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"FROM THE INSIDE OUT"

A report by the Prison Watch Community Oversight Initiative Issue 9 - July 2019



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The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manne in conditions of freedom and dignity.

Dear Friends,

In this issue of From The Inside Out, we are researching the treatment of youth who have been convicted and sent to an adult prison. We are including personal testimonies from various individuals on their treatment and conditions in an adult facility. One of the first young people to inspire AFSc's Prison Watch work on solitary was Tafawa, a 17 year old being held in a punishment unit in East Jersey State Prison. It is our belief and our experience with Tafawa that he was placed in that unit because he was 17, acting out a 17 year old's anger and frustration at the poverty to prison pipeline. Tafawa yelled, Tafawa spit, Tafawa threw food - all behavior which carried severe penalties. Tafawa spent ten years in solitary confinement, getting charge after charge with no one to help this child deal with his circumstances, feelings and his behavior.



Youth Incarcerated in Adult Prisons

Over 10,000 children are imprisoned in adult jails and prisons, daily¹. They are often stuck in pretrial and unable to make bail. Currently, "39 states permit or require that youth charged as adults be held before they are tried in an adult jails and prisons²." Meaning, these children are in jail without being convicted. Given that most of the youth prosecuted in adult court are charged with non-violent offenses, this is particularly egregious ³.

Regardless of the offense, children serving sentences in adult facilities are regularly placed in solitary confinement for their youthful behavior. Enforced isolated confinement can cause anxiety, paranoia, and exacerbate existing mental disorders and put youth at risk of suicide. While in isolation, imprisoned children are locked down for 23 hours a day in small cells with minimal to no natural light. They are limited to little or no contact with other individuals for days on end. The 2006 Justice Policy Institute reports that putting children in isolation, "slows the natural process of aging out of delinquency. Exacerbates any existing mental illnesses. Increases the odds of recidivism. Reduces the chances of returning to school, and diminishes success in the labor market⁴." There is nothing to be gained by this kind of torture.

¹ "Children in Prison." Equal Justice Initiative. Accessed July 12, 2019. <u>https://eji.org/children-prison</u>.

² YOUTH IN THE ADULT SYSTEM. http://www.act4jj.org/sites/default/files/ckfinder/files/ACT4JJ Youth In Adult System Fact Sheet February 2018 FINAL Revised.pdf

³ Curley, C. (2016, November 11). Juveniles Tried As Adults: What Happens When Children Go to Prison.

⁴ Sawyer, Wendy. "Youth Confinement: The Whole Pie." *Youth Confinement: The Whole Pie* | *Prison Policy Initiative*, www.prisonpolicy.org/reports/youth2018.html.

It is very difficult to keep children safe in adult jails. When youth are placed with adults in jails they are at risk of physical and sexual assault. Juveniles make up only 1% of the population in adult prisons yet, "According to BJS, 21% and 13% of all substantiated victims of inmate-on-inmate sexual violence in jails in 2005 and 2006 respectively, were youth under the age of 18." ⁵ This is exactly what the experience of Korey Wise was, he was apart of the vulnerable population. Because of the abuse and violence he endured, he voluntarily placed himself in solitary to get away from it.

Racial Disparities within the Criminal Legal System

Children of Latin and African descent face higher chances of being tried and held in adult correctional facilities than white youth. This racial disparity is an indication of racial injustice in the criminal legal system. Data from the Campaign for Youth Justice shows that, "Black youth are 8.6 times more likely than their white peers to receive an adult prison sentence, while Latino youth are 40% more likely than white youth to be admitted to adult prison ⁶." Racism is so deeply rooted in the history of this country, it has continued to prosper in our criminal legal system.

⁵ The Dangers of Incarcerating Youth in Adult Jails in America.

http://www.campaignforyouthjustice.org/images/nationalreports/jailingjuveniles/CFYJFS_JailingJuveniles_000.pdf

⁶ Sawyer, Wendy. "Youth Confinement: The Whole Pie." Youth Confinement: The Whole Pie | Prison Policy Initiative, www.prisonpolicy.org/reports/youth2018.html.

Social Class and The Criminal Justice System

Juvenile prisoners are more likely to come from neighborhoods with reported high rates of child poverty⁷. In other words, growing up in a low income household increases a youth's chances of going to jail or prison. Youth who are raised in poverty-stricken homes are forced to live in communities that lack proper education, job opportunities, financial support and other resources. Many of these low income neighborhoods are predominantly African American, Hispanic or American Indian. The lack of opportunities for youth within poverty-stricken communities impedes them from being successful. It forces them to resort to a life of crime in order to survive. "Boys who grew up in families in the bottom 10 percent of the income distribution were 20 times more likely to be in prison on a given day than children born in the top ten percent of families⁸." This perpetuates the poverty to prison pipeline.



