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KIDS BEHIND BARS

Girls in prison have to cope in adult institutions

► *The state has no place for young female inmates, and they are not separated from older women in the adult facilities.*

By Ken Kolker
The Grand Rapids Press

They were cellmates, the 16-year-old girl serving time for carjacking and the 27-year-old woman in prison for fraud.

Then in July, guards at the Robert Scott Correctional Facility, a women's prison in Plymouth, caught the girl, Naykima T. Hill, of Saginaw, having sex with her cellmate.

Hill told guards her cellmate, Cynthia Campbell, of the Flint area, forced her to have sex in Campbell's bottom bunk, "grabbing and pulling on her clothes," according to a report obtained by The Press.

Prison officials determined the two had

consented.

Hill was one of three girls — ages 16, 15 and 14 — in state prisons at the end of last year. She has since turned 17. The youngest, Bianca Foster, was 14 when she was sent to prison for armed robbery in Saginaw County. The other girl, 15-year-old Krystal L. Mojet, is serving time for a weapons crime.

While the state Department of Corrections has found a place to keep most of the boys — the privately run Michigan Youth Correctional Facility near Baldwin — it has no place just for young females.

All three were at the Scott Correctional Facility, one of two state prisons for females. Records obtained by The Press show the prison doesn't separate the girls from older women.

State Department of Corrections Director Bill Martin said he saw nothing wrong with the 16-year-old girl sharing a cell with the 27-year-old woman.

"What's the difference if it was 27 and 44? or 27 and 52? 20 and 40? 19 and 35?"



Bianca L.
Foster



Naykima T.
Hill



Krystal L.
Mojet

he said.

"Where do you draw that line? I don't know where that line is at. Everybody's adjudicated the same, they come to the system, they all have time to do."

Prison officials said judges lock up few girls. Across the country in 1997, fewer than 8 percent of the 5,400 inmates under age 18 in state prisons were girls, a U.S. Department of Justice report said.

Nearly three-quarters of the girls were in for violent crimes, including 21 per-

cent for assault, 33 percent for robbery and 9 percent for murder.

In Michigan, the youngest of the girls is Foster, who was a 14-year-old eighth-grader when a Saginaw County judge in July sentenced her to 4½ to 15 years in prison for armed robbery and conspiracy to rob. She had no prior criminal record.

Prison records show she has suffered depression since she was 12 and was hospitalized for psychological problems at age 13. She dropped out of school when she got pregnant.

By the time she reached prison, she had a 2-year-old daughter, who is being cared for by Foster's mother. At prison, she's shown interest in dental technician training, computer training and learning how to work in a restaurant.

She's also had trouble adjusting. She stole two pairs of pants from an inmate. She was found guilty of theft.

Since then, guards have written her at least four other major misconduct tickets,

including threatening to hurt Hill, the girl who had been caught having sex with a woman four months earlier.

Foster left the cell she was sharing with Hill in November and told a guard, "If I have to go back in that room, I will hurt her," according to a prison report.

She said Hill choked her the night before, but Foster was found guilty of making threats. A week later, Foster got in trouble again, for stealing Hill's socks.

Her appellate attorney, Debra Gutierrez, of the state Appellate Defender's Office, said she has met with Foster in prison. "She's having a lot of problems," she said. "I told her, 'I'm worried about you being there.' She told me, 'I'm worried about me being here.'"

Foster told Gutierrez she's fought off the sexual advances of a teen-age inmate, and that guards won't believe her story. Prison records mention nothing about the report.

"She's very, very sweet, very nice," Gutierrez said. "Some kids you meet, they're kind of tough. She's not at all."

She turned 15 in January.



“The problem is more than just with the kids. ... You’ve got almost 70 percent of the people in that system coming from 12 percent of the population. That tells me something’s wrong.”

THE REV. DAVID MAY
coordinator, Racial Justice Institute

PRISON Seeking a cause for numbers

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state.

The high percentage of blacks among young prisoners "tells me that the problem is more than just with the kids," said May.

He puts some blame on the system.

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Grand Rapids criminal defense lawyer John Beason, who is black, said he has watched his clientele grow younger in recent years, after the state passed laws making it possible to try younger juveniles as adults.

"I've seen a lot of young people go to prison for life, for 20 years," he said. "It saddens me that it's happened like this."

Most of his clients are black, and some face racism in court — prosecutors who keep blacks off juries; white jurors who don't understand black culture, Beason said.

"Just because kids wear their pants down low doesn't mean they're thugs," he said.

But mostly, he blames the kids, the streets and parents who aren't there.

