

LEARNING COMPANION

FOR STUDENTS, TEACHERS AND EVERYONE WHO WANTS TO LEARN

FROM DIRECTOR AVA DUVERNAY

WHEN THEY SEE US





WHEN THEY SEE US

LEARNING COMPANION: TABLE OF CONTENTS

INTRODUCTION/OVERVIEW	2	EPISODE TWO - Lesson Plan	32	EPISODE FOUR - Lesson Plan	64	The 5th Amendment	85
Using This Learning Companion	4	Key Themes: Criminalization and Inequity	33	Key Themes: Criminalization and Justice	65	What is it?	85
Setting the Stage for the Series	6	Lesson Objectives	33	Lesson Objectives	65	How does it impact you?	85
Background, Setting, Context and Storyline	7	Episode Two Recap	36	Episode Four Recap	68	The 14th Amendment	86
Criminalization and Inequity	8	Activity One: Justice: Juvenile Or Criminal?	37	Activity One: Criminal Justice: “Broken” By Design	69	What is it and what was the intention?	86
Power and Positionality	10	Activity Two: The Message In The Music	42	Activity Two: “Writing” The Wrongs — A Lesson In Advocacy	74	What are some of the implications?	87
Rights and Justice	12	EPISODE THREE - Lesson Plan	48	APPENDIX - Additional resources, activities and guided questions	82	Racial Trauma and Viewing WHEN THEY SEE US	88
Humanity	14	Key Themes: Positionality and Humanity	49			Additional Discussion Questions	90
EPISODE ONE - Lesson Plan	16	Lesson Objectives	49	Rights Violations and the Road to Mass Incarceration	82	Bonus Lesson Plans	94
Key Themes: Rights, Power and Humanity	17	Episode Three Recap	52	The 4th Amendment	84	Cinematic Deep Dive	95
Lesson Objectives	17	Activity One: A Walk In Their Shoes — Ongoing Impact Of Incarceration	53	What is it?	84	Close Viewing	99
Episode One Recap	20	Activity Two: Family Affair — How Incarceration Can Damage Families And Communities For Generations	58	How does it impact you?	84	Bios: The Exonerated Five	100
Activity One: Do You Know Your Rights?	21					Clips, Stills and Quotes	102
Activity Two: Bringing Minor Characters To Life	26					Creator, Co-writer, Director	108

Director Ava DuVernay and Jharrel Jerome, who portrays Korey Wise, prepare for a scene in the second episode of WHEN THEY SEE US.

WHEN THEY SEE US



“My goal when making **WHEN THEY SEE US** was to create a project that could be a catalyst for conversation and change. Entertainment serves many purposes and the mission was to create something that might move us into action while challenging us to evaluate why we believe what we believe.”

— Ava DuVernay, Filmmaker

WHEN THEY SEE US tells the harrowing story of New York’s Exonerated Five. A film in four parts, the series chronicles the wrongful arrest and incarceration of teenagers Antron McCray, Kevin Richardson, Yusef Salaam, Raymond Santana Jr. and Korey Wise. It explores how the five innocent teens were prejudged as guilty by a powerful criminal justice machine and examines how The Exonerated Five, their families and communities were rendered powerless against a biased criminal justice system, coercive police interrogation practices and sensationalist media coverage.

The film is a commentary on long-standing institutions and systems within the United States that were built to oppress and control citizens. These institutions and systems falsely accuse and wrongly persecute vulnerable citizens and their communities. They have created long-lasting and far-reaching implications for physical, emotional, financial and psychological safety.

In 1989, The Exonerated Five — seventh- and eighth-

grade students of color from Harlem — were wrongfully arrested and incarcerated for the rape and beating of Patricia Meili, a white female jogger in Manhattan’s Central Park. This four-part series, directed by Ava DuVernay, tells the story of The Exonerated Five for the first time from the perspective of the innocent teenagers and their families.

Although no fingerprints, DNA nor other physical evidence ever confirmed the teenagers were guilty of the brutal crime, all five were sentenced to between five and 15 years in prison and juvenile detention centers. As The Exonerated Five have described in their civil lawsuit, the city’s detectives coerced them into giving false confessions and statements. In 2002 — 13 years after the crime — DNA evidence and a confession from the lone attacker, Matias Reyes, proved their innocence.

New York City vacated the convictions of the young men, and they were all fully exonerated. In 2014, The Exonerated Five settled with the city for an unprecedented \$41 million.

USING THIS LEARNING COMPANION



**“And for everyone who says it’s ‘hard to watch,’
think about the people who still find it ‘hard to live.’”**

— Oprah Winfrey, Executive Producer, WHEN THEY SEE US

This learning companion has been developed to deepen the conversation and inspire personal action after viewing WHEN THEY SEE US.

Each section of the learning companion contains:

- Episodic Themes
- Episode Recap
- Objectives and Key Points
- Essential Questions
- Classroom Activities
- Resources for Self-Reflection and Deeper Learning

Participants will be encouraged to:

- Explore systemic injustice
- Reflect on individual, institutional and systemic practices
- Take action to change themselves, institutions and systems

WHEN THEY SEE US has been called “painful” to watch. It is. The unfortunate story of The Exonerated Five is not an anomaly. Their story is our story — one of many similar stories in the history of black and brown people in the United States of America.

We know that some users may not watch each episode in order, or even watch each episode. This choice could be due to time constraints and interest. It also could be the trauma — or relived trauma — brought on by watching the series. Because of this, we have included additional resources aligned with the themes of the series in the Appendices. They offer participants alternative materials to read or view, while still participating in the goals of exploring, reflecting and taking action.

We hope the stories of The Exonerated Five inspire participants to do the work necessary to make “liberty and justice for all” true for everyone.

SETTING THE STAGE FOR THE SERIES



“New York in the spring of 1989 was a city of jangling nerves and rising fears. Crack was blighting whole families and neighborhoods. Violent-crime rates were rising for the third straight year, and homicides would set a record. On Wall Street, the mergers-and-acquisitions bubble was giving way to corporate scandals. A new buzzword, underclass, was emerging as the label for the seemingly intractable urban pathology spawned by poverty.”

— *New York Magazine*, “Central Park Revisited”, October 21, 2002



BACKGROUND, SETTING, CONTEXT AND STORYLINE

In the late 1980s, anxiety gripped New York City. In 1989, *The New York Times* reported 837 murders, 1,600 rapes, more than 43,000 robberies and 34,000 felony assaults in the city. Crime rates spiked because of the crack cocaine epidemic, high unemployment, labor strikes and a severely understaffed police force. As citizens and elected officials fought daily to reclaim a sense of safety and economic security, Brooklyn’s 75th Precinct displayed a clipboard reading, “You give us 22 minutes, we’ll give you a homicide.”

New York’s Central Park — bordered by Harlem on the north — was considered unsafe, especially at night, during this time. The media depicted the park as a menacing place overrun by criminals and drug addicts. Additionally, local news outlets covered crime in Central Park disproportionately, reinforcing its negative public perception. Harlem did not escape undue scrutiny, cast as a hotbed of criminal activity. Crimes and alleged crimes committed by people of color were reported with vigor. These practices further flamed racial tensions, resulting in calls for more oppressive policing and pressure for more significant judicial sentencing.

Such were the conditions and climate on April 19, 1989, when a brutal crime was committed. Then known as “The Central Park Jogger Case,” the crime was allegedly perpetrated by “The Central Park Five.” As the weeks, months and years unfolded, the events of that day would forever change the lives of teenagers Kevin, Yusef, Raymond, Antron and Korey.

Each episode of WHEN THEY SEE US presents an in-depth view of the stories of the five teens from their point of view.

In telling the story from the point of view of The Exonerated Five, WHEN THEY SEE US dramatizes events as recalled by the Five and alleged in their federal civil rights lawsuit against the City of New York and New York law enforcement authorities. Notwithstanding the allegations and settlement of that lawsuit, some of the authorities continue to deny that the confessions were coerced.

EPISODE ONE explores how the arrest and interrogation process denied The Exonerated Five their rights and humanity.

EPISODE TWO examines how inequities and limited access to resources affected their ability to mount a defense.

EPISODE THREE uncovers the many ways their imprisonment harmed their families and communities.

EPISODE FOUR chronicles the hardships inherent in the prison, parole and reentry systems.

The episodes highlight the devastating effects of wrongful incarceration and underscore the unjust systems and structures that make such overt brutality in America possible.

CRIMINALIZATION AND INEQUITY



“A lot of people didn’t do their jobs. Reporters, police, prosecutors, defense lawyers — this was a proxy war being fought and these young men were the proxies for all kinds of other agendas ... And the truth and the reality and justice were not part of it.”

— Jim Dwyer, *The New York Times*

The crimes for which The Exonerated Five were unjustly convicted were some of the most widely sensationalized and publicized crimes of the 1980s. A sacred principle of American criminal law provides that a defendant — a person charged with a crime — is innocent until proven guilty. The prosecutor — an attorney who represents the state — must prove beyond a reasonable doubt that the defendant is guilty of each element of the crime.

WHEN THEY SEE US illuminates a dangerous inequity in the United States criminal justice system. Often this disregard comes in the form of criminalization, in which poor people and people of color are not guaranteed the presumption of innocence. Historically, poor people and people of color are more likely to be considered guilty, and race and socioeconomic status are significant factors for how an accused person successfully navigates the justice system. The U.S. Department of Justice reports

the imprisonment rate for sentenced black males in 2017 (2,336 per 100,000 black male U.S. residents) was almost six times that of sentenced white males (397 per 100,000 white male U.S. residents).

The Exonerated Five and their families faced a cold, formidable system that:

1. Did not allow parents to witness the questioning of their children ages 14 to 16
2. Gave police leeway to question children for multiple hours without parental presence or legal representation
3. Allowed — and still allows — police to lie to criminal suspects

Shifts in policing, prosecution and sentencing explain the disproportionate incarceration of people of color, not trends in crime, according to a report from the Stanford Center on Poverty and Inequality. “The prevalence of imprisonment in the Black community is nothing short of extraordinary,” says Professor Nina Moore. “Roughly one out of every five Black persons is projected to go to prison at some point of his or her life.”

Even after Matias Reyes, a serial rapist serving a life sentence in prison, confessed to raping and assaulting Patricia Meili in Central Park (his DNA matched the DNA evidence from the crime scene), many in law enforcement and the media had a hard time believing that The Exonerated Five were not the monsters they were fictionalized to be.



POWER AND POSITIONALITY

Power is most easily defined as the ability to govern or control the behavior of others or the course of events. Power is neither positive nor negative. How people and institutions use power determines if outcomes are negative or positive.

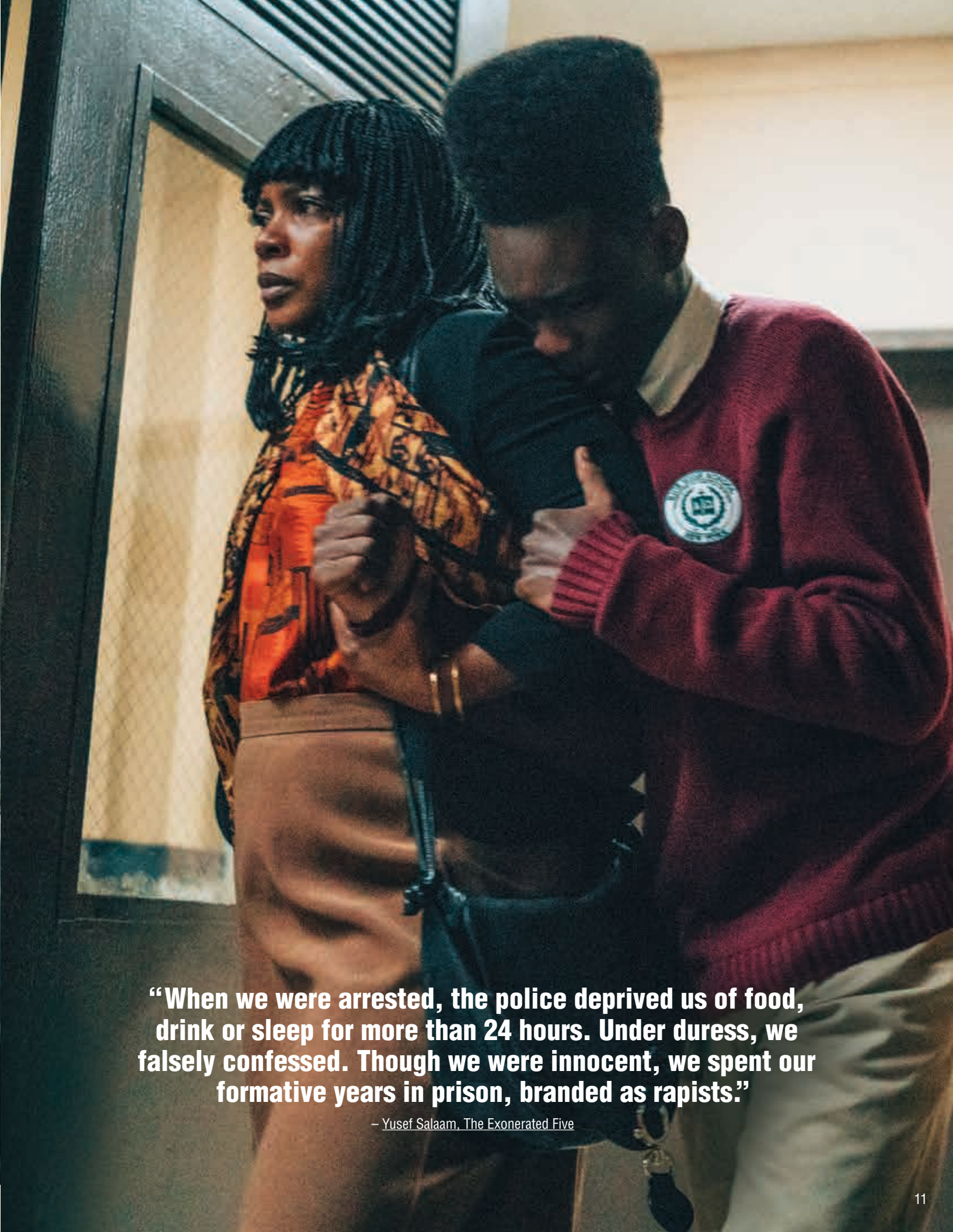
Positionality refers to social and political factors that inform and create identity. It encompasses markers like race or gender as well as economic class, espoused values and political or religious ideology. Positionality determines how we receive information or events, and how we respond to or react to people.

