

APPENDIX C

Sample Mitigation Work Product Documents and Resources

Sample Mitigation Reports

August 14, 2022

500 Indiana Avenue, NW
Washington, D.C. 20001

To the Honorable Court:

My name is Julie Hyman and I am a licensed social worker and mitigation specialist with experience in conducting life history investigations in *Miller* resentencing proceedings and capital post-conviction cases. Pursuant to the IRAA reconsideration proceedings for [REDACTED], I have been asked to complete an investigation and mitigation report concerning [REDACTED] life history.

My services were requested based on my expertise in mitigation investigation. Specifically, I have about eight years of experience serving as an investigator and mitigation specialist in capital and non-capital cases in nearly a dozen jurisdictions nationwide. Currently, I am the founder of Julie Hyman Consulting, a mitigation, investigation and social policy consulting business specializing in life history investigations for individuals facing extreme sentences. My resume is attached.

The following social history summary is provided on behalf of [REDACTED]. Legal, educational, medical, institutional, and social history records were reviewed. Additionally, this report is based on in-person interviews and phone calls with [REDACTED], his family and others who are familiar with his life history.

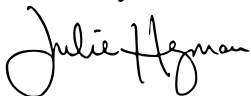
These include interviews with:

- [REDACTED] (Father)
- [REDACTED] (Sister)
- [REDACTED] (Cousin)
- [REDACTED] (Cousin)
- [REDACTED] (Cousin)
- [REDACTED] (Childhood Friend)
- [REDACTED] (Childhood Friend)
- [REDACTED] (Friend)

In addition to these interviews, the following records were reviewed:

- Original IRAA motion including
 - A presentence report from trial
 - Birth certificate
 - Letters of support
 - Certificates of completion and achievement from various prison programs
 - Bureau of Prisons educational, health, work and disciplinary records
- Original IRAA hearing transcript
- Defense Supplements 1 and 2, dated March 25, 2022 and April 4, 2022
- Government's Opposition to IRAA, dated February 10, 2022
- Denial of [REDACTED] IRAA Motion, dated April 4, 2022
- News reports from the *Washington Post* and *Washington Times*
- Educational records from the Stratford Career Institute and Prince George's County
- Bureau of Prisons Discovery

Sincerely,



Julie Hyman, LSW, MSSP

Mitigation Specialist | Investigator | Consultant

Julie Hyman Consulting



[REDACTED]

Mitigation Report and Reentry Plan
Prepared by Julie Hyman, LSW, MSSP

I. SUMMARY

[REDACTED] grew up in the Glassmanor neighborhood of Oxon Hill, MD in the 1980s and 1990s when it was violent and dangerous. When his parents purchased a home there before he was born in the early 1970s, the area was suburban and quiet. By the time [REDACTED] was in middle school, however, poverty, drug use and crime had increased significantly. Drug users and people without homes camped out a few blocks from the family's home. Robberies with gun violence were a common occurrence, and often ended in murder. Many neighborhood residents carried guns to feel safe.

Despite having a supportive family and Christian upbringing, like many young people, [REDACTED] was influenced by his peers, neighborhood and environment. Fighting was normalized in [REDACTED] middle school. After being punched in the face unexpectedly at age 12, he learned that fighting back was a necessity for his own safety. He gravitated towards neighborhood friends and remained loyal to them. He felt that this was another form of protection from the area's violence.

When [REDACTED] was around 15 years old, his close friend, Andre was shot and killed during a robbery at a local 7-Eleven. The tragedy deeply affected [REDACTED], who felt helpless and angry after Andre's death. However, growing up as a young Black man in Oxon Hill in the late 1980's and early 1990's meant that Andre's death was the first of many more that [REDACTED] experienced as time went on. He estimates that around 30 of his close friends died before he was 20 years old. [REDACTED] was cognizant that he could be next. He often carried a gun when he left his home. This allowed him to feel safer and more in control of the things around him that made him feel so helpless.

Despite these negative influences, [REDACTED] graduated from [REDACTED] High School. Around the same time, his parents divorced and his mother moved to a different area. He stayed with his father, who provided him with little parental supervision. Soon after, he moved in with extended family in North Carolina and enrolled in community college. He did poorly there and was homesick. He decided to move back to the Washington, DC area and found his own apartment in Greenbelt, MD, an area that was quieter than Oxon Hill. He began working as a laborer at the U.S. Capitol building. Things were going well for [REDACTED] until he was shot at age 21. He was sitting at a stop sign in his car down the street from his father's house in Oxon Hill, and gunfire erupted suddenly. He estimates that 12 to 16 rounds were shot. Only one hit him, breaking his leg, but he knew that he could have lost his life. It remains unclear who shot [REDACTED] and whether it was intentional or random.

After surgery, several weeks in the hospital and several months recovering with the help of his family, [REDACTED] walked again. He felt unsafe in the neighborhood before the incident, but after getting shot, he

describes being on pins and needles. He was hypervigilant and reacted impulsively to anything he thought might be a threat. [REDACTED] was determined not to let anyone hurt him again and began carrying a gun more often for protection. Just eight months after [REDACTED] was shot, the fatal shooting of [REDACTED] took place.

Not long after [REDACTED] death, [REDACTED] turned himself into the police and was arrested. At the Washington, DC jail, he was ashamed of himself. He promised himself that he would become a better person and committed to never having access to something, like a gun, that would cause such harm again. Although he knows nothing could ever repair the tragic mistake that he made, he hopes that his commitment to non-violence and his own self-improvement will honor [REDACTED] life.

In his nearly 28 years of incarceration, [REDACTED] has done all that he can to fulfill this commitment. He has completed victim impact programming, excelled in positions of employment and been approved for transfers to lower security facilities. Throughout his entire incarceration with the BOP, he has received only three disciplinary infractions. After each infraction, he accepted the consequences for his actions and completed the required penalties with no further issue.

Throughout his incarceration, [REDACTED] has developed his own passions, including writing, mentoring and physical fitness. He sees these activities as opportunities to give back to his community. [REDACTED] developed and delivered exercise classes to his fellow inmates. He sought out and excelled in an external fitness and nutrition certification. He has served as a formal and informal mentor to numerous young men in prison, hoping to help them avoid the mistakes that he made. [REDACTED] has written five novels while incarcerated and published two. Both books guide readers on positive decision-making. He maintains close relationships with his supportive family. He prays daily and notes that his faith has gotten stronger over the years, guiding his actions. [REDACTED] is not the same man he was at 22 years old. He is now a mature, thoughtful 50-year-old who feels extreme remorse for the loss of [REDACTED] and continues efforts to improve himself every day.

II. [REDACTED] BACKGROUND

a. Early Life

[REDACTED] was born on [REDACTED] in Washington, DC to [REDACTED]. [REDACTED] and [REDACTED] were married in 1970 and for the first two years of their marriage, lived together in Washington, DC. In 1972, they decided they were ready to move on from their small city apartment. They purchased a home in the Glassmanor neighborhood in Oxon Hill, Maryland, an area two blocks from the border of Washington, DC in Prince George's County. Not long after moving into their new home, [REDACTED] discovered that she was pregnant with [REDACTED]. [REDACTED]

¹ [REDACTED] will hereinafter be referred to as [REDACTED].
² [REDACTED] will hereinafter be referred to as [REDACTED].
³ [REDACTED] will hereinafter be referred to as [REDACTED].

was the first of the couple's two children, and although it was an unplanned pregnancy, they were excited to become parents. Four years later, in [REDACTED], [REDACTED] younger sister, [REDACTED] was born.

Around 1971, [REDACTED] began what would become a nearly 40-year career with the government at various federal agencies. While his children were young, he worked at the Office of Economic Opportunity, Health and Human Services and the Department of the Interior. He would spend his days at work in downtown Washington, DC and on many evenings and weekends, traveled around the DC area playing back-up saxophone for different bands. His band opened for famous acts like Delfonics, Peaches and Herb and Funkadelic. He enjoyed performing, but often missed family activities as a result. He recalls that he left much of the parenting to [REDACTED], who was a stay-at-home mom until her children were school-aged. Once [REDACTED] were at school during the day, she began her own sewing business, making clothing from the family home in Oxon Hill.

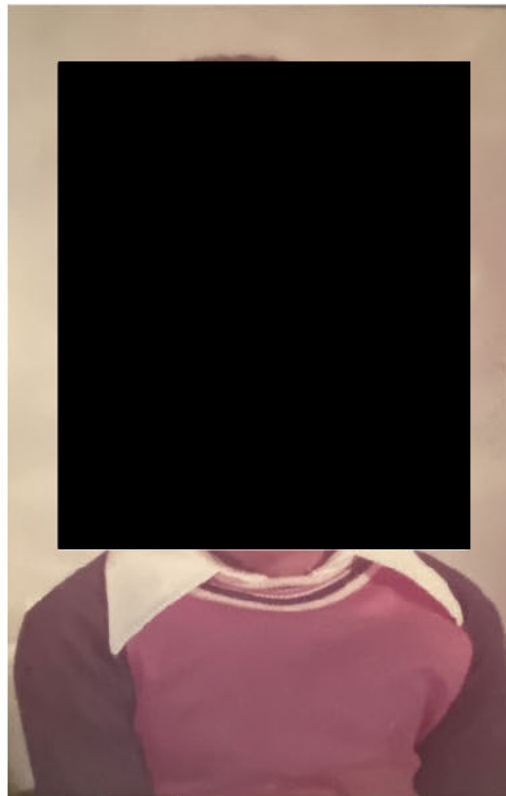


A portrait of the [REDACTED] in the late 1970s. [REDACTED] was around age 6.

As a small child, [REDACTED] played football, rode bikes in the neighborhood and spent summers and holidays with both sides of his extended family in North Carolina and South Carolina. It was important to both parents that their children knew their aunts, uncles, grandparents and cousins. The families were all close, affectionately using nicknames for one another. [REDACTED] was called "[REDACTED]" a nickname which his aunt gave to him when he was a baby because he was "cute as a button." Friends and family still refer to [REDACTED] as "[REDACTED]" today. On [REDACTED]' side, [REDACTED] great aunts lived together in one central

house in Hickory, North Carolina where holidays and family reunions took place frequently. Family traditions included Easter egg hunts, Christmas plays and reading Bible scripture together.

The Christian faith was very important to the [REDACTED] family and they attended Wallace Presbyterian Church in Hyattsville, MD. They attended services weekly throughout [REDACTED] childhood, did Bible Study and attended church community events together. For the early years of their schooling, [REDACTED] and [REDACTED] attended private Christian schools including Grace Brethren Christian School and Camp Springs Christian School, both in Maryland.



[REDACTED] *as a young child.*

b. A Changing Neighborhood

By the time [REDACTED] was in elementary school, in the early 1980s, Oxon Hill and Glassmanor had begun to change. When [REDACTED] and [REDACTED] purchase their home in the early 1970s, it had been a quiet neighborhood. As wealthier, white residents left the neighborhood and began

moving further out into the suburbs,⁴ there was a rapid increase in crime.⁵ [REDACTED] remembers his neighborhood in early childhood as an idyllic community where everyone would leave their doors open. One of the first things that indicated change for him was when neighbors started closing and locking their doors. At around age 9 or 10, he had his bike stolen and remembered being very upset about it. As he got older, however, similar thefts became a common occurrence in Glassmanor. [REDACTED] mother was a founding member of the Neighborhood Watch, a group started by residents concerned about the sharp increase in crime rates in the area. [REDACTED] sister, [REDACTED] recalls an awareness of drugs in the neighborhood, violent crime and murder as early as elementary school. She remembered knowing that because the family lived so close to the border with Washington, DC, the rising crime rates in the city⁶ spilled over into their neighborhood. [REDACTED] grew up on the same street as [REDACTED] in Oxon Hill, and recalled,

“Right across on the DC side we called it Third World because there were so many shootings and stuff like that going on. It was probably not even a mile or even two blocks from our neighborhood. It was literally right there.”⁷

There was an abandoned apartment complex a few blocks from the [REDACTED] family home which attracted drug users and people who were homeless. From a young age, [REDACTED] remembers this being a fixture in the neighborhood. As early as middle school, he witnessed people using and selling drugs around him. Marijuana soaked in embalming fluid, and later crack cocaine, were popular and people would get high and act erratically a few streets away from the [REDACTED] home. When he was around age 9 or 10, [REDACTED] friend’s brother was killed. This was the first time he understood the concept of murder, and it scared him. As the years went on, however, this type of violence became a normal part of his young life.

⁴ “Lured by lower taxes in nearby counties, scared by busing and new faces in the neighborhood for Sunbelt retirements, an astonishing 43 percent of the whites who lived in Prince George’s in 1970 were gone by 1980...John McClain of COG noted that while Prince George’s total population grew only slightly over the decade, Charles, Calvert and Anne Arundel population combined grew by 111,762, due at least in large measure to white migration from Prince George’s.”

From Wynter, L. (1981, April 9). The Changing Suburbs. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/local/1981/04/09/the-changing-suburbs/36047c01-9114-4c88-b844-70e50ebdfc92/>.

And Census Data from Prince George’s County (1970, 1980, 1990) shows the demographic changes in the population: 1970: White 85.1%, Black 13.9%, Some Other Race 1.0%; 1980: White 58.9%, Black 37.3%, Other: 3.9%; 1990: White 43.1%, Black 50.7%, Other 6.2%.

⁵ According to the Maryland Statistical Analysis Center (MSAC), within the Governor’s Office of Crime Control and Prevention (GOCCP), the total numbers of crime began increasing in Prince George’s County in 1978, when there were 47,326 crimes reported and 4,703 violent crimes reported, down from 46,559 general and 4,470 violent crimes reported in 1977. By 1981, the total number of crimes reported had increased to 52,832 and the total number of violent crimes reported had increased to 6,497. This is a nearly 13.5% increase in general crime from 1977 to 1981 and a 45% increase in violent crime from 1977 to 1981.

From The State of Maryland. “Violent Crime & Property Crime by County: 1975 to Present | Open Data | Opendata.Maryland.Gov.” Accessed August 8, 2022. <https://opendata.maryland.gov/Public-Safety/Violent-Crime-Property-Crime-by-County-1975-to-Present/jwfa-fdxs>.

⁶ Valentine, P.W. (1980, February 23) D.C. Crime Rate Rose 10.8 Percent For All of 1979. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/politics/1980/02/23/dc-crime-rate-rose-108-percent-for-all-of-1979/643a1372-a9e9-41de-ac0e-dd42bd947fb1/>.

⁷ Interview with [REDACTED], August 9, 2022.



around the age when things started changing in Oxon Hill.

c. Struggling in Middle School

As his neighborhood changed around him, [REDACTED] began acting out and struggling at Camp Springs. By the time [REDACTED] was in middle school, he and his sister were the only kids in their neighborhood who were bussed out of the area to a private, Christian school. They were also one of the only families who had two parents in their home. Because of this, other children noticed that [REDACTED] was different and he was bullied. [REDACTED] remembers walking home from the bus stop while neighborhood kids would scream nasty things at them. Kids would target her brother specifically, calling him “preacher’s kid.” [REDACTED] would encourage [REDACTED] to walk faster and rush her home, but she knew these interactions upset him.

As one of only a few Black students in a mostly white school, [REDACTED] also felt like an outsider at Camp Springs. Although he liked that Christianity was part of the curriculum there and was friendly with many of his peers, he began to get into trouble. In seventh grade, he got into a fight with a white student who spit on him, and was ultimately expelled.

[REDACTED] parents were very upset with him, and enrolled him in the local public school, [REDACTED]. Because of the expulsion, he had to repeat seventh grade. Until that time, [REDACTED] played football through the Boys and Girls Club. His parents pulled him out of the extracurricular as a punishment. They said that he could sign up again when he had good grades at

█████ and showed that he could stay out of trouble. Despite this, █████ never re-enrolled, and lost football as a constructive outlet.

█████ was happy to attend █████ with kids he knew from the neighborhood, who were mostly Black, especially after the racism he experienced at Camp Springs. Despite that, the school was a wakeup call for him. He describes it as a rough place. Fighting was common and older kids from the local high school would come to █████ during the school day to fight. █████ childhood friend █████ attended █████ He remembers fights “literally as we got on and off the bus.”⁸

█████ remembers an incident in seventh grade at █████ that taught him quickly about his new environment. Another student that he thought was his friend walked up to him in the hallway between classes and punched him in the eye unexpectedly. This student lived in a different neighborhood and had gotten into an argument with kids in █████ neighborhood. █████ thought because he wasn’t part of that particular argument, he would be fine, but he learned quickly that who he associated with determined whether he would get hurt or be safe. This hardened █████ and taught him that if he didn’t stand up for himself, he would continue to be picked on and potentially seriously injured.

d. █████ High School

After repeating his seventh grade year, █████ took an exam to skip eighth grade and went directly into ninth grade at █████). █████ was much larger than █████ and █████ describes it as “much wilder.” Students fought frequently, knives and guns were common and students regularly skipped classes. A December 26, 1990 article from the *Washington Post* described the environment:

“At █████, which...last year [had] a systemwide high of 28 reported assaults, students interviewed said the vast majority of serious fights start with what they described as ‘stupid stuff,’ such as an unkind remark, a misdirected flirtation or lingering rivalries...Though some students wear their brawling records like badges of honor, even those who are hesitant to get involved in fights might find it difficult to back away once they think their pride has been challenged and a crowd gathers to cheer the fireworks, students said. ‘If you are scared, then all the people mess with you,’ said Rhonda Banks, 17, a senior who said she was suspended twice last year -- one time for 1 1/2 months -- for fighting in school. ‘If you act the way they act toward you, they leave you alone.’”⁹

⁸ Interview with █████, August 9, 2022.

⁹ Leff, L. (1990, December 26). PG Schools Target Violence. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/local/1990/12/26/pg-schools-target-violence/149ffa6-6dc6-46be-a5b3-494be68cfd7d/> The same article stated that in the 1989-1990 school year, “The number of serious injuries resulting from assaults was up by 19 percent, with 10 victims ending up in the hospital and 94 others requiring treatment by doctors.”

█████ childhood friend █████ agreed with this characterization of the school at that time, saying, “We got to the point where we just started fighting back. You had to be able to fight growing up...If you [didn’t], you were taken advantage of...If you ran, you’d get beaten later.”¹⁰ Another newspaper article, from the *Washington Times* in 1992, noted that, “The guns and violence in Prince George's County schools [had] reached a ‘crisis stage.’”¹¹

█████ learned quickly that fighting back was necessary to avoid being bullied and getting hurt. He made it a point to interact with and befriend peers who would be good “to have on his team.” He never knew when he’d need to defend himself and was committed to never being surprise punched again. Like many of his peers, as a young teenager he began carrying a gun to feel safe.

The director of security services in Prince George's County schools in 1992, Peter Blauvelt, said in a *Washington Times* article,

“Many of our kids live in violent community and violent home settings...They have an insatiable need...to feel power, and power is readily translated into a weapon, particularly a gun. That's instant power.”¹²

█████ disagreed about how to respond to their son getting into trouble at school, spending time with friends who they felt were a bad influence and getting into fights █████ wanted to move her son away from the changing neighborhood’s negative influences. █████, however, felt strongly about staying in the family home. The family ultimately did not leave.

At 14 years old, █████ was surrounded by violence both in his school and in his neighborhood. As he got older, Glassmanor and Oxon Hill continued to become more crime-ridden and dangerous.

e. Normalized Violence

█████ recalls walking out of the house as a young teenager and feeling immediately tense. People in the area were poor and desperate and this was something he could feel in the air. █████ recalls how common “stick up boys” were in Glassmanor and the surrounding areas. These were robberies with guns that often ended in murder. Residents would hide some of their money in their shoes in case they got robbed while walking in the neighborhood.¹³ When he was in ninth grade, a man with a gun tried to rob

¹⁰ Interview with █████, August 9, 2022.

¹¹ Keary, J. (1992, March 18). PG public schools yield another gun. *The Washington Times*, p. B1. The same article described, “Three teenage girls were charged with possession of weapons last week after authorities seized a cache of weapons - including steak knives, screwdrivers and miniature baseball bats - from their █████ lockers.”

¹² Innerst, C. (1992, August 23). Pistol-packing kids put schools on alert – School officials find more students armed. *The Washington Times*, p. A1. The article went on to state, “They take weapons to school to settle a score; they carry them for protection. They want them for status and psychological empowerment.”

¹³ Interview with █████, August 9, 2022.

██████████ and a few friends. They ran as fast as they could and luckily got away, but the fear of knowing how often people died this way was not easily forgettable. ██████████ childhood friend, and the ██████████ released under the Second Look Act when the eligibility expanded to the age of 25, ██████████, said,

“Once you are aware that these things are right at your doorstep...it makes you [feel like] you have to be tough or willing to exhibit violence to show...that you don’t fear anything. In order to actually be that, you can’t do that just by talking. You have to have a gun. If you know people are scheming and plotting to rob and take your life, you need to protect yourself.”¹⁴

As time went on and violence around ██████████ continued to escalate, many of his peers began dying. He remembers being in ninth or 10th grade, around 14 or 15 years old, the first time a friend was killed. The friend, Andre, was at a 7-Eleven in the neighborhood ██████████ he was gunned down. Andre was at the wrong place at the wrong time as the store was robbed. ██████████ felt helpless and angry after Andre’s death. He knew it was senseless and was upset that he couldn’t change it.

Within a few years, ██████████ knew many more young men his age who had lost their lives. He hung their obituaries on the walls of his childhood bedroom. One friend was shot while he was in the hospital receiving treatment for colon cancer.¹⁵ Another was killed by a police officer.¹⁶ Another was kidnapped, robbed, killed and was missing for two months until his decomposing body was found stuffed into a couch in SE Washington, DC.¹⁷ Many others were shot or stabbed. ██████████ estimates that 30 of his friends died before age 20, and that he and his peers would have a real celebration when any of them turned 21 because they did not expect to live to see that age. ██████████ recalls his own celebration with friends when he turned 21, explaining that it felt like an accomplishment to reach that age amid so much violence. After a certain point, ██████████ started to feel numb to his friends’ deaths and he felt hardened.¹⁸ A study on traumatic stress in young Black men noted numbing as a common response to chronic violence exposure:

¹⁴ Interview with ██████████, August 9, 2022.

¹⁵ Tucker, N. (2000, February 25). Killer of Boxer Found Not Guilty. *The Washington Post*, pg. B01. Retrieved from <https://www.washingtonpost.com/wp-srv/WPcap/2000-02/25/096r-022500-idx.html>.

¹⁶ ██████████ friend ██████████ was shot in the back by police, as he ran following a traffic stop. *From* Jackson, D. (1998, November 17). Holes in the F ██████████

¹⁷ Interview with ██████████, August 9, 2022.

¹⁸ Studies conducted in the last two decades have found that secondary violence experienced during childhood and adolescence is related to increases in emotional problems such as anxiety, depression, and post traumatic stress disorder (Fitzpatrick, 1993), aggression and violent behavior (Bell & Jenkins, 1993; DuRant, Pendergrast, & Cadenhead, 1994; Gorman-Smith & Tolan, 1998), substance abuse (Gilvary, 2000), lack of empathy, decreased academic performance, and heart rate and sleeping disturbances (Buka et al., 2001) Gibson, Chris L., Sara Z. Morris, and Kevin M. Beaver. *From “Secondary Exposure to Violence During Childhood and Adolescence: Does Neighborhood Context Matter?” Justice Quarterly* 26, no. 1 (March 1, 2009): 30–57. <https://doi.org/10.1080/07418820802119968>.

“This protective response to witnessing trauma was often accompanied by a heightened sense of distrust that was generally applied to all persons in the community, even family members and friends. Watching friends be killed sent a clear message to young men that no one could be trusted and everyone posed a potential threat to physical and emotional safety.”¹⁹

f. Losing Stability at Home and Moving Away from the Neighborhood

In addition to the negative forces at school and in the neighborhood, the stability in [REDACTED] home life had begun to fall apart. When he was around 17, he was shocked when his parents decided to separate, and ultimately, divorce. [REDACTED] remembers tension in the family’s home around [REDACTED] getting into trouble. She remembers a consistent argument between her parents about remaining in the neighborhood: her mother felt strongly that they should get [REDACTED] out of the neighborhood and that Mr. [REDACTED]—who did not want to leave the family home—did not enforce boundaries or structure with [REDACTED]

Once the couple separated, [REDACTED] moved to a home in nearby Fort Washington, MD, a quieter suburb. Although [REDACTED] kept a room available for her son, [REDACTED] chose to continue living at his father’s and spending time with his childhood friends. [REDACTED] recognizes that her father was the more lenient parent. [REDACTED] agrees, remembering that he had his own life at that point. He was working, seeing different women, going out and playing music. He says that he didn’t pay much attention to his son after the divorce when it was just the two of them. Upon reflection, [REDACTED] agrees that having two sets of eyes on him would have meant less opportunity for him to get into trouble. [REDACTED] older cousin [REDACTED] remembers that things really started changing for Lewis when the family split up. She noticed that this is when things “started going haywire” for him.²⁰

Around the time that [REDACTED] and [REDACTED] divorced, [REDACTED] graduated from [REDACTED] High School.²¹ Many of his peers dropped out or failed but education was highly valued in his family. He was committed to finishing high school. Although he didn’t do well in school, he took night and summer classes to graduate on time. After graduation, at 18 years old, he left his violent neighborhood. Crime in the Washington, DC area was spiraling out of control.²² [REDACTED] moved in with his extended family in Hickory, North Carolina and enrolled in Catawba Valley Community College (“CVCC”) to study engineering. He enjoyed being with his family but wasn’t sure what he wanted to do with his life. He didn’t apply himself to his schoolwork at CVCC, and his grades were poor the first semester. He failed

¹⁹ “Posttraumatic Stress Symptoms in Context: Examining Trauma Responses to Violent Exposures and Homicide Death among Black Males in Urban Neighborhoods.” Accessed September 1, 2022. <http://dx.doi.org/10.1037/ort0000101>.

