

EXPERIENCES AND CRITIQUES OF MASS INCARCERATION FROM THE UNITED STATES

The Child is Prey *
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Child offenders who enter adult prison while they are still below the age of eighteen are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and fifty percent more likely to be attacked with a weapon than minors in juvenile facilities.

– *THE REST OF THEIR LIVES*
Human Rights Watch, 2005, p. 73.

In junior high school, my blonde hair, slender build, and boyish good looks made me fairly popular. But when, at 15-years-old, I was thrust into one of Michigan’s adult prisons, these same characteristics became a liability.

I had heard sometimes of what can happen to a kid in prison. My young age and appearance made me particularly susceptible to predation. Needing to be insulated from the predatory prisoners, it was determined that I could not be housed in general population. Instead, I would be placed in a protective custody unit at Riverside Correctional Facility (RCF). There, I was told, I would be safe until such times as I learned how to ‘jail’, a term that meant nothing to me at the time.

Each day of my early incarceration was spent contending with hungry looks and suggestive remarks. Even in protection the majority of the adults I had contact with regarded me with some degree of sexual interest. To them I was young, fresh and unspoiled. This, and the fact that I was slim, blonde and by some standards, pretty, made me a target. And not only by other prisoners.

Not everyone in my protective unit was at-risk like I was. Some were there for ratting and others locked up claiming to need protection as a means to get close to more at-risk prisoners – like me. It was my misfortune to have one of these prisoners befriend me shortly after my arrival.

John G. was serving a 10-year sentence for murder. From the start we seemed to share a coincidentally similar outlook and began hanging out. My housing unit operated nearly independent from the rest of the facility, so John and I did spend most of our day together. Where a lone prisoner is

often a target for predation, I quickly learned that two together rarely faced the same difficulties. So having a buddy was like taking out an insurance policy, and I had, in my naïve wisdom, come to trust John.

One of John's habits was keeping tabs on the homosexuals around the unit, including what, and whom, they were doing. One thing that I quickly became more or less inured to was the presence of homosexuals. It was commonplace to see sexual activity between men in that place, and while it was not for me, it had become a fact of everyday life. Therefore, John's preoccupation with this facet of life was not overly disturbing.

Yet his conversations gradually became less general and more specific, until he began making innuendos. At first I thought this talk was just for fun, "slipping" we called it. But before long he came right out and told me that he had found me "pretty".

I was young, inexperienced and unsure what to do. So I simply told John that I did not want anything more to do with him. He dogged my every step, providing a constant barrage of verbal harassment that was his attempt to wear down my resistance.

I was trying hard to stay out of trouble. At that point in my incarceration or 'bit', I did not understand that situations like this needed to be handled. They do not just go away with time. In prison, the accepted way to handle problems of this sort is with force. If someone pushes you, you push back – but harder. When saying no, it helps to emphasize your point by dotting an eye or bruising a jaw. Pain is, after all, an effective deterrent. However, I did not know this was the accepted way of handling these matters and since that type of response was not forthcoming, John kept it up.

It ended badly. One evening, after he had tired of the pursuit, John forced his way into my cell. There was no choice left to me but to fight. I fought him after he inflicted a bite wound to my stomach that I carried as a daily reminder for the next ten years. And I fought him even after he broke my jaw, but eventually my resistance came to an end when John pulled a knife and held it to my throat. With this very real threat, he forced me to drop my pants. What happened next was pure humiliation. John performed oral sex on me while the knife was held first at my throat and then next to my penis as I finished. This experience was marked by fear, embarrassment, confusion and anger. I was 16-years-old and had never had sex.

I survived the encounter. When I realized that something was seriously wrong with my jaw, I knew I had to go to health care. John had a cut over

his eye, and used that as an excuse to go with me. Yet his real reason was to stay nearby in case I had thoughts of ratting him out.

When the nurse asked me what had happened, I told her that I had slipped on a bar of soap in the shower. That was the standard – though tongue in cheek – excuse a prisoner used to explain an injury without implicating anyone else, as dictated by the “code”. It earned me a knowing, but sympathetic look.

I could have reported John and, as young as I was, I have to admit that I was tempted. However, the thought that prevented me from taking that route was the fact that I had a long bit to do and I was not going to be able to survive if I made a name for myself as a rat.

While I knew a reckoning was in order, first I had to heal. During those weeks John continued to stalk me. He made several attempts to engage me in conversation, but I ignored him as best I could. For the most part I went about my business, mindful that an altercation with a broken jaw could prove very damaging. Fortunately that healed quickly, as children often do, and by the time I was in the clear I had had enough of John’s taunting and whispered threats of a “repeat” performance.

And it was not only his presence that I had to contend with at the time. I had taken a life. I was guilty. The court had sent me away for life, a sentence that carried with it the onus that I was not worth trying to save – I was a boy beyond rehabilitative help. I was in this place to be punished and rape was definitely a form of that.