Those in law enforcement (police, detectives and the FBI) and members of the judicial branch of government (prosecutors, judges and defense attorneys) are charged with upholding and enforcing the law to promote safety. These responsibilities imbue them with discretionary power in decision-making. What can become problematic

is that the letter of the law is interpreted by persons whose positionality has the potential to affect the degree to which laws are enforced with equity. Additionally, they operate within a system that was not designed to value and protect all citizens equally.

In fact, according to a brief published by New York’s Vera Institute of Justice, “Racial disparities in the criminal justice system are no accident, but rather are rooted in a history of oppression and discriminatory decision making that have deliberately targeted Black people and helped create an inaccurate picture of crime that deceptively links them with criminality.”

WHEN THEY SEE US explores the unethical nature of the broken — yet powerful — U.S. criminal justice system. The film uncovers how power and positionality have made the system unjust.



“When we were arrested, the police deprived us of food, drink or sleep for more than 24 hours. Under duress, we falsely confessed. Though we were innocent, we spent our formative years in prison, branded as rapists.”

– Yusef Salaam, The Exonerated Five

RIGHTS AND JUSTICE

“We were just kids. People don’t realize really how young we were...We were just 14-years-old. They took it all from us.”

– [Kevin Richardson, The Exonerated Five](#)

The U.S. Constitution guarantees all citizens certain individual rights which include the presumption of innocence until proven guilty and a minor’s right to parental presence while questioning. The story of The Exonerated Five illustrates what happens when justice is thwarted and constitutional rights are denied. It is clear that The Exonerated Five were never presumed innocent. The Exonerated Five recount that investigators used forceful and threatening questioning tactics focused on the teens as a group without any physical evidence tying them to the crime.

The jogger, Patricia Meili, was a 28-year-old Manhattan resident who worked as an investment banker. She lived on the Upper East Side, a neighborhood that was overwhelmingly wealthy and white. The Exonerated Five all lived in Harlem. All five teens were in Central Park on the night of April 19, 1989, when they joined more teens from their neighborhood to hang out in the park. Ms. Meili was on her usual recreational run through the park when

she was brutally attacked, beaten and raped.

Several other crimes and assaults happened in the park that night, including some by older teens from Harlem who entered the park with The Exonerated Five. It was a perfect recipe for a media frenzy: the race of the victim and of the alleged perpetrators, the city’s approach to policing,



the public perception of rising crime rates and the political and social climate of the era. These ingredients combined to create a volatile situation ripe for sensational, exploitive headlines. The media immediately cast The Exonerated Five as animals. They branded them a “Wolf Pack” and Ms. Meili their prey. In the court of public opinion, all this further dehumanized the youth and conveyed the appearance of guilt by proximity.

As alleged in the civil rights lawsuit brought by The Exonerated Five, the authorities violated the constitutional rights of the teens and their families, by failing to adhere to the protections granted under the 4th, 5th and 14th Amendments, leading to the five teens giving false statements and confessing to a crime they did not commit.

While it is essential to understand this case, the case must also become a resource that sheds light on how instances of injustice can be prevented. This series is a necessary calibration instrument in the fight for equity and justice.

The push for justice and dismantling of a biased system is only possible when the Constitution is interrogated and examined intensely by those most likely to suffer constitutional abuses. When an individual has sufficient knowledge of their rights, they regain the power to defend themselves and demand what should be guaranteed.





“There is that great proverb —
that until the lions have their own
historians, the history of the hunt
will always glorify the hunter.”

– Chinua Achebe, *The Paris Review*, 1994

Throughout human history, there are painful stories of dehumanization. This dehumanization can happen through words and it can be physical. WHEN THEY SEE US humanizes The Exonerated Five, amplifying their collective voice through storytelling.

The moniker or pseudonym “‘Central Park Five’ felt like something that had been put upon the real men by the press, by the prosecutors, by the police,” DuVernay notes. “It took away their faces, it took away their families, it took away their pulses and beating hearts. It dehumanized them. They are Yusef, Antron, Kevin, Raymond and Korey. Those are their names and we need to know them and say their names.”

When people dehumanize others, they no longer experience distress when they mistreat nameless, faceless victims. Instead of rehashing the mainstream dehumanization of the “Central Park Five” which erased the boys’ real names, faces and truths, this series positions the teens as the owners and agents of their narrative, showing how youth of color are forced to navigate a world where their humanity is often denied and their innocence disrupted by biases that age them well before their time.

From the moment the New York City police rounded up The Exonerated Five, it was clear that law enforcement never saw them as humans, deserving of rights or valued voices... As The Exonerated Five related in their civil rights

suit, the authorities deprived them of food and water and conducted interviews without their parents or legal counsel present; they subjected The Exonerated Five to physical and psychological violence and silenced their voices by crafting false narratives, then placing those narratives in their mouths and distributing them to the community using mainstream media.



EPISODE ONE - LESSON PLAN

“These were five kids who we tormented, we falsely accused, we pilloried in the press, we attacked, we invented phrases for the imagined crimes that we’re accusing them of, and then we put them in jail. We falsely convicted them and when the evidence turned out that they were innocent and they were released, we gave a modest nod to fairness and we walked away from our crime.”

– Craig Steven Wilder, Historian

TEACHER AND GROUP LEADER INSTRUCTIONS:

KEY THEMES:

RIGHTS, POWER AND HUMANITY

- The criminal justice system sometimes strips people of the very rights afforded to them under the U.S. Constitution, disproportionately targeting poor people and people of color.
- Families can assert their power when they learn the ins and outs of America’s criminal justice system.
- Bias by the media is real and tangible. Racial bias in reporting is dehumanizing.

LESSON OBJECTIVES:
At The End Of These Lessons
Participants Will Be Able To:

KEY POINTS

1.

Analyze their understanding of individual rights before and after watching Episode One.

The Constitution guarantees all citizens certain individual rights which include the presumption of innocence until proven guilty and a minor’s right to parental presence while questioning. Citizens should know their rights and how to exercise them. What do you know now that you didn’t know before watching WHEN THEY SEE US?

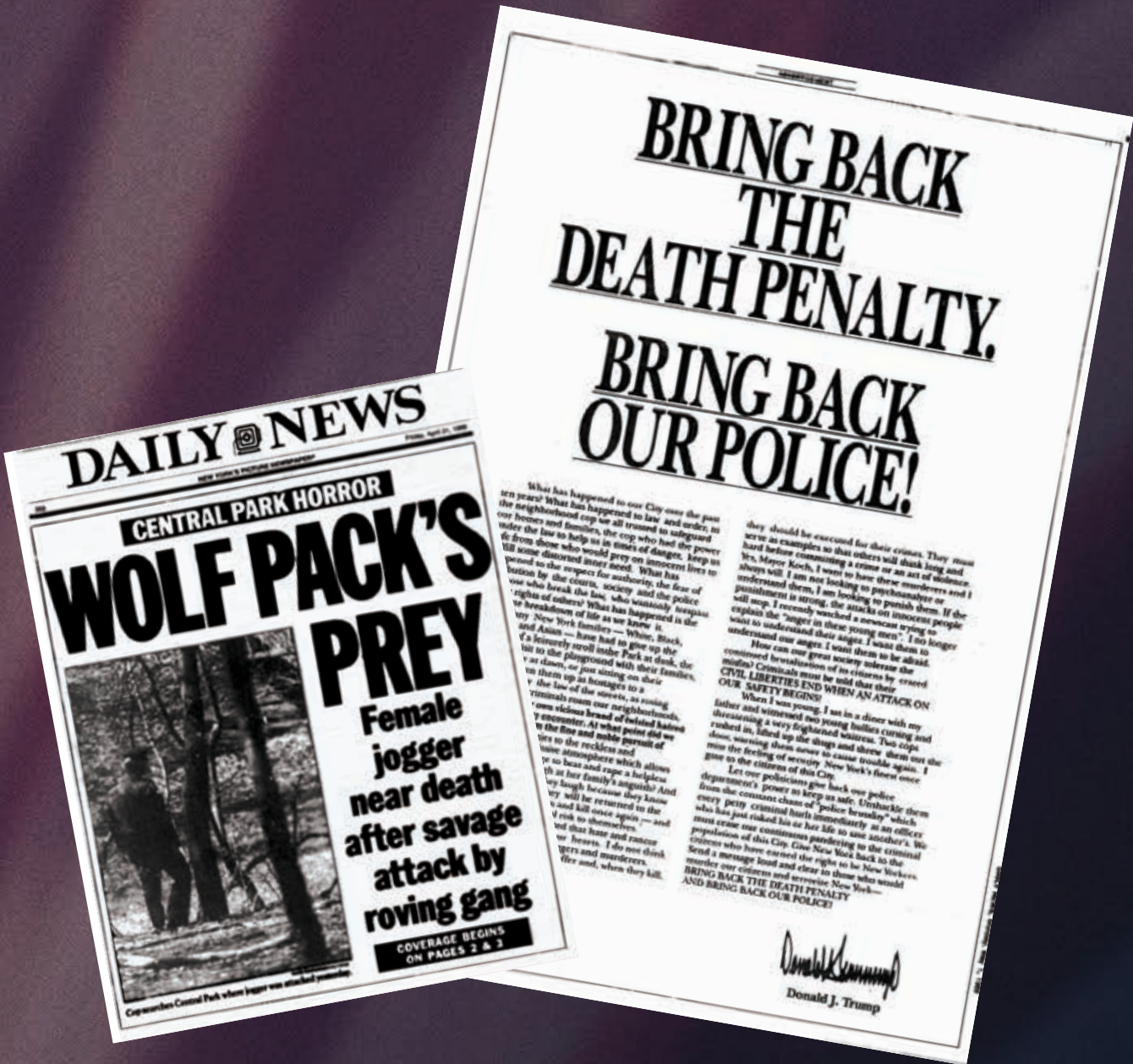
2.

Evaluate the role of the media during early coverage of the case, and learn how to detect media bias.

Sometimes in a frenzy to report and in response to the anxieties of the time, the media exudes racial bias that influences how the public perceives the innocence and guilt of individuals. This public perception greatly impacted the cases of The Exonerated Five.

“We all got a role in the movement, don’t we? If we make it to the promised land, free drinks are on me.”

– Keno Evol, Poet, “If We Make It To The Promised Land”



EPISODE ONE

“And so it became a huge story in New York City. It caught fire and became a huge national story and really a lightning rod for a lot of politicized rhetoric at the time, calling for the death, calling for the lynching — Pat Buchanan called for their public lynching — calling for the criminalization not just of these boys, but for all boys who were thought to be ‘wilding,’ which we know is a manufactured word, thought to be ‘superpredators,’ which we know is another manufactured word. And so this created this whole toxic environment that, you know, then had real-world effects in terms of the way that we see Black and Brown people in this country, particularly boys, and particularly around issues of criminality.”