"It's the pressure of the street, the 'got-to-have-it-now syndrome,'" he said. "They see these guys with Mercedes and Jags and all this money."

To cry racism is a catch phrase. I'm not saying blacks don't get treated unfairly in court, but things need to be fixed before they get to court. If the kid robs a Pizza Hut person, that's not racism," Beason said.

"The problem is that we, as an African-American community, have to pull together and figure what is going on here."

Across the country, the number of young blacks going to state prisons has grown since the mid-1980s.

In 1985, 53 percent of the 3,400 young prisoners sent to the nation's state prisons were black. That jumped to 62 percent of 5,100 prisoners in 1990 but dropped slightly in 1997 — 58 percent of 7,400 kids, according to a U.S. Department of Justice report released in February.

For every 10 violent offenders admitted under age 18 in 1997, six were black, two were white and two were Hispanic.

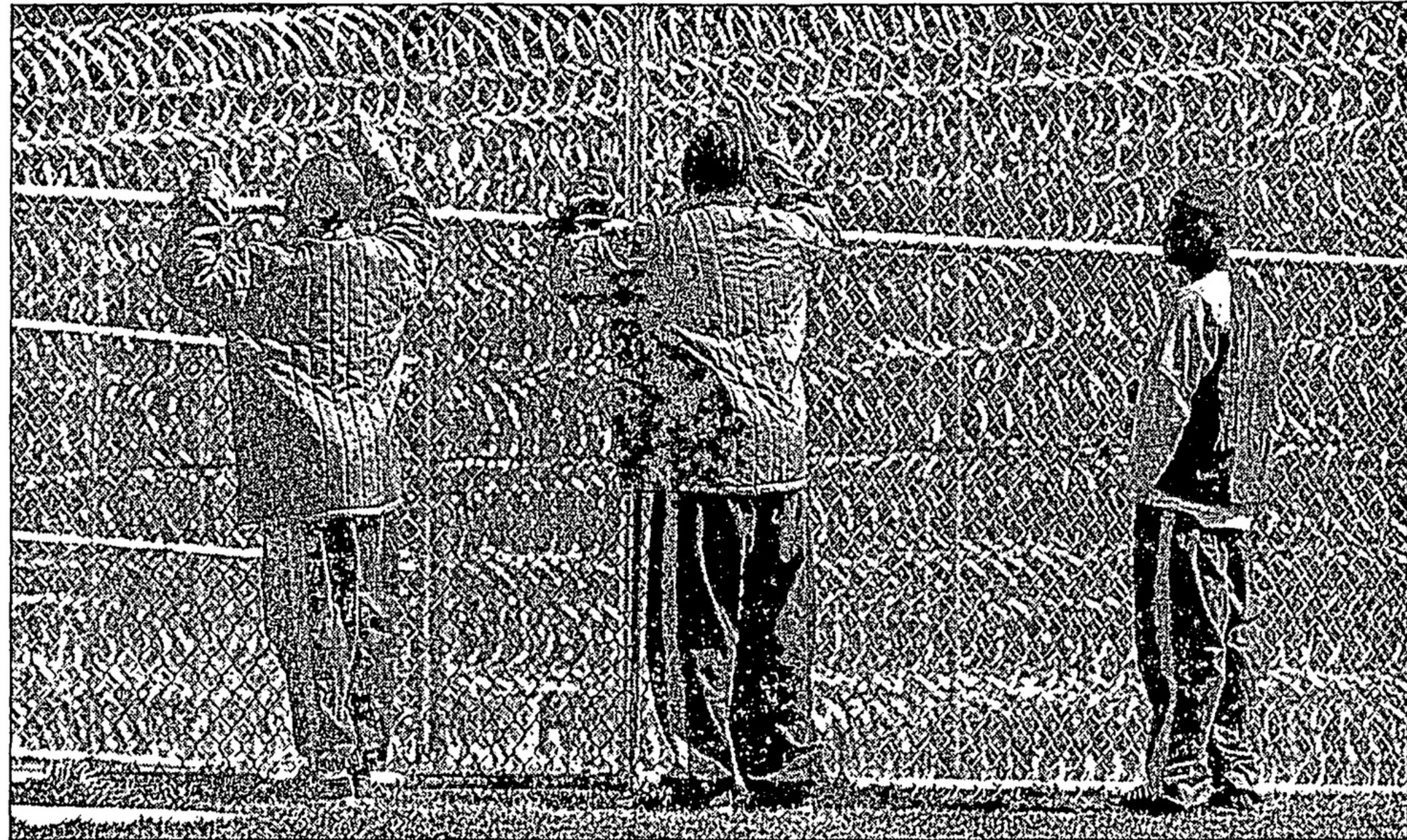
The percentage of white youths sent to prison fell from 32 to 21 percent in 1990 before climbing to 25 percent three years ago. Whites made up more than half of all youthful property offenders sent to prison in 1997.