²⁰ Interview with [REDACTED], August 1, 2022.

²¹ See High School Diploma, Exhibit K.

²² Eight days into the new year, journalists in Detroit tallied the number of homicides in major cities across the country and announced that the District had replaced their town as the “murder capital of the country.” *From Price, D.M. (1989, April 4). MURDER CAPITAL’ LABEL HAS LONG STALKED D.C. The Washington Post. Retrieved from <https://www.washingtonpost.com/archive/politics/1989/04/04/murder-capital-label-has-long-stalked-dc/06a3c715-5888-4c26-b6c7-64ef290b305d/>*

two classes and was told he had to repeat a third. He felt homesick and missed his loved ones. Before long, he decided to return to Maryland and felt confident that he could get a job and stay out of trouble while he figured out his next steps.

g. Getting Shot

Once [REDACTED] moved back to Maryland, he got a job working at the Capitol building as a laborer, setting up and cleaning for Congressional meetings and parties. He knew that the role wasn't a career but felt that it was a step in the right direction. He also began renting his own apartment, and decided on a place in the Greenbelt area, which was quieter than where he grew up. He wanted to stay off the streets and avoid the violence he had grown up with. Despite that, he continued spending time with his childhood friends. He recognizes now that they were the wrong crowd. Most weren't working in fulltime jobs or enrolled in school. They continued to party and sell drugs. They weren't making good decisions.

During this period, [REDACTED] got into trouble with the law for the first time. In [REDACTED] he was given two years' probation on a Concealed Deadly Weapon charge, but according to his Probation Officer, spent a large portion of his probation period incarcerated for other charges that were ultimately dropped.²³

In [REDACTED], when [REDACTED] was 21 years old, he was in his car with a friend waiting at a stop sign around the corner from his father's house. Out of what felt like nowhere, gunfire erupted and he was shot once in the leg with a 45-caliber handgun. He estimates that 12 to 16 rounds were shot, but only one hit him. [REDACTED] felt his leg break. He drove himself to his mother's house, about 15 minutes away in Fort Washington, where she called an ambulance. The neighborhood was dangerous and he wanted to get out of the area because he feared being shot at again. He didn't know if he was going to live or die, and wanted to say goodbye to his mother in case he didn't make it.

At the hospital, [REDACTED] had surgery to remove the bullet from his leg. He remembers hearing the doctor telling his mother that if he didn't have feeling in his toes after the surgery, he would need to have his leg amputated. Hearing this, he immediately started wiggling his toes. He was determined to be able to walk again.

Shootings were a common occurrence in the neighborhood in the mid-1990s, and [REDACTED] still doesn't know who shot him or whether it was random or intentional. Members of [REDACTED] family took turns sitting with him for the two weeks he was recovering in the hospital. Although he knows they were there to support him, his loved ones were very upset about not knowing who shot him. They were protective and wanted to make sure no one unwelcome came into the room or hurt him again. The shooting was traumatic for [REDACTED] and had a profound impact on his mental health and his perception of the world. He

²³ From Prior Criminal Record, Presentence Report. Note that items referred to in footnotes but not attached as an exhibit are available upon request.

was thankful to be alive and to have his leg, but he began to feel suspicious of everyone and became more hypervigilant than he had been before.

█ recovery continued after he left the hospital. He stayed at his mom's and aunt's houses for several months while he recovered, and his family nursed him back to health. █ had to learn to walk again. Every morning, his cousin █ would take him to the local YMCA to swim and help him strengthen and rehabilitate his leg.

█ who still walks with a limp, reflects now on how unsafe he felt in the neighborhood before he was shot. Afterwards, however, he was "on pins and needles." He was always watching his back and was suspicious of people and cars even when there was no indication of anything wrong. After being shot, he describes himself as hypervigilant. He became quicker to react to things. He started carrying a gun more often. He wasn't going to let anyone hurt him again, and now recognizes that this was a response to feeling helpless and scared. █ felt that to be safe, he needed a gun on him at all times.

h. The Crime

Eight months after he was shot, on █, █ and a group of friends were hanging out and drinking beer outside one of their family's homes in SE Washington, DC. Witnesses heard the group talking, laughing and joking until an argument began between █ and █. They were fighting about a woman.²⁴ █ assumed that █ had a gun on him, and was afraid to find out whether that assumption was true. He was determined not to let anyone hurt him. According to witnesses, the fight escalated and █ pushed █ █ walked away briefly but ultimately shot █ three times and drove away. He immediately felt fear and disbelief about his own overreaction and impulsivity. He thought about all the friends he had lost and couldn't believe that he had caused █' loved ones that kind of pain.

Once he was at the Washington, DC jail, █ was beyond disappointed with himself. He recalls looking at himself in the mirror and being ashamed of the man he saw. In that moment, he committed to making himself a better person "mentally, physically and spiritually." In a 2018 letter to the Washington, DC Parole Commission, █ wrote,

"Accepting responsibility for my actions is being accountable whether I'm right or wrong. In this case, I cost a young man his life; wronging him, his family and my family...My remorse is real, as I will keep him and his family

²⁴ A group of people were outside, and the decedent (█ and appellant (█ were drinking beer on the front porch (Tr. At 502-503, 514). At some point, █ went to her bedroom, and from her window she could hear the decedent, appellant, █ talking, laughing and joking around outside (Tr. At 425-426, 437, 455, 456, 494). █ was "messaging with █ about █ talking to █ (Tr. At 437). After a little while, █ and █ "started fussing [and]...arguing" (Tr. At 438).

in my prayers forever.... I can only imagine the pain his family feels each and every day.”²⁵

██████ has spent the past nearly 28 years reflecting on how his tragic decision-making landed him in prison and knows that ██████ should not have lost his life. He takes full responsibility, and quickly realized it all could have been avoided if he didn’t have a gun. Despite the challenges of his environment within the Bureau of Prisons (“BOP”), ██████ has committed himself to never having access to something that would cause such harm again. This is why, despite being confined in dangerous institutions where possessing a weapon for protection is commonplace, ██████ is proud to say he has never possessed a weapon in prison. He thinks of this as a way to honor ██████’ life and his prison record reflects this commitment.

██████ still thinks about his actions on ██████. If he is given the opportunity for release, he hopes to continue some of the work he has begun during his incarceration around improving himself and helping young adults avoid making the same mistakes that he did.

V. PRISON ADJUSTMENT AND ACCOMPLISHMENTS

On ██████, a jury convicted ██████ and on ██████, he was sentenced to a cumulative term of 35 years to life with a mandatory minimum sentence of 30 years on the first-degree murder charge, five years for possession of a firearm during a crime of violence to run consecutive with the first sentence, and one year for carrying a pistol without a license to run concurrent to his sentence for the other two charges. ██████ went into prison nearly 28 years ago. He has been in state, private and federal facilities throughout his incarceration.

From 1995 to 2002, ██████ was incarcerated at Lorton Correctional Complex in Laurel Hill, VA, private facilities Central Arizona Detention Center and Northeast Ohio Correctional Facility and Sussex State Prison in Waverly, Virginia. The *National Capital Revitalization and Self-Government Improvement Act of 1997* put individuals convicted of felonies in Washington, DC under the custody of the BOP, and on April 23, 2002, ██████ was transferred to US Penitentiary Lee (“USP Lee”). USP Lee is a high security BOP facility, and ██████ was sent there due to the nature of his charges and because this was his first time in federal custody. After about 10 years, the BOP allows inmates from Washington, DC to apply for transfer to a lower security facility. Each transfer is evaluated individually by an inmate’s unit team, who works closely with that individual daily. The warden, the highest level of administration at each facility, must also approve the transfer. BOP expert Jack Donson noted that, “People serving Life sentences are automatically assigned high security, however the BOP can allow placement in a less secure environment for compliant inmates who they feel do not require the security constraints of a

²⁵ From Letter, The Maturation and Rehabilitation of ██████.

penitentiary.”²⁶ For the past 10 years, the BOP has continuously decided that this exception applies to [REDACTED].²⁷

[REDACTED] had minimal disciplinary infractions and a positive work record at USP Lee. His unit team and the warden there ultimately approved his transfer to Federal Correctional Institution McDowell (“FCI McDowell”), a medium security facility that was closer to his loved ones in the Washington, DC area. In 2015, [REDACTED] applied for another transfer to Federal Correctional Institution Hazelton (“FCI Hazelton”), where he currently resides. Like FCI McDowell, FCI Hazelton is also a medium security correctional institution. However, the BOP was looking to populate mostly empty units within the new, partially empty facility.²⁸ ²⁹ It was also closer to [REDACTED] loved ones in the Washington, DC area. According to the BOP, in order to be considered for a transfer, individuals “must have a minimum of one year clear conduct and no 100 or 200 level incident reports within the last two years,” “priority will be given to inmates with good work histories...” and “inmates must be classified as medium or low security.”³⁰ [REDACTED] applied for the transfer and was quickly accepted. According to the BOP form approving the transfer,

“[REDACTED] has demonstrated good institutional adjustment, and he has received no Incident Reports since his arrival at FCI McDowell. He is working as a Compound Orderly, and earning good work evaluations.”³¹

As evidenced by the approved facility transfers, [REDACTED] has kept his promise from the Washington, DC jail to rehabilitate himself. The BOP has recognized his positive adjustment through his job assignments. At USP Lee, [REDACTED] worked cleaning gym equipment. He was then offered a role as an Orderly for the unit team cleaning the staff area. This was a privileged job reserved for inmates with few disciplinary infractions and who the corrections officers felt comfortable having in their space. Ultimately, [REDACTED] was promoted to Head Orderly. In this role, he was responsible for overseeing 10 inmate Orderlies, who were responsible for cleaning the shower area, floors and TV room. BOP staff consider Head Orderlies to be responsible, trustworthy leaders who are respected by inmates and staff alike. As a liaison between staff and inmates, the Head Orderly communicates with BOP staff professionally.³²

Once [REDACTED] was transferred to FCI McDowell, he was hired to work outside of the prison walls as a compound worker. He would pick up trash and clean up outside. He was eventually moved to a job as an

²⁶ See Declaration of Jack Donson, Exhibit C.

²⁷ [REDACTED] transfer form from FCI McDowell to FCI Hazelton notes that he has a Public Safety Factor Waiver, See Request for Transfer/Application of Management Variable, January 22, 2015, Exhibit E.

²⁸ [REDACTED] transfer form from FCI McDowell to FCI Hazelton states, “Per the activation memorandum from the Assistant Director of the Correctional Programs Division, Unit Team is recommending an Increase Population transfer.” See Request for Transfer/Application of Management Variable, January 22, 2015, Exhibit E.

²⁹ A US Department of Justice Memorandum for Chief Executive Officers with Subject Activation of FCI Hazelton, West Virginia was dated January 27, 2014 and states, “Effective April 10, 2014, the DSCC may begin entering initial designations to FCI Hazelton.” [REDACTED] arrived on April 6, 2015. See Exhibit D.

³⁰ Ex. D, Hazelton Activation Memo.

³¹ See Request for Transfer/Application of Management Variable, January 22, 2015, Exhibit E.

³² Interview with [REDACTED], August 10, 2022.

Education Orderly cleaning the prison library. In this role, he was responsible for keeping the library quiet and showing other inmates how to use the DVR machine and the typewriters. When ██████ was transferred to FCI Hazelton in 2015, he was again hired as an Orderly for the unit team cleaning the staff area.

Over nearly 28 years of incarceration, ██████ has had only three disciplinary infractions. None have been violent, demonstrating again how he has stayed true to the commitment to change that he made in 1994. The first infraction took place 18 years ago on August 22, 2004 and involved a misunderstanding and words exchanged with an officer about what he could bring back to his cell from the kitchen. ██████ received 30 days of disciplinary segregation for this infraction and completed that time with no issue.

██████ second disciplinary infraction took place on February 28, 2005 when his cousin dialed in another family member during a phone call. The cousin insisted that the other family member would like to talk to ██████. BOP records note that when questioned about the call, he admitted, “I am guilty, I made it.” ██████ lost phone privileges for 30 days because of this infraction and again accepted the consequences for his actions with no further issue.

██████ third and final disciplinary infraction took place 15 years later, on September 16, 2020. This was six months into the COVID-19 pandemic, before vaccines were available. It was at a time when information about the disease and how it was contracted was unknown and when guidance on how to stay healthy was continuously changing. Tensions and fear around contracting the illness were high throughout the country, and especially inside prisons. At the time, ██████ had heard rumors that two BOP inmates inside FCI Hazelton had passed away from COVID-19.³³ He heard from loved ones on the outside and from the news about how many people were dying nationwide. ██████ family and friends kept telling him to take care of himself inside the prison walls as best as he could. Throughout his time in the BOP, ██████ had always valued taking care of himself. When the corrections officer approached ██████ that day and asked him to take a breathalyzer test, he was terrified of COVID-19 and felt vulnerable. He noted that the breathalyzer was not the one with a replaceable mouthpiece and asked the

³³ The Senate was so concerned about the BOP’s practices in response to the COVID-19 pandemic, the Senate Judiciary Committee held a hearing to ensure federal inmates were being protected. In his opening statement at the hearing, which took place on June 2, 2020, about 3 months before ██████ received the disciplinary infraction, Senator Patrick Leahy of Vermont stated, “...incarcerated individuals are among the most vulnerable populations during this pandemic. They live in cramped quarters with often unsanitary conditions, and have little access to quality medical care and even basic hygienic products. They are not free to distance themselves meaningfully from those who might be infected. For months, public health experts have been warning that detention facilities and prisons would quickly become hotspots for the virus given these conditions. And their warnings were prescient...In Bureau of Prisons (BOP) facilities, over 1,600 inmates have tested positive for COVID-19; in one particular BOP facility over 75 percent of the inmates were infected.”

Examining Best Practices for Incarceration and Detention During COVID-19, (2020) (Statement of Senator Patrick Leahy).

About a month before ██████ received the disciplinary infraction, *Forbes* published an article questioning whether the BOP had a “cohesive plan to address the COVID-19 pandemic that has infected over 10,000 federal inmates and over 1,000 correctional staff ... killed 110 inmates and one staff member.” *From* Pavlo, W. (2020, August 7). As Bureau of Prisons Enters ‘Phase 9’ Of COVID-19 Plan, BOP Staff Wonder If There Is A Real Plan. *Forbes*. Retrieved from <https://www.forbes.com/sites/walterpavlo/2020/08/07/as-bureau-of-prisons-enters-phase-9-of-covid-19-plan-bop-staff-wonder-if-there-is-a-real-plan/?sh=3b2a2032326f>.

officer to sanitize the mouthpiece before he blew into it. The officer misunderstood this request as a refusal. [REDACTED] notes that he has been breathalyzed over 100 times during his time in the BOP. In his nearly 28 years, he has never failed a drug or alcohol test. This is the only infraction on his disciplinary record of its kind and [REDACTED] has never tested positive on any drug or alcohol test. For this infraction, [REDACTED] received five days of disciplinary segregation, a relatively minor sanction for this level of misconduct³⁴, and six months without commissary and phone privileges. He completed these penalties with no further issue.

As BOP expert Jack Donson noted,

“None of [REDACTED] reports were for assault, fighting or weapons possession, which is atypical from the hundreds of cases I have reviewed that have incurred numerous high and greatest severity reports. Having only three incident reports in nearly twenty-eight years of incarceration is unusual.”³⁵

a. **Educational Programming**

As an inmate from Washington, DC with life at the end of his sentence, [REDACTED] wasn't on the priority list for BOP educational programming.³⁶ He also had no mandatory educational program requirements when he arrived in the BOP.³⁷ Despite this, he completed several BOP and inmate run classes during his incarceration, both administered within and outside of the BOP Education Department.³⁸ He has taken advantage of classes whenever possible and appreciated all he learned. Although programming has been limited since the beginning of the COVID-19 pandemic, [REDACTED] continues to try to take advantage of whatever he can. He is currently on several waitlists for BOP classes.³⁹

[REDACTED] completed courses in nutrition, weight management and heart health while at USP Lee. This contributed to his knowledge about fitness and health, which he hopes will be a future career. In the Victim Impact Curriculum, which [REDACTED] completed in November 2015, he appreciated watching videos and group discussion that encouraged reflection on victims' family members. He also completed Think Before You Move⁴⁰, which taught students to apply the slow, thoughtful pace of chess strategy to their daily actions. [REDACTED] felt inspired by the program's messaging and loves chess. He has competed in tournaments throughout his incarceration. [REDACTED] also began an Advanced Microsoft Word certification program, hoping that he could use the technology offered to type a book he had written. He had successfully completed a 30-day typing and computer course in November 1999, early in his

³⁴ See Declaration of Jack Donson, Exhibit C.

³⁵ *Id.*

³⁶ *Blades v. Garland*, No. 22-cv-279 (D.D.C.), District of Columbia Amicus Br. at 7.

³⁷ See Declaration of Jack Donson, Exhibit C.

³⁸ See Certificates, Exhibit I.

³⁹ From Clinical Encounter Administrative Note from BOP employee and counselor Kelly Campolong, May 11, 2022.

⁴⁰ See https://www.bop.gov/resources/news/20160629_think_before_you_move.jsp

incarceration.⁴¹ When he realized he wouldn't be able to type his own work in the class at Hazelton, he left the course so that he had more time to pursue writing. As a recognized leader, █████ participated as a speaker in two classes, Responsible Thinking and Strategies for Success. In both classes, he received certificates for participation and spoke to his peers about thinking before they act and staying out of trouble.

b. Writing and Physical Fitness

From early on in his incarceration, █████ discovered his love of writing and physical fitness. Regardless of programming available, which facility he was in or who he was surrounded by, █████ realized that these were two activities he could do on his own. He felt good about channeling his energy and time productively.

While at Central Arizona Detention Center, █████ began reading every book he could get his hands on. Though the Bible remains his favorite book, reading led to writing his own poetry, beginning a personal journal and ultimately writing short stories. This is when his real transformation started. Throughout much of his nearly 28 years incarcerated, his daily routine has included getting up, working out, taking a shower and sitting down to write for most of the day. He lets his thoughts flow, treating his bed like an office and leaning on his chess board as a desk.

His dedication has paid off as █████ has completed five novels and continues to work on an additional two. In 2009, he self-published █████ through █████ Press, and in 2011, self-published █████ through █████. In both books, the protagonists struggle amidst adversity. Ultimately, their stories guide readers on how to make positive decisions. █████ other novels include █████, a horror story about friends going to a cabin that is run by ancestors from the time of slavery, █████, a comedy, about two mischievous inmates and █████, a sequel to his first book. █████ also plans to write a musical using go go funk music. His father still plays the saxophone, flute and French horn and he hopes that they can collaborate. In 2015, █████ was a founding member of a group of individuals incarcerated at FCI Hazelton who came together to discuss publishing and promoting books they had written. He thinks of writing as a way he can contribute to his community from his prison cell.

⁴¹ *From* Typing Tutor 6 certificate, November 1999. Also *from* Educational Good Time Credit Memo, dated March 17, 2002. Memo notes that █████ completed a 30-day typing and computers program on November 22, 1999 and received three days educational good time credit.



The two novels [REDACTED] wrote and published during his incarceration.

In addition to writing, [REDACTED] has a passion for physical fitness. He has worked out daily throughout his incarceration. In the late 1990s, [REDACTED] remembers writing letters with [REDACTED] while they were at different facilities, giving each other fitness challenges. [REDACTED] goes jogging, does pullups, pushups, burpees and strengthens his core. He likes taking care of himself, working out and eating well. In a stressful prison environment, these activities keep him mentally and physically healthy. He knows that being active is an important way to deal with stress and that working out alleviates health issues. [REDACTED] cousin [REDACTED] notes, "It's a sign of maturity that he's caring about himself and taking care of himself now."⁴²

[REDACTED] also supports other inmates in their fitness pursuits and often gives advice about improving their workouts. At USP Lee, [REDACTED] led up to six other inmates in bodyweight exercises in the TV room. At FCI Hazelton, [REDACTED] has learned more about exercise. Around 2015, he began leading strength and aerobics workout classes five days a week with up to 20 participants. [REDACTED] peers loved the classes. Inmate Activities Coordinator, [REDACTED], created a 40 & Over Work-Out Guru Award for [REDACTED] to recognize his contributions.⁴³ [REDACTED] continued classes until 2020 when the gym closed due to COVID.

In July 2003, [REDACTED] decided to pursue fitness more formally. He enrolled in the Fitness and Nutrition Program through distance learning program Stratford Career Institute ("Stratford"). Through six modules and 23 lessons and exams, Lewis studied topics including The Cardiovascular and Respiratory Systems, Safety Basics, Exercise Related Injuries and Biology and Chemistry Basics: Digestion and

⁴² Interview with [REDACTED], August 1, 2022.

⁴³ See 40 & Over Work-Out Guru Award certificate, Exhibit I.

Absorption of Food Nutrients. His lowest exam grade was a 90% out of 100%. He scored 100% on 15 out of the 23 exams he completed.⁴⁴ [REDACTED] graduated the program on March 10, 2004 with an average grade of 98%. He finished the courses he took through Stratford quickly, and really enjoyed them. He says that it was nice to do something that felt constructive and he looks forward to furthering his fitness studies in the future.

c. Religious Affiliation

[REDACTED] spiritual practice started when he attended church and Christian school as a child.⁴⁵ It has remained important to him throughout his life. Throughout his teenage years⁴⁶ and especially after he was shot, [REDACTED] recalls going to church to reconnect spiritually and help him process what happened. He's glad that he was exposed to religion when he was a child and considers it a foundation on how to live his life now.

Over the years, [REDACTED] says that his faith has gotten stronger and has helped guide him. He knows the Lord is real and that he looks after [REDACTED] family and protects them. [REDACTED] is grateful because he feels like a lot of his prayers have been answered. [REDACTED] prays and does a fellowship in his cell on his own every day. The prison chaplain recognizes the strength of [REDACTED] faith and his good conduct in the BOP and recently asked him to sign up for a three-year Bible College course to work towards a bachelor's degree in religion.

d. Mentoring and Giving Back

Since early in [REDACTED] incarceration, younger inmates have naturally gravitated towards [REDACTED]. He's friendly and outgoing in an environment that can be scary and unwelcoming. He has been able to reach many of his peers by connecting with them through his love for chess, sports and working out.⁴⁷ He loves helping steer others towards making positive decisions for themselves and their lives. While Lewis was at USP Lee, his informal relationship building turned into informal programs which he ultimately called Like Father Like Son and Big Brother, Little Brother. He would gather younger inmates together in the TV room twice monthly and talk to them about adjusting to prison life and how to conduct themselves to stay out of trouble. BOP staff member Counselor Hines noticed what Lewis was doing and created a certificate acknowledging the contributions he made to the unit and to the facility.⁴⁸

Michael Woody notes how Lewis has mentored others inside prison,

⁴⁴ See Stratford Career Institute transcript, Exhibit M.

⁴⁵ See Certificate of Baptism, Exhibit N.

⁴⁶ See Bible Study certificate at age 17, Exhibit N.

⁴⁷ Interview with Michael Woody, August 9, 2022.

⁴⁸ See Hines mentoring certificate, Exhibit I.

“A mentor leads by example and gives sound advice. [REDACTED] was [always] giving advice on how to coexist in harmony...He’s respectful and...developed that type of rapport and relationship with everyone on his unit. [As a result, [REDACTED] has been a pillar of support in certain units. [This has been] unofficially recognized by the BOP. COs would seek [REDACTED] out to help them. They would call on [him] to help mediate.”⁴⁹

[REDACTED] describes instances throughout [REDACTED] incarceration where inmates from all over would have conflict and [REDACTED] would step in, separate them and talk about consequences with both sides. He put a lot of energy into maintaining peace and harmony within the units where he lived, and people from all different backgrounds trusted and confided in him.

In April 2017, [REDACTED] completed the Overcomers Mentoring Program at FCI Hazelton. After graduating, he was asked to speak twice in subsequent sections of the class.⁵⁰ [REDACTED] also served as a mentor in the Think Before You Move chess program. Recently, [REDACTED] was asked to participate in the first group of the BOP-led Faith Based Mentorship Program through the chaplain at FCI Hazelton. Participation was referral-based and reserved for inmates who already had a rapport with others on their units. The training was 12 weeks and included information about mentorship and leadership.

[REDACTED] sees it as part of his own self-improvement to support others as they face difficult decisions. If he is given the opportunity for release, he plans to continue helping people stay on the right track, especially young men getting into trouble like he once did.

BOP expert Jack Donson summarized [REDACTED] prison adjustment,

“[REDACTED] has had satisfactory programming and good institutional conduct. His program participation must be considered in the context of a person serving a Life sentence in higher security environments where staff resources are finite and security issues outweigh the delivery of correctional programs...I also concur with the government’s recidivism risk assessment tool that he presents no greater than a low risk for recidivism should the court be inclined to grant release.”⁵¹

VI. SUPPORT NETWORK

Despite being physically separated from his family for nearly 30 years, [REDACTED] ties to them are still strong. They are still family-oriented and are in touch frequently. The family traditions from [REDACTED] childhood continue, and gatherings still take place at the same central home in Hickory, NC. [REDACTED] e-

⁴⁹ Interview with [REDACTED], August 9, 2022.

⁵⁰ See materials from Overcomers Mentoring course, Exhibit H.