⁷ Turner, Adam Looney and Nicholas. "Work and Opportunity before and after Incarceration." *Brookings* (blog), March 14, 2018.

https://www.brookings.edu/research/work-and-opportunity-before-and-after-incarceration/. 8 lbid.



"When you go into the youth house, you can't explain the smell. It's like the smell of iron. All you can see is doors galore with kids locked behind them. Anytime we went to eat, someone was fighting. When we did get the food, it's cold. Some of it is nasty. As soon as you walk into that place you catch chills. You get two showers a week, one pair of drawers and one t-shirt for the week." T.H. age 17

Testimonies from youth on their experiences in juvenile detention from the AFSC 2002 publication "Our Children's House"



OUR CHILDREN'S HOUSE

The American Friends Service Committee listened to the stories of eleven young people between the ages of fifteen and twenty, who had been detained in the Essex County Youth Detention Facility in Newark, New Jersey. This listening project was an outgrowth of the AFSCs New Directions Youth Project, a mentorship program with young people who have had first brush with the law. Here are some of their testimonies.

"If you do something wrong, they lock you down [24 hour solitary confinement]. They make you go to bed early and feed you when they want to feed you. They lock you in this little cell [she describes something about 3x5]. I cried every night there. It was painful. I felt like I couldn't get air..." A.H. age 17

> "When I was 12, I was in the old youth house. It was so dirty. They put you in these dirty rooms with bugs all around. With dirty, stinking sheets. The new one is cleaner. In the old one, the toilets were filthy with crabs and lice." B.F. age 17

"People beat other people up. A lot of stuff kicked off in the cot room where twenty to thirty kids were. If a new person came we would piss in their boots. We played "no one is going to sleep." if a person went to sleep, we put them in the hospital. The guards didn't do anything." J.B. age 20

"I was 12 and 14 when I went to the youth house. I saw them pepper spray this girl one time. She beat up a boy and then pepper sprayed the girl. She hit the boy real hard because the boy asked the guard if she was gay. They threw the boy in the hole and took all his clothes from him. He had to sleep naked. It was so cold in there. He was screaming." B.F. age 17

Dedicated to Kalif Browder and Eddie Sinclair Jr.

Kalif Browder, 1993-2015

In loving memory of Kalif Browder. A victim of the criminal legal system. At the age of 16, Kalif was picked up by cops for allegedly stealing a backpack. Because he could not make bail, and therefore without a trial, Kalif spent three years enduring Rikers Island, two of those long years spent in solitary confinement. Three years after his release, suffering from the psychological

trauma he endured from prison, Kalif took his life. There are many

stories like this of young people suffering from the trauma of the

criminal legal system. We would like to honor Kalif's memory and acknowledge the injustices of the system.

Eddie Sinclair Jr, 1985-2003

Eddie Sinclair Jr. killed himself on Mother's Day 2003. Eddie had missed



a probation appointment because he had stolen a bicycle. The police picked Eddie up, did not inform his parents and was placed in an isolation cage in a youth detention facility in Elizabeth, NJ. Eddie was 17 years old. His father was of African descent and his mother of Latina descent. They do not believe that this would have happened with a white child.

A Testimony by Demetrius Minor

My name is Demetrius Minor. I'm twenty-two years old, from Bridgeton, New Jersey–although I've lived all over Jersey. I was placed into the child welfare system at the age of nine. As a child, I always



wanted to be a lawyer or do something that involved helping or advocating for people. My mother always used to tell me that I was too smart for my age and that I should stay out of adults' conversations. But for some reason, I have always loved being around older people; they give me a different outlook on life. I suffered physical abuse in my home and began to act out. By the age of 8, I was in the child welfare system, where I was sent to more than twenty different placements, including some of the worst foster homes and programs. One of my foster fathers sexually abused me, but when I reported the abuse, I was told how hard it is to place African American children in the system, and that I should look at the good school, nice home, and food I had and realize that I could be in a worse situation. After years of being traumatized in the system, I revisited my abusive former foster parent, confronted him about the abuse, and killed him. I was 16 years old.