— Ava DuVernay, Filmmaker



EPISODE ONE: **RECAP**

Episode One of **WHEN THEY SEE US** begins in Harlem on April 19, 1989. It is a warm spring evening when teenagers Antron McCray, Kevin Richardson, Korey Wise, Raymond Santana Jr. and Yusef Salaam decide to hang out with friends and neighbors in New York’s Central Park. The night and days that follow take a surreal turn when all five teens are arrested, interrogated and, as they have recounted, coerced into confessing to the vicious attack of Patricia Meili in the park.



Activity One: **DO YOU KNOW YOUR RIGHTS?**

Objective:

Analyze your understanding of individual rights before and after watching Episode One of **WHEN THEY SEE US**.

Participants will evaluate their knowledge about their legal rights in a variety of situations.

Time:

Prepare to spend up to 45 minutes on this activity.

Ideal Setting:

Do You Know Your Rights? works well in both individual and group settings. The activity can be done in a casual environment or a structured classroom. It can also be used as an assignment completed outside of class and shared at a later time.

Materials:

Use the prompts and chart below, along with the corresponding links of resources to support further understanding of participant’s rights as guaranteed by the U.S. Constitution.

When an individual has sufficient knowledge of their rights, they regain the power to defend themselves and demand what should be guaranteed. When law enforcement personnel actively choose to ignore the constitutional rights of teens and their families, they fail to adhere to the protections granted under the 4th, 5th and 14th Amendments. (see pages 84-87) This activity ensures participants know their rights as guaranteed by the Constitution.



EPISODE ONE: REFLECTION QUESTIONS

What are your individual rights?
Have they ever been violated?

How is music a critical element in the series?
How does it enrich the stories and what effect does it have for the viewer?

Have you ever felt invisible, like your humanity was not seen?



“My hope is that WHEN THEY SEE US invites you to think about the overall criminal justice system and all of the people ensnared within it, to think about the millions of cases that are not dissimilar in many ways from what was experienced by Kevin, Yusef, Raymond, Antron and Korey.”

– Ava DuVernay, Filmmaker

CLASS DISCUSSION:

The American Civil Liberties Union (ACLU) offers clear guidance for citizens on their rights when interacting with law enforcement. Use the questions below to guide participants in a discussion around their rights and how to exercise them.

SITUATION 1

If you are stopped by the police in public

QUESTION

ANSWER

...do you plead your case and explain yourself to the officer?

No, you remain silent. But, in some states, you must identify yourself and the officer has the right to arrest you if you refuse to do so. You can tell an officer that you want to exercise your right to stay silent if the officer continues to ask you questions.

...do you have to consent to a search of yourself or your belongings?

No. But in some states police may pat down your clothing if they suspect a weapon.

...do you have to answer questions about where you were born, whether you are a U.S. citizen, or how you entered the country?

No. Except if you are at an international border or airport.

...do you run as fast as you can towards safety?

No. Stay still, quiet and calm. Be sure to comply with any demands. Take mental notes of your surroundings.



SITUATION 2

If you are arrested or detained

QUESTION	ANSWER
...do you explain yourself thoroughly, and sign documents?	No. Do not say anything. Do not sign anything. Do not give excuses or explanations.
...do you pay for your lawyer?	No. You are assigned a free attorney if you cannot afford one.
...can you expect privacy during your one phone call?	Yes, if you call your lawyer. No, if you call anyone else.
...do you fight the officer and resist arrest?	No. Follow the officer’s commands.

SITUATION 3

If the police are at your door

QUESTION	ANSWER
...do you keep them outside the door or invite them inside?	Keep them outside the door and ask them to see identification and to prove whether they have a current search warrant. If the officer has a warrant, ask to see the warrant and read it.

SITUATION 4

If you observe what seems to be an abuse of power by the police

QUESTION	ANSWER
...do you have to stop recording when told?	No. You are recording under your 1st Amendment rights.
...must you relinquish your video to the officers?	No. But understand that some officers may push arresting you via an illegal arrest which then requires you to weigh your options.
...do police officers have to identify themselves to you?	Yes. They must give you their names and badge numbers.
...what if I am unable to record anything or everything that happened?	Write down everything you remember as soon as possible — what officers were there and what agency; how many officers were there; what did they look like; what did you see, hear, smell, description of clothes, cars, weapons and if there were any injuries.

OPTIONAL HOMEWORK ASSIGNMENT:

Participants should be given time to explore the following questions.

Seeing Myself In The System: What systemic issues in criminal justice are uncovered in the film, and what is my role in the justice system?

The Cycle Continues: What is happening in the world right now, or in the last five years, that highlights the importance of knowing your rights?

Disrupting Injustice: What actions can I take to learn more about my rights, and to help others know about their rights?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- Winning Justice: The Prosecutor Project, Powered by Color of Change
 - Know Your Rights Camp Resource Guide (scroll to bottom)
 - The New Jim Crow Study Guide by Michelle Alexander
- The Bilingual Courtroom by Susan Berk-Seligson
 - Americans with Disabilities Act and Law Enforcement
 - Deaf and Police Interaction, ACLU
 - Immigrants’ and Residents’ Rights, ACLU

Activity Two:

BRINGING MINOR CHARACTERS TO LIFE

Objective:

Evaluate the role of the media during early coverage of the case, and learn how to detect media bias.

Time:

Prepare to spend up to 60 minutes on this activity.

Ideal Setting:

Bringing Minor Characters To Life works well in both individual and group settings. The activity can be done in a casual environment or structured classroom, including online settings. It can also be used as an assignment completed outside of class and shared at a later time.

Materials:

Access to Episode One, pen, paper or electronic device on which to create.

Reflection Questions:

- Yusef's mother wanted to leverage the media (garner public attention and outcry) to shine a light on the injustices suffered by her son. She also used media (negative press) as a bargaining chip to gain access to her son in the interrogation room. Did the parents of other teens use media to their advantage? What might have impacted their decision?
- How do power and wealth impact access to media? How do power and wealth affect your ability to tell your story?
- What is your unique lens? How might your personal perspective and context impact your storytelling?



AFRICAN AMERICANS have consistently been oppressed by systems of racial and social control that appear to end but then are reborn in a different form. During the trial of The Exonerated Five, reporters not only reported the facts of the case, but also took liberties of inserting opinions, mischaracterizing the accused and reporting unsubstantiated claims.

This activity asks participants to recreate history through storytelling, using a New York City newspaper office as their backdrop.

CLASS DISCUSSION:

The classroom is now a New York City newspaper office on April 20, 1989, the day after the brutal attack, with employees such as reporters, analysts, researchers and photographers coming and going as they all try to report on the Central Park Jogger case. Explain to participants that the **minor** characters in literature help spur the main character through the story, and their seemingly innocuous choices often set the course of events.

This activity encourages participants to explore and create a minor character in the newsroom who could have had an impact on the path of events for The Exonerated Five.

EXAMPLES:

- A news reporter sees the term “wilding” and then challenges her coworker when he tries to publish the article.
- A photographer decides to run the photo of Yusef’s school photo instead of his mugshot.
- A family member reaches out to a reporter with details that are very different from what has been reported by the police.
- A teacher visits the newsroom to advocate for Korey.
- A researcher on staff lives in Harlem and has inside information he wants to share.

Use any of these examples or come up with one of your own.

Think and write from a minor character’s perspective; create their world. Create a short story, a monologue, a comic strip, a meme, a musical performance, a sketch, an animation or a drawing — or use another storytelling device.

Encourage participants to adhere to the time allotment:

- 5 minutes to plan.
- 20 minutes to compose.
- 35 minutes to share.

All participants present their work to the group.



“The system put a mark on us. You’re not the same as everyone else. And nobody ever asked who we were. As Black and Brown people, it’s as if we were born guilty.”

– Yusef Salaam, *The Exonerated Five*

CONTINUED DISCUSSION:

Participants should be given time to explore the following questions.

Seeing Myself In The System: What systemic issues in media bias are uncovered in the film, and what is my role in ensuring proper reporting on social media and by my local news channels?

The Cycle Continues: What is happening in the world right now, or in the last five years, that reflects the media bias shown in this episode?

Disrupting Injustice: Only 23% of America’s 8th graders are proficient in social studies, which makes it easier for news agencies to persuade American viewers. What actions can I take to fight unfair reporting as shown in this episode?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- [*Lesson Plan: Decoding Media Bias*](#), PBS
- [*Making Sense of the News: News Literacy Lessons for Digital Citizens*](#) (Online class that is open to anyone and free to audit)
- [*Reliability of Sources*](#) by Eastern Michigan University
- [*News Literacy Project*](#), News Lit Quiz
- [*News Literacy Project*](#), Resources for Educators
- [*Race Forward: The Center for Racial Justice Innovation*](#), Race Reporting Guide



EPISODE TWO - LESSON PLAN



“Being at the time, I was 16, that I was older, I literally thought my life was over right in front of me because I really didn’t process I was receiving 5 to 10 years. I thought I might die right in jail because the whole world hated us.”

– Kevin Richardson, The Exonerated Five, recounts the moment he first heard his guilty verdict in court.

TEACHER AND GROUP LEADER INSTRUCTIONS

KEY THEMES:

CRIMINALIZATION AND INEQUITY

- Lack of education, wealth, social capital and resources negatively impact poor people and people of color in the criminal justice system.
- Music and imagery were critical elements to enriching WHEN THEY SEE US.

LESSON OBJECTIVES:

At The End Of These Lessons Participants Will Be Able To:

KEY POINTS

1.

Discuss the difference between the rights afforded to juveniles when arrested and questioned by law enforcement, vs. the rights afforded to adults for the same crimes or accusations.

There is a distinction between the juvenile justice system and the criminal justice system. Juveniles are afforded different rights, depending on the state where they live.

In WHEN THEY SEE US, Kevin and Yusef were both under 16 and did not have their parents or an attorney present during their interrogations. They were not informed of the right to an attorney by law enforcement.

2.

Explain how the use of music contributed to the storytelling of The Exonerated Five’s experience.

Music can give voice to dreams, hopes, fears and struggles. In WHEN THEY SEE US, music is used to express connections to freedom and power, as well as sorrow.

“Data from the National Registry of Exonerations at the University of Michigan shows that nationwide, 36% of minors who were later exonerated falsely confessed to the crime. Moreover, 14- and 15-year-old children falsely confessed in 57% of the cases where they were later exonerated. Yet all over the country some states don’t even require a parent to be notified, let alone be present, when their child is being interrogated for a felony-level offense.”

– The Baltimore Sun, June 24, 2019



Tensions are high as the families of The Exonerated Five prepare for their day in court.

The opening of Episode Two of *WHEN THEY SEE US* exposes methods used by people in power to villainize the teens. In May 1989, approximately six months after Yusef, Kevin, Antron, Raymond and Korey are arrested, Donald Trump spends \$85,000 on four full-page ads in city papers demanding that the death penalty be reinstated and applied in this case. The ads were released even before the case went to trial. Only two of the boys, Antron and Yusef, eventually make bail. Korey, because

of his age, is tried as an adult and held in an adult facility. The remaining teens are tried and detained together as juveniles.

WHEN THEY SEE US highlights the need to address inequities within the American Court system — this includes the bail system, prosecutor and judicial offices and access to legal representation.



Activity One:

JUSTICE: JUVENILE OR CRIMINAL?

Objective:

Discuss the difference between the rights afforded to juveniles when arrested and questioned by law enforcement, vs. the rights afforded to adults for the same crimes or accusations.

Participants will discover the differences between the juvenile justice system and the criminal justice system.

Time:

Prepare to spend up to 60 minutes on this activity.