⁵¹ See Declaration of Jack Donson, Exhibit C.

mails and calls different family members often, including his mother, father, sister [REDACTED] cousin [REDACTED] and her family, cousin [REDACTED] and his family, cousin [REDACTED] and others. His cousin [REDACTED] emails with him most days and talks to him on the phone two to three times a week. She says,

“We’ve all been doing this time with him. We all take turns sending him money...I try to keep him positive because I know there’s not enough of that going on inside. I encourage him to eat right and take good care of himself while he’s there. [Our] last conversation had him laughing...[and] he wrote to me afterwards saying he really enjoyed the conversation...[and that] I really made his day.”⁵²

Before the COVID-19 pandemic, [REDACTED] family would travel hours to see him. Cousin [REDACTED] (“[REDACTED] [REDACTED] would drive for four hours to visit every few months. He would spend the whole day with [REDACTED] talking, laughing and revisiting childhood memories. [REDACTED] has also driven out many times over the years, leaving very early on a Saturday and spending the whole day with his son before driving back to Maryland. Although BOP visits are now suspended because of the COVID-19 pandemic, [REDACTED] still talks to his son multiple times a week. They’re very close and talk about football, their lives and updates about what’s going on with family members.



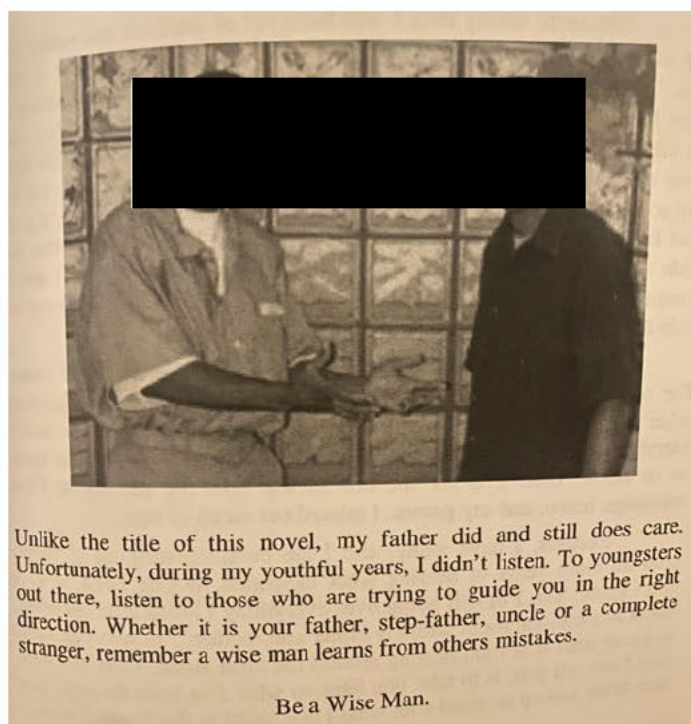
[REDACTED] and cousin [REDACTED] visit [REDACTED] during his incarceration.

⁵² Interview with Carolyn King, August 1, 2022.

█ notes that his family members show him support and love in many ways, including emotionally and financially. He tries to reciprocate as much as he can. He reaches out on birthdays, sends cards and makes sure to call during family events so that he can talk to as many of the extended family as possible. When he is talking to his loved ones, █ tries to be as present with them as he can. They talk about their lives, they keep him up to date on technology and they joke around with each other. █ describes their conversations as being full of laughs and love. He notes that his relationships with family members and friends have kept his spirits up over the years. He lights up when he talks about his sister's daughter, his 5-year-old niece, █. He calls her a "breath of fresh air" and remarks on how conversations with her can immediately turn around a stressful day and take him out of his environment.

Cousin █ notes,

"The family has changed since [█] was a little kid. [We're] more settled now...Instead of turning our back on him, we all just want him to come home. We would welcome him home and treat him like family. We all only want the best for him. When [his parents were] going through the divorce, [he was] out there by himself. He would have more support now because [our] family [has learned] how to support each other."⁵³



█ and his father are pictured in the dedication in █ second published novel. █ was published by █ Publications in 2011.

⁵³ *Id.*

VII. REENTRY PLAN

a. Community Support

If given the opportunity for release, [REDACTED] will be well supported. Aside from his abundance of family and friend support, he will be surrounded by a community of other IRAA releasees who know the challenges of coming home after a long incarceration and can support him. As he did while he was incarcerated, [REDACTED] plans to take advantage of all support offered to him.

Washington, D.C. has many support groups targeting returning citizens and one exclusively for IRAA releasees. [REDACTED] has already signed up for one group through social service organization Free Minds.⁵⁴ This group takes place weekly on Wednesday evenings. Another group meets twice monthly on Thursday evenings and is hosted by Free Minds and the Campaign for Fair Sentencing of Youth (CFSY). [REDACTED] can also join the Incarcerated Children's Advocacy Network (ICAN), a national group coordinated by CFSY for children sentenced in criminal court who have been released.

[REDACTED] has expressed interest in attending the weekly "15-30-Life" therapeutic support group started three years ago to assist people who have served at least fifteen years and are recently released. Each Monday, participants discuss the challenges of living in a new and different D.C. in a safe setting. This includes how to fit in, effective ways to communicate with friends and family they have lived without for fifteen plus years, how to use a cell phone and computer, ways to access services, how to support each other and those they left behind in prison, working with Washington, DC's CSOSA (Court Services and Offender Supervision Agency), anger management, and anything else that arises. Facilitators are available to communicate and check-in with participants outside of group. [REDACTED] will be eligible for participation in 15-30-Life upon release and has already been accepted into the group.

b. Housing

If given the opportunity for release, [REDACTED] plans to move in with his sister [REDACTED] and niece [REDACTED] in Washington, DC. Although he can stay there as long as he needs to, this will be temporary while he has his probation transferred to Maryland. Once that process is complete, he plans to move in with his father in Oxon Hill until he can obtain his own apartment.

⁵⁴ [REDACTED] has been involved with Free Minds since April 2022. The organization offers pre-release support and services. In addition to their peer support group, Free Minds will continue to support [REDACTED] through paid job readiness and personal skill-building apprenticeships, weekly reading and writing workshops that build community and provide a strong peer support network, a credit builder program and personalized connections to job opportunities, vocational programs, and other community services as needed. *See* Free Minds Support Letter, August 24, 2022, Exhibit K.



home in Washington, DC, where will reside upon immediate release.



home in Oxon Hill, MD, where will reside once he has transferred his probation.

The environment has changed in Washington, DC and Oxon Hill since [REDACTED] was arrested in 1994. According to FBI data, crime rates have been on a steady decline in Maryland and Prince George's County, where Oxon Hill is located, since around 2005.⁵⁵ Even before 2005, the neighborhood had become much quieter than when [REDACTED] was a teenager. A 1999 *Washington Post* article stated,

“The Prince George’s County border community of Glassmanor was once compared to Beirut by one of its most prominent residents. Gunfire resounded regularly. Mothers were afraid to let their children play outside...Pedestrians were prey for armed robbers...Recently, police and residents say, they believe there are clear signs that change is occurring in the neighborhood. Although the community was once one of the county's most crime-plagued areas, a place designated a “hotspot” by the governor's Office of Crime Control and Prevention, today many in the community believe Glassmanor is a different place.”⁵⁶

[REDACTED] cousin [REDACTED] who lives in nearby Greenbelt, MD, has noticed that many of the parks and basketball courts where he and his cousin spent time as teenagers have been replaced with new townhomes and other real estate development. He confirms that the area has changed. [REDACTED] agrees that Oxon Hill is once again a quiet neighborhood and that his life is much calmer than it was when [REDACTED] was a teenager. He is now retired from the federal government but owns his own business selling health and life insurance. He goes to church on Sundays where he occasionally plays music. He has set up his guest bedroom for [REDACTED] and is prepared to continue being a support for his son.

When [REDACTED] thinks about coming back to Oxon Hill, he says,

“I’m about to be 50. I’m not involved in my adolescent ways from 1994 anymore. I have my head on my shoulders. I have career goals set for myself and I want to achieve them. I was searching for what I wanted to do and who I wanted to be back then. I wouldn’t be in the same environment. I no longer have the same friends. I haven’t been negatively influenced in prison the past 28 years. No one is going to influence me now.”⁵⁷

c. Religious Community

⁵⁵ From charts titled *Rate of Violent Crime in MD 1985-2020* and *FBI Crime Data Explorer Summary Crime PG County PD 1985-2020*. Retrieved from <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.

⁵⁶ Thomas-Lester, A. (1999, July 28). Different Times for Glassmanor. *The Washington Post*. Retrieved from <https://www.washingtonpost.com/archive/local/1999/07/28/different-times-for-glassmanor/8693b7d9-0c40-41b4-852c-cc1c8622be7d/>

⁵⁷ The BOP agrees with this sentiment. According to his 2022 inmate profile, Exhibit B, [REDACTED] is at most estimated to be a low risk for recidivism.

█████ notes that the first thing he would do if he were released would be to pray and thank the Lord right in the parking lot. His father still attends his childhood church, Wallace Presbyterian, though it has moved locations and is now in College Park, Maryland. █████ is looking forward to attending services regularly with his father, doing Fellowship with other congregants and becoming part of the church community. █████ has positive memories of all that the church provided to him before his incarceration and looks forward to reconnecting with Wallace Presbyterian if he is given the opportunity for release.

d. Employment Opportunities and Volunteering

█████ childhood friend █████ owns █████ and has been doing general contracting work for both residential and commercial properties for 27 years. If █████ is given the opportunity for release, █████ will hire him as an apprentice, paying him \$20 to \$22 an hour.

█████ current and largest project is building two community daycare centers in Georgetown in Washington, DC and in Falls Church, VA for a client they have worked with for 12 years. █████ does everything from installing cabinets to ensuring the building is up to code for inspection. █████ looks forward to working with █████ and teaching him how to do a general contracting job from start to finish.⁵⁸

While █████ works with █████ he will continue working out and plans to begin a personal training certification program. He enjoyed what he learned at Stratford Career Institute, and looks forward to an opportunity to further those studies. He hopes to one day be employed as a personal trainer. Additionally, he plans to promote the novels he has already finished and hopes to continue writing. He has many more ideas that he's eager to write about.

Finally, █████ hopes to continue the mentoring he did in prison and continue giving back. He would welcome opportunities to speak to young people who are getting into trouble. He has connected with █████, Chief Operating Officer of the █████ Foundation, and is set up to begin mentoring young people in the organization's Jail and Prison Advocacy Project upon his return home.⁵⁹ █████ would also eventually like to begin his own after school program, incorporating aspects of the Think Before You Move chess program he appreciated so much and completed while at FCI Hazelton.

█████ is the founder and program manager of the █████) program at the Washington, DC jail. Through this program, █████ provides mentorship and other services to incarcerated 18 to 25 year olds. He knows that █████ would easily be able to continue his mentoring work with young people on the outside of the prison walls, saying, "Mentoring isn't something that you just drop and turn off. [█████] has a natural knack for it and young guys gravitate to him."⁶⁰

⁵⁸ See Support Letter from █████, August 9, 2022, Exhibit K.

⁵⁹ See █████ Foundation Support Letter, August 27, 2022, Exhibit K.

⁶⁰ Interview with █████, August 9, 2022.

e. Social Service Programming

██████ will have the support of PDS's Office of Rehabilitation and Development, which will help him apply for any public benefits he may be eligible for and assist him in obtaining documentation including an ID and social security card.

The Mayor's Office of Returning Citizens (MORCA) is also available to help connect returning citizens to other support systems. MORCA serves as the principal contact point for returning citizens by removing barriers to reentry, and empowering residents to connect to services for employment, health, education, housing assistance, and family needs. Over the years, MORCA has grown to provide case management services, family unification engagements, prison outreach, and critical vital records assistance.

The READY Center has also been of great value to returning citizens. Staff connect returning citizens to the Department of Motor Vehicles for government identification and the Department of Behavioral Health as well as add their names to the DC Department of Employment Services Project Empowerment, and trouble-shoot various problems that may arise for recent releasees.

VIII. CONCLUSION

Despite only recently learning of a potential opportunity for release, ██████████ has spent the past nearly 28 years of his life working to better himself, help others, and maintain strong relationships with his loved ones. His reentry plan includes a steady job, engagement in his local religious community, supportive therapeutic groups, and a stable and loving home where he will be surrounded by family and friends. ████████ recognizes the senseless mistake he made when he was 22 years old, expresses remorse and takes complete responsibility for his actions. In a letter of support, ████████ cousin ████████ stated,

“Since getting locked up, [██████] has always been all about correcting himself. He has focused on staying out of trouble, physical fitness, reading and he's even written books. He's mature, laid back and level-headed. If he came home, he wouldn't be around the same negative influences he was as a teenager. The area has changed, and none of the guys he was hanging out with in his late teens are around anymore...If [██████] were to be released, he has a huge community and so much support... He is not the same person as he was at 22 years old.”⁶¹

⁶¹ See Letter of Support, ██████████, August 8, 2022, Exhibit K.

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MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311

610-278-3295

FAX: 610-278-5941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG/PUBLICDEFENDER

Mitigation and Sentencing Recommendation Memo

Prepared by [REDACTED]

Submitted By [REDACTED], Esq.
Assistant Public Defender

Client: [REDACTED]

D.O.B.: [REDACTED]

Docket #: CP-[REDACTED]

Reason for Referral

[REDACTED] is a 31 year old woman who comes before this court facing charges related to conspiracy, sales to an ineligible transferee, dealing in unlawful proceeds, and unsworn falsifications. [REDACTED] was referred to Social Services for the purposes of a mitigation interview and report to aid in sentencing following Ms. [REDACTED] entering into an open guilty plea. The purpose of this interview and investigation process is to unearth underlying mental health, socioeconomic, or familial circumstances that elucidate the need for community rehabilitation for this client. As such, the Social Services Department, of the Montgomery County Public Defender is pleased to provide mitigation for [REDACTED] to highlight her history, mental health and addiction history, and possible alternatives for sentencing.

“Anybody who has survived his childhood has enough information about life to last him the rest of his days.”- Flannery O'Connor

██████████ grew up in what could only be described as a rapid succession of horrible events; surrounded by unsafe environments and even less stable adults. Born to a 14 year old mother, ██████████ was one of 11 children, ██████████ being the oldest. It seemed that with every year marked by a candle on her cake, a new baby was brought into her life to share the finite resources that were scarce to begin with. Being raised by her mother, a child herself, ██████████ was left with other family members for days at a time while her mother tried to complete her high school education. About one million teenagers become pregnant each year in the United States, accounting for 13% of all U.S. births. Birth rates for Latina and African American teenagers are roughly double what they are for White teenagers, with the rate for Native Americans/Alaska Native teenagers falling in between and the rate for Asian American/Pacific Islander teenagers considerably lower than for White teenagers. Teenage motherhood and poverty are closely intertwined: In 2001-2002, nearly half of families with teenage mothers who had infants lived below the federal poverty line (compared to about one fifth of families with older mothers who had infants. At the same time, 56% of infants in poverty lived with a mother who had been a teenager at either their own or an older sibling's birth (Mollborn, 2016). “It was horrible... I didn’t have the best life,” ██████████ recalled during her interview. “We grew up fighting like sisters, now we have a close bond, but growing up I didn’t have respect for her because I didn’t view her as like a mother.” Whether it was because ██████████ and her mother were too close in age or because of her mother’s ongoing addiction and untreated mental health, ██████████ earliest years set the tone for her development and what would become years of turmoil and abuse.



Current research on the longitudinal effects of witnessing domestic violence as a child are lackluster at best. Given the tremendous focus on Adverse Childhood Effects and the outcomes of direct trauma like physical violence, neglect, and abuse, it begs to question why science has yet to focus its attention on the impacts of cortisol on the developing brain of children who live in a home fueled by rage and chaos. Witnessing domestic violence during childhood (“witnessing”) is associated with various negative mental, physical and behavioral health outcomes during childhood (Campbell and Lewandowski, 1997; Groves, 1999; Jaffe et al., 1986; Spaccarelli et al., 1994) and adulthood (Cannon et al., 2010). Children who witness domestic violence (“witnesses”) have heightened risk for poor school performance, cognitive delay, emotional and behavioral issues, trauma symptoms and mental health diagnoses in childhood (Ehrensaft et al., 2017). Some research seems to indicate that bonding between parent and child, namely victim and child, is negatively impacted due to the ongoing need to protect one’s self while maintaining physical safety in the shared environment. The U.S government statistics shows that 95% of domestic violence cases involve women victims of male partners. The

children of these women often witness domestic violence. The emotional responses of children who witness domestic violence may include fear, guilt, shame, sadness, depression and anger. [REDACTED] shared openly that she fell victim to witnessing her mother's abuse at the hands of paramours over the course of her lifetime. As [REDACTED] moved in and out of her mother's custody, the men moved in and out of the home. "It happened more than a few times a week... He would never hit us kids though," [REDACTED] stated, "...He was always acting crazy, but no, he never hurt us." Soon, it was time to flee. [REDACTED] and her siblings were moved away from all the family they had known in Philadelphia to South Carolina. The hope of refuge and starting over again was just a distant dream as their destination down south. "Nothing changed there. I can't say she was on drugs, but she kept trying to kill herself after her partner passed away. She was gone for days. She was being abused by him but she couldn't stay away. We moved away to South Carolina and we didn't know anyone, and she would be gone for days and weeks at a time, we didn't know when she was coming back, or how to find her. We just had to watch ourselves." Alone, hungry, and needing to take care of her younger siblings, [REDACTED] now age 7, would take to the street on foot, walking to local convenient stores with her siblings in tow. With not a penny to their names, they would do what they needed to survive- stealing small items and putting them into their pockets, hoping that they would not be stopped or caught by the shop owners or other patrons.



During the times that [REDACTED] was not witnessing her mother's abuse, she sustained her own pain at the hands of her mother. Whether due to her own on going trauma or the negative impacts of untreated mental health, [REDACTED] described her mother as volatile and unpredictable. "She told me she raised me to be tough and that I had to be the tough one, and that's why she hit on me." The toughness was to be developed by reoccurring beatings with cords, pieces of wood, and "...anything she could get her hands on really." More than 2000 studies demonstrate adverse childhood experiences ACEs are universal and that experiencing multiple ACEs increases risk for developing physical and psychosocial health problems in adulthood. Specifically, research has demonstrated that the more ACEs a person experiences, the higher their risk of developing physical health challenges (e.g. chronic stress, increased rates of heart disease, chronic pain and difficulty sleeping), unhealthy lifestyle behaviors (e.g. severe obesity, a high lifetime number of sexual partners and a history of having a sexually transmitted disease), mental health challenges (e.g. depressed mood, anxiety, suicide attempts, substance abuse), and social underachievement (e.g. lower educational achievement and economic productivity) (Anda et al., 2006).

Despite the impact of being a victim of abuse and witnessing her own mother's abuse, [REDACTED] showed incredible resilience and insight. As she grew older, she sought refuge at her

grandmother's home where she began to flourish. [REDACTED] was an exceptional student, getting good grades and finding a feeling of success and capability she had never known before.

[REDACTED] graduated and went on to The Community College of Philadelphia and completed several semesters there where she took an interest in criminal justice and sociology. Wanting to join the work force to find her independence, [REDACTED] transitioned to a technical school, Lincoln Tech, to become a medical assistant. Later she went on to obtain her CDL and completed a training school to drive large commercial vehicles when she was about 19. Since completing her trucking school, [REDACTED] has remained gainfully employed and working to support herself, beating the odds and attempting to break generational curses.



Unfortunately, the significant finding in statistics that shows daughters of teen mother's often become teen mothers themselves (Meade et al., 2008) was true for [REDACTED]. She had her son when she was 16. Working harder than her peers to maintain her educational demands, working to support her son, and coming home to be a present mother for her child was no small

accomplishment. [REDACTED], who was living with her grandmother at this time, was responsible for her food bills and paying rent for herself and her son. Without the support of her son's father, the responsibility to care for her child took a toll on [REDACTED] emotional state. "I never felt like I could be good enough," she lamented. [REDACTED] was desperate to give her son the life she never had. She continued to push herself forward and saving her paychecks until she was finally able to move from her grandmother's house when she was 25. It was then that [REDACTED] found her independence in West Philadelphia.

58th and Girard is not the idyllic setting that 'The Fresh Prince' portrays it to be. Gun violence was a daily occurrence for [REDACTED]. As shots, rang out during the night she grew concerned for her son's safety. Being a young woman living alone was a risk in and of itself but driving trucks that were perceived as having high value items was a risk that [REDACTED] felt she needed to take for her family to survive. "Living in these situations you grow up paranoid and traumatize. You see so much stuff, you can't help it. You walk down the street and you find a body with a needle in they arm. I saw someone get shot, and bleed out, right in front of my face (age 22)." Soon [REDACTED] would make friends with a man named Jared, a local to West Philadelphia. Jared would become her confidant and her best friend. Jared recognized the inherent risk of living alone as a woman in the city, and support [REDACTED] in protecting herself. Soon having a sidearm became a way of life and a way to have peace of mind. During her long hauls alone on the road, it gave her the sense that she knew she would make it home to her son. And once at home, it provided her the sense that she would be able to protect her son from the dangers that lurked outside of their door. [REDACTED] saw this as her duty to her son and her family.

It was that same sense of responsibility to others that brings [REDACTED] before this court. A loyal friend, trying to reciprocate the support she had received from a friend who was in need, a friend

who was struggling. After numerous overtures to help him get a gun, under the guise that this was for self-protection, █████ succumbed to the pressure. “He didn’t have no one else. It wasn’t him trying to use me, he just didn’t have anywhere else to go.”

“What we cannot bear removes us from life; what remains can be borne.” -Marcus Aurelius

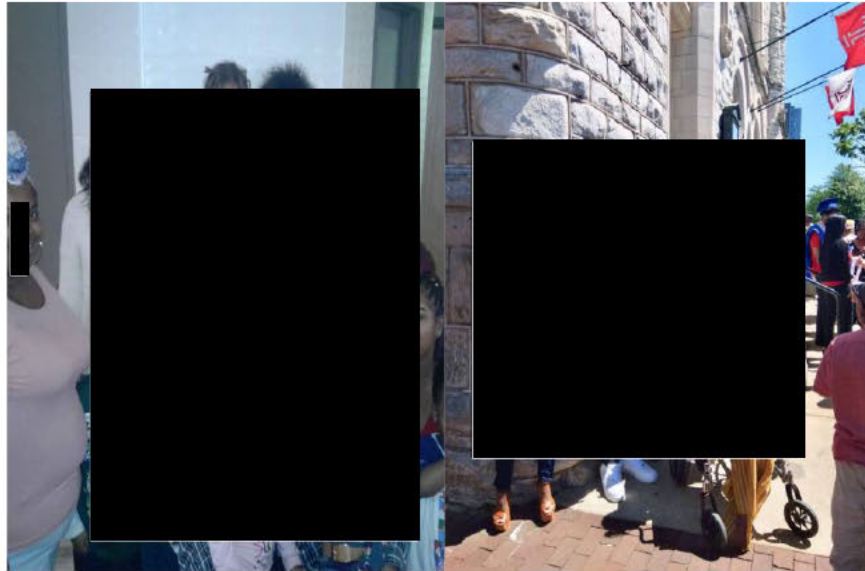
█████ saw herself in her friend, alone and struggling. █████ had been living with an albatross around her neck for a few years now. The stronghold of Percocet and alcohol weighing her down as she fought to maintain a normal life. What started as a means of escape from the constant feelings of anxiety and the ongoing effects of years of abuse, became an almost daily dance of avoiding sickness, depression as the effects of the pills waned, and the alcohol left her system. “I hadn’t found another way to cope, I have been drinking like that as long as I can remember” At the height of her addiction, █████ shared that she was drinking Hennessy by the bottle, 750 ml bottle up to 3 times a week. This amount of alcohol coupled with 15-30 milligrams of Percocet up to 4 times a day was the salve on a lifetime of wounds. The current opioid crisis ranks as one of the most devastating public health catastrophes of our time. It started in the mid-1990s when the powerful agent OxyContin, promoted by Purdue Pharma and approved by the Food and Drug Administration (FDA), triggered the first wave of deaths linked to use of legal prescription opioids. Percocet is the brand name for a painkiller that combines oxycodone and acetaminophen. Oxycodone is a powerful opioid derived from the same source as morphine and some illegal drugs, including heroin. Opioids like Percocet activate the brain’s reward center. Individuals who take Percocet can become addicted to the way the drug makes them feel. Over time, the drug will stop working as well as it used to, and they will need to take more of the medicine to achieve the same effect. Suicide is a major public health concern and a

leading cause of death in the US. Alcohol and opioid use disorders (AUD/OD) significantly increase risk for suicidal ideation, attempts, and death, and are the two most frequently implicated substances in suicide risk (Rizk et al., 2021). Among people with an underlying vulnerability to risk-taking and impulsive behaviors, chronic alcohol intoxication can increase maladaptive coping behaviors and hinder self-regulation, thereby increasing the risk of suicide. Alcohol misuse is robustly linked to heightened risk for suicidal ideation, attempts, and deaths in youths and adults, a phenomenon not accounted for by comorbid psychiatric disorders. Cross-national studies indicate a linear relationship between suicide rates and per-capita alcohol consumption, suggesting that alcohol may be a key factor in suicide (Rizk et al., 2021). When ██████ reached the age of 30 she entered into sobriety, leaving the mask of intoxication behind but not the depression she had been trying to hide from.