Once I was arrested, I was misled into a plea to 30 years with an 85% mandatory minimum–almost double my life at that point–in an adult prison in New Jersey. Prosecutors and law enforcement took advantage of the fact that I had no parental support or legal advisors to guide me through the justice system. I was told: *"Your kind (African Americans) usually get life sentences or never make it out of the prison."* The system viewed me as just another black teenager who had murdered someone and did not deserve a chance at rehabilitation–or even to live in society.

I do not make excuses for myself. I realize the harm that I did to my foster father and his family, and I recognize that I needed to be held accountable. But I also wish that someone had been there for me during my childhood to provide the help and treatment I needed. I wish that the justice system had believed in my ability to be rehabilitated. In the end, despite an unsuccessful attempt to withdraw my plea, I was sentenced as an adult, and according to my sentence, I must serve 25 years, six months, and two days. Once again, I am one of the forgotten children, thrown away into the adult correctional system.

As crazy as it sounds, I was honestly under the impression that years behind bars would change me and make me a better person. I felt like I had caused so many hardships on myself and my family. Instead, what I found was shocking. It doesn't seem that our prison system wants inmates to be rehabilitated or to change. It was said to me when I first entered the system: *"Since you're an inmate and you wear prison colors, you're pathetic and will be treated like cattle."*

While I have faced some very difficult times in my life, nothing compares to living in an adult correctional facility as a kid. The sad truth is that I could honestly do this time and transform myself into a worse person than I was when I entered. These prisons are not focused on correcting individuals, but on warehousing inmates, and they would rather have us youth leave troubled and corrupt. "Once again, I am one of the forgotten children, thrown away into the adult correctional system." - Demetrius Minor

I thank God that I have decided to change my ways and not become a statistic. I have fought long and hard to correct my behavior and also not to succumb to the negative lifestyle that is ever-present in prison. Instead I spend my time reading, writing, and educating myself on criminal law, business management, and social economics. By doing this, I have learned that there are thousands of youth incarcerated as adults each year in our country, most of them coming from communities where poverty and crime are prevalent.

Very little is being done to fix their communities, and the youth are paying the price. It also seems as if our society uses the correctional system to house those youth who are mentally ill. Many days I spend advocating for other kids who cannot do so for themselves because they are illiterate or have other problems. I have discovered the injustice and prejudice shown not only towards African American juveniles, but all African Americans. Youth of color are not only treated differently than their white counterparts but are also give harsher sentences even when the crimes are the same. Through my writing, I hope to clarify and reveal the effects of placing and warehousing juveniles in adult prisons with very few rehabilitation opportunities and very few programs. I have made a promise to myself, and that promise is that I will advocate every day of my life until I see real change ... and even when I see real change, I will still continue to advocate. My hope is that through public awareness, policy and prison reform, I and thousands of others will find long-awaited relief.

Sending juveniles to adult facilities and giving them excessively harsh sentences with no chance of rehabilitation is abuse.

Youth should never be incarcerated in the adult system.

COMMENTARY

Demetrius Minor has become one of the most inspiring people I've ever encountered. Through this internship, I have gotten the opportunity to build a relationship with Demetrius and learn his story. He would call in to our office to offer any support he could on any project that we were working on. I have never experienced someone so strong, to not let the system sink him in. Demetrius continues to be an advocate for himself and prisoners around him through his writing and determination. He acknowledges the mistakes he has made and continues to fight for justice in our criminal legal system. I respect his strength and his dedication. I would recommend that anyone reading this issue visit his website (justice4demetrius.org) and read his powerful writing, it is something that I will never forget.

- Jada West

WHAT HAPPENED TO KOREY WISE?

As highlighted in Ava DuVernay's exceptional telling of the Central Park Five in the Netflix Limited Series "When They See Us," she covers how youth of color are constantly harmed by the criminal legal



system. The emotional and raw story of Korey Wise, one of the Five, focuses on the torment and torture youth face when they are placed in adult prisons and jails. Korey was only sixteen years old when he was wrongly convicted as an adult for the rape and assalt of Trisha Meili. Being sixteen at the time, he was the only one of the youths sentenced as an adult. He was sent to Rikers Island, ranked as one of the ten worst correctional facilities in the United States by <u>Mother Jones</u> Magazine. The most upsetting part is that Korey was only at the police station to offer support for his friend Yuset Salam, who was called for questioning.

Along with the four other boys, Korey endured misery and torture in the prison system which changed his life forever. Korey spent an extensive amount of time in solitary in order to protect himself from the violence and abuse occurring inside the prison walls. He will never forget the torture. He stated in the 2005 Central Park Five Documentary, "You won't forget what you lost. No money could bring that time back. No money could bring the life that was missing or the time that was taken away."