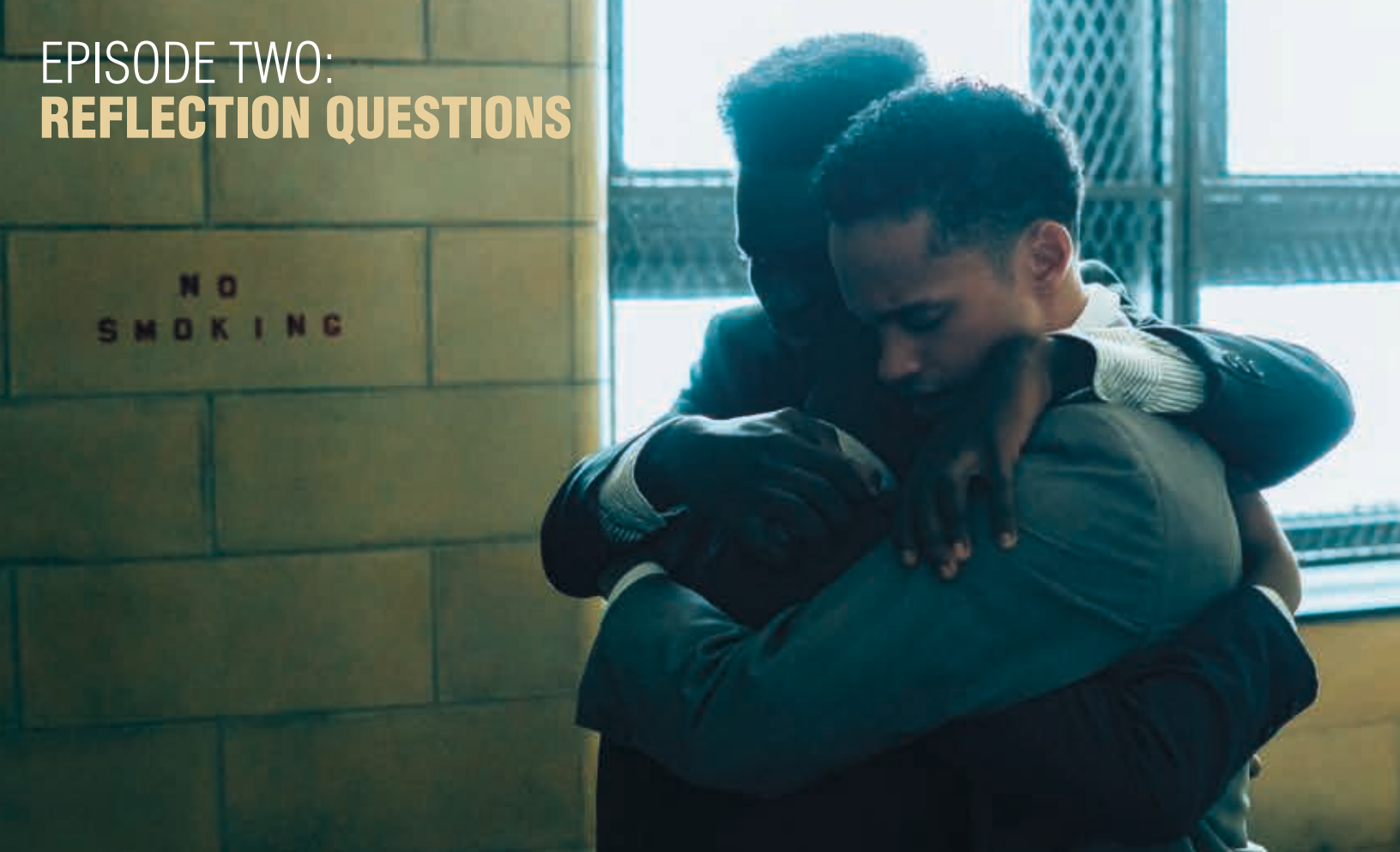
Ideal Setting:

Justice: Juvenile Or Criminal? works well in both individual and group settings. The activity can be done in a casual environment or a structured classroom. It can also be used as an assignment completed outside of class and shared at a later time.

Materials:

- Equipment to play clip
- Pen/pencil and paper

EPISODE TWO:
REFLECTION QUESTIONS



What is the definition of “juvenile” vs. “adult” in the criminal justice system? Is the definition uniform throughout the U.S.?

Unequal access to resources can result in unequal access to justice. Can you think of an example of unequal access to resources in your community?

How is the story of The Exonerated Five more a story of four and one (four teens are treated as juveniles and Korey is treated as an adult)? How is that evident in Episode Two?

How are their numbers used by the prosecution at times during the arrest and trial?

How would the teens’ experiences be different if they were aware of the distinction between juvenile justice and criminal justice?

When arrested, individuals should be made aware of their **Miranda Rights**:

- 1. You have the right to remain silent
- 2. Anything you say can and will be used against you in a court of law
- 3. You have the right to an attorney
- 4. If you cannot afford an attorney, one will be appointed for you

Individuals also have the right to cease questioning if at any time a request for a lawyer is made.

As The Exonerated Five asserted in their civil lawsuit, they were not given food, were questioned overnight without breaks, subjected to physical and psychological violence and purposely isolated from their families. All but one of the teens stayed alone with the detectives for extended periods of time. Even though Antron had the presence of his parents, the detectives allegedly used his father to coerce a statement by threatening to disclose the father’s past criminal record to his current employer.

CLASS DISCUSSION:

As The Exonerated Five related in their civil rights suit, they were promised release if they gave statements implicating each other; all were also fed their statements by law enforcement during their interrogations, ensuring they would each use the others’ names and assign criminal acts to each other. The promise of release for statements conflicts with the right to remain silent. The teens’ statements would be illegal without proof that they were given freely and voluntarily. Pressures of any kind, including detaining them for lengths of time and subjecting them to harm, would influence their statements and willingness to give statements.

The teens were unaware of their rights and therefore, unable to protect themselves against potential abuses of power by the police.

Use the questions below to guide participants in a discussion about the rights and experiences afforded to juveniles when arrested or questioned by law enforcement versus the rights and experiences afforded to adults for the same crimes or accusations.

QUESTIONS	JUVENILE JUSTICE SYSTEM	CRIMINAL JUSTICE
<u>How are the goals different?</u>	Rehabilitation and treating offenders and keeping the community safe are the goals.	Hindrance from offending further is the goal.
<u>How are the proceedings different?</u>	Has hearing (i.e., adjudication, plea, detention, review, revocation).	Has a trial.
	Each state is different regarding if a parent must be present or contacted.	No parent necessary.
	Court records and proceedings are protected.	Court records and proceedings are open to the public.
	The majority of juvenile decisions are made by a juvenile judge; jury trials are rare.	Jury trials are guaranteed by the Constitution.
<u>What are the verdicts called?</u>	Offenders are found “delinquent” instead of guilty.	Offenders are found “guilty.”
<u>What’s the difference between probation and parole?</u>	Probation consists of rehabilitation activities plus monitoring.	Parole consists of mainly monitoring.

OPTIONAL HOMEWORK ASSIGNMENT:

Participants should be given time to explore the following questions.

Seeing Myself In The System: How do you think the interrogations would have been different if the five teens had known their rights and asserted them? Or if adults — guardians or legal representation — had been present?

The Cycle Continues: What is happening in the world right now, or the last five years, that highlights the difference between juvenile and criminal justice? The exploitation of [childhood/immaturity/parent separation] in aggressive law enforcement?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- [*Juvenile Justice*](#), ACLU
- [*Real Life Real Issues: Juvenile Justice*](#), PBS
- [*Constitutional Rights For Juvenile Defendants*](#), Justia
- [*Children In Prison*](#), Juvenile Law Center
- [*Juvenile Court Terminology*](#), National Juvenile Defender Center
- [*Ensuring Fairness & Respect For LGBT Youth In Juvenile Delinquency Courts*](#), The Equity Project





Activity Two:

THE MESSAGE IN THE MUSIC

Objective:

Explain how the use of music contributed to the storytelling of The Exonerated Five's experience.

Time:

Prepare to spend up to 45 minutes on this activity.

Ideal Setting:

The Message In The Music works well in both individual and group settings. The activity can be completed in a casual environment or a structured classroom. It can also be used as an assignment completed outside of class and shared at a later time.

Materials:

- Access to audio recordings of and lyrics to *Fight The Power* – Public Enemy.
- Access to audio recordings of and lyrics to *Love And Hate* – Michael Kiwanuka.

Reflection Questions:

- How does the filmmaker impact our perceptions through music?
- How is music a critical element in the film? How does it enrich the stories and what effect does it have for the viewer?
- Think of a song from your childhood. Do you have a memory connected to that song? How do you feel when you hear it played today?

SINCE THEIR ARRIVAL on the shores of the Americas and throughout enslavement, the music created by enslaved people has been a significant part of the African American story. From call and response songs mixed with remnants of African harmonic structures to Negro spirituals and jazz, the lyrics and rhythms reflected religious themes, history, joy, pain and hope.

The Great Migration to the North provided new instruments, opportunities and oppressions, which fostered the development of jazz and rock and roll. These were the fore-parents of rap music, which, at its origin, took form in the hearts and minds of New York City youth. Many artists expressed a sense of pride in their impressive lyrical abilities despite the surrounding dehumanizing society.

Groups — like the rap group Public Enemy — used their talents to expose the tensions that persisted between black communities and the power structure of the 1980s. Their struggles over 400 years later reflect the same power struggles of their enslaved ancestors: same message; different song.



CLASS DISCUSSION:

The music of *WHEN THEY SEE US* creates a rich tapestry that imbues the film with an additional layer of literal and emotional meaning. It sets and supports the tone, tempo and emotional content of each episode. The filmmaker uses the power of music and lyrics to not only set the time and tone of the series but also to layer elements of hope, tragedy and injustice underneath scenes. At times, the music can be considered a character.

ASK STUDENTS THE FOLLOWING QUESTIONS:

How is music a critical element in the series? How does it enrich the stories and what effect does it have for the viewer?

- Have participants watch *Fight The Power* scene in episode one twice. Watch, first without music, and then watch it again with music. Discuss what the music does to the scene. How do the lyrics support the action in the scenes?
- Have participants watch *Love & Hate* scene in episode two twice. Watch, first without music, and then again with music. Discuss what the music does to the scene. How do the lyrics support the action in the scenes?
- Juxtapose the lyrics to the songs *Fight The Power* and *Love & Hate*. Why do you believe the filmmaker chose these particular songs for the scenes?
- How is music a critical element in the series? How does it enrich the stories, and what effect does it have for the viewer?

Discuss the following quote:

“While the miniseries’ actors and language gripped viewers’ hearts, the music was an unseeable, yet palpable character as well.”

Of Note: *Fight The Power* was contemporaneous to the scene in which it is used, while *Love & Hate* was released in 2016.

Have students choose a song from the soundtrack that most represents them or resonates with them and tell why.

WHEN THEY SEE US SOUNDTRACK

Episode 1

- Look Back* (feat. DRAM) – Diplo
- I Got It Made* – Special Ed
- Microphone Fiend* – Eric B. & Rakim
- Fight The Power* – Public Enemy
- Falling Leaves* – Clare Maguire
- Saviour* – SATV Music

Episode 2

- Love & Hate* – Michael Kiwanuka

Episode 3

- All Things to All Men* (feat. Roots Manuva) – The Cinematic Orchestra
- U Don't Know* – Jay-Z
- Cupid* – 112
- She Was Fly* (feat. Eric Roberson) – Full Crate & Mar
- Watching You* – Slave
- Umi Says* – Mos Def
- Feel Alive* (feat. Ali Shaheed Muhammad, Loren Oden & Karolina) – Adrian Younge
- Happy Feelin's* – Maze feat. Frankie Beverly
- Hope* – Pete Josef
- Happiness* – Dead Prez
- Just a Touch of Love* – Slave
- Song For A Friend* – Andreyana Triana
- Que Rico Mi Tumbao* – Los Maestros De La Salsa
- Dark Thoughts in a Fluorescent Room* – B. Hayes