Black women disproportionately suffer from violence and its subsequent mental health outcomes. Increasing levels of perceived stress are associated with greater symptoms of depression and PTSD. Social support and resilience can potentially mediate the negative consequences of perceived stress on women's mental health, however as we can see Porschea ██████ did not significantly benefit from the support of her family and community. Mental health disparities in the United States (US) are persistent among women, especially women of color. In the US, women are nearly twice as likely to experience depression and two to three times as likely to develop post-traumatic stress disorder (PTSD) as men (Olf, 2017). Black women experience comparable prevalence of depression and PTSD as the general population, but are less likely to utilize mental health services than their white counterparts (Sabri et al., 2013). Depression is diagnosed based on symptoms that patients report during an evaluation by a health provider. Common symptoms include low mood, loss of interest in activities, changes in appetite

or sleep, and feelings of hopelessness or worthlessness. Porschea has endorsed these symptoms over the course of her lifetime and recognizes that she has experienced depression and anxiety. Historically Porschea has denied treatment due to her fear of re-traumatizing herself and not having a access to culturally competent therapists that reflect her experiences and or identity.

Thinking only from a place of survival for herself and for her son, [REDACTED] would make a life altering decision to help her friend. As a direct result, [REDACTED] was forced to return to her mother's home with her son. Her hopes of buying a home in Tennessee and her ability to save financially were negatively impacted after she lost her position as a driver. With her current case pending, finding gainful employment has proven a fruitless endeavor and [REDACTED] continues to struggle to find positive meaning in her life and her perception of herself as a parent. [REDACTED] has stated that employers have sited their fear of her missing work to go to court as a reason not to hire her, or the risk that she would become incarcerated as a reason not to invest in her as an employee and providing her additional. At present, [REDACTED] continues to find ways to make money by working at home and being present for her son as he struggles to navigate his own mental health issues. "Honestly, I just worry about my son. I know my mom can't handle my son and my sister with cerebral palsy and I take care of my sister. My son he has needs too. He suffers from depression, anxiety, and experiences suicidal ideation where he self-harms. I have had to put him in Friends Hospital several times. I'm just scared for him if I go away. I don't know how he'll handle it. And if my mom can't handle take care of my sister, how is she going to help take care of my son? And my grandma is too old for that. She's almost 90 years old. I'm the only one who can handle this, it's always been me. There isn't anyone else."



██████████ has taken on a case management role for her son, as he wades through a sea of premature grief. When her son was ten, his friend died by suicide, leaving a lasting impact on her son's psychological wellbeing. Despite being engaged in regular therapy to discuss his sadness and feelings of being abandoned by his friend, he has continued to display upsetting behavior. ██████████ stated that her son has needed to be hospitalized in an inpatient setting more than one time and is currently prescribed psychotropic medications to mediate his outbursts and emotional lability. ██████████ has zealously advocated for her son's educational needs and has worked with his therapists and school district to get him access to an IEP and in school supports. As ██████████ sits in reflection of her actions and her need for accountability, she also reflects on the risks she has taken to mitigate the impact of her choices. ██████████ provided substantial assistance to the prosecution to ensure that they could seek justice in this case. However, in doing so ██████████ has compromised her safety, and this time she feels she has no ability to defend herself when she is alone at home or on the street. b. "I feel like this cost me everything. I was just at a point in my life where I was getting my life back. I was about to give my son a life I never had. Then I got wrapped up in this, and I couldn't get myself out of it. I've never been in

trouble, I'm not a criminal. It's made me so depressed because this isn't who I am, it isn't who I was. I was a normal teenager, just being rebellious. But this really knocked me down and took it all from me. I was moving him away from the city, we were going to have a better life. And Boom! It's gone now. I had to bring him back here, back to the ghetto. Back to everything I didn't want, I never wanted for him. Because I made a bad choice, I did this, and it cost us both." She went on to say that she continues to be the matriarch of her family, that beyond her son her mother relies heavily on her to pay bills and maintain the status quo of day to day functioning in the home. While she constantly looks over her back, she is also constantly looking for a way out for them. A way to protect them against the ills of the world, the proverbial boogie man lurking around the corner. "By cooperating, I'm labeled a snitch and a rat. When all this first happened Jared was mad, so he told everyone that I talked on him...I don't even go outside just in case they do try to hurt me, because now I cant even protect myself or them from anything." [REDACTED] has been stricken with the realization that if she were to be incarcerated that she would have no way to ensure the wellbeing of her family, and this has become the foundation of her daily walking nightmare.



Alternative Sentencing Outcomes:

A person's life should not be defined or determined by a single event or action, instead we should consider the sum total of the person's lifetime of experiences. [REDACTED] [REDACTED] has proven time and time again that she is a woman that understands her impact in the world. First as the primary caregiver for her many siblings, taking on a parental role in their lives before the age of ten. [REDACTED] has demonstrated that not only is she someone who values family, but also understands the needs for safety, support, and love in the lives of others, and she has set out to provide that to everyone she encounters. Second, we see that [REDACTED] is someone with an indomitable will to survive and thrive in spite of the odds being stacked against her. She has broken stereotypes, moved the bar on the bell curve of life by graduating high school and multiple technical school programs, by raising her son successfully, and by living a life into adulthood that was free from criminal behaviors. These accomplishments alone should speak to the veracity of her moral fiber and her understanding of her responsibility to others and her community. Finally, she continues to be the person who maintains her family's financial stability- assisting her mother who lives with the symptoms of severe mental illness, working to support and maintain a multigenerational family under one roof, advocating for her sons extenuating mental and behavioral health needs both in therapy and in his school settings, and providing assistance to loved ones with birth injuries that impact their daily functioning. Losing [REDACTED] in the home not only hurts her own mental health and wellbeing, but also will have undeniable ripple effects that could permanently alter and harm the trajectory of several innocent people who rely on her for their basic needs. When we conceptualize [REDACTED] we see someone whose greatest sin is caring too deeply and going too far to prevent the pain and suffering of others. Knowing first hand what it is like to lose loved ones and be witness to gun violence and

abuse herself, she sought to rescue her friend from preventable outcomes. In her mind, she was providing him the protection she knew she always needed, the same protection she had ensured that she and her son had. This is not a woman who is participating in a lifestyle that puts the public at risk through persistent reckless behaviors, instead this is a woman who in the throes of her addiction and while being manipulated because of her past was taken advantage of by a more cunning and more savvy individual. Moreover, when [REDACTED] was presented with an opportunity to rectify her misdeeds, she put aside her own physical safety and her reputation in her community, and supported and gainfully informed the Montgomery County District Attorney's Office so that justice could be rendered and that the community would be safer. She did not shy away from the reality that she played a role in these events. Instead, she lent a helping hand and took accountability.

As such, I believe that [REDACTED] would benefit from a county based sentence that reflects the seriousness of the charges while also taking into consideration her substantial participation in supporting the prosecution in this case. [REDACTED] has no prior record, which allows for a mitigated sentence range to begin at probation. Given that a period of incarceration in the county correctional facility will incorporate a period of supervision, it is this writers belief that a period of incarceration within the range of 3-6 months would demonstrate the expectation for accountability, ensure public safety, and provide [REDACTED] opportunity to participate in some of the programming offered by the correctional facility. Similarly, by allowing her to remain in a county facility and limiting the period of time away, we are mitigating the harm that would be experienced by her high-needs child. [REDACTED] may be able to have visits with her child, whether they be virtual or at the correctional facility, more often given the close proximity to her community and family. By providing a sentence that remains in the mitigated range we also

decrease the negative impact on a child, which will only ever help the community and promote safety for all. Franklin D. Roosevelt once said, “We cannot always build the future for our youth, but we can build our youth for the future.” Should this court provide a county based sentence that allows and promote family connection, healing, and accountability, this may be Porschea’s opportunity to build a new foundation for not only herself but for her son.

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Dear Honorable Judge:

I come to you in the name of God and with all humility. I am writing to you on behalf of my daughter

██████████. I know some of my words are biased because I am her mother, but I would like to tell you a little bit about her. ██████████ has lived a very rich life. When I say that, I mean she has been surrounded by people who love her genuinely. She has been blessed with her mother, her grandmother, great-grandmother, sisters and a brother, her son, and a host of friends who would give their lives for her. That speaks volumes about her. Who, other than her mother and her child, would lay down their life for a friend? That tells you about her character. She is a giving person who would literally give the shirt off her back. She shows empathy to people because of the things that she has been through throughout her life. I have watched her bring people to me that needed help all her life, even animals. For example, one of her friends was put out of his/her house because she came out to her family, and they didn't accept it. She said go talk to my mom, she'll figure something out and I did. She has done that for so many people she's known over the years, it's amazing. No one does things like that for someone they don't care about. I'm saying all of this because it speaks about her case.

I haven't been able to come to any court proceedings because I recently had a heart attack and I've been working remotely. I don't get out too much nowadays. If I could, I'd be right there with her holding her hand. She's scared and remorseful. I always tell her that our downfall in life is caring too much and always wanting to help and be there for people. Sometimes those people hurt people who don't understand why people want to help them. That's all I'm going to say on that part because God sees all, hears all, and knows all and this whole thing is killing me.

██████████ is the type of person that hurts every day. She lost her stepfather when she was 8 years old. He showed her what love is and what it means to be a family. I never knew what that meant with my family. He would play games with them and let them dress him up. He was bald but when his hair grew out, he would let them put ribbons in his hair, we would have cake batter fights, perfume wars, and Temptation movie re-enactments. She knows that movie word for word lol. She even sang it when she was in labor with her son lol. She even had the nurses and the doctors singing it with her. When her stepfather passed of cardiomyopathy in 2001, her world shattered. She's been yearning for him ever since. She had a best friend that she went to pre-school with, middle school, high school, and then as adults they found out they moved to the same neighborhood, around the corner from each other. They were hanging on the steps and she said, "I'll be right back I have to go to the bathroom." While she was in the house, he was shot and killed by the police. We lost the matriarch of our family, she's lost an unsurmountable number of friends and recently, she lost her child's father. They've known each other since they were 12 and they are now both 31. Her son's Godfather passed earlier that week whom we have known for over 20 years. He was the first man in her son's life and he was the only man he knew. His father moved on and started another family and even though that happened, he never stopped being there for her. If she was having a bad day, she would call him and he came running. Her life has been full of nothing BUT grief and she feels like she can never get a break. Because of this case, she's lost her job as a truck driver, she's now sleeping on my bathroom floor with her son, and she's depressed even more than before, she was already an alcoholic because of the depression and all of the deaths but now it's worse. She doesn't know how to handle depression and PTSD. She makes irrational decisions that aren't thought all the way through. I tell her all the time, this is life. We all make mistakes

but it's the comeback that makes the difference. [REDACTED] is not stupid by a long shot, despite her nickname being Stupid. She's always been one of those people who is dedicated, determined, strong-willed, thoughtful, and sometimes stupid; what can I say? When it comes to a job, there isn't one that she went for and didn't get. She's been working since she was 16. Her first job was at McDonald's. I watched this child work through a tornado. She didn't want to leave because she had to close the store first. She was a live-in home health aide. She cared for special needs adults. Out of all the people that worked with them, she was the only one that was able to get them to come out of their shells. She would dance with them, take them to the mall and let them spend all their money on whatever they wanted to spend it on, she would make them laugh and when it was time for her to leave, they all cried. She has 2 special needs sisters, so it comes naturally for her to know what to do with them. The parents of the clients would give her Christmas cards with money in it, for her birthday they would send her flowers and gift cards when no one else would get those things. She drove school buses for a while. Those parents loved her too. They would meet her at the bus stop with Dunkin Donuts iced coffee because they knew she loved it. For Christmas, they would give her all kinds of gifts and she would just come home and cry. The kids she drove on the bus loved her SOOOO much. I remember one time she came home ecstatic. She couldn't stop smiling and laughing. She had gotten cut off by an angry driver. She started to yell at the driver but quickly remembered she had the babies on the bus. One of the students yelled to her, "Ms. Dino, we got it." They all yelled and cussed at the driver for her. She couldn't stop laughing because she had to reprimand them for it, but she was happy to know they had her back. They were all so sad to see her go, even the parents, but they knew she was moving on to something better. When she left for truck driving school, life wasn't the same for us. She was in Missouri changing other people's lives. Everyone she meets says the same thing, she's crazy as all get out but they can't see living life without her now. Everywhere she goes, she makes lifelong friends. Seeing my 5'5" baby driving a 53ft 18-wheeler was hilarious to me, but she drove that thing like it was a Honda Civic. She did the same thing with her school bus. This is what I mean by her being dedicated and determined. Whatever she puts her mind to, she goes after and masters it!!

Speaking of her character, let me tell you what kind of daughter she is. I'll never forget the time it was a bad blizzard. We lived at 29th & Cumberland, and she lived in Cheltenham (7 miles away but an hour and 2 minutes away on the bus) She had come down to visit us for a while and got caught in the snow. She soon realized we didn't have any food. (I didn't tell her because she always wants to fix stuff) She asked me how come I hadn't been food shopping yet. I told her that I left my food stamp card at her dad's house by accident. Her dad, at the time, lived near her in Cheltenham. She got on the bus IN A BLIZZARD, went to her dad's house, got my card, got back on a bus and went food shopping at Shop-Rite, got back on the bus with all of these bags, and brought them to us all the way down North Philly. I've cried about this story for years and this was almost 10 years ago. Not one time did she get angry, she didn't complain, and she never brought it back up after that. We lived down south for a few years, and she stayed here in Philly. My special needs daughter who is non-ambulatory, non-verbal, and confined to a wheelchair needed diapers. I didn't have any money at all and her insurance decided not to pay for them that particular time for whatever reason. [REDACTED] had worked overtime that month and received a huge bonus check. She sent me her whole check and said do something for yourself Mom. This was another time that I cried my eyes out and she never once complained or got angry. She's very selfless and I love that about her. The only thing is, the streets made her hard.

I let [REDACTED] be a kid. Even though she had a kid at 16 and wanted to work to support him, I supported her. I told her, "My mother told me that my life was over after I had you. That's not true and I want you to still be a kid. The only thing I'll say is that if your kid is in this house, you have to be in this house unless you are at cheerleading practice, track practice, or something at church." She acknowledged that and if my mother came to get the baby on the weekend, [REDACTED] was free to roam the streets with her friends under certain conditions. She had to be able to answer these questions before she left:

- 1) Where are you going?
- 2) Who are you going with?
- 3) Who is going to be where you're going?
- 4) How are you getting there?
- 5) What do you plan to do when you get there?
- 6) If you are going with someone in their car, I need to know the following: whose car is it, what's the person's full name who will be driving, where do they live, what is their parent's name, do they have a job and where do they work?
- 7) When do you plan on coming home and how are you getting home?

In order for her to go out, she had to do that first or else she had to stay home. Being as though she only hung around kids I knew; she was able to go lol. Due to her hanging out with her friends, she became known in the neighborhood. Everybody knew who she was and protected her, so I never had to worry about her. I used to have older people in the neighborhood come to me giving me praises on how I raised her and how polite and respectful she was. She learned the streets, so she knew things I didn't. If her friends were sitting on someone's steps being loud, she would tell them about themselves. She would tell them how she wasn't raised to be disrespectful to her elders. I love that about her. Your Honor, my children are ALL different and I have 5 of them. My children aren't like most kids nowadays. I RAISED them, they didn't just exist. I taught them about morals, I raised them in church and then came back to Islam so they are very knowledgeable about both religions, I taught them to be respectful to everybody and not just their elders, I raised them to pay attention to their surroundings, give everybody the benefit of the doubt until they prove they don't deserve it, to always do the right thing regardless of what everybody else around them is doing, and to stand out. We have a motto in this family and we ALL live by it. "Make your mark on this world. Make it a positive one. Let people remember you for the good that you've done, not the bad." When they got out of line, they got their bottoms beat. It wasn't abuse but it was so they would know not to play with me because I'm not playing with them. Leave it up to her, she would call it abuse lol. But they all thanked me because they later told me that their friends were allowed to do whatever they wanted to do. Their parents didn't care about them at all. My children would look at them and question them, "You really gonna do that? My mom would kill me." I respected my children's opinions, I talked to them before I made a decision because everything I did affected them. I listened to them and made sure I understood them so that I was able to help them the best that I could. I became a stay-at-home mom for over 10 years because I wanted to be there for them every step of the way. When [REDACTED] had cheerleading competitions, we were there cheering right along with her. Thanksgiving, they had a game. It was FREEZING out there. We had blankets, coats under our coats, sweaters, hats under hats, gloves under gloves, and layered with a bunch of other clothes. We were out there screaming just as loud as they were lol. In church, she had a praise night concert. We were all there dancing along with her. She loves to dance so much she was put in the De'Shay School of Dance. She was there for a week and got a solo when other kids had been there for years without one.

She's just always been THAT kid and I wouldn't have changed it for nothing in the world. She has a bond with my mother and grandmother that we would never be able to touch. She calls them her old people and they actually let her lol. She goes over there and she makes them laugh and all they do is shake their head in disbelief because they can't believe she's so silly and crazy lol. She gives my mother lap dances which makes her get up and move. My mother had back surgery and has been down because she lost her job and her health insurance. She no longer wants to get up and move around which is therapy for her. By [REDACTED] doing this, it makes my mother get up to fight her off. It's hilarious because once she notices that she's up and moving around, she gets mad and tries to get back in the bed. [REDACTED] will do something else to her and make her keep moving. I love it!! She does the same thing to my grandmother, her great-grandmother. She's 83 years old and still gets around but she makes her fight too. My grandmother chases her around the house with a broom and tells her she's gonna tear her a new one. Moments like this bring memories and laughs that will be missed if she leaves.

Your Honor, I know she has to be punished in some kind of way for what she's done but I am BEGGING you for leniency. I'm BEGGING you, if you could, please grant her probation and let her stay here with us. She's NEEDED here. Her son, who is 16, is an endangered species right now. Our children are being killed left and right AND our children are killing people left and right. This is destroying families all over the city. He just got hired at the Philadelphia Zoo he's in ROTC at school where he is a corporal, he was on honor roll, and though he's had his moment with the law, he's doing great now. We need her here for HIM. Her sister that I mentioned earlier will miss her. She's already lost her father and her brother, my only son, is on drugs really bad and has been banned from our house, please don't take her sister from her. Let me tell you this last story. Her sister, her name is [REDACTED] grits her teeth and [REDACTED] CAN'T STAND IT!!! She yells at her to shut every time she does it and all [REDACTED] does is laugh at her lol. This is why she sleeps in the bathroom; she can't hear it in there. Being as though [REDACTED] knows she hates it, she does it every single time [REDACTED] steps foot in the door lol. When [REDACTED] comes in, she lights up, smiles, and starts to grit her teeth lol. [REDACTED] takes care of her for me since I've been sick. She cooks for us, she buys food for the house, and she's the joy and pain in the derriere for all of us lol. Our world would be pointless to live in if she was not here. I was in the process of trying to get her some help with AA and set her up for therapy so she can talk to somebody about everything that she's going through but I put it on hold to see what the result will be with the case. I told her that if she takes another drink, I'm putting her in rehab. She's been clean and sober for a week now. One step at a time, right?

I've bent your ears enough about my baby and though I can go on and on, I'd like to think you got the gist of what I've been saying. She is an amazing person to know. She just made a stupid mistake that she has to live with for the rest of her life. Thank you for listening and taking a walk with me in the life of my baby, my Stupid.

Sincerely,

[REDACTED]

Dear Your Honor,

My name is [REDACTED] and I am the sister of Porschea Lewis. I would like to share some things with you about my sister. Growing up, my sister was the only friend I had. We would play with our toys, we would jump rope together, although I wasn't quite great at it. We would make up different types of games, go on vacations, go to the mall and restaurants were always her favorite. I struggled a lot as a child with several medical issues. Any time I was sick, she made sure I got to and from the hospital. She made sure every doctor/nurse did their job properly. She went from big sister to my second mom during times like that. If it wasn't our mom beside me, I always could look to the side of me and see Porschea there. She is very caring and loving to the ones in her family, in addition to ones she has a close friendship with. She willingly gives to those in need and will do so with a smile. Knowing Porschea is to love her. You will have a friend for life because she is one you don't want to ever lose. I couldn't imagine birthdays and/or holidays without her. She always bring everything together by helping in the kitchen, teaching the family the latest dances and she always have funny stories about each sibling when they were young. I have 5 children, 3 of her nephews and 2 of her nieces. Porschea is the aunt that allows the children to have fun and when ever they're in the slightest trouble, she's the one to come save them. My kids adore her and their faces light up each time they see her. Even if they saw her just hours prior. Porschea is intelligent, determined, talented, a great mother and has an amazing heart, inside and out. It would be heart breaking to be without my first friend, my sister and even more heart breaking to see her leave her family.

Christina Battle

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NORRISTOWN, PA 19404-0311

610-278-3295

FAX: 610-278-5941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG/PUBLICDEFENDER

**Social Services Unit
Mitigation and Sentencing Recommendation Memo**



Client: [REDACTED] V. [REDACTED]

D.O.B.: [REDACTED]

Docket #: [REDACTED]

Reason for Referral

[REDACTED] was referred to the Social Services Department through The Montgomery County Public Defender for support around his upcoming court case, as well as to provide mitigation report to aid in sentencing. [REDACTED] is charged with Murder of the Third Degree, Endangering the Welfare of a Child, and Recklessly Endangering Another Person. The Social Service Department has had time to review records that pertain to [REDACTED]'s previous mental health treatment and diagnoses as well as interview [REDACTED] his mother [REDACTED] his father [REDACTED] and has reviewed records from MCCF, PrimeCare, The Horsham Clinic, and therapist [REDACTED]

Early Childhood

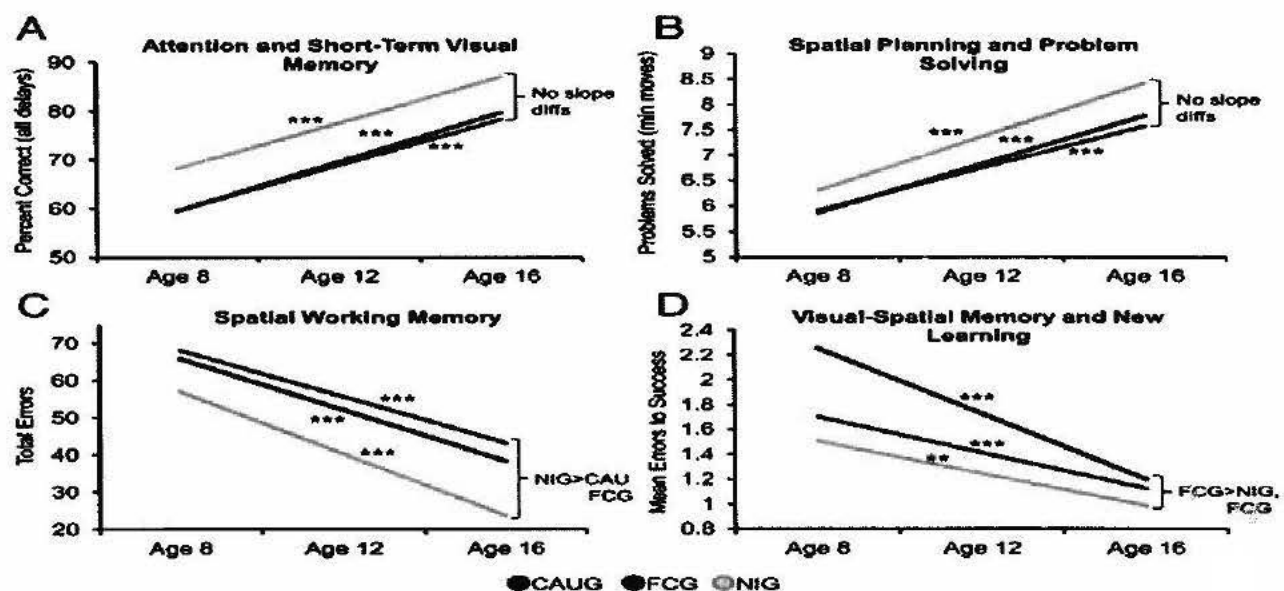
██████████ was raised from infancy into early adolescence in a Crimean orphanage. He was surrounded by the sound of screaming infants and toddlers as they fought one another for food. Staff and professionals turned a blind eye as older children shoved, punched, or beat younger or smaller children with sticks and wires on a regular basis. And at times, ██████████ recalled the staff creating their own instruments of torture, taking spoons to the back of the children's legs or whipping them with scraps of barbed wire. Having been relinquished to the Crimean Government due to his mother's ailing health, and eventual death, ██████████ would remain in these facilities for over a decade without contact with any kinship or natural family, without letters, or pictures to tie him to a world beyond the walls that fashioned into a prison over time. The concerns for these children grew over time as more and more of these children were adopted out to well-intentioned families. Behavioral issues, emotional disturbances, and undisclosed or undiagnosed medical issues began to arise at an alarming pace once these youngsters were freed from their placement within these facilities. An estimated 200,000 thousand children were placed into orphanages also called internat or boarding schools. ██████████ ██████████ spent time in a boarding school in Dzankoi/Dzhankoy. Following governmental investigations, the programs were cited with negligence. "Officials neglected their duties and not examined properly homes for children-orphan and children left without parental care. As a result, their rights and legitimate interests are substantially impaired," stated one report. Criminal investigations were launched as a result of these egregious cases of neglect and abuse. ██████████ shared, "The more you know, they stop giving you education. When you understand enough, or start to understand, they skip you ahead fast, and you miss pieces of learning." ██████████ felt that this was a mechanism used to keep the children from being able to understand how egregious their abuses were, while also ensuring they lacked the

ability to read documents or forms that could share this information with the families who visited seeking adoption. Other first hand reports from reporters who stopped into the internats read, "It was simply horrible, the worst internat I've ever visited... Dzhankoy is an example of what one should NOT do when designing an internat." In 2007, which preceded the adoption and immigration of [REDACTED] [REDACTED] to the United States, reports showed that children were often left to fend for themselves as older children acted in predatory and violent ways against the smaller, younger, or disabled children in the facility. "One of our biggest problems is that older kids and kids with psychological disorder are not in any way segregated from younger kids and kids who seem normal or at least not aggressive." The author went on to state that diagnoses were haphazardly applied to children who they "didn't like" which could result in harsh restrictions, restrains, and unnecessary involuntary medications. Furthermore, due to the lax structure of this specific placement, adults from the outside often were found walking around amongst the youth, providing them with alcohol, illicit drugs, and coercing them into abusive and damaging situations.