Of the six juveniles from Kent County, five were in for robberies, and most were from the inner city of Grand Rapids. All six were automatically waived by the Kent County Prosecutor's Office into adult court.

There were no juveniles in the state prisons from Ottawa County at the end of last year.

Attorney Debra Gutierrez, who has represented juveniles for 11 years at the State Appellate Defender's Office, last year challenged the constitutionality of the state's automatic waiver law, which allows prosecutors to send kids directly to adult court.

One of her arguments was that prose-



PRESS PHOTO/CHRIS CLARK

Minorities make up a disproportionate share of the population at the "Punk Prison" outside Baldwin.



WILLIAM FORSYTH
Kent County prosecutor

cutors were quicker to waive minorities and children from poor families.

"It's my opinion that when prosecutors exercise their discretion that often the kids from the suburbs, a lot of white kids, don't get treated in the same fashion as minority kids," she said.

The state Court of Appeals denied the appeal.

Ronald C. Love, a black lawyer from Grand Rapids who's worked mostly with juveniles for nearly 20 years, said prosecutors are more inclined to send young blacks to adult court, and to prison, than whites.

"As a prosecutor, you've got a job to do. You've got to lock up a certain amount of people. Who you going to lock up, a black child or a white child? The whole mentality is lock 'em up, lock 'em up, lock 'em up. We're not here to help kids anymore."

Kent County Prosecutor William Forsyth said he doesn't "altogether disagree" with critics who say the automatic waiver law gives prosecutors too much power, but he said race plays no part in his deci-

sions.

"We don't keep statistics on race. We never have, and I never will," he said.

"We look at what the crime was. I think to me the important thing is you have to ask why these crimes are being committed and what can be done to address the underlying cause of these problems."

"What am I supposed to tell the victims of these crimes? A lot of the times the victims also are minorities. I can't charge this person because he's black or Hispanic or white?"

Zambon, the attorney for Dodson, said he has lost a half-dozen juveniles to the state prison system. All were minorities.

"I don't think it's the court system," he said. "I think the court system bends over backwards to be fair to everybody. I've had whites treated the same as blacks, and blacks treated the same as whites."

"Then again, I'm not a minority, so it's hard for me to empathize."

Clapp also said he's never encountered racism in Kent County courts.

"I'm white and maybe I'm not as sensitive to that, but I hope I am," he said. "I've been representing people of color all my life. I can't say I see prosecutors making a concerted effort to treat blacks worse."

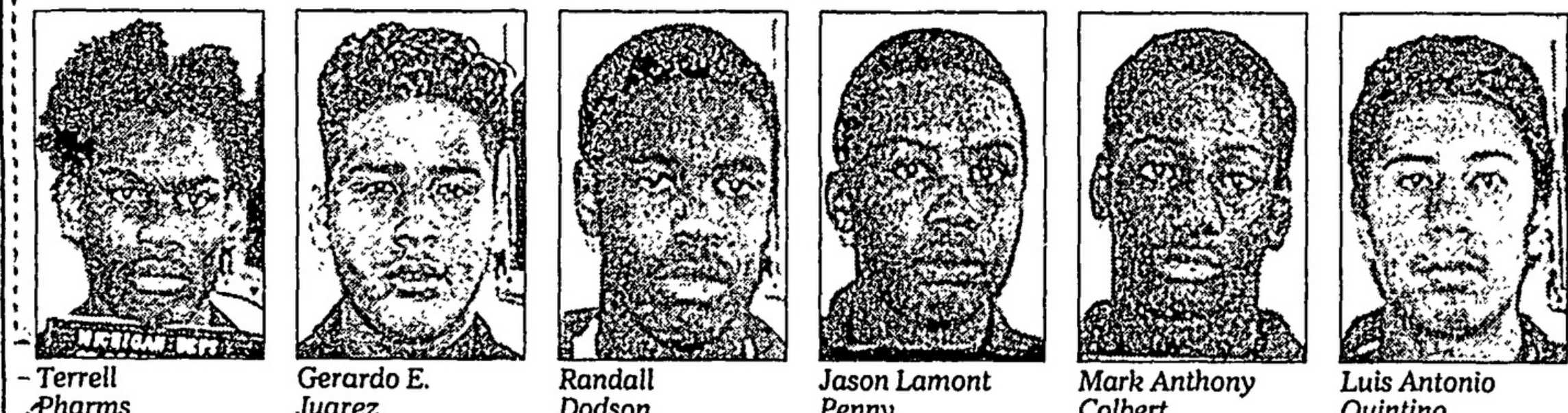
Some black leaders say the racism starts outside the courtroom, in the candy store where a clerk keeps a close eye on the black child in the aisles, with white passers-by who suspect groups of black boys must be gang members, with police who pull over black drivers for cracked tail lights.