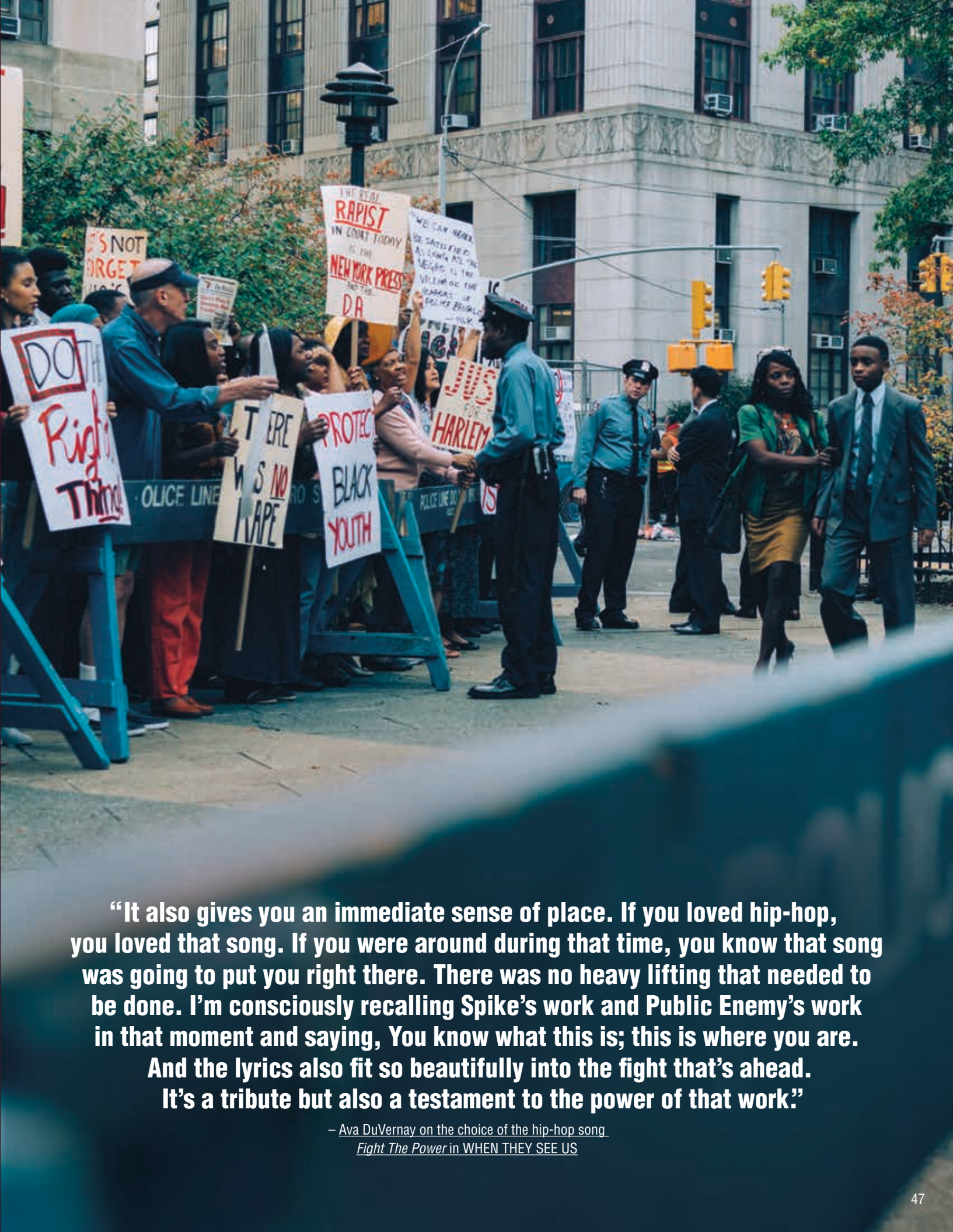
Episode 4

- Coney Island* – Kris Bowers
- Breakdown* – Kris Bowers
- Rising* – Krystle Warren & The Faculty
- Picture Me Rollin'* – Nipsey Hussle
- Moon River* – Frank Ocean
- The Middle* – Son Little
- Who We Be* – DMX

DIGGING DEEPER:

Here are a few resources that can help you learn more about this topic.

- [African American Song](#) - Library of Congress
- [Musical Crossroads: African American Influence on American Music](#) - Smithsonian
- [Songs Related to the Abolition of Slavery](#)
- [Freedom Is Coming: Songs of Freedom, Resistance, and The Underground Railroad](#)
- [The History of American Protest Music, From "Yankee Doodle" to Kendrick Lamar](#)



“It also gives you an immediate sense of place. If you loved hip-hop, you loved that song. If you were around during that time, you know that song was going to put you right there. There was no heavy lifting that needed to be done. I’m consciously recalling Spike’s work and Public Enemy’s work in that moment and saying, You know what this is; this is where you are. And the lyrics also fit so beautifully into the fight that’s ahead. It’s a tribute but also a testament to the power of that work.”

– Ava DuVernay on the choice of the hip-hop song *Fight The Power* in WHEN THEY SEE US



**“You try to live a normal life ...
But some of the things you’ve gone through
never go away ... I had to stop caring about
the labels people put on me.”**

– Raymond Santana Jr., *The Exonerated Five*

TEACHER AND GROUP LEADER INSTRUCTIONS

KEY THEMES:

POSITIONALITY AND HUMANITY

- Formerly incarcerated persons, especially those of color, have a difficult time reintegrating back into their communities.
- The number of barriers (employment, criminal history, education, skills deficits) can lead to many formerly incarcerated persons to return to prison.
- Formerly incarcerated persons are often on parole for long periods of time and subject to many harsh conditions. Violation of those conditions can cause a person to return to prison.

LESSON OBJECTIVES:
At The End Of These Lessons
Participants Will Be Able To:

KEY POINTS

1.

Analyze and discuss how incarceration impacts the youth, their families and the community at large.

Incarceration causes physical, emotional and financial harm that can deeply wound both the incarcerated and their family. Positionality (race and class) shapes the experience of incarceration. The teens were subjected to discrimination and harassment inside the various correctional facilities taking their youth and innocence away.

Personal relationships with family, friends and community members often sustained The Exonerated Five through dark times both during and after incarceration.

2.

Discuss barriers to reentry and reintegration, including how age at the time of incarceration intensifies these issues.

The Exonerated Five faced exceptional challenges once released from prison. In addition to reintegrating into society, they were on parole, had to register as sex offenders and endured tremendous amounts of public scrutiny.

**“I’m supposed to transform people’s lives.
I’m supposed to tell people about the criminal
justice system by having gone through it with
the worst kind of label that you can place
on any person in society. That is a part of the
peace. I’ve found meaning and
I know who I am.”**

— Yusef Salaam, *The Exonerated Five*

EPISODE THREE: RECAP

“We continue to battle. When we went to prison, we were 14, 15, 16-year-old boys and now we’re grown men. The mentality is different. You sent us to prison and now we’re warriors. We’re fighters. We’re not afraid to battle. And now the war has become deeper because we see that the system is set up to take away our youth, make them occupy a jail cell rather than a college dorm. Our fight takes on a different ministry now.”

– Raymond Santana Jr, *The Exonerated Five*



We begin Episode Three of WHEN THEY SEE US with Raymond’s grandmother’s birthday. She carries the weight of her grandson’s incarceration, along with the guilt of being unable to protect him. The teens’ incarceration has significant implications for their families. Antron’s mother tries to support her son by comforting him when he opens up about having recurring nightmares. Kevin’s family urges him to find something to look forward to and to hold on to hope. Yusef’s mother puts on a brave

face for her son and encourages him to stay close to his faith, even after losing her job and having to apply for public assistance.

Years later, Raymond, Antron, Yusef and Kevin return home as men, navigating the challenges of reentry, including that of recidivism. Korey remains incarcerated in an adult facility.

Activity One:

A WALK IN THEIR SHOES – Ongoing Impact Of Incarceration

Objective:

Analyze and discuss how incarceration impacts the youth, their families and the community at large.

Participants will explore challenges faced by formerly incarcerated people.

Time:

Prepare to spend up to 45–60 minutes on this activity.

Ideal Setting:

The room or online classroom should be set up to allow everyone to see the film clips as they are shown. Participants should be grouped and assigned one of the four teens’ stories.

Materials:

Pen/pencil and paper to display the lists curated by the groups. Equipment to play the following time-stamped clips from Episode Three:

- 52:05–51:36 – Raymond
- 46:32–45:00 – Yusef
- 35:54–35:12 – Kevin
- 19:02–17:41 – Antron

Please see the appendix (page 104) for clip descriptions.



After Antron, Raymond, Yusef and Kevin are released from prison, each face barriers as they try to reenter society. The men battle tremendous psychological, financial and emotional challenges as they work to resume their lives.

CLASS DISCUSSION:

Think back to images of each teen as we met them in Episode One: Antron and his dad share a meal; Kevin discusses band tryouts with his sister; Korey and his girlfriend spend time after school. These images establish the normalcy of the teens' lives before their incarceration. Now that we are discussing Episode Three, how have their lives and relationships changed?

Break participants into small groups, each focusing on one teen. Ask each group to watch the opening scene focused on their teen, then the "reentry" scene for each teen. The reentry scene time stamps are listed in the Materials section on page 53. Discuss how the family dynamic changed from the opening scene to the reentry scene.

Next, each group should list the challenges and barriers the teen faced upon reentry. These could include:

- Housing
- Employment
- Relationships
- Transportation
- Education
- Bias against the formerly incarcerated
- Policies like sex registries
- Requirements of and length of time of parole

Finally, ask the small groups to share and incorporate their lists. What are the short-term and long-term impacts of these challenges, e.g., inability to secure stable and affordable housing.

EPISODE THREE: REFLECTION QUESTIONS

How are families and relationships impacted during and after incarceration?

How do the challenges of reentry impact each teen immediately upon release, and in the long-term?

Can the teens navigate these challenges? How do they?

What cinematic moments stand out to you in how the filmmaker told the story of The Exonerated Five's reentry into society?

Why do you think the filmmaker made these choices?





CONTINUED DISCUSSION:

Participants should be given time to explore the following questions:

What support and resources might a recently released person need in the short- and long- term?

How does access to resources impact reentry and recidivism?

Considering the immense barriers to successful reentry, is it truly possible for a convicted person to “pay their debt” to society?

Seeing Myself In The System: What biases do we hold towards the formerly incarcerated?

How do biases held by others impact a formerly incarcerated person’s reentry?

The Cycle Continues: Imagine leaving prison without money, clothes, a home, personal network, education or job opportunities. How might a lack of resources, particularly in the first 72 hours after release, encourage recidivism?

Disrupting Injustice: What actions can I take to support formerly incarcerated people as individuals and systemically?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- [*Criminal Justice Reform*](#), Equal justice Initiative
- [*Mass Incarceration*](#), ACLU
- [*Parole and Release*](#), ACLU
- [*Prison Policy Initiative*](#), Prison Policy Initiative
- [*Politics of Criminal Justice Reform*](#), The Marshall Project
- [*The History of Mass Incarceration*](#), Brennan Center for Justice
- [*Ways to End Mass Incarceration*](#), Brennan Center for Justice
- [*Prison Education Program*](#)
- [*The Challenges of Prisoner Re-Entry Into Society*](#), Simmons University

Activity Two:

FAMILY AFFAIR – How Incarceration Can Damage Families And Communities For Generations

Objective:

Analyze and discuss how the criminal justice system impacts the families of formerly incarcerated people and their communities during imprisonment and after release.

Participants will explore challenges faced by the families and communities of formerly incarcerated people.

Time:

Prepare to spend 45–60 minutes on this activity.

Ideal Setting:

The room or online classroom should be set up to allow everyone to see the film clips as they are shown.

Materials:

- Equipment to play clips.
- Pen/pencil and paper to display the lists curated by the groups.

Reflection Questions:

- How does each family react to their teen's incarceration?
- How do incarceration and release impact the boys' families and the community?



Each of The Exonerated Five's family reacted differently to their son's imprisonment and reentry, and each of The Exonerated Five had to adjust to a world and a family that had changed while they were in juvenile detention and prison.



CLASS DISCUSSION:

Reflect on (or watch) the film clips and discussion in Activity One.

As a group, discuss how the families were impacted by their son's incarceration. These could include:

- Relationships
- Employment
- Housing
- Mental and Physical Well-Being
- Financial

Next, consider the scale of damage brought by mass incarceration. Break into small groups and list ways neighborhoods, schools, businesses and other communities are impacted by incarceration. Come back together to share your findings.

OPTIONAL HOMEWORK ASSIGNMENT:

Participants should be given time to explore the following questions.

- How does the disproportionate incarceration of black and brown men impact their communities?
- What are other ways race and gender intersect with mass incarceration?
- Policy interventions like the Ban the Box movement and prison education programs reduce recidivism.
- What are other policy interventions that help break the cycle of incarceration?



CONTINUED DISCUSSION:

Participants should be given time to explore the following questions.

Seeing Myself In The System: How does mass incarceration impact families and communities of color differently than white families and communities?

How does incarceration impact families with wealth and social networks differently than those without?

The Cycle Continues: What is the generational impact of mass incarceration?

Disrupting Injustice: What actions can I take to support the communities disproportionately impacted by mass incarceration?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- *Incarceration Nation*, by American Psychological Association
- *Ban the Box*
- *Prison Studies Project*
- U.S. Department of Health and Human Services: *From Prison to Home: The Effect of Incarceration and Reentry on Children, Families, and Communities*

- *Strengthening Families and Communities*, Vera Institute of Justice
- *The Human Toll of Jail*
- *Who Pays? The True Cost of Incarceration on Families*

EPISODE FOUR - LESSON PLAN

“Now that you know,
what will you do?”

– Ava DuVernay, Filmmaker



TEACHER AND GROUP LEADER INSTRUCTIONS

KEY THEMES:

CRIMINALIZATION AND JUSTICE

- The current criminal justice system isn't broken: it's working exactly as intended.
- Justice is hard-fought, and sometimes within reach, but not without cost.
- How do we right the wrongs — changing the system one action at a time.

LESSON OBJECTIVES: At The End Of These Lessons Participants Will Be Able To:

KEY POINTS

1.