Graduates of these programs are often so traumatized that they engaged in disassociation and experience severe symptoms of PTSD and other mental illnesses. The scars of the physical, sexual, and emotional abuse are present for the rest of their lives as they return to a society that reflect nothing of their humanity. For those who are adopted, assimilation is a chore that is wrought with expectations of filling a void of infertility or an Evangelical calling of saviorism.

The American Psychological Association published an article in 2014 titled, "The Lasting Impact of Neglect," that explored the ongoing brain changes related to severe emotional and physical neglect of children in congregate care settings, not just in Romania and Eastern Europe, but within the United States of America. The research showed that UNICEF as well as the U.S.

Department of Health and Human Services had ongoing and well-founded concerns about the wellbeing of children in these settings as it relates to their longitudinal function as a result of their placement. Children experiencing psychosocial deprivation as a result of early institutional rearing demonstrate many difficulties with memory and executive functioning (EF). To date, there is scant evidence that foster care placement remediates these difficulties during childhood. The current study examined longitudinal trajectories of memory and EF from childhood to adolescence in the Bucharest Early Intervention Project, a randomized controlled trial of foster care for institutionally reared children. Results within the study showed brain scans that elucidated the brain atrophy of key regions, namely white and grey matter, in the brains of children who had been in congregate care settings and later transitioned into foster care. Despite the positive change of being removed from the stressful and/or neglectful situations within the institutional settings, the grey matter of these children's brains never recovered fully and showed that there were ongoing deficits in these regions. Conversely, white brain matter was able to regenerate in the brains. However there were still findings of significant correlations between the experiences and diagnoses of ADHD within the population.



In 1999, a study called the International Adoption Project was created through the University of Minnesota, which has helped in exploring the experiences, difficulties, and challenges to adoptees who have been adopted to the United States from other countries. The International Adoption Project is led by Dr. Megan Gunnar, Regents Professor of the Institute of Child Development and Dr. Richard Lee, Professor of the Department of Psychology, both at the University of Minnesota. Along with their work with adoptees directly, the University of Minnesota and other children's hospitals have been looking at the correlation between psychiatric diagnoses in adoptees/foster youth, the over medication of these children, and the increased instances of adverse childhood experiences. Children that have been adopted or that are in foster care are at a significantly higher chance of being placed on psychotropic medications. Research presented at the 2021 American Academy of Pediatrics National Conference & Exhibition finds the prevalence of psychotropic medication use is 2-27 times higher among foster children in six drug classes, across all age groups.

In a TIME Magazine article, this research was reflected and used in an alarming warning to adoptive parents, furthering the stigma around adoptees and foster youth as "troubled" and increasing the biases that these problems are inherent to all adopted persons, and seemingly "untreatable." The article cited statistics that Americans adopt about 120,000 children each year, and the vast majority grows up "happy and healthy." The author went on to apply statistics provided by the Researchers at the University of Minnesota went on to share additional that findings that domestic adoptees externalize their anger and behavioral issues, wherein international adoptees are often quiet and internalize their depression and displeasure. It stands to reason that this is a direct reflection of the egregious neglect that many of these adoptees faced in

their earliest years of life, being left to self sooth, alone in orphanages where neglect was the norm. However, silence should not be confused with seamless integration, assimilation, or attachment. Instead, one must wonder how much of this internalized angst is a mechanism of survival.

While the world has expected adoptees to internalize feelings of gratitude, the weight of fitting in can become a crushing burden to a young person who has already lived for 13 years in an environment of chaos and pain. [REDACTED] [REDACTED] was no different, coming to America with his new family, he looked different, he spoke different, and he certainly felt different.

With a new name, a new birth certificate and a new family, [REDACTED] came to the United States with the promise of a new beginning. However, the reality he met when he arrived “home” was a stark contrast to those promises. “I was treated differently, I wasn’t part of this family,” [REDACTED] relayed through sobs during his interviews. “You’re looking for a family, but you never fit in. No matter how much you try for that connection, you’re just left out... rejected... and you have to do it over and over again...” What no one told [REDACTED] is that attachment begins in the womb, and he truly *was* at a distinct disadvantage coming into the [REDACTED] family; who already had biological children who had set the standard for love, achievement, and what family meant.

[REDACTED] adoptive mother, [REDACTED] shared in an interview about her bonding with [REDACTED] before the adoption while visiting the family home in the United States, “It was such a short time, the day that they left, he was about ten years old. It was the last day and we were all in the living room, and this goes back to how traumatized they really are, he just urinated on himself in our living room, out of emotion. We were all crying, and he just lost control of his bladder, It was a direct representation of his emotions, of how traumatized he was and how fearful he was.”

Trauma and Development

Harry Harlow's infamous studies on maternal deprivation and social isolation during the 1950s and 1960s also explored early bonds. In a series of experiments, Harlow demonstrated how such bonds emerge and the powerful impact they have on behavior and functioning. As such, research shows that children who have been adopted face higher levels of attachment insecurity than non-adoptees—and adoptees who enter their parents' lives later than at one year old have deeper attachment issues than those adopted at birth or soon after, as is reflected in the attachment and dysfunction that followed within [REDACTED]'s adoptive family as he grew older and time went on.



Childhood trauma is linked to ADHD, and vice versa. They share similar symptoms that are often confused and misdiagnosed. Each also amplifies symptom severity in the other. These are just a few reasons why clinicians must increase their understanding of trauma and adopt an informed approach when assessing and treating children for ADHD. Traumatic stress, apart from other factors like premature birth, environmental toxins, and genetics, is associated with risk for ADHD. The connection is likely rooted in toxic stress – the result of prolonged activation of the body's stress management system. Children who experience early life toxic stress are at risk of

long-term adverse health effects that may not manifest until adulthood. This article briefly summarizes the findings in recent studies on toxic stress and childhood adversity following the publication of the American Academy of Pediatrics (AAP) Policy Report on the effects of toxic stress. A review of toxic stress and its effects is described, including factors of vulnerability, resilience, and the relaxation response. Child maltreatment comes in many forms and, as yet, science has only identified a few of the unique effects of different types of childhood trauma. The neurodevelopmental effects of neglect, however, have been recently highlighted as a result of the tragic cases found in Romanian orphanages. Studies of children who were warehoused in large orphanages with only minimal care and social interactions have found that many of these orphans have significantly smaller brains than normal children of the same age. Not surprisingly, they also have significant developmental delays in language and fine and large motor coordination, high levels of impulsivity, and learning and attention problems (Zeanah & Smyke, 2005). "Childhood toxic stress is severe, prolonged, or repetitive adversity with a lack of the necessary nurturance or support of a caregiver to prevent an abnormal stress response. This abnormal stress response consists of a derangement of the neuro-endocrine-immune response resulting in prolonged cortisol activation and a persistent inflammatory state, with failure of the body to normalize these changes after the stressor is removed. Children who experience early life toxic stress are at risk of long-term adverse health effects that may not manifest until adulthood. These adverse health effects include maladaptive coping skills, poor stress management, unhealthy lifestyles, mental illness and physical disease (Franke, 2014)." In the review of [REDACTED]'s records, it is clear that there were attempts to seek treatment for him at a young age, however the follow through on care from his parents is inconsistent, and shows that there were only brief periods of compliance with outpatient care.

When trauma occurs it can change an individual's brain chemistry and functioning. This causes individuals who have experienced trauma to view and interact with their world as if the trauma was happening in the present. An example is an adoptee that perceives their world as unsafe resulting in them having difficulty with trust. Developmental trauma disorder symptoms that adopted persons frequently experience include:

1. Emotional dysregulation- children are easily upset and reactive. They stay fearful, angry, sad, or withdrawn due to difficulty recovering from emotionally provoking situations.
2. Problems with sleeping, eating, elimination, over-activity to sound and touch
3. Hypervigilant, extreme risk-taking
4. Problems with goal-directed behaviors
5. Low self-worth, feeling defective, helplessness
6. Reactivity with physical or verbal aggression
7. Poor capacity for self-protection, drawn towards relationships with individuals who repeat the pattern of poor attachment
8. Difficulty in school, few peer relationships, and turbulent family relationships

Due to these struggles, difficult transitions and separation anxiety are common experiences.

Trauma may cause an individual to become emotionally stuck at the age that the trauma happens.

Thus, we frequently hear adoptees described as “emotionally immature for their age”. This is a

result of their brain chemistry interfering with a brain's developmental trajectory. MRIs of children's brains who have experienced trauma look different than their non-traumatized peers. Without resolution of the developmental trauma as a child, adopted individuals could have the symptoms of Post-Traumatic Stress Disorder. One study found that un-adopted adolescents in institutions at age 16 had a mean IQ of approximately 50, which is classified as moderate to severe mental retardation. Children adopted between ages 2 and 6 had a mean IQ of 80, which is a borderline normal IQ. Children adopted before age 2 had a mean IQ of 100, which is average for the general population (Dennis, 1973). Alternately, some others continue to experience mild difficulties, and parents will need to provide support. A smaller percentage may have significant ongoing issues that require considerable supportive services. Up to 50% of the children who initially demonstrated delays between 1 and 4 years of age had progressed to the average developmental range by preschool entry. The children who showed no significant developmental gains were those diagnosed at the initial assessment with a serious medical condition or severe delay. In the Romanian studies, evaluations made 10 years after adoption generally indicate that lengthy stays in an orphanage were likely to produce long-lasting, mostly mild developmental delays. Specifically, the children who had spent more than two years in an orphanage sustained a range of intellectual deficits resulting in poor school performance, including grade retention.

Notably, low levels of parental warmth and affection with high levels of abuse had the highest multisystem health risk as adults. Inversely, strong parental warmth and affection during childhood was associated with less health risk in adulthood. Maternal warmth appears to buffer toxic stressors, such as growing up in extreme poverty. Maternal support may have a protective effect on childhood abuse, and it also appears to be a variable determining a positive response to therapies. Ongoing familial support including maternal care and paternal protection have been

shown to affect treatment response in situations of abuse and are more predictive of success than the type of the abuse experienced. The attachment bond has three key elements: First, it is an enduring emotional relationship with a specific person; second, the presence of that person provides a sense of safety, comfort, and pleasure; and finally, the loss or threat of loss of that person evokes intense distress (Perry, 2002). In interviews with [REDACTED] he shared, "I never had a relationship with my mom... we were close, but when I was younger I did stupid (expletive), so I lost her trust." [REDACTED] went on to state that his mother was a very religious person, who used emotional withdrawal as a form of punishment, wherein she would refuse to speak to [REDACTED] for "weeks or months," however [REDACTED] stated that this was a punishment that was only given to himself and his other adoptive brother, [REDACTED]. The biological children within the family never experienced the same punishments from the mother [REDACTED] stated, furthering the divide and disconnected attachment within the family system.

[REDACTED]'s adoptive mother went on to share how they sought out professional counselors in the hope that [REDACTED] would begin to "dig deeper" into his trauma, unearthing the decade's worth of abuse, neglect, and trauma he sustained while living in Crimea. But to the dismay of his adoptive parents, [REDACTED] couldn't bring himself to explore these events. Clinically however, this is not a sign of defiance, nor a sign of being unwilling to heal. In fact, the feelings of overwhelm, disassociation as a coping mechanism, and the worry that "it will never get better" is a leading reason cited by those who have experienced trauma choose not to disclose. [REDACTED] went on to share that she has almost no relationship with both of her adoptive children presently, and relates much of the dissolution of the relationships to her son's behavior, instead of her or her husbands internalized perceptions and expectations of what adoptive children are meant to be, or the role that they would play within the family.

Education and Treatment

When [REDACTED] joined the American school system, he attended ESL, English as a second language classes. Due to his emotional needs and struggles with academics as a result of his poor education in Crimea, [REDACTED] was provided with an IEP to ensure accommodations around his learning were made by the schools. Unfortunately, his ability to mainstream with his peers was thwarted by his behavioral needs. Perhaps more concerning was [REDACTED] eventual gravitation to the “problem children” in schools. [REDACTED] stated, “Every bad kid he gravitated to, other adoptees too but mostly troubled souls.” [REDACTED] behavior at home and at school led his parents to make the decision to enroll him into a private school with the hope that smaller class sizes, and a father based curriculum, would support [REDACTED] maturation and healing process. During this period of time, [REDACTED] parents report that he was being provided a “lot of great medication” but he “didn’t want to take it.” Notes from [REDACTED] individual therapist, show prescriptions medications like: Tenex (used to treat ADHD), Buspar (used to treat generalized anxiety), Abilify (used to treat Bipolar disorder), Depakote (used to treat the manic symptoms of Bipolar disorder), and a variety of other drugs that were unintelligible due to handwriting.

Through his various courses of treatment [REDACTED] was provided with diagnoses like Major Depressive Disorder, ADHD, and PTSD. On one particular note from 7/19/19 there is a “rule out” diagnosis provided by the Horsham Clinic for ASD or Autism Spectrum Disorder. He attended several types of outpatient programming including treatment at Light House Psychiatry, Penn Foundation, and a private clinician named [REDACTED]. Records show sporadic involvement throughout all of these programs, and notes include parental participation throughout, including requests to decrease medication by [REDACTED] in 2017. In 2018, Ms. [REDACTED] indicates that [REDACTED] returns to her for additional treatment and notates that there were hospitalizations for inpatient

mental health treatment on both voluntary and involuntary bases. Throughout the notes [REDACTED] endorses ongoing chronic symptoms of depression, periods of suicidality, and engagement in self-injurious behaviors.

Review of records from the Horsham Clinic dated July of 2019, [REDACTED] reports that he “attempts to commit suicide” during his intake to the hospital. There are indications that he was admitted to the Horsham Clinic four times during the same year, 2015. There are notes that include a history of intentional overdoses “x’s 4” in the records that show an increase concern for lethality over the course of time. During his admission dated 8/1/19 [REDACTED] expresses an “extreme” feeling of isolation and loneliness on an assessment, extreme difficulty adjusting to life stressors, and struggles with people outside of the family. [REDACTED] was then stepped down into an intensive outpatient program run through the hospital following his stabilization. [REDACTED] is noted as “dropping out” of the IOP program on or around 7/22/2019 at the Horsham Clinic.

During this period of treatment program, a new diagnosis was provided of Bipolar Affective Disorder (depressed type). Bipolar disorder (formerly called manic-depressive illness or manic depression) is a mental illness that causes unusual shifts in mood, energy, activity levels, concentration, and the ability to carry out day-to-day tasks. There are three types of bipolar disorder. All three types involve clear changes in mood, energy, and activity levels. These moods range from periods of extremely “up,” elated, irritable, or energized behavior (known as manic episodes) to very “down,” sad, indifferent, or hopeless periods (known as depressive episodes). Less severe manic periods are known as hypomanic episodes.

1. Bipolar I disorder is defined by manic episodes that last at least 7 days (most of the day, nearly every day) or by manic symptoms that are so severe that the person needs immediate hospital care. Usually, depressive

episodes occur as well, typically lasting at least 2 weeks. Episodes of depression with mixed features (having depressive symptoms and manic symptoms at the same time) are also possible. The experience of four or more episodes of mania or depression within a year is termed “rapid cycling.”

2. Bipolar II disorder is defined by a pattern of depressive episodes and hypomanic episodes, but the episodes are less severe than the manic episodes in bipolar I disorder.
3. Cyclothymic disorder (also called cyclothymia) is defined by recurrent hypomanic and depressive symptoms that are not intense enough or do not last long enough to qualify as hypomanic or depressive episodes.

Many psychiatric disorders, including bipolar disorder follow a progressive path, and manifest a variable but observable trajectory. While Kraepelin (1921) described a progressive dementing process in schizophrenia, and conceptualized the illness as a stepwise, progressive disorder, he saw bipolar disorder as having a more episodic pattern. Nevertheless, it has become clear that bipolar disorder too shares a temporal progression in phenomenology, treatment response, neurobiology and functional impairment. The notion of clinical staging, long used in oncology and medicine and more recently in psychiatry, postulates that there is a stepwise progression through a series of identifiable steps, which have characteristic features and potential treatment implications (Berk et al., 2007b; McGorry et al., 2006). Childhood trauma is associated with bipolar disorder and its clinical expression and may interact with genetic susceptibility factors. Although not completely understood, the relationships between childhood trauma and bipolar disorder

require further attention. Several suggestions for further exploration of this environmental factor and of its interaction with susceptibility genes are proposed (Etain, Henry, Bellivier, Mathieu, & Leboyer, 2008). Childhood traumatic events are frequently reported by bipolar patients, more than by unipolar patients. Garino et al. identified histories of severe childhood abuse in 51% of a cohort of 100 adults with bipolar disorder, emotional abuse being the most frequent type of trauma. This type of trauma was reported by 37% of bipolar patients, with 24% reporting physical abuse, 24% emotional neglect, 21% sexual abuse, and 12% physical neglect. The different types of trauma were inter-related, one-third of bipolar patients having experienced two or more different forms of trauma. Most studies have been restricted to the investigation of the role of childhood trauma on the clinical expression of bipolar disorder (Etain, Henry, Bellivier, Mathieu, & Leboyer, 2008). However, childhood trauma may also have a more insidious influence on the inter-episode affective functioning of bipolar patients, which in turn may affect the overall prognosis of the disease. Being predisposed to bipolar disorder (even if disease onset has not yet occurred) may increase the likelihood of experiencing trauma during childhood. Alternatively, the genetic characteristics and psychopathology of the parents might lead both to disease in their offspring (because of intra-familial resemblance) and to an increase in the likelihood of childhood trauma. Other studies show, "Childhood emotional neglect appears to be significantly associated with bipolar disorder. Limitations include the relatively small sample size, which potentially increases the risk of type II errors. Replication of this study is required, with further investigation into the neurobiological consequences of childhood trauma, particularly emotional neglect (Kesebir, Ünübol, Tatlıdil Yaylacı, Gündoğar, & Ünübol, 2015)." Bipolar disorder carries a high burden of

disability and has the highest risk of death by suicide compared with other psychiatric disorders. Suicide is difficult to predict, but certain risk factors, including history of past suicide attempt, and family history of suicide attempt or suicide completion, as well as a predominant depressive polarity, can be used to assess risk in patients with bipolar disorder. Early intervention and treatment of bipolar depression with mood stabilizers and/or antipsychotics, along with close observation and follow-up is the most effective way to mitigate suicide in these patients (Miller & Black, 2020). Finally, a study conducted by Keyes in 2013 showed that the odds of a reported suicide attempt were 4 times greater in adoptees compared with non-adoptees (Keyes, Malone, Sharma, Iacono, & McGue, 2013).

In 1998 Kaiser Permanente and the CDC published a study that completely transformed the way doctors thought about childhood trauma. Known as the Adverse Childhood Experiences Study (ACE Study), it showed the link between childhood trauma and negative outcomes later in life was much stronger than previously thought. The study concerned a list of 10 “adverse childhood experiences,” or potentially traumatic events that occur before age 17, ranging from violence and neglect to substance abuse in the home. The most surprising finding was that these experiences weren’t just tied to issues like anxiety, depression, and PTSD later in life; they also correlated with health problems as wide-ranging as cancer, diabetes, heart disease, Alzheimer’s, and even fractures and burns, not to mention negative effects on income and education attainment.

Children who have grown up surrounded by traumatic experiences have their fight or flight responses activated over and over again, and this takes a serious toll on their brains. The frequent release of adrenaline and cortisol causes the body to have trouble

regulating the process, leading to overproduction even in times when no threat is present. These extensive physiological effects translate into psychological and emotional differences, too. According to Dr. Roy Lubit, traumatized children may experience recurring nightmares, sleep problems, hyper-vigilance, concentration problems, persistent negative emotional states, a loss of interest in important activities, and feelings of detachment. It's the cumulative effect of all of these extra difficulties that researchers suspect may connect childhood trauma with the wide range of negative outcomes the ACE Study discovered.

Additional research like that of Anthony, Paine, & Shelton, (2019) shows that adoption provides lifetime relationships with adoptive parents, siblings, and extended families and adoptees generally experience a greater sense of belonging in their adoptive homes. However, adoption has been described as a highly charged controversial public intervention due to the radical discontinuity of the child's relationships with their birth family. The need for a supportive adoptive family and acceptance of the traumas of the adoptee cannot be understated. The lack of insight into a child's history, their medical needs, and predispositions add further complications to the relationship and bonding experience, creating strain (and at times resentment) within the adoptive family system. In terms of parenting practices, parental warmth specifically has been shown to be a protective factor for children's adjustment in a variety of circumstances and across different cultural contexts. Children are most likely to thrive in an environment where toxic adversity is minimized and protective factors, such as warm parenting, are enhanced [48]. Warm, sensitive and responsive parenting been found to attenuate the direct effect of adversity on children's internalizing symptoms and externalizing problems. Parental

warmth may be positively linked to children's mental health through its effects on the development of children's emotion regulation and conflict management skills (Anthony, Paine, & Shelton, 2019).

Childhood emotional neglect is a failure of parents or caregivers to respond to a child's emotional needs. This type of neglect can have long-term consequences, as well as short-term, almost immediate ones. Childhood emotional neglect occurs when a child's parent or parents fail to respond adequately to their child's emotional needs. Emotional neglect is not necessarily childhood emotional abuse. Abuse is often intentional; it's a purposeful choice to act in a way that is harmful. While emotional neglect can be an intentional disregard for a child's feelings, it can also be failure to act or notice a child's emotional needs. Parents who emotionally neglect their children may still provide care and necessities, however may refuse to respond to bids for attention, use planned ignoring interventions to punish children, or withdrawal affection as a means to demonstrate displeasure towards a child.

People who experienced emotional neglect as children can struggle with relationships throughout life, sometimes feeling chronically disconnected and misunderstood. Because children learn how to manage their feelings through relationships with their primary caregivers, other common struggles include emotional reactivity and shutting down emotionally or dissociating. Other symptoms of this form of neglected are noted as:

1. Low self-esteem
2. Difficulty regulating emotions
3. Inability to ask for or accept help or support from others

4. Heightened sensitivity to rejection
5. Lack of language for describing feelings
6. Dissociative tendencies
7. Shame or guilt around emotions

Adverse Childhood Experiences

Throughout the interview process, [REDACTED] noted periods of time where he was ignored, locked out of the house, or treated in a way that showed he was different or lesser than the biological children of his adopters. Compounding his previous neglect and trauma, the ongoing fear of rejection within his home led [REDACTED] feeling wary of his parents, feeling drawn to his father as a protector at times. [REDACTED] reported that this also increased his experiences of depression and anxiety, and during the times that he experience suicidal ideation and had made attempts, led him to believe that his family would either not believe that he had a wish to die by suicide or that they would not care if he did. Childhood is a unique time of psychological and cognitive development, and adults with a history of maltreatment during childhood are at increased risk for a range of psychiatric problems. Adverse childhood experience also is associated with health outcomes such as cerebrovascular disease risk factors and microstructural white matter abnormalities seen in cerebrovascular disease (Wilson et al., 2012). The absence of a nurturing emotional environment early in life may thwart psychological and cognitive development and over time may lead to maladaptive behaviors and poor psychological health outcomes.

Childhood adversity plays an important role for development of major depressive disorder (MDD, which [REDACTED] was previously diagnosed as having and treated for for several years. There

are differences in subcortical brain structures between patients with MDD and healthy control subjects in clinical studies (Frodl and O'Keane, 2013; Nusslock and Miller, 2016; Trotta et al., 2015). Patients with MDD showed consistently reduced subcortical brain volumes compared to healthy controls. A recent meta-analysis, by the ENIGMA-MDD consortium, investigated subcortical volume differences between 1728 MDD patients and 7199 controls from 15 research samples worldwide. On average, the hippocampus was significantly smaller in patients compared with controls, especially in patients with early-onset or recurrent MDD (Schmaal et al., 2015).

The hippocampus is a small part of the brain located in the medial temporal lobes (MTL), under the cerebral cortex. The hippocampus is an essential part of the brain's limbic system, a group of brain structures in the cerebral cortex responsible for behavioral and emotional responses (Kim et al., 2013). Hippocampal function plays a critical role in learning, emotional responses, and memory formation and storage.

Damage, impairment, or underdevelopment of the human hippocampus can lead to many brain disorders, such as:

1. **Alzheimer's disease:** In people with Alzheimer's, neurogenesis (creation of new neurons) is inhibited, and important cells and connections die off, leading to memory loss and impairment, and other mental dysfunctions.
2. **Amnesia:** Damage to the hippocampus can impact a person's ability to recall explicit memories such as names, dates, and events and affect their ability to imagine future experiences, also called anterograde amnesia.
3. **Epilepsy:** Researchers discovered that between 50 and 75 percent of epileptic people who received autopsies post-mortem had damaged

hippocampi. While advancements in neuroscience have led to important revelations regarding epilepsy, scientists are unsure whether epileptic seizures are the cause or effect of hippocampal damage.

