

NETFLIX ORIGINAL

WHEN THEY SEE US

DISCUSSION GUIDE

DEVELOPED BY CFYJ

CAMPAIGN FOR
YOUTH  JUSTICE

BECAUSE THE CONSEQUENCES AREN'T MINOR

WHEN THEY SEE US

A 16-TIME EMMY NOMINATED LIMITED SERIES, "WHEN THEY SEE US" CHRONICLES THE STORY OF THE "EXONERATED FIVE" - THE FIVE YOUNG MEN WRONGFULLY CONVICTED IN THE 1989 CENTRAL PARK JOGGER CASE. THROUGH AVA DUVERNAY'S MASTERFUL PORTRAYAL OF THESE MEN'S JOURNEY, VIEWERS ARE ABLE TO SEE THE INJUSTICES IN OUR JUVENILE AND ADULT CRIMINAL JUSTICE SYSTEM THROUGH A HUMAN LENSE. THE SERIES IS BOTH A HEARTBREAKING NARRATIVE AND A CALL TO ACTION ON BEHALF OF YOUTH AND ADULTS INVOLVED WITH THE CRIMINAL JUSTICE SYSTEM.

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About the Campaign For Youth Justice

The Campaign for Youth Justice (CFYJ) is a national initiative dedicated to ending the prosecution, sentencing, and incarceration of youth under the age of 18 in the adult criminal justice system. The stories portrayed in this four part series happened 30 years ago, and led the United States to respond to youth crime in a brutal and extreme manner. Nearly every state in the nation changed its laws to make it easier to treat children as adults in the justice system. Ava DuVernay's series touches on many issues that the 76,000 youth prosecuted as adults each year face. This includes police interrogations, understanding miranda and protections against self-incrimination; conditions of confinement including placement far away from families, solitary confinement, and abuse; collateral consequences of an adult conviction and mandatory registration on sex offender registries; extreme sentences, innocence claims, and lost childhoods.

Every October, CFYJ celebrates Youth Justice Action Month (YJAM) to raise awareness and mobilize people against the treatment of youth in the criminal justice system. We have created a discussion guide for you to use in your community, college, church, or among friends and family to discuss the implications of such harsh penalties against our children. We invite you to use this guide to talk discuss the series, "When They See Us," and talk about ways you can help make change!

We have created a discussion guide for you to use in your community, college, church, or among friends and family to discuss the implications of such harsh penalties against our children. *Please note that Netflix will need to grant permission for any mass viewing of this film.

For more information about CFYJ:

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Campaign For Youth Justice



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Campaign For Youth Justice

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Quick Facts

The practice of prosecuting youth in adult court and incarcerating them in adult facilities is:

- **OVER-USED:** Every year, at least 76,000 youth are prosecuted in the adult criminal justice system solely because of their age and not the severity of their offense. In fifteen states and the District of Columbia, there is no minimum age for judicial transfer of certain offenses. On any given night in 2017, approximately 4,656 youth were in adult jails and prisons.
- **DISCRIMINATORY:** Although Black youth made up 14% of the overall youth population in 2016, they accounted for 35.5% of cases in juvenile court, and were 51.9% of those youth transferred to adult court by a juvenile court judges. In California, the state with the highest Latino population, Latino youth were direct filed at 3.3 times the rate of white youth. This number increased from 2.4 times more likely a decade ago. Tribal youth are 1.84 times more likely than white youth to receive an adult prison sentence.
- **HARMFUL:** To comply with the Prison Rape Elimination Act's Youthful Inmate Standard requirement to keep youth under age 18 sight and sound separated from adults, adult jail and prison administrators may place youth in solitary confinement where they are in their cells for 22-23 hours a day. Youth housed in adult jails are roughly five times more likely to commit suicide than youth in juvenile facilities. The Juvenile Justice & Delinquency Act has required all youth under the age of majority belong in youth-appropriate facilities pre-trial, not adult jails.
- **CONTRADICTED BY SCIENCE:** Research into adolescent brain development shows that youth are more likely than adults to be permanently traumatized by the harsh realities of the adult system. Youth are also more likely to respond positively to rehabilitation available in the juvenile system.
- **NOT POPULAR:** In a 2014 poll, 65% of voters agreed that juvenile offenders should be treated differently from adult offenders. In 2019, polling found that 75% Americans preferred rehabilitation as a response to youth crime, a perspective shared by law enforcement and victims as well.
- **A FAILED POLICY:** Research tells us that youth who are prosecuted in the adult system are 34% more likely to recidivate and with more violent offenses than those handled by the juvenile system. Youth sentenced as adults carry their criminal record their whole life, diminishing their chances to find jobs, access decent housing, obtain student loans, and go to college, join the military, or even vote.
- **CHANGING:** Since 2007, 39 states and Washington, DC, have enacted more than 100 pieces of legislation to remove youth from adult jails and prisons, limit the prosecution of youth in adult court, or revise sentencing laws. Comprehensive and age-appropriate approaches receive wide support across the political spectrum, including from conservative groups like the American Legislative Exchange Council, R Street Institute, and the James Madison Institute.

