

**The Values of Justice****Keith Wattley, Founder and Executive Director, UnCommon Law****Twitter: @Keith\_Wattley**

Values are a representation of who we say we are or hope to be. They're not always uttered out loud, but they nonetheless live in our policies and our practices, including where we dedicate our resources. Cultural hegemony in the United States is a process of continual gaslighting: on the surface, the system *tells* us we value things like respect for law and order, personal responsibility, and individual hard work. But, in fact, the system has *taught* us to value the protection of whiteness and its way of life, and to ignore the ways in which this protection has eviscerated the social safety net through which Black and Brown folks most often fall. As a society, we dedicate vital community resources toward that protection, leaving our most fundamental needs unmet. Ultimately, this practice makes us less safe.

**So, what *should be* the values that guide our efforts to create safety and reduce harm?**

I have spent countless hours thinking about murder over the past 20 years. I have gotten to know hundreds of people serving life sentences for murder, accompanying them on their journeys to discover and understand the many factors that brought them to the point of killing another person. (I'll spoil the surprise here: None of them were simply evil or just "born that way.") With very few exceptions, those factors have their roots in people's responses to childhood trauma. For this reason, my answer focuses on the kinds of proactive and protective approaches that, if present, would have led to a much healthier and safer existence for the people I've worked with, and would have drastically reduced the risk of harm to the rest of the community.

Increasingly popular assessments of Adverse Childhood Experiences (ACEs) have become one way to consider how a person's experiences early in life are predictive of negative health and other outcomes later. These assessments identify early experiences of violence, hunger, abuse, neglect or separation (including through death, divorce or incarceration), and feeling unsafe, unloved or unwanted as extremely influential on future wellbeing and health.<sup>1</sup> The more of these kinds of experiences folks have, the more likely they will later experience things like addiction, incarceration, and a shorter life expectancy.

The data on incarceration is particularly compelling. While 64% of people in the United States had at least one ACE, 97% of people in prison did. People who had four or more ACEs are 7 times more likely to go to prison and 12 times more likely to attempt suicide. Up to 79% of incarcerated people experienced

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<sup>1</sup> <https://www.acesaware.org/wp-content/uploads/2019/12/Teen-Self-Report-Part-1-De-identified-Part-2-%E2%80%93-Identified-English.pdf>

four or more ACEs, compared to only 15% of the rest of the U.S.<sup>2</sup>

These numbers can't fully explain why people land in prison, but they give us a reasonable place to start the inquiry. In helping folks navigate California's discretionary parole process -- where some 35,000 people must convince the parole board they have sufficiently changed their lives and can safely be released from their life sentences -- I encourage clients to revisit their earliest relationships and experiences, and to explore how some of those early dynamics led to thinking patterns and behavior patterns later in life. We are all products of adolescent efforts to make sense of the world and our place in it, and for some, these efforts are driven primarily by fear and self-preservation.

Identifying the role of ACEs typically goes a long way toward understanding a person's journey to a life sentence, as in the cases of:

- Jose, whose alcohol-addicted stepfather rejected him and would chain him to a post in the backyard for hours as punishment for any imagined disrespect. He developed an alcohol addiction and killed a man in a bar fight, resulting in a life sentence.
- Sheila, who had been sexually abused by her family members and in every intimate relationship after she moved out of the house. A man who trafficked her for sex forced her to help him kidnap and rob someone. She went to prison for life.
- Donald, who was first locked up at age 7 for an accidental fire that killed someone. His occasional outbursts during his 8 years incarcerated were met with both physical violence and heavy doses of Thorazine and other drugs. 15 year-old Donald emerged depressed, addicted to alcohol and unable to read and write. At 19, a friend convinced him to help with a burglary that resulted in the death of the homeowner. Donald went to prison for life.
- Peggy, who killed her abusive husband of 30 years because he threatened to leave her. The decades of dehumanizing abuse in that relationship and in her childhood home made her feel most fearful that she had no value without him. She went to prison for life.

None of them set out to kill anyone. Serious crimes like murder are highly circumstantial and situational, resulting from conditions directly related to past trauma. Motivations for violence are often indistinguishable from the motivations of those we label "nonviolent offenders," who are popularly seen as deserving of alternatives to incarceration. It's a false binary: prison isn't a fit for anyone. Not one of these folks committed violence simply because they are evil people. Still, they couldn't imagine a world that was different from what they knew until they were already in prison serving life sentences. Sadly, that was the first and only time our society offered any response to their trauma: we ignored all the harm they had experienced until they harmed someone else. Even then, we offered only incarceration rather than understanding and healing.