4. **Schizophrenia:** Abnormal structure, reduction in the size of the brain and hippocampal neurons, and decreased expression of essential genes and proteins have been observed in those with schizophrenia.
5. **Depression:** People with depression are more likely to have a smaller sized hippocampus, along with a reduction in the size of the cornu ammonis, dentate gyrus, and subiculum, which are key subdivisions of the hippocampus structure.
6. **Post-traumatic stress disorder:** Post-traumatic stress disorder (PTSD) is closely related to a person's memory and experience of a traumatic event. Individuals with PTSD may not recall certain traumatic moments of their past or find that their memories of trauma are ever-present. This constant stress triggers the release of cortisol—the “fight or flight” hormone that signals to the body that we are in danger. High levels of cortisol can adversely affect the hippocampus.

Further research on conduct and impulse control shows that food scarcity and related social issues that are typically associated with food insecurity, have a strong correlation with poor impulse control and ongoing behavioral issues into adulthood. “Inadequate childhood nutrition can be the result of material deprivation that is part and parcel of family-of-origin poverty, the result of parental neglect whereby the basic parent is unwilling or unable to provide

basic life necessities for the child, or a combination of both.” A large body of literature has shown that parenting deficits contribute to impulse-control deficits in children for a variety of reasons. Moreover, a recent study reported evidence that sleep deprivation was significantly associated with childhood low self-control and indirectly related to delinquency via these same impulse control mechanisms (Vaughn, Salas-Wright, Naeger, Huang, & Piquero, 2016).”

Healthy brain development is fueled not only by key micronutrients but also adequate caloric intake to provide energy. Areas of the brain involved with behavioral inhibition (i.e., frontal areas) may be particularly sensitive to the effects of inadequate nutrition. The brain consumes a substantial proportion of the body’s calories (approximately 20%) and energy from glucose is critical to its functioning. One theoretical mechanism by which inadequate nutrition exerts its effects on violence is by diminishing impulse-control. Several theoretical perspectives cite impulse control deficits as a core etiology basis of antisocial behavior and criminal offending (Vaughn, DeLisi, Beaver, & Wright, 2008). Again, ██████ experienced prolonged periods of food scarcity, food insecurity, and even within his post-adoption placement experienced trauma and punishment around food and his need to hoard or overconsume food as a stress response.

Opinion and Recommendations

█████ ██████ is a young man, whose life has been replete with trauma, neglect and punishment. During his most formative years, ██████ existed within a prison-like setting, away from a nurturing family, an educational environment that would have promoted growth and maturation, and away from a sense of safety and security that would have allowed for his development to embrace a sense of homeostasis. To place ██████ into a carceral setting with the objective of rehabilitation is not only counterintuitive to his needs based on previous experiences, but counterproductive based on his mental health diagnoses and needs for treatment.

Suicides in Pennsylvania State Prisons, 1984-2019

The number of suicides in Pennsylvania prisons in 2019 was the highest in memory, and the rate, 42 deaths per 100,000 people, was the highest it had been in 25 years.

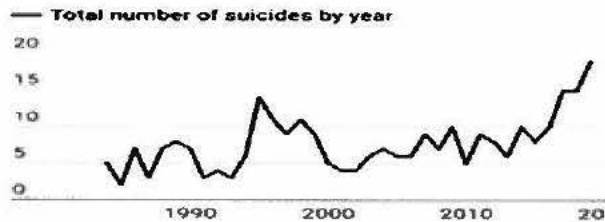


Chart: The Philadelphia Inquirer
• Source: Pennsylvania Department of Corrections
• Get the data • Created with Datawrapper

At midyear 2000 an estimated 191,000 state prisoners, about 16 percent of all inmates, were identified as mentally ill. Of the mentally ill, almost 79 percent were receiving therapy or counseling. About 60 percent of the mentally ill inmates were receiving psychotropic medications, including anti-depressants, stimulants, sedatives, tranquilizers or other anti-psychotic drugs. About 10 percent, or 18,900 of the mentally ill inmates were housed in a 24-hour mental health unit. Approximately two-thirds of all state inmates who were in therapy or receiving medications were in facilities that did not specialize in mental health services. The 2000 prison census findings reveal a great diversity in the amount and type of treatment being provided among State correctional facilities. Overall, 1.6% of all inmates (or about 10% of all those identified as mentally ill) were receiving 24-hour care in special housing or a psychiatric unit. Inmates in public facilities (1.8%) and confinement facilities (1.8%) were somewhat more likely than those in private facilities (1.1%) and community based facilities (0.3%) to be receiving 24-hour care. Nearly 13% of State inmates (or about 79% of those mentally ill) were receiving mental health therapy or counseling services from a trained professional on a regular basis.

An alarming rate of suicide also exists with the Pennsylvania Department of corrections, which presents an acute concern for individuals like [REDACTED] who have a significant risk of suicide

given his many attempts to die by suicide both while in the community and while incarcerated.

The National Study of Jail Suicide found that the rate of suicides in prisons is several times higher than that of the general population, possibly because the jail environment leaves inmates, who may already have a mental illness, feeling isolated, ashamed and fearful.

█████ needs to be held accountable, but █████ also needs help. █████ is not a callous individual who lacked empathy or insight in the meaning of his infant son's life. █████ had looked forward to being a father, he looked forward to providing his son with the life and love that he himself had never known. What █████ could not anticipate however, is the long-term effects of his mental health and trauma that would result in an instantaneous natural response of fight, fight, or freeze. █████ did not set out that morning to hurt his son, █████ was a father who was lost in the experience of young adulthood, overcome with the need to provide not only his wife but his son with a sense of ease after days of crying and discomfort. The sounds of crying ringing through his home, and his mind for hours, while he attempted to soothe him with rocking, with bottles, and with toys. █████ employed every skill he had, but it was not enough. His trauma, became the trauma of everyone in that home that morning. In what would turn out to be a life altering mistake, a momentary lapse of judgment, a choice to walk away, we see how the course of a life can be irrevocably changed. By offering a plea, █████ will acknowledge that his behavior resulted in the loss of his son's life due to his negligent, careless, and reckless acts. By providing █████ with a sentence within these guidelines, it would ensure not only accountability, but an acceptance of responsibility.

By extending an offer and changing █████ leading charge to involuntary manslaughter we have the unique opportunity to save a life, █████. We can provide him with the care, support, and treatment he needs while holding him accountable for his actions. We have the

ability to ensure that he does not die by incarceration, while succumbing to the symptoms of his untreated mental health needs. [REDACTED] deserves a chance to grieve, a chance to grow, and a chance to pay his debts to his family, and to our society, by returning a better person than when he went into incarceration. By showing [REDACTED] that he is redeemable, we show a compassion to him that he has never known. We open doors to recovery that have been closed to him. And we recognize that a life should not be defined by a singular choice or action, especially when those choices and actions are driven by lived experiences of trauma and torment.

[REDACTED]
[REDACTED]
The Office of the Montgomery County Public Defender

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Mitigation Report – JW

Prepared by the Youth Sentencing & Reentry Project (YSRP)

Submitted to Counsel via Email on August 9, 2016

I. INTRODUCTION

The Youth Sentencing & Reentry Project (YSRP) wrote this report in support of the presentation to the Court by court-appointed counsel RB. Our goal is to help the Court determine whether Mr. RB's client, HJW (hereinafter referred to as JW), is an appropriate candidate for decertification to the juvenile justice system based upon all factors required to be addressed in rendering such a decision.

YSRP is a Philadelphia-based nonprofit organization dedicated to improving outcomes for children prosecuted in the adult criminal justice system via direct service and policy advocacy. We partner with court-involved youth, their families, and lawyers to develop holistic, humanizing narratives that mitigate the facts of each case; get cases transferred to the juvenile system or resentenced; and make crucial connections to community resources providing education, healthcare, housing and employment to improve long-term outcomes for youth and their families.

YSRP has not received any remuneration for our work on JW's case. We submit this report to counsel to supplement his advocacy on behalf of JW at his decertification hearing before Judge Lillian Ransom.

II. PROCESS

This report is based on numerous in-person interviews and communication with JW, his mother, LB, and his former teachers and support staff at Hartranft Elementary and Kensington Health Sciences Academy.¹ The preliminary reentry plan included in the report is informed by communication with JW's boxing coach, TD, his Mosque, Hyderabad House, and several community-based organizations. YSRP has also received and includes in the Appendix letters of support from JW's mentors and family, all of which attest to his background, character, and capacity for future success. This report is further supported by a review of the case file provided by his attorney, as well as his medical and education records and the forensic evaluation completed by Dr. HG.² Finally, we have also included letters of acceptance from the Glen Mills

¹ YSRP met with Hartranft School staff members PM and SBW on August 2, 2016, and spoke by phone with JW's former teacher, CM, on August 3, 2016. YSRP advocates also spoke with Officer SM from Kensington Health Sciences Academy on March 4, 2016.

² To the extent that Dr. HG's report details JW's home life and educational experiences, we offer additional insights provided by his mother, his teachers and community members to supplement and amplify the Court's understanding of him as a person, and his relationship with his community.

School and George Junior Republic, which he could attend were he to return to the juvenile system, along with letters from community-based programs that have committed to supporting JW upon his return home from a juvenile placement (as detailed further below).

III. RECOMMENDATION

JW's case, and his petition for decertification, undoubtedly present a challenging decision for the Court. We do not dispute that the nature of the allegations and charges against JW are serious, and that his previous adjudications and placements in the juvenile system complicate the Court's analysis of why the juvenile justice system is better equipped to meet his and the community's needs. Nevertheless, we strongly encourage the Court to grant JW's petition for decertification for three key reasons: 1) the significant, untreated trauma he has experienced, which could be addressed in a juvenile placement and not in an adult prison, and thereby increase community safety; 2) his young age; and 3) his proven amenability to treatment in the juvenile system, which was previously undercut by the lack of continuous supportive after-care.³ We note, also, that JW actually *asked* to be placed at Glen Mills because he could "see himself slipping," and wanted to be in an environment with more structure.⁴ We preview each argument below, and provide more extensive analysis in the ensuing sections.

First, JW has experienced significant trauma in his young life, resulting from the tragic shooting death of his father at the hands of a Philadelphia Police Officer in 2011. The grief that JW continues to experience requires ongoing treatment, and these treatment needs are more likely to be met in the juvenile system.⁵ His father's death represents the loss of his singular male role model, as well as all contact with his father's side of the family. Importantly, JW did not come into contact with the justice system until after his father's death, and he acknowledges that his poor choices reflect the untreated trauma surrounding his father's death.

Second, JW is only sixteen years old, meaning that he has five years⁶ to benefit from the structure, supervision and rehabilitation that the juvenile justice system offers to young people. While it is true that JW was re-arrested after he returned home from placement at St. Gabriel's Hall, for all of the reasons described in more detail below, this time will be different. Having spent nearly 8 months in an adult jail, JW is keenly aware of the opportunities available in the

³ YSRP's recommendation is supported by the recommendation and forensic evaluation completed by Dr. HG ("JW appears to be a low-to-moderate risk for future violence relative to other youth being considered for decertification... It is my opinion that the interventions in JW needs could be met in the juvenile justice system."). Forensic Evaluation at 8.

⁴ Visit to JW at PICC, July 20, 2016.

⁵ See, e.g., The Glen Mills Schools, where JW has been accepted pending his successful decertification. Of the many evidence based programs Glen Mills offers for youth, Moral Reconnection Therapy, or MRT, is particularly relevant here. MRT is a "is a cognitive behavioral intervention which combines elements from a variety of traditions to progressively address ego, social, moral, and positive behavioral growth." This type of treatment is not available at SCI Pine Grove, where JW will be sent if his case is not decertified and he is sentenced to state time. See section VIII(B) for further discussion about SCI Pine Grove and what is offered there, along with a memo submitted to Judge BL in December 2014 by YSRP (Appendix).

⁶ Juvenile court can retain jurisdiction over youth until age 21, provided that the offense alleged to have been committed occurred before the youth turned 18. See 42 Pa. Cons. Stat. Ann. § 6302.

juvenile system as compared to adult prison, and he is committed to taking full advantage of the treatment and rehabilitative opportunities that the juvenile justice system offers, so that he will not end up in this Court again.⁷

Third, since his arrest in this case, JW has demonstrated the desire to reform his behavior through his decisionmaking at PICC and the articulation of distinct and accomplishable goals for the future. During his nearly eight months of incarceration at PICC,⁸ he has excelled academically and he has been an active participant in programming provided by Mothers in Charge and the Youth Art & Self-empowerment Project (YASP) (more detail provided below). He also has been reading the Quran regularly in search of spiritual guidance and attends weekly prayer services.⁹ Notably, JW obtained his high school diploma while at PICC. He was able to graduate at the early age of 16 because he is a hardworking student who has taken advantage of his time incarcerated to better himself, and excel in school. While at PICC, JW consistently received high honors, and was presented with numerous certificates of accomplishment at graduation.¹⁰ JW intends to get a job quickly when he returns home and his long term goals involve taking business and real estate classes at Community College of Philadelphia to set him up for a career in homebuilding and real estate sales. As detailed further below, JW has programming in place to assure attainment of these goals: he plans to apply for employment through PowerCorpsPHL and to continue his work with YASP upon his release from a juvenile placement.

In sum, JW's life path changed after his father died. While he continued to show sheer intellect and promise, he was unable to stay focused and on track because he did not receive the continuous behavioral health interventions that he needed. Then, although he was ultimately placed in the juvenile justice system, the lack of ongoing aftercare diminished the effect of the important work that was done while he was there. As such, we encourage the Court to grant JW's petition for decertification so he may be adjudicated in Family Court. If JW is adjudicated and placed in the juvenile justice system, he will be able to address the underlying trauma that has led to his arrest in the present case, continue his education, and accomplish his future professional goals. As will be detailed extensively below, JW's life experiences, and the circumstances of this case, make clear that placement in the juvenile system is appropriate to address both his and the public's interest.

IV. LEGAL BACKGROUND

⁷ Further, placement in the juvenile system will allow JW to avoid the lifelong consequences of an adult felony conviction. *See* Justice Policy Institute, (December 2014). Sticker Shock: Calculating the Full Price Tag for Youth Incarceration. Retrieved June 12, 2015 from http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf p. 17, 28 (“Youth sentenced as adults receive an adult criminal record, are often denied employment and educational opportunities, and can be barred from receiving student financial aid.”).

⁸ JW was arrested on January 27, 2016.

⁹ As detailed further below, JW attended prayer services at Hyderabad House prior to his arrest in this case. The frequency with which he reads and studies the Quran has increased during his time at PICC.

¹⁰ *See* Appendix for transcript and certificates from PICC, including “High Honors,” “Citizenship,” and “Cleanest Cell.”

As the Court is aware, in June of 2012, the United States Supreme Court held in *Miller v. Alabama* that mandatory life without parole sentences are unconstitutional for those under 18 years old.¹¹ The ruling built on the 2010 decision in *Graham v. Florida*,¹² and focused on the growing body of developmental research that demonstrates how children – including those who commit violent crimes – possess a greater capacity for rehabilitation than do adults, and are categorically less culpable for their criminal conduct.¹³ Unlike the cases at issue in *Miller*, JW has not been charged with first or second degree murder. Nevertheless, “chronological age and its hallmark features,” as pronounced by Justice Kagan in *Miller*, are relevant to this Court’s analysis of mitigating factors as part of the decertification determination. This report highlights the characteristics or attributes that are particularly relevant to this case, including the family and home environment; nature and circumstances of the charges; age and developmental attributes; and potential for rehabilitation.¹⁴

V. JW's FAMILY AND HOME ENVIRONMENT

A. JW's Mother and Family Background

JW is the oldest son of LB and CW, and has two younger siblings, a thirteen-year-old sister, KW, and a twelve-year-old half-brother, FW. His parents met at Kensington High School and had JW after LB graduated, when his mother was 20 and his father was 19.¹⁵

LB is a Kitchen Manager at a charter school run by Universal Companies, and works from 6:30am-3:00pm on all school days during the academic year and also during the school’s summer program. In this role, she plans and serves breakfast and lunch to the school’s 400 students and manages four staff members. As noted above and described below, JW's father was shot and killed by a Philadelphia police officer in 2011.

JW has lived in the same home in the North Philadelphia neighborhood of West Kensington for his entire life.¹⁶ This is the same home where LB was raised and where she has lived for her entire 35 years. Although the home is clean and nicely furnished, it sits on a block surrounded by abandoned houses, vacant lots, and significant foot traffic. LB noted that shootings often occur in the vicinity of her home, and that a young man was shot and killed across the street from their house just a few weeks before our most recent meeting on August 2, 2016.¹⁷

¹¹ *Miller v. Alabama*, 132 S. Ct. 2455 (2012), available at <http://www.supremecourt.gov/opinions/11pdf/10-9646g2i8.pdf>. As further evidence of the building body of case law and the United States Supreme Court’s attention to these issues, the Court held *Miller* to be retroactive and affirmed its underlying principles in its January 2016 decision in *Montgomery v. Louisiana*, 136 S. Ct. 718 (2016), available at https://www.supremecourt.gov/opinions/15pdf/14-280_3204.pdf.

¹² *Graham v. Florida*, 560 U.S. 48 (2010), available at <http://www.supremecourt.gov/opinions/09pdf/08-7412.pdf>

¹³ *Miller*, 132 S. Ct. at 2455.

¹⁴ *Id.* at 2468.

¹⁵ Visit with LB in her home, February 23, 2016.

¹⁶ The house is located at 2651 North 8th Street, near the intersection of 8th and Lehigh Avenues.

¹⁷ Visit with LB in her home, August 2, 2016.

JW's maternal grandparents, LJ and RB, live outside of Philadelphia in Delaware and Bensalem, PA, respectively. LB maintains a relationship with her father RB, but is estranged from her mother LJ.¹⁸ JW's extended family on his mother's side is relatively small, and he has only maintained a relationship with his Aunt YB, LB's sister. Both of LB's brothers, UB and SB, are incarcerated in the state prison system at SCI Mahanoy; SB was convicted of murder and sentenced to life in prison without the possibility of parole in 2007.¹⁹ JW's sensitivity and thoughtfulness are apparent when he talks about his uncles' incarceration. Although he was only seven years old at the time that they were sent away, he recognizes the impact their absence had on the family, sharing that he knows that it was a difficult time for his mother.²⁰

JW's mother, LB, is warm and friendly. On visits to her home, YSRP advocates observed positive interactions with her younger children, especially her son, FW, who clearly respects his mother. When asked about plans during her two week vacation from work, LB responded that she would be spending time at the beach and visiting Dave and Buster's, a family-style restaurant with arcade games, because that's what her kids want to do.²¹ JW's description of his relationship with his mother matches these observations. He states that they are very close, have a good relationship and that she is his main source of support.²² Since his incarceration at PICC, she has visited him frequently and they speak on the phone nearly every day.²³

B. JW's Father

Although JW's parents separated when he was young, both JW and his mother describe how involved his father remained in his life. CW lived down the street from JW and the two spent a lot of time together. JW remembers this time favorably and describes that their relationship was very close. LB shared that CW was employed at different points at Burger King, Dunkin' Donuts, and a beef processing plant.²⁴

Domestic Violence Between CW and Girlfriend

On one occasion, when JW was approximately 10 years old, he and his little sister KW were visiting their father in his home. During this visit, JW witnessed his father being beaten and stabbed after an altercation between CW, his girlfriend and members of her family. JW's mother LB remembers the incident, describing that she got a phone call to come pick up her children because their father needed to be admitted to the hospital.²⁵ Because LB was unsure what JW and KW had seen at their father's house, she did not speak with them about it or process the incident with her children.²⁶ Despite this lack of an opportunity to process, JW is able to articulate that he remembers what happened vividly. In fact, he mentioned it in to a clinician at St. Gabriel's Hall,

¹⁸ *Id.*

¹⁹ See <https://ujisportal.pacourts.us/DocketSheets/CPReport.ashx?docketNumber=CP-51-CR-0802281-2006>

²⁰ Visit to JW at PICC, July 20, 2016.

²¹ Visit with LB, August 2, 2016.

²² St. Gabriel's Hall Initial Comprehensive Biopsychosocial Evaluation, June 14, 2014.

²³ Visit to JW at PICC, March 30, 2016.

²⁴ Visit with LB, February 23, 2016.

²⁵ Visit with LB, August 2, 2016.

²⁶ *Id.*

and was self-aware and able to recognize that it constituted a trauma.²⁷ JW reported that he was awake during the altercation, witnessed the entire event and has flashbacks to seeing his father violently beaten and stabbed. Witnessing this violence had a clear impact on JW. He reports that he has seen “many things” and that “everything I seen [is] real bad.”²⁸

Impact of Witnessing Domestic Violence on JW's Development

Children who witness violence in their home, especially those whose experiences happen when a child is as young as JW was at the time he witnessed his father being stabbed, are “more likely to have a fatalistic view of the future resulting in an increased rate of risk taking and antisocial behaviors.”²⁹ Studies have shown that children who have both observed and experienced domestic violence within their own household are likely to manifest signs of stress, fear, anxiety, depression and more in response to their painful trauma.³⁰ If not properly treated, the long term effects of domestic violence include physical health problems, behavior problems in adolescence, including delinquent behavior and substance abuse, as well as emotional challenges in adulthood including depression, anxiety and PTSD.³¹ Decertifying JW to the juvenile justice system represents an opportunity for him to receive treatment and work through this trauma, to avoid the long term effects. This would have a significant impact not just on him but also on the safety of the community.

CW's Death During Police Altercation

Not long after the domestic violence incident described above, CW was tragically shot and killed by a Philadelphia Police Officer during a stand-off in CW's father's home on March 13, 2011. The incident was widely reported in the news media, with versions of the story differing between the police and city officials, and CW's family.³² According to the news reports, the police were called to the home of CW's family because he was acting strangely. The press reported that he had recently been released from a drug treatment facility, and his family was concerned for his safety.³³ It is further reported that CW was holding a knife to his throat when the police arrived,

²⁷St. Gabriel's Hall Initial Comprehensive Biopsychosocial Evaluation, June 14, 2014; *see also* visit with LB, August 2, 2016.

²⁸ St. Gabriel's Hall Biopsychosocial Evaluation, June 14, 2014.

²⁹ *See, e.g.*, “Witnessing Domestic Violence: The Effects on Children.” American Academy of Family Physicians. <http://www.aafp.org/afp/2002/1201/p2052.html>.

³⁰ *See, e.g.*, “Domestic Violence against women: Recognize patterns, seek help.” Mayo Clinic. April 12th, 2014. <http://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>

³¹ *See, e.g.*, “Children and Domestic Violence.” The National Child Traumatic Stress Network. <http://www.nctsn.org/content/children-and-domestic-violence>

³² *See* “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives; “Suspect Dead in Police Involved Shooting,” Chad Pradelli, March 13, 2011 available at <http://6abc.com/archive/8010899/>

³³ “CW, had dropped out of high school and been in trouble with the law, but was now voluntarily entering drug treatment. had been staying with his father since January, when he was released from jail after prosecutors dropped an assault charge.” *Former Trainer: Philadelphia Police Compromised De-escalation Training Despite Warnings*, Austin Nolen, The Declaration, April 1, 2016, available at

and that while trying to persuade CW to put the knife down, a struggle ensued that ended with CW being shot and killed.³⁴

It is worth noting that

In subsequent legal proceedings against Nicoletti [the police officer], however, even the city attorneys assigned to defend him dismissed the claim that [he] was cutting into his own throat. In two separate motions, assistant city solicitor Amanda Shoffel wrote that ‘At some point, CW began to put the knife down and Officer Nicoletti lunged towards him.’ The plaintiff’s attorney argued that Nicoletti ‘senselessly created a crisis by throwing himself on the seated CW and he did so with his own gun in his hand.’ Multiple lawsuits over the shooting were eventually settled for more than 400,000 dollars.”³⁵

It is also worthwhile to note that Philadelphia police launched a Crisis Intervention Team (CIT) training in 2007, recognizing that their officers were not equipped to deal with situations like what happened with CW. While 1,900 of Philadelphia’s 6,600 police officers have been CIT-trained, “depositions from McCarthy and Nicoletti reveal they were unfamiliar with basic police protocol for dealing with people in crisis, including those in psychological distress.”³⁶ Additionally, CW’s brother, Andrew, noted how important CW’s children were to him. “He loves himself. He has two kids - a little boy and a little girl - that he left behind. There is no way he was suicidal.”³⁷

The dramatic loss of his father constituted a life-altering turning point for JW. Prior to his father’s death, JW was a model child. He received top marks in school, and his mother described

<https://phillydeclaration.org/2016/04/01/former-trainer-philadelphia-police-compromised-de-escalation-training-despite-warnings/>.

³⁴ See “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives; “Suspect Dead in Police Involved Shooting,” Chad Pradelli, March 13, 2011 available at <http://6abc.com/archive/8010899/>.

³⁵ See “Former Trainer: Philadelphia Police Compromised De-escalation Training Despite Warnings,” Austin Nolen, The Declaration, April 1, 2016, available at <https://phillydeclaration.org/2016/04/01/former-trainer-philadelphia-police-compromised-de-escalation-training-despite-warnings/>. See also, “Philly settles suit over suicidal man's death, continues police crisis training,” Newsworks, Sarah Whites-Koditschek, January 1, 2014 available at <http://www.newsworks.org/index.php/local/the-latest/63713-philly-settles-suit-over-suicidal-mans-death> (“In the struggle between Nicoletti and [CW], the officer's gun discharged. Thinking his colleague had been shot, McCarthy fired twice at [CW] who died as his father watched. The lawsuit alleged willful police misconduct, unreasonable use of force and failure of police to follow established policies. It also claimed the city failed to properly train, supervise, monitor and discipline police officers prior to March of 2011.”).