Because he was, at 16, considered an "adult" Korey served twice the time as the other individuals, with a total of 12 years. During his time in prison he was up for parole but he refused to accept their condition for parole. Their rule was that he was required to admit to the crime prior to gaining any parole. Korey refused to do this, telling the Parole Board that he couldn't say that because he was innocent. He was released only because Matias Reyes, the real attacker, confessed to the crimes.

Today, Korey continues to be a criminal justice activist in his community. Living in New York City, Korey works as a public speaker to bring light to the unjust US criminal legal system via sharing his experiences in prison. With the money from his settlement, Korey donated \$190,000 to the <u>Innocence Project</u> at the University of Colorado. He is a survivor of the criminal legal system, reminding us of how crucial it is to recognize the horror what is happening to our children of poverty and our children of color in this country. Korey wise experienced this torture, Demetrius minor experienced this torture, and Harry experienced this tortue. The narrative is all too common for the poor and children of color. We often call it the poverty to prison pipeline.

Harry Charles Jackson

Harry Charles Jackson is a 36 year old man who was arrested and imprisoned pre-trial on Rikers island at the age of 16. In a dialogue with Demecis Mathias, he talked about his incarceration and the impact of horrors that he saw and endured.

According to Harry, he was incarcerated for a robbery attempt that was conducted by his friends. Not unlike Korey Wise, he was not present for alleged crime, and was only informed of it after his friends told him. The police officers targeted him as they knew he was friends with the youngsters that they had previously taken into custody. They asked him to disclose the names of other young people that were involved, and he refused.

"I was falsely imprisoned because I didn't do it. I knew about it, I knew the people who did it. But I didn't do it. They wanted me to tell them about it but I didn't."

When asked about some of the experiences he suffered from while incarcerated as a youth, Charles became emotional. He stated that he continues to remember everything that happened and everything he witnessed, although it was 20 years ago.

"I saw people get abused by other inmates, by security guards, by COs, correctional officers. Like it's just wild, its all types of stuff going on."

When asked about a specific instance when he was abused he replied:

"There was one time we were in class and you not supposed to be talking in class or whatever. Cause the guards are outside the classroom. And being kids, we were being hard-headed, talking to each other. The guards used to come in there and if they catch you talking, they hit you in the head with a thick textbook like thousands of pages in the book. Like, hit you in the head like I don't know if you ever got hit in the head with a textbook but it hurts."

"And then, they try to put fear into you. They wear they gloves and they punch you. If you're doing something you are not supposed to be doing, they take you in the hallway they punch you, they hit you."

When asked about other experiences, Harry Jackson spoke about his experience in solitary confinement. He said that in order to survive being caged in a tiny room he had to keep his mind occupied.

"I worked out, I did push-ups and thought about going home. And every dream I had was about how I was free. I thought I was free, I didn't want to open my eyes. It's not a place for no black child. I feel like it's not a place for nobody at all."

COMMENTARY

Harry Jackson is a very close family friend. To actually hear some of the torture and abuse that he experienced while incarcerated was extremely shocking and concerning. It was tough to hear how he was beaten frequently, forced to fight other kids, and encaged in a small cell with nothing but a bed and toilet (for days). However, what disturbed me the most was when he confessed that as a young child he wanted to experience Rikers Island. He expressed that growing up as an African American child from the Bronx, that is all he ever heard about, in songs, through people's stories about their battle scars, Rikers was glorified as a place that only the toughest kids and men survive. Therefore, if you came from Rikers you were respected. This disgusted me beyond anything; young, black children are being sold this romanticized notion of Rikers Island. They are being told that incarceration is a test of their strength and endurance. It just further proves how as a society we must do better. We have to protect our children, regardless of color, from the horrors of our criminal justice system.

- Demecis Matias

Youth Serving Life in Prison

There are nearly 100 cases of 13 and 14 year old's who have been prosecuted as adults and sentenced to life imprisonment without the possibility of parole⁹. According to The Sentencing Project, "Twenty states and the District of Columbia do not have any prisoners serving

⁹ "Cruel and Unusual: Sentencing Children to Die in Prison." Equal Justice Initiative. Accessed April 24, 2019. <u>https://eji.org/reports/cruel-and-unusual</u>.

life without parole for crimes committed as juveniles, either due to laws prohibiting the sentence or because there are no individuals serving the sentence at this time. Thus, while 29 states allow the sentence, just three – Pennsylvania, Michigan, and Louisiana – account for about two-thirds of JLWOP (Juveniles Life Without The Possibility of Parole) sentences.¹⁰" This may seem like a step forward but there are still 2,225 juveniles serving life sentences in this country. And nearly two thirds of these individuals are children of color¹¹. Most of the children who are incarcerated come from a background of abuse and violence. They are greatly influenced by their surroundings and could be molded towards a different path with the right assistance. It is unfortunate that in this country, there is no steps towards rehabilitation for these incarcerated children, they continue to stay in the system and repeat their past mistakes.