Discuss the intentionality
and design of the juvenile
and criminal justice systems

Korey Wise's journey in Episode Four of WHEN THEY SEE US shines a light on how juveniles are treated in the adult system. Korey is treated brutally by fellow inmates and prison guards. He is targeted because of his youth, as well as the fame and infamy associated with the case. He is locked in solitary confinement for long periods.

2.

Participants will explore the basics
of advocacy and identify issues they
may want to speak up about

Advocates are people who see societal challenges and then drive change that positively impacts families, communities and the world. Advocacy work ranges from education, human rights, civil rights, criminal justice reform, prison reform, children's rights, women's rights, equality, voting rights and climate change.

Elombe Brath was a member of the Harlem community who advocated on behalf of The Exonerated Five.

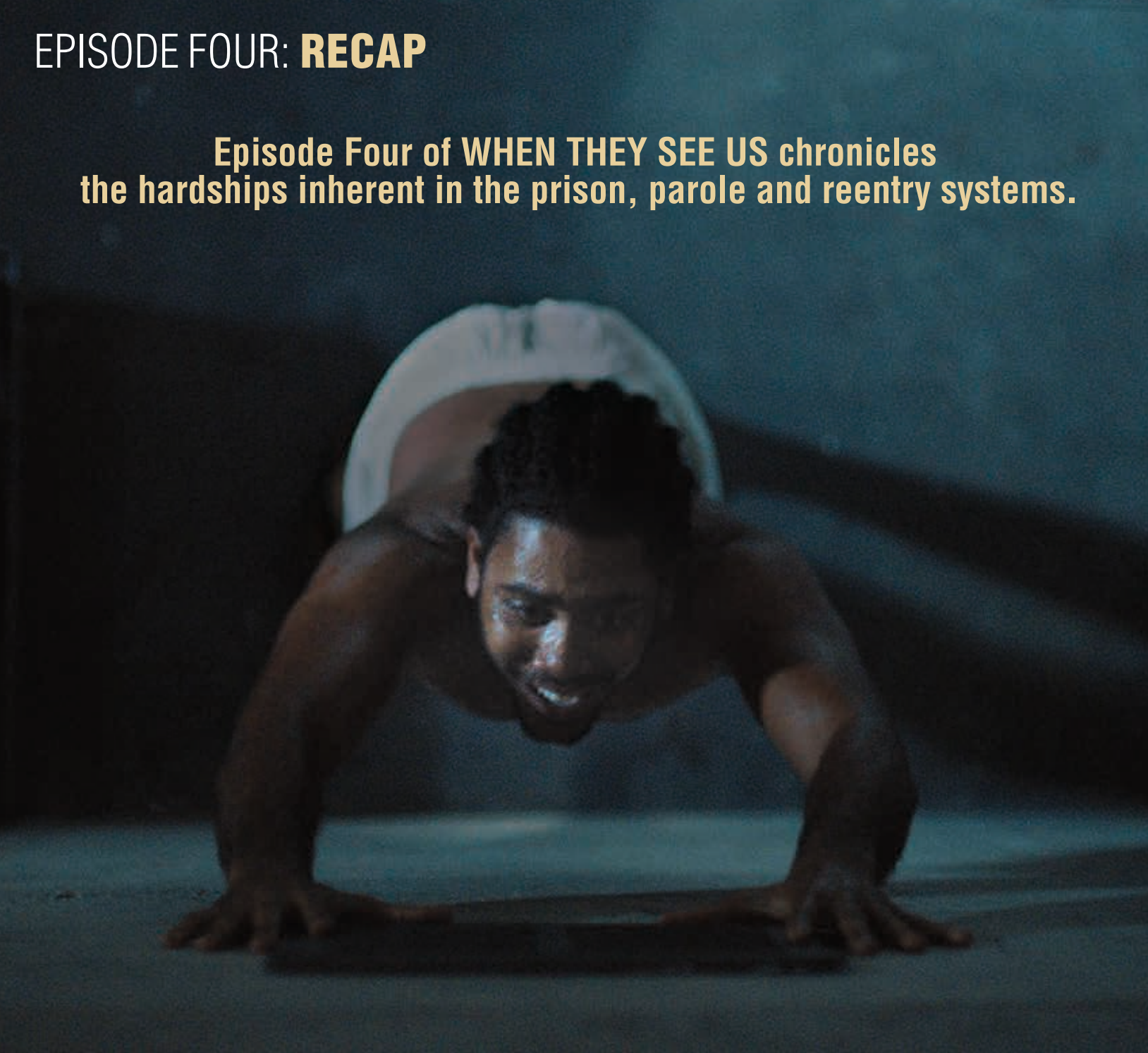
“When we take a step back and view the system as a whole, how it operates practically from cradle to grave in some communities, you have to ask yourself what does it seem designed to do? Seems designed, in my view, to keep sending folks right back to prison. And that is what in fact happens the vast majority of time.”

– Michelle Alexander, Author, *The New Jim Crow*



EPISODE FOUR: **RECAP**

Episode Four of **WHEN THEY SEE US** chronicles the hardships inherent in the prison, parole and reentry systems.



Suffering brutal attacks in the adult prison system, Korey learns to ask for solitary confinement rather than the infirmary where he spends much of his prison sentence, passing in and out of reality. Korey’s mother is distraught, knowing a lack of resources prevents her from providing help he needs while incarcerated. He is denied parole multiple times after refusing to confess to crimes he did not commit. Matias Reyes, an inmate in the same institution as Korey, fully confesses to alone assaulting Patricia Meili in Central Park. His DNA matched DNA left at the crime scene.

Even after the confession, the involved law enforcement personnel and prosecutors maintained that The Exonerated Five were guilty. The men were exonerated of all crimes in 2002 and, in 2014, were awarded a settlement of \$41 million, the largest settlement by New York City in its history.

Activity One: **CRIMINAL JUSTICE: “BROKEN” BY DESIGN**

Objective:

Discuss the intention and design of the juvenile and criminal justice systems.

Participants will debate whether the criminal justice system is “broken” or working “as designed.”

Time:

Prepare to spend up to 45–60 minutes on this activity.

Ideal Setup:

Criminal Justice: “Broken” By Design works well in both individual and group settings. The activity can be completed online or in person.

Materials:

- Access to the following website:
- YouTube



EPISODE FOUR: REFLECTION QUESTIONS

WHEN THEY SEE US humanizes the devastating impact of the criminal justice system on individuals and their loved ones.

- What are the purpose and objectives of the criminal justice system?
- Is the criminal justice system broken, or is it working as designed?
- How might positionality, race and access to resources impact the answer?



We react to injustice by shouting “the system is broken!” But, can a system be “fixed” if it is behaving as designed? What is the purpose of the criminal justice system, and defined by whom? Consider these two quotes:

“The American legal system has never been an institution of radical social change. On the contrary, it has been an instrument of ruling-class oppression. The legal system, from its founding, was about preserving distributions of wealth and property and white supremacy. If you go back and read old Supreme Court cases, you’ll see in every era the Supreme Court and the federal courts and the state courts are reproducing the sort of power dynamics of that era into what’s called legal decision-making and passing it off as legal reasoning.”

– Alec Karakatsanis,
Founder & Executive Director of Civil Rights Corps

“Following Reconstruction, our prisons transformed from places of rehabilitation to money-making institutions through the use of chain gangs, essentially a new form of slave labor... The criminal justice system became, and remains, a new way to ensure the disenfranchisement of people of color by using them as cheap labor for the powerful. This new American ideology — that prisoners should be punished rather than rehabilitated — created the sturdy foundation for the labor exploitation of people of color and the status quo monopoly of political and economic power.”

– Reetu Mody,
Executive Director of Restore Oakland

CLASS DISCUSSION:

Episode Four of WHEN THEY SEE US features three moments that highlight issues raised in the questions on the previous page.

- The inhumane treatment Korey endured in the adult prison institution
- The ongoing insistence of guilt, despite exoneration, by the law enforcement personnel involved in the case
- The exoneration of The Exonerated Five and financial settlement from New York City

Watch one or both of the following videos on how discrimination has impacted America’s criminal justice system:

- *The Enduring Myth of Black Criminality*, The Atlantic (3:15) The history of incarceration as it relates to African Americans is explored by author Ta-Nehisi Coates.
- *The Future of Race In America*, TEDx Talks (23:30) Author Michelle Alexander helps viewers connect the dots between Jim Crow and America’s justice system.

Break into two groups and discuss each topic and underlying issues:

Group A:
Argues that the system is broken.

Group B:
Argues that the system is working as designed.

Share ideas with the larger group and debate/discuss.





CONTINUED DISCUSSION:

Participants should be given time to explore the following questions.

- What is “justice” for The Exonerated Five, beyond the exoneration and settlement?
- What is the difference between “[prison abolition](#)” and “[criminal justice reform](#)”? How do they overlap?

***View:** [Debtors’ Prisons: Life Inside America’s For-Profit Justice System](#)*

Seeing Myself in the System: How has my view of the juvenile, prison and criminal justice systems changed through watching this film?

The Cycle Continues: How many [wrongfully convicted](#) remain imprisoned? What are systemic barriers to their release?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- [Our Broken Justice System Doesn’t Reflect Our Values](#), Emerson Collective
- [The Criminal Justice System Is Not Broken, It’s Doing Exactly What It’s Meant To Do](#), Kennedy School Review
- [Innocence Project](#)
- [Causes of Wrongful Convictions: False Confessions](#), Brandeis University
- [Just Mercy: Race and The Criminal Justice System with Bryan Stevenson](#)

- [Why People Confess to Crimes They Didn’t Commit](#), Science
- [Fostering Crucial Conversations about Race, Law Enforcement and the Law](#), Georgia Appleseed Center for Law and Justice
- [13th](#), a film by Ava DuVernay
- [Visitation Rights](#), The Marshall Project
- [Correctional Officer Brutality](#), The Marshall Project
- [Youth In Solitary Confinement](#), ACLU

Activity Two: “WRITING” THE WRONGS – A LESSON IN ADVOCACY

Objective:

Participants will explore the basics of advocacy and identify issues they may want to speak up about.

Participants will explore how to get involved in advocacy campaigns to impact systemic change.

Time:

Two class sessions, 45–60 minutes each.

Ideal Setup:

The room or online classroom should be set up to allow everyone to view websites necessary to complete the lesson.

Materials:

Access to the following websites:

- The National Registry of Exonerations, <https://www.law.umich.edu/special/exoneration>
- Color of Change, <https://www.organizefor.org/>
- Innocence Project, <https://www.innocenceproject.org/>
- Advocates for Youth, <https://advocatesforyouth.org/>
- YouTube

Additional materials (not required): Paper, pen, envelopes and stamps; email access.

Reflection Questions:

- What is the definition of advocacy?
- Are there similar injustices being fought in areas outside of the criminal justice system that also need advocates?

In theory, the American criminal justice system works on the principle that “justice is blind” and treats everyone equally. However, studies show that black and brown people are unequally treated throughout the justice process. WHEN THEY SEE US has exposed participants to the harm that abuse of power has on black and brown communities and encourages citizens to demand change assertively.



“When we take a step back and view the system as a whole, how it operates practically from cradle to grave in some communities, you have to ask yourself what does it seem designed to do? Seems designed, in my view, to keep sending folks right back to prison. And that is what in fact happens the vast majority of time.”

– Michelle Alexander, Author, *The New Jim Crow*



CLASS DISCUSSION DAY ONE:

Watch and hold a short group discussion after viewing one or both of the following Ted Talks on Advocacy:

Advocacy Through Social Media: Why Trending Topics Matter, TEDx Talks (11:30)

This video explores how social media and specifically hashtags dealing with civil rights, are the latest tool of advocacy on a global level.

Five Steps To Becoming An Advocate, TEDx Talks (7:00)

This video explores why you should become an advocate for a cause of your choosing.

Is advocacy important? Is everyone equipped to be an advocate? These are questions that can be asked after watching the video(s).

Following the discussion, demonstrate to participants how to navigate to the homepage of The National Registry of Exonerations, select the tab “Browse Cases” → “Detailed View.”

In smaller groups, or as one large group, participants will search for and read about two of the following cases:

- The Case of Huwe Burton (Convicted 1991)
- The Case of Timothy Brown (Convicted 1993)
- The Case of Robert Veal and the Dixmoor Five (Convicted 1994)
- The Case of Lewis Gardner (Convicted 1995)
- The Case of Johnetta Carr (Convicted 2008)

Questions to ponder after reading the articles are:

- How are these cases similar to or different from The Exonerated Five?
- Are these cases anomalies?