"Young black males are easily identified and perceived as being someone to be feared," said Elaine Schott, a professor at Grand Valley State University's School of Social Work.

"If something happened, they probably did it. If they were arrested incorrectly, that's OK because they probably did something else. The thought is, 'This is a population that is to be feared. ... We must get them out of the way.'"

“I’m not saying blacks don’t get treated unfairly in court, but things need to be fixed before they get to court. If the kid robs a Pizza Hut person, that’s not racism. The problem is that we, as an African-American community, have to pull together and figure what is going on here.”

JOHN BEASON
defense attorney



The path to prison for six Kent youths

The Grand Rapids Press

Of the six Kent County juveniles in state prisons at the end of last year, four were black and two were Hispanic, prison record shows.

Here's how they got there:

■ Terrell Pharms was 15 when he and a friend armed themselves with handguns in May 1998 and stole bikes from young boys in the 1000 block of Worden Street SE. His long juvenile record included working with friends to kidnap a woman and steal her 1990 Range Rover when he was 13.

Kent County Juvenile Court placed him on its Day Treatment-Night Watch program — where kids go to school and counseling during the day and are at home at night and being checked on by surveillance officers. Later, the court sent him to a home for boys, but nothing worked.

At age 14, a juvenile judge waived him to adult court after he was caught in a stolen 1988 Chrysler LeBaron. Circuit Judge Dennis Kolenda sentenced him to probation and county jail time.

He was awaiting sentencing for the stolen car when he stole the bikes at gunpoint. For that, Kolenda sent him to prison for two to 25 years, with an extra two years for using a gun.

■ Gerardo E. Juarez was 14, an eighth-grader, in December 1997 when he pushed a silver handgun into the side of a man's head in a car parked outside the Arnie's Restaurant on Leonard Street NW in Grand Rapids and tried to rob him. The man had no money, so Juarez and his 15-year-old accomplice left empty-handed. Two months before this, a juvenile court judge had sent him home to his father's home pending punishment for violating curfew, spray-painting graffiti on a garage and breaking into a car.

Kolenda sentenced him to 18 months to 10 years for the attempted robbery and two extra years for using the gun.

■ Randall Dodson, 16, was armed with a .22-caliber handgun and fired a shot into the air as he robbed a man of his

stereo equipment in Wyoming. The boy had no prior record.

Kent County Circuit Judge David Soet sent him to prison for 21 months to 10 years, plus two years for the gun.

■ Jason Lamont Penny was 15 when he was accused of arming himself with a pipe and, with friends, robbing a Pizza Hut delivery man of \$35 in August 1998 on Henry Street SE in Grand Rapids. While in detention, he tried to stab three juvenile court workers with a pen.

His juvenile record included damaging a violin belonging to a school, a curfew violation and breaking into a home. He was waiting for a juvenile judge to decide his fate in those cases when he pulled the robbery.

Then Kent County Circuit Judge Robert Benson sentenced him to probation and a year in the county jail, but Penny violated probation, and the judge hit him with prison: five to 15 years.

■ Mark Anthony Colbert was 15 in December 1998 when he threatened a Pizza Hut driver with a BB gun and robbed her of five pizzas, a pizza warmer and \$27 in cash on Colorado Avenue SE, not far from Hall Street and Kalamazoo Avenue. His only other brush with the law was earlier that year, when he damaged a neighbor's home and broke into her garage. For that, a juvenile judge placed him on probation and ordered him and his mother to counseling.

Kent County Circuit Judge Donald Johnston sent him to prison for three to 50 years for the robbery.

■ Luis Antonio Quintino had no juvenile record when, at the age of 15, he and others drove by a home in the 900 block of Caulfield Avenue SW and opened fire in September 1998. Four people on the porch were shot and injured. One shot skinned the head of a girl on the porch.

Quintino was armed with an Ithaca semi-automatic, double-barrel, 12-gauge shotgun, but he denied firing it. He said he was drunk.

He pleaded guilty to assault less than murder and was sentenced by Benson to one to 10 years in prison, with an extra two years for using a gun.