³⁶ See “Philly settles suit over suicidal man's death, continues police crisis training” available at <http://www.newsworks.org/index.php/local/the-latest/63713-philly-settles-suit-over-suicidal-mans-death>

³⁷ “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives

him as quiet and “a little dorky.”³⁸ In 2011, when CW was killed, JW was in fifth grade and was just entering adolescence. Despite his father’s challenges, his death left JW without a male role model to look up to, and JW started to hang out with older boys in the neighborhood who his mother describes as a bad influence.³⁹ LB was concerned about the new crowd that JW was hanging out with, but she did not want to be “too strict” and not let him out of the house. As noted above, JW has uncles on his mother’s side of the family, but they did not provide the positive guidance that JW needed as a young boy, as they each have been incarcerated since JW was in grade school. Perhaps even more stark, JW also lost any positive role models on his father’s side of the family, as they fell out of touch with JW following his father’s death.

CW’s History of Arrests and Incarceration and Drug Abuse

According to the Philadelphia Inquirer, reporting on the subject of his death, CW had a lengthy history of arrests and short term incarceration.

CW had a lengthy arrest record. Police arrested him at least 18 times since 2000 on myriad criminal charges, including robbery, simple assault, terroristic threats and weapons possession. Judges withdrew or dismissed the charges in most cases. He either pleaded guilty or was found guilty in six cases. The guilty charges included drug possession, theft by deception, theft of a motor vehicle and criminal mischief, court records show.⁴⁰

CW’s death, coupled with the domestic violence JW witnessed, and CW’s history of arrests and incarceration has had a significant impact on JW, and has led to the poor choices for which he is now experiencing the negative consequences. The research and

Data shows an alarming collection of ‘adverse childhood experiences (ACEs),’ also known as immediate negative outcomes, affecting children with incarcerated parents. The list of such ACEs includes ‘increased risk for trauma, or toxic stress, particularly when they are cumulative.’ ... In addition, ... researchers cite related indicators that have potential long-term negative impacts for children. These indicators are frequently present in households where a parent is or has been incarcerated, and they render children vulnerable to fallout from a dynamic that psychologists call ‘loss of an attachment figure.’⁴¹

³⁸ Visit with LB, February 23, 2016.

³⁹*Id.*

⁴⁰ “Man fatally shot in clash with police,” Dafney Tales and Wendy Ruderman, posted March 14, 2011 and available at http://articles.philly.com/2011-03-14/news/28688542_1_shot-by-police-officer-brother-relatives

⁴¹ Amy Alexander, “Why Children with Parents in Prison Are Especially Burdened.” The Atlantic, December 14, 2015, available at <http://www.theatlantic.com/politics/archive/2015/12/why-children-with-parents-in-prison-are-especially-burdened/433638/>.

According to the press surrounding CW's death, JW's father also struggled with drug addiction and had recently been released from a treatment facility when he was killed. Given the sensitive nature of this topic, and JW and LB's estrangement from CW's family, YSRP was not able to gather additional detail on CW's drug use, and its potential impact on JW. Nevertheless, it is well understood that children who live in a household where someone abuses alcohol or other drugs are more likely to have poorer mental and physical health outcomes. Moreover, growing up in a household where an adult has abused alcohol or other drugs is considered a traumatic event.⁴²

C. JW's Neighborhood and Exposure to Gun Violence

According to LB, JW was a well-behaved, respectful, cooperative and quiet child.⁴³ Those who know him today agree that he still possesses these qualities.⁴⁴ These ascribed characteristics also align with JW's opinion of himself. He stated that he prefers to "keep to himself" and that he wants others to view him as a "sweet young man."⁴⁵ Despite JW's soft-spoken and well-behaved tendencies, he has been impacted by his neighborhood and home environment, which is considered to be amongst the poorest and most violent in the city. Situated within the 26th Police District, "the median household income for the area is \$14,201, and 65 percent of households earn less than \$25,000 per year. Low household incomes translate to a high poverty rate: according to the American Community Survey (2005-2009), 60 percent of households here are living in poverty."⁴⁶ According to the Philadelphia Inquirer, JW and LB's neighborhood of West Kensington in "North Philadelphia East" ranks 11th out of 55 neighborhoods for violent crime, and 7th out of 55 neighborhoods for property crimes.⁴⁷

The statistics about the neighborhood are corroborated by LB and JW's anecdotal accounts of their lives there. As noted earlier, LB reported that a young man was shot and killed across the street from their home just a few weeks ago.⁴⁸ She noted that such shootings are not unusual, and that the drug activity in the neighborhood is palpable (mentioning that people walk around "looking like zombies").⁴⁹ She has sought to contribute to improving the neighborhood by serving as Block Captain (an elected position), and often calls the City's 311 number to request

⁴² See "Findings from the Philadelphia Urban ACE Study," Prepared by The Research and Evaluation Group at Public Health Management Corporation, September 18, 2013, available at <http://www.instituteforsafefamilies.org/sites/default/files/isffFiles/Philadelphia%20Urban%20ACE%20Report%202013.pdf>.

⁴³ Visit with LB, February 25, 2016. See also Dr. HG Forensic Evaluation at 5 (describing JW as "cooperative and polite throughout the evaluation.")

⁴⁴ Support letter from TD, undated (see Appendix).

⁴⁵ Visit with JW at PICC, March 30, 2016.

⁴⁶ ESRI Census Profile, 2010 for study area (8th – 12th, York – Glenwood). See also "Lower North District Plan," Philadelphia City Planning Commission Report August 2013 at 59 ("Despite decreases, the Poverty Rate in the Lower North District remains substantially higher than the citywide rate. Based on 2007-2011 ACS estimates, the Poverty Rate in the Lower North District was 47.39%, compared 25.6% citywide.").

⁴⁷ See The Philadelphia Inquirer, Crime in Philadelphia, North Philadelphia East available at http://data.inquirer.com/crime/neighborhood/north-philadelphia_east/ (last accessed August 5, 2016).

⁴⁸ Visit with LB, August 2, 2016.

⁴⁹ *Id.*

improvements to the neighborhood's quality of life. Despite her best efforts, LB is acutely aware of the challenges and dangers inherent in living in her community, and is eager to move the family to a safer neighborhood in the Upper Northeast section of the City.⁵⁰ She has been in regular contact with a friend who recently made a similar move, and will begin looking at options for relocation once there has been a resolution in JW's case.

Research shows that the trauma youth experience when exposed to gun violence has a lasting impact on their ability to process and appreciate the severity of the violence they encounter, and makes them more likely to engage in violent behavior.⁵¹ Children exposed to gun violence may arm themselves for protection or become desensitized.⁵² Exposure to gun violence also impairs children's ability to cope with stresses, creating a cycle in which emotional and psychological stresses resulting from exposure to gun violence increase the likelihood that they will use violence as a means of resolving problems or expressing emotions.⁵³ Additionally, exposure to gun violence may cause children to withdraw from friends and family, adding to research that shows the psychic numbing effect of gun violence in children, increasing the chances that they will become emotionally detached from others, and show a decreased interest in the activities they used to enjoy.⁵⁴ As research indicates, chronic exposure to violence impairs youth's ability to distinguish between threatening and objectively non-threatening situations, often causing youth to become conditioned to react with fear and anxiety to a broad range of circumstances. For JW, his response to the violence he witnessed and experienced was fear (*see* Appendix for letter from Pam Morton), and later to not be able to make good choices in peers: he instead sought out the companionship of older youth, directly leading to his involvement in the present case. As supported by the research, JW's ability to distinguish between threatening and objectively non-threatening situations, and peers, likely was impaired by the trauma he experienced.

While this conditioning occurs early on in the stages of adolescent brain development, *unlearning* fears can occur with brain maturation that happens later in adolescent brain development, and requires active work and evidence-based treatment.⁵⁵ If afforded the opportunity to benefit from the services and interventions of the juvenile justice system, JW will have access to evidence-based treatment programs that will enable him to take advantage of his ongoing maturation and continue developing insights into the forces that have influenced his decision making. Further, the behavioral health treatment available in the juvenile system will support JW in mitigating the long-term effects of his exposure to gun violence, as described above. Such responsive therapeutic supports would not be available to him in the adult system.

⁵⁰ *Id.*

⁵¹ Garbarino, James, Catherine P. Bradshaw, and Joseph A. Vorrasi. "Mitigating the Effects of Gun Violence on Children and Youth." *The Future of Children*, Volume 12, Number 2. Summer 2002. http://futureofchildren.org/publications/docs/12_02_05.pdf

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *See, e.g.*, "Children's Exposure to Violence: Indicators on Children and Youth." Child Trends Data Bank. May 2016. http://www.childtrends.org/wp-content/uploads/2016/05/118_Exposure_to_Violence.pdf.

Although JW was sent to juvenile placements in the past, he did not have the self awareness or initiative to avail himself of the therapeutic resources that could have helped him address this trauma. Having now spent eight months incarcerated in an adult jail, he has spent time processing the life experiences and decisions that led him to his current situation and, if given the opportunity, would approach a juvenile placement very differently this time around.

VI. JW's STRENGTHS

JW is an industrious, resilient, and hardworking young man. Despite the extremely traumatic and violent circumstances of his father's death and the unstable nature of his childhood, JW has grown into an intelligent, soft-spoken, and goal oriented teenager. He cares dearly for his family and routinely speaks with his mother and siblings. Even while incarcerated, JW has shown continuous dedication to academics, athletics, and faith.

Upon first meeting JW, one might remark at the number of tattoos he has, and perhaps even develop a negative first impression. JW, however, considers his tattoos a way to express himself artistically, and to honor both his mother and father (he has their names inscribed on each arm). His perspective on his tattoos was also noted by Dr. HG in her forensic evaluation: "When asked why he got them, JW reported that he likes art and that each tattoo means something to him, such as his family. JW stated that he got his first tattoo when he was fifteen -years-old and that they make him feel distinct."⁵⁶

As JW detailed in his letter to the Court, "I would like you to know I am a changed person... Before I came to PICC I had a mindset of a child now I am mature. I learned being incarcerated don't just affects [sic] you it affects your family and the community also... I think I deserve another opportunity in the juvenile system. I think this because I have my goals set, support and determination. I would like to attend CCP for business. I also have a[n] interest in working for the City of Philadelphia...I know placements help with these kinds of opportunities."⁵⁷

A. EDUCATION

1. Overview: Excelling in Academics

JW has attended Philadelphia public schools for his entire education, excelling throughout as a noticeably bright student who loved to read.⁵⁸ He attended the John F. Hartranft School for kindergarten through eighth grade. After Hartranft, he accelerated in his courses while at St. Gabriel's Hall and was enrolled at Philadelphia Learning Academy North (PLAN), a credit recovery school, upon his return home from placement.⁵⁹ He transferred to Kensington Health

⁵⁶ Dr. HG Forensic Evaluation at 5.

⁵⁷ JW Letter to Judge Ransom, mailed May 24, 2016. The full letter is available in the Appendix.

⁵⁸ Conversation with John F. Hartranft school staff, PM, August 2, 2016.

⁵⁹ JW earned a total of 11 credits during his placement at St. Gabriel's ("[JW] was in 8th grade in Middle School when he entered in May. He began high school as of summer 2014 and will have earned a total of 11 credits at his discharge."). St. Gabriel's Hall Addendum to Progress Summary Report, May 6, 2015 at 2.

Sciences Academy because of how quickly he was able to earn credits at PLAN.⁶⁰ Due to his intelligence and work ethic, JW recently received his high school diploma while at PICC,⁶¹ graduating high school early, at only 16 years old, despite all of the barriers he has faced.

The fact that JW obtained his high school diploma while incarcerated at PICC is particularly impressive considering the odds at work against him. Specifically, those incarcerated as juveniles are 39 percentage points less likely to graduate from high school, and juvenile incarceration is estimated to decrease high school graduation by 13 percentage points.⁶² JW's successful completion of his high school diploma, significantly ahead of schedule, is a testament to his renewed sense of purpose and work ethic, which he would carry with him to a juvenile placement.

2. Elementary & Middle School

During JW's fifth grade year when he lost his father, school records show a stark change in a previously high-achieving, well-adjusted and happy child. His report cards show that JW earned B's at the beginning of fifth grade but that by the middle of the year, he started having behavioral issues and his grades suffered.⁶³ In sixth grade, JW's report card shows B's and C's and by seventh grade, he was receiving C's and D's in all of his classes.

This pattern is also reflected on standardized benchmark tests. In January of his fifth grade year, JW scored in the 95th percentile on a math benchmark. In May of his fifth grade year, two months after his father was killed and only four months after he scored in the 95th percentile on a similar test, JW scored in the 64th percentile on his math benchmark. Obviously, his father's death had a huge impact on all aspects of his life, including his academics.

JW's struggle after his father's death is also shown through his performance on statewide standardized tests, the Pennsylvania System of School Assessment (PSSA). In third grade, JW received above average results in mathematics and reading on this test. In fourth grade, he scored advanced in mathematics and science and proficient in reading. In fifth grade, his reading score dropped to basic but he was able to maintain advanced scores in mathematics.

When asked about JW, a long-time staff member at John F. Hartranft remembered him immediately and affirmed the difficulties JW had during his fifth grade year, stating "everything changed when his father died."⁶⁴

Despite these difficulties, JW's fifth grade teacher, Mr. ML, recognized that he was a very smart child and stated that he was on or above level in every subject.⁶⁵ Mr. ML also recognized how

⁶⁰ Visit with JW at PICC, July 20, 2016.

⁶¹ See Appendix for report card, graduation program, and graduation photos from PICC.

⁶² See "Juvenile Incarceration, Human Capital and Future Crime: Evidence from Randomly-Assigned Judges," Anna Aizer and Joseph J. Doyle, Jr., National Bureau of Economic Research (June 2013), available at <http://www.nber.org/papers/w19102.pdf>.

⁶³ School District of Philadelphia School Records, received April 1, 2016.

⁶⁴ Conversation with John F. Hartranft school staff, PM, August 2, 2016.

⁶⁵ School District of Philadelphia School Records, received April 1, 2016.

easily JW was influenced by his peers, stating that his “negative behavior is usually accompanied by other students’ behavior.”⁶⁶

3. Eighth Grade and High School

During his eighth grade year, JW was sent to St. Gabriel’s Hall. The reasons for his placement and his academic success there will be detailed in the section below. Upon JW’s return from St. Gabriel’s Hall, and as mentioned previously, he enrolled in PLAN, earned credits rapidly and transferred to Kensington Health Sciences Academy because of how quickly he was earning high school credit. When asked about PLAN, JW states that the staff there recognized his academic excellence and know him as the “fifteen year old that had to leave” because he was too close to graduating.⁶⁷ As the years went on, and JW got farther from his father’s death, he was able to resume his academic achievement, but he still lacked the necessary behavioral health interventions to allow him to process and fully resume his previous life.

Despite the short time that JW spent at Kensington Health Sciences Academy, school security and faculty noted that JW was able to make friends and succeed socially in the short amount of time he was enrolled. He developed a relationship with the school police officer, Officer SM. Officer SM agreed with accounts of JW being polite, never giving any bad attitude and never getting into major trouble at the school. He also noted that JW is a young man with incredible potential.⁶⁸

This trend continued when JW got to PICC. During his approximately eight months of incarceration there, JW consistently earned “high honors” at the Pennypack House High School,⁶⁹ and the school staff felt compelled to write a letter to the Court on JW’s behalf. Among the praise and compliments they were eager to share with the Court, the staff noted:

Mr. JW has been a gifted and dedicated student inside the classroom. He is the kind of student that all teachers would love to have. He is always engaged and focused on his work and learning. JW engages the class and the teachers by asking questions as he consistently remains interested in the subject area being taught to him.⁷⁰

⁶⁶ JW’s school records do reflect some tardiness, but otherwise demonstrate that he consistently maintained average and above average grades and good attendance. *See* HG Forensic Evaluation at 3 (“School records report that JW was absent as few as zero days in third grade, and as many as sixteen days in Kindergarten. However, he was late more often. JW was marked tardy forty-nine times in Kindergarten, forty-six times in first grade, sixteen times in second grade, fourteen times in third grade, and two times in fourth grade.”).

⁶⁷ Visit to JW at PICC, July 20, 2016.

⁶⁸ Interview with Officer SM, March 4, 2016.

⁶⁹ *See* Appendix for transcripts, certificates, and graduation photographs from The Pennypack House High School, including awards for: High Honor Roll, Citizenship, and Cleanest Cell.

⁷⁰ *See* Appendix for letter to Judge LR from The Staff, Pennypack House High School, mailed July 26, 2016.

He earned High Honors in all subject areas,⁷¹ a special certificate in Citizenship for “demonstrating superior achievement and academic excellence” for a grading period,⁷² and he presented his senior project during the Family Day and Commencement Ceremony at Pennypack House School on June 18, 2016.⁷³ Outside of a traditional academic setting, JW has also sought out programs to foster his cognitive growth and problem solving skills. He reads the Quran daily and participates in Mothers in Charge and the Youth Art and Self-empowerment Project while at PICC. JW enjoys the opportunity to learn and advance his world outlook.

JW suffered a tremendous setback in all aspects of life as a result of his father’s sudden death during a key developmental age. As a result of his determination and resilience, he has been able to rebound academically, and has gone on to achieve academic success in school. Despite his recovery in one area of his life, JW has continued to struggle with the impact his father’s death has had on his mental health and social development. It is these two areas that he will have the opportunity to further nourish and develop at a juvenile placement; he will not have the same opportunity to do so in adult custody. As will be detailed further below, JW started on the road to improve these areas of personal development during his previous placements, and he was not able to continue this positive trajectory when he did not access adequate aftercare supports. He now seeks the opportunity to continue the self-improvement he began at St. Gabriel’s and Glen Mills. As his educational background proves, he has the capacity to rebound, if given the proper structure, access, and supports.

B. Dedication to Athletics

JW has played sports throughout his life, participating in basketball, baseball and football, and was later involved in boxing, which was his favorite. LB describes JW playing baseball through a nonprofit recreational league (“Heritage Baseball”), and also has fond memories of him playing football in the community with friends and neighbors.⁷⁴

In describing his experience boxing, JW explained that it not only provides a great workout, but it also provides a way to stay busy. He described that in boxing, the difficulty of the training also builds strength of character through the dedication the sport requires, and it provides a healthy outlet for channeling his emotions. At the Danny “Swift” Garcia Boxing Club (hereinafter “DSG Boxing Club”), JW was able to observe positive male role models such as TD, the strength and conditioning coach and his own personal coach, Julio.⁷⁵ According to Mr. TD, behavioral incidents are not tolerated and thus do not occur in the gym, as the students in attendance are grateful to have a place where they are able to escape the violence of their neighborhoods and express their anger in a constructive and directed way. The sport of boxing requires tenacity and fortitude. JW wishes to continue this sport upon release, and focus on releasing any pent up

⁷¹ See Appendix for High Honor Roll Certificate Awarded by Pennypack House High School on June 22, 2016.

⁷² See Appendix for Citizenship Certificate dated June 22, 2016.

⁷³ See Appendix for Commencement Ceremony Program.

⁷⁴ See also Dr. HG Forensic Evaluation at 4 (“JW also reported that he played baseball for his neighborhood team, played sports at the Police Athletic League, played basketball for the park summer league team, and enjoyed going to two different boxing gyms after returning home from placement.”).

⁷⁵ Julio’s last name is unknown.

aggression as well as developing physical strength and technical skills he can be proud of. JW has described a time when a coach complimented his skills as a highlight in his life, and a moment when he found inspiration and motivation to work hard and see the results of taking the long way to success.

JW has been seeking positive male role models since the death of his father, and he began to develop such a connection during his time at DSG Boxing Club. Unfortunately, due to the distance of the Club from his home, and LB's inability to pick him up and drop him off regularly, JW was not able to attend training sessions on a regular basis.⁷⁶ JW enjoyed the rigor and discipline the boxing club provided, and would have benefited from a more rigorous approach to attending sessions there. JW has learned from these difficult lessons, and he is eager to fully commit to more extensive participation in training at the Club upon his release from juvenile placement. As noted in the Boxing Club coach's letter to the Court, "JW is welcomed to return to our gym upon his re-entry. We are available weekdays 5-730pm. Our gym kids are good natured and without drama; it is truly a well rounded, positive atmosphere."⁷⁷ YSRP will help facilitate JW's transportation to the Club to ensure that he is not prevented from accessing this support upon his return home.

C. Commitment to Faith

Lastly, a great strength of JW's is his faith. LB reports that "for the past few years," JW would often attend prayer services on Fridays.⁷⁸ However, his devotion to Islam has increased over the past eight months that he has been incarcerated at PICC. JW has made connections with other like-minded individuals through his time there, and he describes that his favorite aspect of Islam is the principle of remaining humble.⁷⁹ Studying this tenet has contributed to and reinforced JW's soft-spoken and calm nature. JW prefers the Quran to television, or even fictional novels. Conversations with representatives from JW's mosque, Hyderabad House, reveal that their community serves a resource for young men to seek advice and access counseling. JW did not realize that such supports were available prior to his placement and incarceration. With his newfound understanding of his situation, he now knows that it is a resource he can seek out when he gets home, to prevent him from being in this situation again.

In the future, JW will find another mosque in his new neighborhood to continue staying busy with daily prayer, reflection, and engagement within his community.⁸⁰ JW's strengths and newfound perspective on the importance of his decision making and choices will enable him to chart a new path when he comes home, if he is provided with the treatment and rehabilitation opportunities that the juvenile justice system will afford him. Given the opportunity to engage in treatment and address some of the trauma he experienced as a child, JW will be able to serve as a

⁷⁶ As noted in the letter of support from TD, JW's coach at DSG Boxing Club, JW "was a student of boxing at [the] club for several months leading up to around July 2015." *See* Appendix B. *See also* visit to LB at her home, February 23, 2016.

⁷⁷ *See* Letter from TD at Appendix B.

⁷⁸ Conversation with LB by phone, August 7, 2016.

⁷⁹ Visit to JW at PICC, April 6, 2016.

⁸⁰ As noted above, LB plans to relocate the family to a new, safer neighborhood once JW's case is resolved.

positive influence on other youth in a juvenile placement setting, and back in the community upon release.

VII. JW's CHALLENGES & PRIOR JUVENILE COURT CONTACT

A. Overview

Before this incident, JW has had two prior encounters with Family Court. First, he was arrested and admitted to St. Gabriel's Hall on May 20, 2014 for a period of 12 months stemming from charges of Unauthorized Use of an Auto, Criminal Conspiracy, Engaging-Receiving Stolen Property and Attempted Theft by Unlawful Taking.⁸¹ JW was later arrested and charged with simple possession of crack cocaine, which brought him before the juvenile court again and had him placed at the Glen Mills School. JW was in placement at Glen Mills when he was arrested in the present case.⁸² Worth noting here, JW shared that he asked to be placed at Glen Mills when he was arrested and charged with simple possession; he felt that he needed the structure a juvenile placement would offer, and did not feel he was receiving what he needed as a student at Kensington Health Sciences Academy.⁸³

When asked about his previous arrests, JW attributes his involvement to poor decision making influenced by older peers. This tendency is supported by his school records from an early age, and by Dr. HG's evaluation (noting that when asked, "JW reported that he had about four friends who are about two years older than himself.").⁸⁴ JW's mother also supports this analysis, noting that JW's involvement in the events leading to his previous arrests, and the present arrest, stems from the "older boys in the neighborhood he would hang around," and his constant search for older male role models in the wake of his father's death.⁸⁵

Additionally, JW attributes some of his behavior to pressure he puts on himself to help his family. He feels a responsibility to provide as the man of the house and has concern for his mother's financial stability as a single parent. Although he describes his mother as upbeat and states that she has never complained about struggling to raise JW and his siblings, he is bothered by the fact that she is alone. He describes a desire to take care of himself and provide for his family if he can.⁸⁶ JW explicitly recognizes that needing money has been a contributing factor to his negative behavior in the past and now that he has graduated high school, he is committed to finding a job when he returns home.⁸⁷

⁸¹ See St. Gabriel's System Addendum to Progress Summary Report, May 6, 2015, at 1.

⁸² JW was admitted to Glen Mills on January 5, 2016 and discharged on January 28, 2016 as a result of his arrest on the present case. He was immediately transferred to PICC, where he has been incarcerated since that time. According to the discovery, although the incident at issue here occurred prior to his placement at Glen Mills, an arrest warrant was not issued for JW until January 19, 2016. JW was transported from Glen Mills to Family Court on January 27, 2016 and was placed under arrest on the present case that day.

⁸³ Visits to JW at PICC.

⁸⁴ See Dr. HG Forensic Evaluation at 4.

⁸⁵ Visit to LB, August 2, 2016.

⁸⁶ Visit to JW at PICC, July 20, 2016

⁸⁷ Visit to JW at PICC, April 6, 2016.