Our values determine how we expend resources. There is plenty of evidence that we value policing people -- especially Black people -- more than helping them heal from harm. For example, Black students are 3.5 times more likely than Whites to be arrested during school activities,<sup>3</sup> and despite overwhelming evidence that counseling and mental health resources improve individual academic success and overall school safety -- and

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<sup>2</sup>"Childhood Trauma Statistics." *Compassion Prison Project*, 2021, [compassionprisonproject.org/childhood-trauma-statistics](https://compassionprisonproject.org/childhood-trauma-statistics).

<sup>3</sup>Morrison, Nick. "Black Students 'Face Racial Bias' In School Discipline." *Forbes*, 5 Apr. 2019, [www.forbes.com/sites/nickmorrison/2019/04/05/black-students-face-racial-bias-in-school-discipline/?sh=60fc5c7936d5](https://www.forbes.com/sites/nickmorrison/2019/04/05/black-students-face-racial-bias-in-school-discipline/?sh=60fc5c7936d5).

police do neither -- 14 million students are in schools with police but no counselor, nurse, psychologist, or social worker.<sup>4</sup>

Recently, the Marshall Project surveyed 2,400 people in prison, asking what kinds of resources might have helped to keep them from committing the crimes that led to their incarceration.<sup>5</sup> Respondents mentioned things like childcare, a living wage, healthy and safe responses to domestic violence, afterschool programs, adequate medical and mental health care, addiction treatment, access to education, and a safe, clean place to live. Overwhelmingly, they did not ask for better relationships with police.

Consider how an alternate reality might look when compared to the lives briefly outlined above. It might include:

- Stable employment paying a livable wage.
- Counseling for families -- especially those with stepparents -- on the risks of physical and sexual violence, as well as the risks of neglect or isolation -- along with a restorative justice response when incidents do occur.
- Counseling and other support for children whose parents are separated, incarcerated, deceased or addicted.
- Access to medical and mental health care, including treatment for substance abuse.
- Safe community spaces, including after school programs.
- Schools with resources to help kids with learning differences without alienating them: think of 7-year-old Donald getting a hug and therapy instead of handcuffs and Thorazine.
- Mental health responders rather than police for emotional or mental health crises.

I imagine someone showing up for these kids during their most fearful moments; someone who asks what they need to feel safe, and then provides that thing; someone to rebuild the trust that was lost when early caretakers failed. Most of my clients report feeling at far too young an age that they couldn't count on their immediate families to keep them safe, and that they had to figure the world out on their own. My observations come from partnering with people who have been willing to revisit painful memories in order to better understand their actions in hurting others. They have done messy but inspiring work to learn lessons that can teach us all.

Some communities do provide some of the support outlined above, and it's important that we try to discern the values that drive those decisions. These might include: (1) unfailing, trauma-informed support for children; (2) stable housing and health care access; (3) meaningful educational and employment opportunities; (4) compassion (including self-compassion); (5) healing-focused responses to harm; and (6) racial reckoning to create real equity. These values and concrete offerings should guide our policy decisions and our budgets.

Rather than accept the dangerous lie that crime is solely the result of individual decisions, we must focus on the systems that continue to produce the conduct we label as "criminal." Such a focus would allow us to consider

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<sup>4</sup> "Cops and No Counselors." *ACLU*, 2021, [www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors](http://www.aclu.org/issues/juvenile-justice/school-prison-pipeline/cops-and-no-counselors).

<sup>5</sup> Lewis, Nicole, et al. "What Could Have Kept Me Out of Prison." *The Marshall Project*, 27 Oct. 2020, [www.themarshallproject.org/2020/10/27/what-could-have-kept-me-out-of-prison](http://www.themarshallproject.org/2020/10/27/what-could-have-kept-me-out-of-prison).

what conditions would produce safety instead. Ultimately, safety might not look like the total absence of the kinds of adverse experiences that cause trauma, but it *could* look like the presence of resources to aid healing from such experiences. I've personally seen hundreds of people who managed to find that healing while serving life sentences in prison. Surely, we can reach folks decades earlier.