

"The Constitution is relatively short and open to a lot of interpretation. The U.S. Supreme Court has the power to decide in each criminal case if something is cruel or unusual. The definition can change over time."

Gustavo Rivera  
New York State Senator



"To me, cruel and unusual punishment is any government action that is meant to be harmful for the sake of being harmful. That action doesn't connect to the treatment of an individual."

Gustavo Rivera  
New York State Senator



# Is Justice For All?

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The Eighth Amendment to the United States Constitution says “cruel and unusual punishments [should not be] inflicted.” But what is cruel and unusual punishment? How does an amendment written in 1791 relate to issues today?

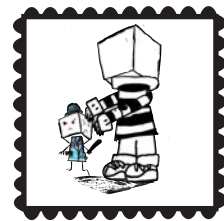
In the winter of 2017, CUP collaborated with Teaching Artist Meredith Degyansky and the International Community High School’s 11th grade to peel back the pages of the U.S. Constitution. To investigate, students got out of the classroom and into the politics of our justice system to speak with people about current issues related to cruel and unusual punishment.

**Should minors be charged as adults?**  
**Should inmates be held in solitary confinement?**  
**Who decides?**

Students created Public Service Announcements (PSAs) to teach others what they learned, and this postcard set so that you can let elected officials know what you think about issues related to the Eighth Amendment.

To view the PSAs created by the students, visit [bit.ly/2ipgJfX](http://bit.ly/2ipgJfX)

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**The Center for Urban Pedagogy (CUP)** is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement, particularly among historically underrepresented communities.

**City Studies** are CUP’s project-based, in-class and afterschool programs that use design and art as tools to research the city. To learn more about CUP, visit [welcometoCUP.org](http://welcometoCUP.org)

**The International Community High School (ICHHS)** is a progressive public school for English language learners in the South Bronx. To learn more, visit [ichs.weebly.com](http://ichs.weebly.com)

This project was made possible by the Bay and Paul Foundations, the New York State Council on the Arts with the support of Governor Andrew M. Cuomo and the New York State Legislature, and the New York City Department of Cultural Affairs in partnership with the City Council. Additional support was provided by Council Member Melissa Mark-Viverito.



Council on  
the Arts

**NYC** Cultural  
Affairs

# Should minors be charged as adults?

To investigate all sides of the debate, students from the International Community High School in the Bronx interviewed people invested in New York City's justice system, from community members to government officials.

**"If you commit the crime, you should pay the time. Victims and their families deserve a sense of justice, even if the criminal is a juvenile."**

Bronx Community Member

**"Recently, New York was just one of two states that treated 16 and 17 year olds as adults. The 'Raise the Age' reform states that there is a major difference between minors and adults, and that they should be treated differently. Adult prisons are not designed with kids in mind."**

Gustavo Rivera  
New York State Senator

**"In some extreme cases, we may need to treat a minor like an adult, but I believe that is a very, very small sliver of cases."**

Gustavo Rivera  
New York State Senator

**"There is scientific research that shows that the human brain is not fully formed until the age of 25. The juvenile justice system can still hold individuals accountable for their actions while recognizing that kids are really different in their decision making process than adults."**

Kate Rubin  
Youth Represent

To learn more about legal services for minors, visit [youthrepresent.org](http://youthrepresent.org)

**"If you commit a crime as a minor in the first-degree, something that was premeditated and violent like murder, then you should be tried as an adult. That minor took the time to plan the crime."**

Benny Vargas  
NYPD Detective

**"Children tried as adults face dramatically different treatment. They face longer sentences and fewer resources while incarcerated. They are at the highest risk of assault out of all inmate populations and they are more likely to commit more crimes when they are older."**

Kate Rubin  
Youth Represent

# What do you think?



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30

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**"External factors,  
like public opinion, can  
influence Supreme Court  
decisions."**

Gustavo Rivera  
*New York State Senator*

To learn more about this project, visit:  
[welcometoCUP.org/Projects/CityStudies/IsJusticeForAll](http://welcometoCUP.org/Projects/CityStudies/IsJusticeForAll)

To contact the Supreme Court, visit  
[supremecourt.gov/contact/contactus.aspx](http://supremecourt.gov/contact/contactus.aspx)



# Should inmates be held in solitary confinement?

To investigate all sides of the debate, students from the International Community High School in the Bronx interviewed people invested in New York City's justice system, from community members to government officials.

**"Solitary confinement can be used for protective reasons, such as stopping an individual from hurting someone else."**

Bronx Community Member

**"Solitary confinement is ultimately a form of torture. It is cruel and unusual punishment."**

Gustavo Rivera  
New York State Senator

**"Sometimes it can be rehabilitating, such as the proposed Humane Alternative to Long-Term (HALT) Solitary Confinement Act in the New York State Legislature. It doesn't have to mean depriving an individual of resources and violating their basic human rights."**

Victor Pate  
NY Statewide Organizer

**"How is the justice system supposed to make you a better member of society if you're locked up in basically a closet? No one is going to learn anything in isolation."**

Benny Vargas  
NYPD Detective

To learn more about HALT, visit [nycaic.org](http://nycaic.org)

**"For a short time, it can allow someone to cool down and reflect. It's like a time out for a person to regain control of themselves."**

Benny Vargas  
NYPD Detective

**"There's absolutely no evidence that solitary confinement makes people less likely to commit a crime. Statistics actually show that they are more likely to reoffend. It causes real trauma, psychological damage, and increases the chances of self-harm when somebody is isolated from all human contact."**

Kate Rubin  
Youth Represent



# What do you think?



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**“Write to your  
government officials.  
Push to make changes to  
the laws and policies that  
impact how our justice system  
works.”**

Benny Vargas  
*NYPD Detective*

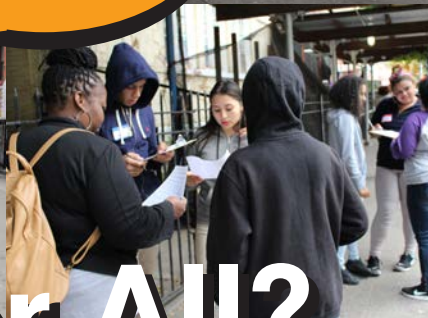
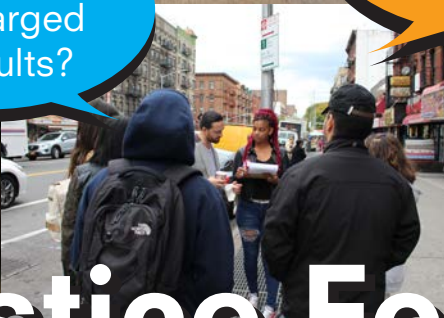
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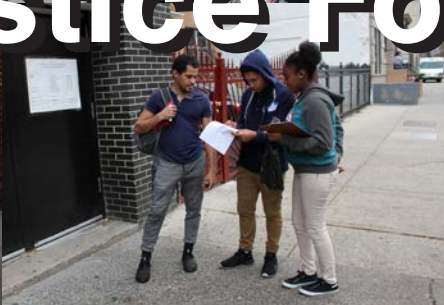


Should minors be charged as adults?

Should inmates be held in solitary confinement?



# Is Justice For All?





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## ICHS Students

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**Project Support:** Nick Johnson

## ICHS

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**"Turn up the heat on  
the policies you want to change.  
Put political pressure on government  
officials and show them the light.  
Educate and tell others about  
what you believe in."**

Gustavo Rivera  
New York State Senator