-compliance that may stem from mental health conditions rather than criminal intent.
- **De-escalation Techniques Overlooked:** Without specialized de-escalation training, officers may resort to force, treating individuals in crisis as immediate threats rather than vulnerable individuals in need of assistance.

"Shoot First, Ask Questions Later" Culture

The presumption of guilt in mental health crises is often exacerbated by systemic issues within policing culture:

1. **Perceived Threats:** Behaviors such as shouting, erratic movements, or refusal to comply (common during mental health episodes) are frequently misinterpreted as signs of aggression including individuals who have hearing issues.
2. **Use of Excessive Force:** Without proper training, officers may default to using firearms or other aggressive tactics instead of attempting non-lethal interventions.
3. **False Narratives:** After violent encounters, police officers may justify their actions by claiming the individual was aggressive or posed a deadly threat, even when evidence contradicts their accounts. This "shoot first" mentality shifts the burden of proof onto the victim, reinforcing the presumption of guilt.

Wrongful Convictions & the Fight for Exoneration

- The role of organizations like The Innocence Project in overturning convictions.
- Case study: The Exonerated Five.
- **Activity:** Students analyze a real wrongful conviction case and present solutions for preventing similar errors.

Week 4:

Reimagining Justice – CRIMINAL JUSTICE SYSTEM REFORMS

Police Alternatives & Community-Led Public Safety

- Examining crisis response teams, community policing, and restorative justice.
- Case study: CAHOOTS program in Oregon (mental health intervention without police).

The Future of Justice – What Can Be Done? Recommended reforms

- Summarizing key takeaways and exploring future reforms.

Reform Strategies for a "Guilt-Free" Approach

To counter the systemic presumption of guilt, police departments need to adopt measures that prioritize mental health awareness and de-escalation:

- **Crisis Intervention Teams (CIT):** Trained teams of officers and mental health professionals can handle crises collaboratively, reducing the risk of violence.

- **Mandatory De-escalation Training:** Officers must learn to recognize mental health symptoms and use non-lethal methods to resolve conflicts.
 - **Accountability and Transparency:** Independent oversight and body cameras ensure that officers' actions are scrutinized when things go wrong.
 - **Community-Based Responses:** Programs like CAHOOTS (Crisis Assistance Helping Out on The Streets) in Oregon provide non-police intervention teams to handle mental health crises, wrongful convictions and police misconduct.
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 - **Final Project:** CAPSTONE PRESENTATIONS for Group Projects
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Supplementary Movies

- *The Central Park Five, The Thin Blue Line, Just Mercy, 13th* (Netflix Documentary)
- *To Kill a Mockingbird* (1962)
 - Explores racial bias and the struggle to uphold justice within a prejudiced society.
- *Making a Murderer* (Netflix series): Focuses on systemic failures leading to Steven Avery's wrongful conviction.
- *Serpico* (1973): Dramatizes the real-life story of Frank Serpico, a whistleblower in the NYPD.
- *The Hurricane* (1999): Examines the wrongful conviction of Rubin "Hurricane" Carter.
- **"Crisis: Behind a Presidential Commitment" (2020)**
 - Examines mental health crisis response policies in the U.S.
- **"Body Cam" (Documentary Series)**
 - Offers raw insights into police encounters, including those involving mental health crises.
- *American Violet* (2008): Highlights systemic racism and corruption in prosecutorial practices.

Supplemental Books & articles for the course:

- *The New Jim Crow* (Michelle Alexander), *Just Mercy* (Bryan Stevenson), *Crazy: A Father's Search Through America's Mental Health Madness* (Pete Earley)
- **The Constitution of the United States** – 6th and 14th Amendments

Primary Source Excerpts for Analysis

1. **The Twelve Tables (Roman Law)**
 - "If a thief is caught in the act, he may be killed on the spot."
 - "How does this law show a presumption of guilt for specific crimes?"
2. **Malleus Maleficarum (Witch Hunt Manual) 1487 (and later editions)**
 - "When a woman thinks alone, she thinks evil."
 - "Reflects on assumptions of guilt based on gender and social status?"
3. **Virginia Slave Codes (1705)**
 - "Any negro, mulatto, or Indian, found guilty of assaulting a white person, shall be punished by death."

Article XXXIV: If a slave resists their master, owner, or any other person who is authorized by the master or owner to correct them, and as a result, the slave is killed, it shall not be considered a felony. As well as if a negro, mulatto, or Indian, whether enslaved or free, raises a hand in opposition

against a non-negro, non-mulatto, or non-Indian individual, they shall receive punishment.

"What does this law reveal about power dynamics in colonial society?"

MODERN CASES: "Justice Gone Wrong"

1. Daniel Prude (Rochester, NY, 2020):

- Prude, a Black man experiencing a mental health crisis, was restrained by police in a prone position while naked and handcuffed, leading to his death. Officers initially claimed he was aggressive, but body camera footage later revealed the truth.
- **Systemic Failure:** A lack of de-escalation training and racial bias played central roles in the fatal encounter.

2. Elijah McClain (Aurora, CO, 2019):

- A young Black man with autism was stopped while walking home, placed in a chokehold, and injected with a sedative, leading to his death. Police labeled his nervous behavior as "suspicious."
- **Presumption of Guilt:** McClain's neurodivergent behavior was wrongly interpreted as a threat.

3. Cristian Pineda (San Diego, CA, 2017):

- A Latino man having a schizophrenic episode was shot after his family called 911 for help. Police claimed he was attacking them, but witnesses reported that he was unarmed and in distress.
- **Weaponization of False Testimony:** Officers' accounts conflicted with witness statements, but their version was initially accepted as fact.