¹⁰ "Juvenile Life Without Parole: An Overview." The Sentencing Project. Accessed July 12, 2019. <u>https://www.sentencingproject.org/publications/juvenile-life-without-parole/</u>.

States that have eliminated or limited the use of life without parole for Juveniles, 2018 The Sentencing Project



*States in grey still have life without the possibility of parole for juvenile offenders

This is cruel and unusual punishment, a child should not be condemned to die in prison when they have the opportunity to learn from their past imprudence. Demetrius Minor is an example of how a child can change and reflect on their past transgressions.

Even though the Supreme Court has deemed juvenile life sentencing as unconstitutional, there are many states that continue this practice. It is a violation of <u>The United Nations Convention on the Rights of the</u> <u>Child</u>, which states that every child has the basic fundamental rights to:



The children serving time are not protected from violence, they are enduring violence and abuse directly in the prison walls.



New Jersey Bills...

Criminal Justice advocates are making small strides to fix the criminal legal system. A bill called "Isolated Confinement Restriction Act" was introduced in 2018 and passed this July (2019). As explained in the legal document, "The bill further provides that no inmate is to be placed in isolated confinement for more than 15 consecutive days, or for more than 20 days during any 60-day period, and that cells or other holding or living spaces used for isolated confinement are to be properly ventilated, lit, temperature-controlled, clean, and equipped with properly functioning sanitary fixtures." These changes will make sure that no prisoner is never spending consecutive years of end in isolated confinement.

This bill is important, not only to the adult prisoners but to the juveniles. According to the Justice Department, as many as 17,000 juveniles are held in isolation in juvenile facilities across the country. The story of Kalif Browder and Eddie Sinclair Jr. can speak on the excruciating pain of living in solitary confinement as a juvenile.

There is another bill in the works that concerns resentencing and parole for individuals convicted as juveniles. Those convicted as juveniles who are serving a life sentence without the possibility of parole will be eligible for parole under the terms of the bill. The <u>bill</u> No. 1233 was introduced in New Jersey in January of 2018. It states declarations about juvenile offenders including:

A. The United States Supreme Court has recognized that juveniles are biologically and psychologically unlike adults

in ways that render them "constitutionally different . . . for purposes of sentencing."

<u>Miller</u> v. <u>Alabama</u>, 132 <u>S.Ct.</u> 2455, 2464 (2012).

B. Drawing on developments in neuroscience and developmental psychology, the United States Supreme Court has recognized that juveniles are impulsive, lacking in foresight, and acutely susceptible to peer pressure.

C. As a result, when juveniles offend, they do so with diminished culpability.

D. An equally notable feature of youth is that these shortcomings are transient. Countless studies show that a vast majority of juvenile offenders, even those who commit egregious crimes, will mature into law-abiding citizens.

It has been introduced and is awaiting review by the Legislative Counsel. If this bill is passed, individuals like Demetrius Minor will be released earlier and have the opportunity to reenter society.

When we approach these issues with incarceration amongst children, we should ask ourselves why is this happening, what has caused this issue. And with the institutions in America, we realize its steams from the genocide the country committed against indigeniouus and black people. The history remains apart of society today, slavery continues in a new form. Communities have not been given the opportunity to recover from the terror placed against them from slavery. Continue to be an active member of your community. Continue to put pressure on Governor Murphy to push progressive legislation towards reforming our prison system.

Children Learn What They Live

By: Dorothy Law Nolte

If children live with criticism, They learn to condemn. If children live with hostility, They learn to fight. If children live with ridicule, They learn to be shy. If children live with shame, They learn to feel guilty. If children live with encouragement, They learn confidence. If children live with tolerance, They learn to be patient. If children live with praise, They learn to appreciate. If children live with acceptance, They learn to love. If children live with approval, They learn to like themselves. If children live with honesty, They learn truthfulness.

If children live with security,

They learn to have faith in themselves and others.

If children live with friendliness,

They learn the world is a nice place in which to live.

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