HOMEWORK:

Research individuals, organizations and government officials who are working to mitigate unlawful convictions. Visit the following websites to explore the work and causes of others who are on the frontlines of advocacy movements:

- | | |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Color of Change
https://www.organizefor.org/ | • National Association of Criminal Defense Lawyers
https://www.nacdl.org/Landing/TakeAction |
| • Innocence Project
https://www.innocenceproject.org/ | • NAACP – Take Action https://naacp.org/take-action/ |
| • Advocates for Youth
https://advocatesforyouth.org/ | • National Organizations Supporting Crime Victims
http://www.resourceproject.org/national-organizations-supporting-crime-victims |

CLASS DISCUSSION DAY TWO:

Ask participants the following questions:

- Which advocacy organizations piqued your interest?
- Did you find other advocacy sites not listed above?
- What type of advocacy are you interested in?
- What do you know now about advocacy that you didn't know at the beginning of the previous lesson?

Following the discussion, participants will:

Choose a cause for which they would like to advocate.

Take action in one or more of the following ways to get involved in a cause:

- Sign a petition in support of a cause
- Find a local organization involved in your chosen cause, write an email to the organizer asking how you can become involved
- Write to a local or nationally elected official to demand accountability about your cause
- Send a note of support to someone else who is advocating for a cause you support or
- Write a compelling social media post that advocates for your chosen cause

All participants present their email, post, petition, letter and cause to the group.



CONTINUED DISCUSSION:

Participants should be given time to explore the following questions:

- What are examples of effective prison reform?
- How did grassroots activists create the successful bail reform movement?

Seeing Myself in the System: Learn about your state's racial disparities in incarceration. How does this data reflect your awareness of the criminal justice system as it impacts your community?

The Cycle Continues: What is happening in the world right now that highlights the unequal application of justice, particularly as experienced by marginalized communities?

DIGGING DEEPER: Here are a few resources that can help you learn more about this topic.

- [Teaching Advocacy In Your Classroom](#), Edutopia
- [Equal Justice Initiative](#)
- [Civil Rights Corps](#)
- [The Marshall Project](#)
- [Campaign for Youth Justice](#)

- [Models for Change, Juvenile Justice Reform Resource Center](#)
- [The National Registry of Exonerations](#)
- [Appleseed Network](#)



“You can forgive, but you won’t forget. You won’t forget what you lost. No money could bring that time back. No money could bring the life that was missing or the time that was taken away.”

– Korey Wise, *The Exonerated Five*

WHEN
THEY
SEE
US

RIGHTS VIOLATIONS AND THE ROAD TO MASS INCARCERATION

WHEN THEY SEE US uncovers how the system of mass incarceration strips millions of poor people, overwhelmingly poor people of color, of the very rights won during the civil rights movement.

As explored in DuVernay's documentary *13th*, throughout the history of the United States, African Americans have consistently been oppressed by systems of racial and social control that appear to end but then are reborn

in a different form. For example, after the collapse of slavery, convict leasing was used to supply unpaid labor to plantation owners and corporations. This practice amounted to slavery with a different label. Convict leasing was abolished by the last state in 1928 and entirely in 1941. The process of eliminating the practice took several years due to its profitability for business and plantation owners. In the absence of convict leasing, the prevalence of the Jim Crow system made it impossible for African

Americans to access their rights and live as anything more than second-class citizens. Today, several decades after the dismantling of the old Jim Crow system, mass incarceration has become the new and perfectly legal method of enslaving people of color. The over-policing of black and brown people and communities along with major rights violations has made the United States the world leader in incarceration, with black and brown persons representing more than 50% of the prison population.

At the time that The Exonerated Five were arrested, "tough on crime" stances, the war on drugs and truth in sentencing policies were contributing to a sharp rise in incarceration in New York City and locales all over the country. New York City would not see a decline in prison populations until the 21st century.

THE 4th, 5th AND 14th AMENDMENTS OF THE U.S. CONSTITUTION

THE 4th AMENDMENT: WHAT IS IT?

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

– Amendment IV (1791)

The 4th Amendment’s purpose is to limit the power of the police to seize and search people, their property and their homes. This amendment was added to the U.S. Constitution in 1791 to make sure that citizens had a reasonable right to privacy. Over time, the 4th Amendment’s purpose and limits have changed significantly.

How does it impact you?

Under the 4th Amendment, the police need “probable cause” to search a person, their property or their homes. Probable cause does not have an exact legal definition. It generally means a “fair probability” or that the police have a pretty good reason to get a warrant to search a person, their property or home. There are some exceptions to needing a valid warrant. For example, if a person consents to a search, no warrant is needed.

In a significant 1968 Supreme Court Case, *Terry v. Ohio*, the Supreme Court ruled that the police could stop, question and frisk individuals based on “reasonable suspicion” as opposed to probable cause which is the standard required to make an arrest.

Terry v. Ohio changed the way police officers stopped and searched people. Specifically, New York and other U.S. cities later adopted specific “stop and frisk” policies. In New York, for example, police officers were able to stop and search millions of New Yorkers, the vast majority of whom were black or Hispanic and innocent of a crime. This crime prevention strategy was used in New York for decades.

Even in 2009, twenty years after the Central Park Jogger Case, black and brown people were nine times as likely to be stopped by police versus white residents. About 1.7% of whites who were stopped were found to have a weapon, while 1.1% of blacks were found with one.

The Center for Constitutional Rights conducted a series of interviews gathering testimonies from a wide range of people who had been subject to “stop and frisk” practices. These interviews provided evidence of how deeply the practice impacted individuals and highlighted corresponding civil and human rights abuses, including illegal profiling, improper arrests, inappropriate touching, sexual harassment, humiliation and violence at the hands of police officers. The effects of these abuses can be devastating and often leave behind lasting emotional, psychological, social and economic harm.¹

THE 5th AMENDMENT: WHAT IS IT?

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

– Amendment V (1791)

The 5th Amendment is often more familiar as the phrase “taking (pleading) the fifth,” which is commonly heard on television and in movies. The 5th Amendment is intended to protect an individual in four different ways:

- It provides that a person can’t be indicted for a crime without a grand jury,
- It guarantees that an individual cannot be subjected to “double jeopardy” or tried for the same crime more than once,
- It establishes that a person cannot be compelled to be a witness against themselves, and
- It grants the right to “due process.”

Also rooted in the 5th Amendment’s protection against self-incrimination are Miranda rights, which must be communicated as a part of the arrest process. These rights include the right to remain silent, to have an attorney present, and to have an attorney appointed if needed.

How does it impact you?

You are entitled to due process. To determine if a person has received their due process, courts look to see if all of the required procedures were followed. The Miranda right is a process that must be followed during arrests. Courts look to see if a suspect was advised of their right to remain silent or the right to have an attorney present during questioning. A court would also look to see if the hearing was fair. It would consider whether the defendant was notified of the hearing, had a chance to question or present witnesses, and present evidence. To have an attorney present, and to have an attorney appointed if needed.

14th AMENDMENT



WHAT IS IT AND WHAT WAS THE INTENTION?

Section 1, the most cited section of the 14th Amendment, reads:

“All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws.”

– Amendment XIV (1868)

While many of the amendments to the U.S. Constitution discuss the protection of individual rights, the 14th Amendment is amongst the most important in the discussion of the protection of civil rights. This amendment was passed shortly after the end of the Civil War, following the 13th Amendment, which abolished slavery. In the South, there was still a persistent violation of the rights of African Americans. Amendments like the 14th Amendment, if enacted equitably, would ensure protection for all citizens regardless of race. The 14th Amendment was valuable in overturning *Plessy v. Ferguson*, which had established the discriminatory practices of “separate but equal.”

What are some of the implications?

In cases such as that of The Exonerated Five, the 14th Amendment has extreme relevance even if its enforcement becomes problematic. Law enforcement officers have been granted significant powers that ultimately protect them even when they use excessive interrogation force. In *The Bad-Apple Myth of Policing*, Professor Osagie K. Obasogie unpacks the U.S. Supreme Court case *Graham v. Connor* (decided the same year as The Exonerated Five’s trial) that significantly changed how the 4th and 14th Amendments applied to police use of force.

In 1989, Dethorne Graham brought a federal claim against the Charlotte Police for the use of excessive force. He claimed the use of excessive force violated his substantive due process or his right to be free from such abuses under the 14th Amendment. Both the trial court, as well as the Court of Appeals, sided with officers. However, when reviewing the case, the Supreme Court made a decision that would prove to have resounding institutional effects. In the *Graham* decision, the Supreme Court held that substantive due process was not the applicable constitutional standard. Instead, the Court said the proper constitutional test was whether the action was “reasonable” under the 4th Amendment.

This choice would prove profound. Resisting the 14th Amendment as a constitutional standard, the Court found a way to systematically reinforce white supremacy in the policing of people of color. Subsequent decisions by the Supreme Court and lower federal courts have continued the *Graham* decision’s legacy of ambiguity in considering what constitutes “reasonable” force on the part of officers.²

Obasogie writes, “Decades after the *Graham* decision, research would show that black men are three times more likely to be killed by the police than white men. Police violence would come to be understood as a major public-health issue.”

2) The Bad-Apple Myth of Policing, *The Atlantic*
<https://www.theatlantic.com/politics/archive/2019/08/how-courts-judge-police-use-force/594832/>

RACIAL TRAUMA AND VIEWING WHEN THEY SEE US

We know that some users may not watch each episode in order, or even each episode. This choice could be due to time constraints and interest. It also could be the trauma — or re-lived trauma — brought on by watching the series. Because of this, we have included additional resources about watching the film, racial trauma and tactics to address racial trauma. This learning companion provides non-viewers the resources to explore, reflect and take action.

“Netflix is made for bingeing, but filmmaker Ava DuVernay thinks that audiences should watch her Central Park Five miniseries ‘When They See Us’ at their own pace... ‘I think it really is going to depend on where you are politically and culturally,’ she said in an interview last month. ‘For some people this is all going to be new, like, ‘Wait, what?’ And for other people it’s deeply felt because they’ve experienced it in their lives as people of color or people who faced injustice.’”

– Lindsey Bahr,
“DuVernay Says Watch WHEN THEY SEE US at Your Own Pace,” The Associated Press

“I understand why there was a need for a grief counselor on set while filming. And I understand the reason some Black folks have opted out of or postponed watching it. It can be triggering.”

– Zenobia Jeffries Warfield,
“WHEN THEY SEE US Is Triggering. That’s Why You Should Watch It”, YES! Magazine

“Ava did something I’ve never seen on any project I’ve done. She made a grief counselor available to everyone on the set,’ Underwood revealed in a candid conversation. ‘They were up and running by the time I came to set and I’d get emails from production that would say this is very tough material. It’s emotional and it dredges up so much in all of us. Especially the young boys recreating these emotions. To be able to say here’s the person to contact if you need any grief counseling is amazing. It’s a part of what we do. It’s our job as actors to bring those emotions to the forefront and let it manifest. People deal with it in different ways.’”

– Samika Sanders, “Blair Underwood: Ava DuVernay Made a Grief Counselor Available on the Set of WHEN THEY SEE US”, HelloBeautiful.com

“Because the images of police violence are so pervasive, they inflict unique harm on viewers, particularly African Americans, who see themselves and those they love in these fatal encounters.”

– Kia Gregory, “Killing Us Softly: How Videos of Police Brutality Traumatize African Americans and Undermine the Search for Justice,” *The New Republic*

“Police killings of unarmed black Americans have adverse effects on mental health among black American adults in the general population. Programs should be implemented to decrease the frequency of police killings and to mitigate adverse mental health effects within communities when such killings do occur.”

– “Police Killings and Their Spillover Effects on the Mental Health of Black Americans: A Population-Based, Quasi-Experimental Study,” *The Lancet*

“...Boston University’s School of Health and the University of Pennsylvania released a study that found the high rate of unarmed African Americans being killed at the hands of police has caused more incidents of depression, stress and other mental health issues among blacks. In other words, overwhelming police brutality is damaging the mental health of African Americans — even those who have no direct connection to men, women and teens who have lost their lives.”

– Lisa H. Thurau and Johanna Wald,
“Police Killings, Brutality Damaging Mental Health of Black Community,” *USA Today*

“Racial trauma, a form of race-based stress, refers to People of Color and Indigenous individuals’ (POCI) reactions to dangerous events and real or perceived experiences of racial discrimination...Although similar to posttraumatic stress disorder, racial trauma is unique in that it involves ongoing individual and collective injuries due to exposure and reexposure to race-based stress. The articles in this special issue introduce new conceptual approaches, research, and healing models to challenge racial trauma. The authors encourage psychologists to develop culturally informed healing modalities and methodologically sophisticated research and urge the inclusion of public policy interventions in the area of racial trauma.”