B. Placement at St. Gabriel's & Glen Mills

1. Positive Acclimation and Success

During his 12 month placement at St. Gabriel's Hall, JW excelled.⁸⁸ According to the Progress Summary Report recommending his discharge from placement, JW

[R]emains compliant and follows directions when given. He continues to take pride in being a mediator for his peers. He also attempts to calm others down when they are upset but need to talk. He will reassure them that the problem can be worked out. [JW] tends to show more maturity than some of the other 15 years olds on the unit. He is able to control the anger in a more responsible way.⁸⁹

He earned a total of 11 credits towards his high school diploma, completed 28 hours of community service, and completed a number of certificates, including the Microsoft Specialist CTE, which was described as "extremely intense" by the Residential Manager.⁹⁰ JW also did exceedingly well during all of his home passes (four total);

[JW] was compliant on all of his home passes by making his check in calls, home for curfew, returning with his home pass paperwork and producing negative drug screens. His mother comments how pleased she is when he comes home, is helpful around the house and enjoys spending time with the family."⁹¹

Again, JW was sent to placement because of poor decisionmaking, common to teenagers, and exacerbated by the trauma he experienced surrounding his father's death, and the poverty his family has experienced (contributing to his desire to provide for his mother and siblings). It is clear that JW did well in placement, and thrived in a structured and supportive environment. JW also has matured significantly since his initial placement at St. Gabriel's, and he knows that the decisions he made were misguided. Unfortunately, as detailed in the following section, JW would have benefitted from more structured, ongoing aftercare supports once he was released from placement. The lack of support, coupled with his ongoing mental health needs and limited structure at home and at school, led to his subsequent placement at Glen Mills and his arrest in this case (for a charge that pre-dates his placement at Glen Mills).

2. Mental Health Needs and Lack of Aftercare

⁸⁸ JW was admitted to St. Gabriel's Hall on May 20, 2014 and released on May 19, 2015.

⁸⁹ See St. Gabriel's Hall Addendum to Progress Report, May 6, 2015 at 1.

⁹⁰ See *id.* at 2.

⁹¹ *Id.*

St. Gabriel's reports that while JW was in placement at St. Gabriel's Hall ("SGH"), he engaged in grief counseling, and was prescribed medication for sustained sleep and a decrease in hearing voices.⁹² Notably, JW was prescribed

200 mg of Seroquel for sustained sleep and a decrease in hearing voices. He stated to the psychiatrist that he would hear voices telling him to do 'things' approximately 2 times per hour. He also stated that while at SGH he awoke to find a translucent figure standing by his roommate's bed that looked like his father early in his stay. He has not been reporting hearing voices or seeing figures since he started taking the medication.⁹³

Unfortunately, the treatment JW received at St. Gabriel's did not continue once he returned home. His mother discontinued his medication, and noted that JW did evidence some signs of "withdrawal" during that period.⁹⁴ In discussing her decision to discontinue JW's medication, LB said that she "doesn't believe in it," and asked JW if he felt that he needed it to sleep.⁹⁵ LB would have benefited from guidance and instruction from professionals on the importance of maintaining a stable medication regimen, and not abruptly disrupting a treatment JW had started while in placement.

It is well-documented that abrupt discontinuation of psychotropic medications like Seroquel can have negative consequences, especially for adolescents.⁹⁶ Moreover, neither JW or LB received support in accessing the individual therapy that JW clearly needed to address the challenges that led to his placement. As the St. Gabriel's Residential Manager noted in the May 2015 Progress Report, "Individual therapy has also focused on helping [JW] to develop positive coping skills to deal with life stressors, including *all of the violence he has seen*." (Emphasis added).⁹⁷ It is clear that this type of individual therapy was needed post-placement. Although the discharge report discusses the provision of ongoing individual therapy and medication management, LB reports that therapy and medication promptly stopped shortly after he returned home.⁹⁸

Put simply, JW did well when he was placed in a therapeutic environment with attention to his emotional and mental health needs. He did not have access to the same supports when he returned to the community, and he quickly recidivated. It is particularly troubling that the potential pitfalls were accurately predicted by his clinical therapist, who "expressed concern that when [JW] returns to his violent neighborhood where he experienced severe trauma (the death of his father and the stabbing of his father prior to his death), poor peer choices could continue to

⁹² See St. Gabriel's System Addendum to Progress Report, May 6, 2015 at 2.

⁹³ *Id.*

⁹⁴ Visit to LB, August 2, 2016.

⁹⁵ *Id.*

⁹⁶ See e.g. "How to Discontinue Seroquel," Terri Peerenboom (October 21, 2015), available at <http://www.livestrong.com/article/89294-discontinue-seroquel/> ("Stopping Seroquel without talking to a doctor first could prove risky...Discontinuing this medication should be done under the direct care of a physician.").

⁹⁷ St. Gabriel's Hall Addendum to Progress Report, May 6, 2015 at 2.

⁹⁸ *Id.*; See also visit to LB, August 2, 2016.

leave [JW] vulnerable to behavioral health challenges.”⁹⁹ The lack of continuity of care is a significant factor in JW’s multiple placements, and should be considered by the Court in rendering a decision on his petition for decertification. The juvenile system can be provided with an opportunity to rectify the lack of support that was needed when he left St. Gabriel’s in 2015.

The challenges JW has experienced, as described throughout this report, have manifested in ongoing physical and emotional symptoms. As he described to Dr. HG during the forensic evaluation, “he has difficulty staying asleep, and [shared] that he did not feel like eating when he felt nervous, and that his stomach gets upset when he feels nervous, that he has been getting frustrated a lot, and that he had *something very bad happen to him*.” (emphasis added).¹⁰⁰ Notably, JW also shared his reflections on his incarceration and the impact it has had on his loved ones: “JW also reported feeling frustrated a lot being in prison because he ‘keeps disappointing my family,’ and he ‘rarely gets to see them.’ Finally, JW reported that losing his father was very bad for him.”¹⁰¹

Finally, JW and his family (particularly his mother LB) have spent the last 8 months reflecting on JW’s situation, and the supports that could have been provided to avoid his current circumstances. LB is now fully committed to supporting JW in all of the ways that he needs, including advocating for more hands-on aftercare, regular attendance at therapy, and medication management. Both JW and LB are committed to breaking the cycle of incarceration that has been too prevalent in JW’s life, and throughout their family. They seek the opportunity for one final placement in the juvenile system as a means by which to accomplish this goal.

VIII. JUVENILE PLACEMENT OPTIONS & ADULT PRISON

As noted above, JW excelled during his 12 month placement at St. Gabriel’s Hall. Because he was only at Glen Mills Schools for less than one month, detailed records of his achievements there are not available.¹⁰² Nevertheless, JW was re-accepted to Glen Mills pending his decertification in the present case, evidencing his positive acclimation there. As further noted above, because JW did not receive the prescribed aftercare upon leaving St. Gabriel’s (in terms of ongoing therapy and medication management), he quickly and predictably recidivated.

Worth noting here, JW *asked* to be placed at Glen Mills when he was arrested for the second time. He shared that he could “see himself slipping,” and wanted to be in an environment with more structure.¹⁰³ JW summoned an impressive degree of self-awareness to request placement in the juvenile system. Unfortunately, that placement was cut short as a result of his arrest on the case currently pending before the Court.¹⁰⁴ We encourage the Court to provide JW with the

⁹⁹ St. Gabriel’s Hall Comprehensive Behavioral Re-Evaluation (CBR) - Psychological, April 29, 2015 at 4.

¹⁰⁰ Dr. HG Forensic Evaluation at 6.

¹⁰¹ *Id.*

¹⁰² JW’s transcript from his time at Glen Mills is available in the Appendix.

¹⁰³ Visit to JW at PICC, July 20, 2016.

¹⁰⁴ See FN 81, *supra*. (“JW was admitted to Glen Mills on January 5, 2016 and discharged on January 28, 2016 as a result of his arrest on the present case. According to the discovery, although the incident at issue here occurred prior to his placement at Glen Mills, JW was not positively identified by the complainant, and an arrest warrant was not

opportunity to continue and complete his original placement at Glen Mills, with a period of structured supervision and after-care, which may last for several years post-placement (pursuant to the Juvenile Court's jurisdiction until JW turns 21, close to five years from now). More information about the programming available at Glen Mills is provided below.

A. Glen Mills

As noted above, JW has been provisionally re-accepted to Glen Mills School ("Glen Mills").¹⁰⁵ He viewed his time at Glen Mills as an opportunity to improve himself. Again, the fact that Glen Mills welcomes JW back is evidence of his success during his time there. Glen Mills can continue to provide JW with the appropriate structure and discipline he needs to succeed. Glen Mills is a Balanced and Restorative Justice (BARJ) compliant residential program that utilizes a Sociological Model designed to effectuate long-term behavioral changes and enhance life skills development. The program includes room and board, clothing, behavior management, individual and group counseling, academic and vocational programming, medical and dental services, as well as athletic and recreational opportunities.¹⁰⁶

Additionally, Glen Mills offers intervention programming designed to enhance youths' understanding of their own actions, and to address underlying challenges that can lead to delinquent behavior. It offers a number of evidence-based programs, including Moral Reconation Therapy (MRT), Coping with Anger, Parenting and Family Values, and Botvin LifeSkills training on drug and alcohol use.¹⁰⁷ These programs are integrated into the framework of their well-established behavior management system, which includes Drug & Alcohol Education, Gun Violence Prevention, Wellness & Nutrition and Independent Living Skills.¹⁰⁸

Finally, Glen Mills offers a number of vocational programs, which align well with JW's interests in construction, business and entrepreneurship. These programs include: Career Readiness courses, retail services, and technical and maintenance trades such as: Building Trades, Masonry, Paint, Residential Carpentry, Welding and Indoor/Outdoor Maintenance.¹⁰⁹ Because JW has already achieved his high school diploma, the focus during his time at Glen Mills, if provided the opportunity for placement there, will be on participation in the trades programs. Such engagement will have JW well-positioned to attend Community College upon his return to the community, and to participate in the pro-social vocational and educational opportunities described below.

B. SCI Pine Grove

issued until January 19, 2016. JW was transported from Glen Mills to Family Court on January 27, 2016 and was placed under arrest on the present case that day.").

¹⁰⁵ See Glen Mills Acceptance Letter, Appendix D.

¹⁰⁶ See <http://www.glenmillsschool.org/student-life/special-programs/>.

¹⁰⁷ *Id.*

¹⁰⁸ See <http://www.glenmillsschool.org/admissions/regulatory-compliance/>.

¹⁰⁹ See <http://www.glenmillsschool.org/education/careers-technical-education>.

If JW is not decertified, and if he is then convicted and sentenced in the adult criminal justice system, he will be incarcerated at SCI Pine Grove as a result of his young age. YSRP visited SCI Pine Grove in December 2014, and authored a memorandum on our reflections from that visit, which we shared with Judge Benjamin Lerner.¹¹⁰ It is indisputable that SCI Pine Grove differs from the available juvenile placements in significant ways; it is not a treatment facility designed for juveniles. Rather, it is a wing of an adult prison where youth are housed in cells on pods. The most notable distinction between the adult and juvenile sides of Pine Grove is that the juvenile side is structured more as a boot camp, where youth are subjected to military drills, and are forced to “drop and give fifty pushups” if they step on a crest that is painted on the ground.¹¹¹

There has not been a lot of press about the conditions for youth at SCI Pine Grove, although the unit received some attention in 2014 when a teenage inmate committed suicide by hanging himself in his cell.¹¹² Also worth noting, more recently, a young person’s reflections on his time at Pine Grove were published by the San Francisco Bay View (National Black Newspaper), titled “Pennsylvania’s torture chamber for juveniles.”¹¹³ Much of what the young person reports comports with YSRP’s own reflections on our visit there: “On this block, guards literally scream in your face when you didn’t do anything wrong, command you to do push-ups and even tell you to tap dance for them. When a white guard steps on the pod, every inmate has to stand up straight as in the military and scream at the top of their lungs, ‘Attention on deck!’ all to be told to carry on.”¹¹⁴

If JW is not decertified and is sentenced to incarceration at SCI Pine Grove, he will not receive the therapeutic interventions he clearly requires to process the trauma he has experienced. Moreover, because JW has obtained his high school diploma at such a young age, he will have limited programming options available to him; he will be too advanced to participate in high school classes with his peers, and too young to engage in vocational activities with the adults at the prison.¹¹⁵ If he is provided with the opportunity to be placed in the juvenile system, he will be

¹¹⁰ See SCI Pine Grove Memorandum, Appendix F.

¹¹¹ See *id.*

¹¹² See “Inmate hangs himself in cell,” by The Indiana Gazette on September 10, 2014 (“A teenage inmate serving a term for the murders of his grandparents committed suicide Monday in his cell at State Correctional Institution Pine Grove in White Township, prison officials said. Zachary Proper, 15, was found hanging in his cell about 11 p.m. during a security check by corrections officers. Efforts by prison officials and paramedics failed to revive Proper, and he was pronounced dead at 11:48 p.m., said Eric Bush, the superintendent at SCI Pine Grove.” Available at <https://www.indianagazette.com/news/police-courts/inmate-hangs-himself-in-cell.20574485/>).

¹¹³ “Pennsylvania’s torture chamber for juveniles,” LeQue Ball, March 27, 2016, available at <http://sfbayview.com/2016/03/pennsylvanias-torture-chamber-for-juveniles/>.

¹¹⁴ See *id.*

¹¹⁵ During YSRP’s visit to Pine Grove, officials commented on the challenges in providing programming to the youth housed there because of PREA regulations requiring them to remain separate from adults. See YSRP Memorandum on Visit to Pine Grove, Appendix F (“Staff noted the difficulty with providing programming to the Youthful Offenders because of PREA and the lack of adequate staff to maintain separation from the rest of the prison population during transport to programming. Staff also noted that the ratio of treatment staff to youthful offenders is approximately 7:1, but that the treatment staff are noncontact, which makes it more difficult for them to do programming because they need contact staff in the room with juveniles at all times. They also noted that if Youthful Offenders get released prior to their 18th birthdays, they cannot participate in stepdown or other reentry programs because they cannot be with adults.”).

able to build on his high school education by actively engaging in vocational programs and preparing for community college and employment upon release.¹¹⁶

IX. REENTRY PLAN

It is clear that the lack of ongoing aftercare and reentry support provided to JW post-placement directly contributed to his subsequent re-offending. For a number of reasons, JW will not face the same circumstances when released from placement in the future. JW's mom has stated that she is planning to move from their old neighborhood, so JW will have a fresh start. Away from his former peers and negative influences, JW will continue pursuing his passion for boxing, with a newfound focus and commitment (as detailed above). JW will continue this activity as a means of processing and releasing any anger or agitation in a healthy and monitored environment. Another way in which JW will be able to succeed in his life following incarceration will be through his dedication to his faith and the Muslim community.

Besides these points of internal strength and drive, external resources will aid JW in his transition home and into adulthood. JW's success in the programs he has already participated in, such as YASP and Mothers in Charge, have given him the motivation to continue in similar programs when he comes home. YASP has invited him to continue working with them once he returns home, and he will also have the opportunity to participate in Men in Motion in the Community (MIMIC).¹¹⁷ MIMIC provides previously incarcerated youth with the opportunity to positively engage in the community through peer mentoring and violence prevention programming, and with the goal of avoiding further involvement in the criminal justice system. JW has indicated his interest in pursuing this program, and MIMIC's Executive Director knows about JW's situation and is excited to welcome him to the program upon his return home.¹¹⁸

A. Education

As noted above, JW earned his high school diploma while at PICC, and he is eager to continue his education upon release. Specifically, he is interested in pursuing his long-term goal of rehabilitating houses and engaging in construction work. Both JW and his mother agree that he will be more likely to excel in a hands-on learning environment, with a focus on building skills and trades.

JW has also expressed sincere and informed interest in attending college. He has requested detailed information about the Community College of Philadelphia and the classes offered.¹¹⁹ He hopes that after he completes an Associate's Degree he can continue getting more advanced jobs as his expertise grows. JW's goals are both sincere and informed: he is practical and understands that he may not be able to become a full-time student right away. He has articulated that his plan

¹¹⁶ See <http://www.glenmillsschool.org/education/careers-technical-education> for more information about the vocational programs available to JW at Glen Mills. He will have the opportunity to develop a trade, as described above, and also to study for and take the SATs, in furtherance of his goal to attend college.

¹¹⁷ See <https://phillymido.wordpress.com/2013/10/09/mimic-men-in-motion-in-the-community/>.

¹¹⁸ See Letter from ED, Executive Director of MIMIC, August 8, 2016, Appendix B.

¹¹⁹ Visit to JW at PICC, March 30, 2016.

is that when he is released, he will first try to find a job to both stay busy and earn money to save for college courses. He plans to be proactive in a pro-social and legal way in addressing the same feelings about wanting to support his family: he knows now that the choices he made before were not the right ones. As will be detailed further below, YSRP is supporting JW's commitment to seeking positive, gainful employment by connecting him with programs such as PowerCorpsPHL and Orleans Technical College.¹²⁰ JW has also expressed an interest in applying for jobs at commercial businesses such as Kicks and Rita's for seasonal employment. JW's ability to visualize his dreams in a concrete and realistic way shows great maturity and foresight for a sixteen-year-old.

Placements in the juvenile justice system are organized around education, and provide services and supports that enable young people to access higher education.¹²¹ Decertification in this case would enable JW to continue this trajectory of growth and improvement, without being saddled with a lifelong felony conviction, which will diminish his ability to get a job and enroll in college.

B. Counseling & Mental Health: Hall Mercer

For many children who experience extreme trauma, if that trauma is not treated, they continue to exhibit symptoms for years after initial exposure to the traumatic event.¹²² However, there are several evidence-based treatments for children and adolescents who have experienced trauma that have significant support for effectiveness.¹²³ It is clear that JW has substantial, ongoing mental health treatment needs, which he will have the opportunity to access in a juvenile placement and upon return to the community. The program described in detail below is aware of JW's situation and has expressed a willingness to treat him upon his return to the community after a juvenile placement. As noted above, JW will not receive the therapeutic interventions he needs if he is sentenced in the adult criminal justice system.

¹²⁰ See <https://orleanstech.edu/our-programs/building-trades-training-programs/>. Orleans Technical College offers hands-on training programs that provide students with technical knowledge needed for a successful career in the Building Trades. Students have the opportunity to learn job skills and train under experienced instructors with years of industry experience. The program offers courses in carpentry, building maintenance, plumbing, heating, and electrical (among others). Both day and evening courses are available (the evening program runs for approximately 13 months, and the day classes are full time for 6 months). As noted above, JW is particularly interested in hands-on, technical training related to his ultimate goal of working in home remodeling and real estate. If placed at Glen Mills, JW would have the opportunity to engage in building maintenance and carpentry trades, and continue his training in those fields at Orleans Technical College. JW would likely participate in the evening courses, allowing him to secure part-time employment during the day with PowerCorpsPHL or YASP, as described below.

¹²¹ See, e.g., "Glen Mills hosts College Fair Day," available at: <http://www.glenmillsschool.org/battling-bulletin/news/glen-mills-hosts-college-fair-day> (describing that "Glen Mills students and their parents had the opportunity to explore further education at the second annual College Fair Day on Saturday, December 13th. Students enjoyed meeting with more than a dozen universities, colleges, and technical schools and found the information to be useful.").

¹²² "PTSD in Children and Adolescents." PTSD: National Center for PTSD. http://www.ptsd.va.gov/professional/treatment/children/ptsd_in_children_and_adolescents_overview_for_professionals.asp.

¹²³ "Treatments for Children and Families." The National Child Traumatic Stress Network. <http://www.nctsn.org/content/treatments-children-and-families>.

YSRP has connected with the Coordinator of Child Trauma Services and the Coordinator of PHICAPS (Philadelphia Intensive In-home Child and Adolescent Psychiatry Service), who have confirmed that Hall-Mercer can provide JW with clinical care after he returns from a juvenile placement. This would be a distinct change from the last time he was released from a placement, when he did not have access to a community-based mental health provider. Specifically, the clinicians at Hall-Mercer will work with JW to address the various challenges he has experienced. As the first outpatient community mental health center in Pennsylvania, Hall-Mercer distinguishes itself from other community based services through its affiliation with Pennsylvania Hospital and Penn Medicine. This special relationship offers immediate access to a wide range of behavioral health programs and some of the area's most recognized clinicians. It is the only program of its kind connected directly to a teaching hospital in Philadelphia, which facilitates access to a comprehensive spectrum of clinically renowned behavioral health and medical services.¹²⁴

JW will be referred to Hall-Mercer's Penn Center for Youth and Family Trauma Response and Recovery Program ("The Center"). The Center provides a range of interventions and treatment to young people who suffer from symptoms of traumatic stress and other difficulties after exposure to violence, crime and abuse. Specifically, The Center assists individuals and families in coping with many of the related issues that frequently occur in the aftermath of traumatic events, and is the only provider in the Philadelphia area that offers an effective early intervention for youth who have had a recent traumatic experience as well as treatment for youth with existing PTSD and posttraumatic difficulties. Specifically, The Center's therapists will be able to work with JW to process traumatic difficulties including the death of his father, the violence he has witnessed and his period of incarceration. By receiving therapeutic supports to address the challenges he has faced, JW will be well-positioned to achieve his goals of furthering his education and obtaining employment while at home in the community.

C. Employment

1. Youth Art & Self-empowerment Project (YASP)

YASP provides ongoing, year-round workshops for youth under 18 in the Philadelphia Prison System's adult jails and continued support and leadership development for youth who have come home from those jails. YASP also hires many young people who were previously incarcerated in the adult jails to assume leadership roles as primary decision-makers in the organization.¹²⁵

"Through its work in the Philadelphia jails, YASP provides space for incarcerated young people to express themselves creatively and to develop as leaders both within and beyond the prison walls."¹²⁶

JW has taken full advantage of the programming options available to him at PICC, and his participation in YASP's weekend workshops has been among the most meaningful. As YASP

¹²⁴ See <http://www.med.upenn.edu/hallmercer/>.

¹²⁵ See <http://www.yasproject.com/about-us.html>.

¹²⁶ See <http://www.yasproject.com/>.

Co-Coordinator SM notes in her letter to the Court, “I have nothing but positive things to say about JW. It has been an absolute pleasure to have him in our workshops for the past six months. Since he joined our program, JW has been a regular and consistent participant.”¹²⁷ In addition to providing him with meaningful programming at PICC, and an opportunity to express himself artistically while reflecting on his past behaviors, YASP is also eager to provide JW with paid employment when he returns home. As SM goes on to note, “In addition to our work in the jails, YASP trains and employs young people post-incarceration to help keep other young people out of the system. I believe JW would be very well suited for this work, and we hope that he will be able to join us in the community in the very near future.”¹²⁸

2. PowerCorpsPHL

As the PowerCorpsPHL website indicates, “PowerCorpsPHL engages disconnected young adults, ages 18 to 26, in transforming their lives through service. Corps members participate in 6-months of AmeriCorps service that provides them the opportunity to develop the skills required to become environmental stewards, secure meaningful work, and become civically engaged members of society. During their AmeriCorps term of service, corps members work with partner City departments to tackle pressing environmental challenges, including the need for improved stormwater management, increased tree coverage, and revitalized public land. Upon completion of their service, alumni receive intensive transition support designed to enhance their chances for success in career-track employment, post-secondary education, and/or additional national service.”¹²⁹

As a high school graduate, JW would be eligible to apply for the program once he turns 18. This timing will work well if he plans to apply after a period of placement in the juvenile justice system. Participation in PowerCorpsPHL will advance JW's goals of developing practical skills and advancing his employment prospects in partnership with supportive City agencies. As PowerCorps Director of Innovation, Julia Hillengas, details in her letter to the Court on JW's behalf: “It is our belief and our experience that young people, much like JW, who have faced significant challenges in their young lives, have tremendous potential and talent to share with our communities. By completing his high school diploma at PICC, JW has already taken significant steps towards a positive future. We are dedicated to supporting JW on his pathway to success and look forward to his application to join PowerCorpsPHL.”¹³⁰

D. Ongoing Support from YSRP

As part of YSRP's holistic model of service provision, we will continue working with JW and his family throughout and after his juvenile placement to make sure they have all supports needed to ensure JW's successful reintegration and the continuation of his positive trajectory. As detailed above, we have already begun working with JW to identify programs he could access upon release from a juvenile placement.

¹²⁷ See SM Letter to Judge Ransom, August 4, 2016, Appendix B.

¹²⁸ *Id.*

¹²⁹ See <http://powercorpsphl.org/>.

¹³⁰ See Julia Hillengas Letter to Judge Ransom, August 5, 2016, Appendix B.

There are many people in JW's life who are invested in his success, particularly his mother, who constitutes a strong support system and continues to be there for him. However, JW's treatment and services in the past have been haphazard and inconsistent, and the support services provided have been uncoordinated. Going forward, YSRP will help connect JW with necessary services and ensure that JW's transition home is supported, and that he returns to a stable environment where he will continue to receive consistent, coordinated and structured supports.

X. CONCLUSION

We encourage the Court to grant JW the opportunity to take advantage of the services and interventions available to him in the juvenile justice system, by decertifying him in this case. JW has proven himself to be intelligent, hard-working, motivated, and penitent for his transgressions; he is determined to turn his life around.

With JW's case, the Court has an opportunity to stop the intergenerational cycle of incarceration in the family, and the tragedy that has been perpetuated from his father's death. JW currently lives in a world where he is too often confronted with images and news stories about men like his father being shot and killed during interactions with the police. Each of these events is re-traumatizing for a young man who has not had a full opportunity to process his father's death at a young age. By decertifying JW in this case, he can be reminded that the system is invested in his success. He will not take this trust lightly, or take lightly the responsibility to follow through on his commitments to move forward on a positive trajectory. This is of course in his personal interest, but it is also in the community's interest. The community will not be safer with JW in an adult prison where access to treatment is scarce. He will come home no better off than when he left, and with fewer pathways to education, legal and stable employment, and a healthy perspective on his life and the trauma he and his family experienced.

Thank you for this opportunity to weigh in on JW's case, and if there is any additional information that might be helpful to the Court, we would be happy to provide it.

Submitted By:

Joanna Visser Adjoian, Esq., Lauren A. Fine, Esq., and Julie Hyman
Youth Sentencing & Reentry Project (YSRP)