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Episode 1 Discussion Guide

- In Episode 1, the police question nearly every Black male youth on the street near the crime scene? How could the police have handled their investigation process differently?
- Not every state requires a parent or guardian to be present for the questioning of a youth under age eighteen. Should that be a national requirement? Alternatively, should police be required to provide a youth with an attorney before questioning them?
- Is lying to youth in police custody about the evidence or witness statements against them an effective tactic? Is it morally ethical?
- The episode showed police officers telling the boys that if they made certain statements they would be able to go home. How can we ensure juveniles aren't coerced by false promises such as these?
- During the interrogation process, Yusef was released because his mom was knowledgeable about her son's rights. How can we improve legal literacy for both youth and their parents?
- Should a verbal or written confession by a youth under 18 unaccompanied by a parent, guardian or attorney be admissible evidence in court? What issues does this pose?
- Should juveniles be able to waive their Miranda Rights? How can we ensure they have a better understanding of their rights before they make that decision?
- What role should the victim play in the law enforcement process of looking for and ruling out suspects?

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Episode 2 Discussion Guide

- In Episode 2, Kevin, Raymond, and Antron were held in a juvenile detention facility and Korey, the only 16 year old was held in an adult jail. Why was 16 thought to be an appropriate age to assign criminal responsibility? Should youth under eighteen be held in adult facilities during their trial?
- Antron and Yusef were able to post bail and stay in their homes during their trial while the other boys remained in jail. What does this say about the people we allow to be free versus those we keep imprisoned?
- How should prosecutor Linda Fairstein have balanced seeking justice for the victim with holding someone accountable? Were her actions appropriate?
- Several times, prosecutor Elizabeth Lederer expressed concern with the reliability and quality of the boys' testimony and evidence. How should she have properly addressed those concerns?
- How did this series impact your thinking on the power of prosecutors and law enforcement?
- How did this series impact your perspective on the role of the media in cases involving youth under 18?
- How should the media balance communicating relevant news to the public with printing identifiable information on youth who have not been convicted?
- How did race impact how the boys were treated by the prosecutors, police, and media?

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Episode 3 Discussion Guide

- In Episode 3, Yusef's mother mentions that a 10 minute phone call with her son costs \$22. Should youth and families have to pay for phone calls?
- Upon release, the episode shows Kevin and Raymond registering as sex offenders and being informed that they must register every ninety days or risk being re-incarcerated. Should youth be required to register as a sex offender for the rest of their lives? How does this help or hinder rehabilitation and reintegration into society?
- What was the impact of Kevin, Ray, Yusef, Korey, and Antron's incarceration on their families?
- Re-entry can be difficult for individuals leaving incarceration due to a number of barriers related to having a felony conviction. What barriers did Kevin, Ray, Yusef, Korey, and Antron face upon release?

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Episode 4 Discussion Guide

- Should any youth under the age of 18 be prosecuted as an adult?
- If yes, is it ever appropriate for that prosecution to be automatic or for a prosecutor to be the sole decision maker for whether the youth is prosecuted as an adult?
- Should youth under eighteen who have been convicted as adults be held in an adult prisons? Why or why not?
- At one point, Korey is held over 350 miles from his family's home in Harlem. Should youth or adults ever be held that far from their families? Are there more appropriate options?
- Should solitary confinement exist in prisons? As a punishment? For protection?
- Do you think there are other differences between an adult prison and youth prison? What do you think they are?
- Korey spent 16 years incarcerated, when his co-defendants did 4-5 years. What do you think about subjecting youth to decades in prison?
- What, if anything, does society owe to individuals who are proven to have been wrongfully convicted and incarcerated?