My sentence said clearly that I was a bad person. On some level I believed that were I to report that attack it would have been like saying I did not deserve punishment. But in fact I did, maybe this and worse. After all, unlike my victim, I was still alive.

When my chance came, I was ready. John had been following me down the hallway, keeping up a running dialogue with himself wherein I was the principal actor in a theatre of perversity. This is what my lack of response had led him to. It was like he was building himself up for the big event, like a man who drinks for courage. The advice my mother gave me as a kid to “ignore” whatever I did not like had no place here. Nothing I was taught as a child had ever prepared me for life under these rules.

When we entered the dayroom, it all came unglued. John moved behind me and pushed me in the back, propelling me within. There was a crowd of other prisoners around to watch. That meant I could not walk away. To do so

would brand me a coward and an easy mark, fodder for anyone's predation. There was only one path open to me if I were able to survive in this hellish place – I had to fight once again. So I turned up and confronted John.

He rushed me and we went down in a tangle of limbs. At that time I had not much fighting experience, but what I did have was a background in freestyle wrestling. Those hours spent in the gym at school all came back to me then and I used them to full advantage. I fought for leverage, suffering several blows from my older, larger attacker before succeeding in pinning John's arms beneath my knees, effectively immobilizing him – to his shock and to the surprise of the growing crowd.

I was not thinking about getting into trouble and I was not thinking about the dozen witnesses who provided me with an opportunity to make my bones. Nor was I thinking about how after this I would be treated with a new respect, how John would not bother me again, or even how I would no longer be looked at as though I was somebody's dinner. I was only vaguely aware of these considerations. At that moment my thoughts were more narrowly defined: revenge for the personal assault John had inflicted on me was what drove me as I beat my assailant with my fists, pummeling his face while he looked up at me in shock, disbelief and pain.

The noise and commotion quickly drew the attention of the unit officer, and before I felt satisfied with the result, my ankle was grabbed and I was dragged unceremoniously off John. One of the housing unit officers had crawled beneath the ping-pong table – where somehow our fight had led us – to end it.

I had done what was necessary – I had stood up for myself, proving that I was not to be a victim. It was a rite of passage, a test that I had passed. Yet even as I exacted my revenge, I felt a sense of sickness over the lengths I had to go to protect myself. Was this what my new life was going to be like? Would I have to fight all the time to protect myself? It was much a different world from the one I had grown up in where playground disputes did not include knives or rape.

John never bothered me again after that. And since so many others had witnessed the altercation, had seen how willing I was to defend myself against an older, larger opponent, it was several months before I had any more problems. I had earned my respect by standing up to John and not by ratting afterwards.

As early as 1983, Michigan Department of Corrections professionals, people such as Dr. Houseworth who testified at my trial, understood that children housed within adult penal facilities are at greater risk than adults. They also understood that their solution to this problem, a protective housing environment, was not adequate to safeguard these children. Yet it would be more than 20 years before the system in Michigan would be changed to recognize the special needs of the children entrusted to its care. How many of the roughly 375 children the State of Michigan has incarcerated for life over the years have had similar experiences?

As to the question of whether I deserved such treatment as a form of punishment for the life I had taken, it was years before I worked out the answer. “No”. In contemporary society, such punishment is considered immoral and unjust. And “yes”. In a society where morality is increasingly being seen as something to be legislated, a clear message is sent by a system that is aware of a harmful condition yet allows it to exist: to the guilty go their just desserts.

In the end, I determined that the question is not one that may be answered from the outside. Each of us must look within and discover for ourselves whether we deserve punishment for our indiscretions. Now, after serving 30 years, I can say with confidence that I have paid my debt. So today, my answer is “no”.

ENDNOTE

- * Editors’ note: Life without the possibility of parole (LWOP) is the most severe sentence that convicted youth may receive in the United States. Forty-two states have the option of sentencing convicted youth to LWOP, and fourteen are unrestricted by a minimum age at which the sentence may be imposed (Kubiak and Allen, 2011). The United States is the *only* country in the world that permits the transfer of youth cases from juvenile to adult courts where they may receive an LWOP sentence. There are approximately 2,500 youth currently serving LWOP sentences across the United States, resulting in more years and a greater proportion of their lives spent incarcerated (Greene and Evelo, 2013). Sentencing convicted youth to LWOP is inhumane, as children are a particularly vulnerable group that are still developing physically, mentally, and emotionally, and require special care and protection (Park and Berger, 2005).

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ABOUT THE AUTHOR

In 1983, at fifteen years old, *Jerry Lashuay* was tried as an adult for first degree murder and sentenced to life without the possibility of parole. In the 31 years since his incarceration, Jerry has earned two academic degrees and several technical certificates. In 2007, he created Juveniles Against Incarceration for Life (JAIL), an advocacy group that publishes the personal accounts of juvenile prisoners in Michigan.