– “Special Issue: Racial Trauma: Theory, Research, and Healing,” APA PsycNet

“People of color experience higher rates of PTSD compared to white Americans, and one explanation for this difference is the experience of racism, which can itself be traumatic. When traumatization is due to experiences of racism it is sometimes called racial trauma. Racial trauma can result from major experiences of racism such as workplace discrimination or hate crimes, or it can be the result of an accumulation of many small occurrences, such as everyday discrimination and microaggressions.”

– Monnica T. Williams Ph.D.,
“Uncovering the Trauma of Racism: New Tools for Clinicians,” *Psychology Today*

ADDITIONAL DISCUSSION QUESTIONS



OVERARCHING DISCUSSION QUESTIONS:

- How do we see the topics of race, class, power and privilege woven through each episode?
- What does this tell us about the way our criminal justice system was set up to work?
- How is blackness criminalized in WHEN THEY SEE US and how do we see this still happening today?
- What cinematic strategies were employed by the filmmaker?
- How did they work to provide depth and richness to the story?
- What can be done to affect a more positive outcome when the same injustices happen today?

EPISODE ONE:

- What strategies (social mores) do the youth and their families use to navigate the arrest and interrogation successfully?
- How do these strategies highlight the options/lack of options available to people of color when encountering law enforcement?
- How did perceived media pressure inform the prosecutorial team?
- What role does music in the opening and closing scenes play in retelling the story of The Exonerated Five?
- How did the power dynamics displayed during the police interactions disrupt the typical parent/guardian and child relationships?

EPISODE TWO:

- How does the opening of this episode, narrated by media coverage at the time, reveal dominant perceptions of the teens specifically and youth of color, in general?
- How did the prosecutors’ language shape the trial and the teens’ experience?
- Describe Antron’s relationship with his father?
- How does the experience impact Antron and his father during the trial?
- How is evidence used in this case, specifically, how does the prosecutorial team handle the evidence?
- How does the quality of legal representation impact the trial at different moments?
- Is there a difference between accused persons using a public defender vs. a paid attorney?
- Discuss how the filmmaker uses the juxtaposition of media stories right as the trial was beginning to expose the narratives surrounding the case?

EPISODE THREE:

The mothers of Kevin, Yusef and Korey discuss their sons’ incarceration in a scene while handing out fliers.

What does their interaction reveal about how each family is handling the incarceration?

How does it also further the idea that The Exonerated Five is a story of four plus one?

Describe the relationship between Kevin and his sister Angie.

What life lessons can we infer that Angie learned while her brother is incarcerated?

What cinematic moments stand out in the retelling of The Exonerated Five’s reentry into society?

How did the challenges of reentry impact Raymond?

Why does he resort to dealing drugs and ultimately end up reincarcerated?



EPISODE FOUR:

What cinematic choices do the filmmakers use to highlight the use of solitary confinement and its effects on Korey?

How does Korey manage to hold on to a sense of hope throughout his incarceration?

Why do you think Korey chooses not to attend his later parole hearing?

How does this represent Korey’s mindset at the time?

What is the reaction of the original law enforcement involved in The Exonerated Five’s case when they learn of Matias Reyes’ confession?

Why do they react this way?



Purpose:

WHEN THEY SEE US is filled with meaningful and thought-provoking scenes with characters, images, words and complex themes that can be explored further. Cinematic Deep Dive allows participants to choose a photo still that resonates with them and explore it more deeply. By having time to individually process and think about a specific portion of the series, participants may discover new thoughts and ideas. When shared with the whole group, these insights deepen collective understanding.

Ideal Setting:

This activity is best suited for a private space where participants can gather to discuss stills from the series.

Time:

Prepare to spend 30–50 minutes on this activity.

Materials:

The stills from the episode(s) will need to be printed and made available for participants. All provided stills should be used. There may need to be multiple copies of each to accommodate large groups. With larger groups, there will likely be overlaps — but, this creates room for in-depth discussion and the ability to uncover multiple perspectives.

Room Setup:

Stills should be projected onto a screen or printed and placed on a surface like a table, and seats can be set up in any way. Suitable setup could be a coffee table surrounded by chairs, a U-shaped conference setup or any configuration that allows participants to gather and discuss skills.

“This is a jumping-off point to think about larger issues around the injustice of our current system of justice.”

– Ava DuVernay (WTSU Featurette, Netflix)

BONUS ONE **PROCESS**



GETTING STARTED (5 minutes):

- The facilitator reviews the steps of the activity.
- Participants look at the photos, examining them in silence.
- Participants take notes and prepare to share their responses to the one still they have chosen.

DESCRIBING THE WORK (10–20 minutes):

Each participant chooses one still to share. Each participant should take approximately 2–3 minutes to:

- Describe the still.
- Describe their assumptions regarding what the still demonstrates about the legal system and its interaction with people of color/vulnerable communities.
- Explain how the stills provide commentary on equity, justice, rights or fairness?
- Describe the questions they have about the still.

This is a time for each participant to share perspectives and questions about the still they have chosen. Observations should be made in statement form, without judgment.

Raising Questions (5–10 minutes)

Participants pursue questions raised during the “describing the work” segment. Group members should ask questions about the stills from the previous steps. For example:

- Why do I see this still in this way?
- What does this tell me about what I value?

The facilitator takes notes on these questions and comments.

Discussion (10–15 minutes)

Based on the presentations and the questions raised, the group should discuss their thoughts/understandings and relate them to the objectives for the session. The key points can be used to guide the discussion.

Reflection (5 minutes)

Putting the stills aside, the group can use reflection questions to reflect on the experience.

- What did you find interesting or surprising about the stills?
- What step in the process helped you to see and learn these things?
- What did you learn from listening to your peers?
- What new perspectives did they provide?
- What questions did looking at these stills raise for you?

Facilitation Tips

- You need a facilitator for each group, someone who will gently hold people to the protocol.
- You need at least as many copies of stills as there are people in the group.
- The facilitator should take detailed notes during the “questions” part of “describing the work” and use the notes to jumpstart or direct the conversation during the “discussion” section of the protocol.

BONUS TWO CLOSE VIEWING

Purpose:	Like close reading of a text, close viewing of a film is the act of carefully and purposefully viewing and reviewing a film clip in order to focus on what the filmmaker is trying to convey; the choices the filmmaker has made; the role of images, narration, editing and sound; and purpose of the film. The Close Viewing activity ensures that participants become critical viewers of film content and can use it to understand complex issues both in and outside of the film.
Room Setup:	The room should be set up to allow everyone to see the film clip as it is shown.
Time:	Prepare to spend 45–60 minutes on this activity.
Materials:	<ul style="list-style-type: none">• Equipment to play clip• Pen/pencil and paper



PROCESS VIEW THE FILM CLIP TOGETHER

After watching the clip, ask participants to write down their general thoughts and reactions. Prompt them with questions such as:

What stands out for you?

What resonated with you?

What questions do you have?

SMALL GROUPS PRACTICE FOCUSED VIEWING

Have each participant or a small group take notes based on only one of the following lenses to focus their viewing clip. Each lens includes questions to guide thinking.

SOUND:

Focus on the music in the series as well as the sound effects.

- What do you notice?
- What stands out to you?

EDITING:

Focus on the way that the images and videos are edited together.

- What choices did the filmmaker make in terms of scenes or parts to show, represent or emphasize?

IMAGES:

Focus on the visual experience; do not pay attention to the audio but simply take note of the images that are featured.

- What do you notice?
- What choices did the filmmaker make?
- What is the impact of these choices?

STORYLINE/HISTORICAL FACTS:

- How is the story unfolding?
- What are the objective, historical facts that are portrayed in this film?

HUMAN BEHAVIOR:

- How do you see the range of human behavior represented in this film?
- Where do you see the themes of humanity, power or privilege?

Have each group report on its lens and what its members observed. Ask each group to reflect on the following question:

- How was your viewing of the series affected by the specific lens through which you viewed it?

Bring the small groups back together and ask that participants take turns responding to reflection questions.

- What is the purpose of this film?
Is it to teach, entertain or do something else?
How well is it doing this?
 - Who/what is left out of the message?
Why does that matter?
 - Whose interests are served by telling/showing the message in a particular way?
- What motivations might the filmmaker have?
How are these manifested in the series?
 - What did you already know about the topic?
 - How might your prior knowledge of the topic change how you experienced the clip or film?



KOREY WISE

Korey Wise was 16 years old when he voluntarily went to the police station to support his friend Yusef Salaam after Salaam was brought in for questioning in connection with a rape and severe assault in Central Park. As Wise has recounted his experience, 42 hours later, he was coerced into a false confession that conflicted glaringly with the facts of the case. Nevertheless, he and four other boys of color were tried and wrongfully convicted of multiple crimes. Wise was the only one of the five to be tried and sentenced as an adult. Of the five, he also spent the most time in prison, fourteen years, eight months and twelve days in adult facilities, an experience he says had an unalterable impact on his life but also inspired his focus on positivity today. Wise was still serving his sentence at Auburn Correctional Facility when he had a chance encounter with Matias Reyes, a convicted murderer who confessed to having committed the crime alone. Following his confession, DNA evidence proved that Reyes was the sole rapist and Wise was fully exonerated with the four others in 2002. Still living in New York today, Wise has continued to speak out on behalf of the wrongfully convicted. He recently founded the Korey Wise Innocence Project at the University of Colorado.



ANTRON McCRAY

Antron McCray was raised in Harlem by his mother Linda and his stepfather Bobby. He was a considerate, athletic 15-year-old with a love of baseball (he played shortstop on a neighborhood team) when his life forever changed on April 19, 1989. That was the night McCray was brought in for questioning after a jogger was raped and severely assaulted in Central Park. Along with four other boys of color, he was tried and wrongfully convicted, ultimately serving seven years in state prison. McCray was exonerated of all charges in 2002 following the discovery of the real culprit by both confession and DNA evidence. Following his exoneration, McCray left New York and set out to forge a new life. Now married with six children, he says he has not looked back. Though he has cultivated his personal privacy, McCray appreciates the release of WHEN THEY SEE US which gives audiences a chance to see his story because, as he says, “what happened to us is still happening too often today.”



KEVIN RICHARDSON

In 1989, Kevin Richardson was just 14 years old and attending Harlem’s Jackie Robinson Junior High — where he was known for his trumpet playing, hip-hop dancing and basketball skills (his dream was to one day play for Syracuse University) — when he was brought in for questioning in connection with the rape and severe assault of a jogger in Central Park. Richardson became one of five boys of color who were accused, tried and wrongfully convicted in a sensationalized case that rocked the nation. He served seven years in prison. In 2002, Richardson and the four others were exonerated, with all charges vacated, following the discovery of the real culprit by both confession and DNA evidence. Today, at age 44, Richardson is raising two young children with his wife — and says he hopes telling his own story will help create a more just world for his kids and the next generation.



YUSEF SALAAM

On April 19, 1989, a young woman in the prime of her life was brutally raped and left for dead in New York City’s Central Park. Five boys — four black and one Latino — were tried and convicted of the crime in a frenzied case that rocked the city. They became known collectively as “The Central Park Five.” Their convictions were vacated in 2002 after spending between seven and thirteen years of their lives behind bars. The unidentified DNA in the Central Park Jogger Case, unlinked to any of the five, had finally met its owner — a convicted murderer and serial rapist who confessed. The convictions of the boys, now men, were overturned and they were exonerated. One of those boys, Yusef Salaam, was just 15 years old when his life was upended and changed forever. Since his release, Salaam has committed himself to advocate and to educate people on the issues of false confessions, police brutality and misconduct, press ethics and bias, race and law, and the disparities in America’s criminal justice system. In 2013, documentarians Ken and Sarah Burns released the documentary *The Central Park Five*, which told of this travesty from the perspective of Salaam and his cohorts. In 2014, The Central Park Five received a multi-million-dollar settlement from the city of New York for its grievous injustice against them. Salaam was awarded an Honorary Doctorate that same year and received the President’s LifeTime Achievement Award in 2016 from President Barack Obama. He was appointed to the board of the Innocence Project in 2018, and most recently collaborated with Ava DuVernay on the Netflix limited series WHEN THEY SEE US.



RAYMOND SANTANA JR.

Raymond Santana Jr. was born in Harlem, New York, and showed an aptitude for the arts as a teenager. At the age of 14, while being raised by his then-single father Raymond Santana Sr., his future was abruptly changed when he was brought in for questioning regarding the case of a jogger raped and severely assaulted in Central Park. Based on a false confession, he was wrongfully convicted along with four other boys of color. Santana ultimately spent almost seven years incarcerated for the jogger case. In 2002, Santana and the others were all fully exonerated, and their charges vacated, after the crime’s true culprit was discovered both by confession and DNA evidence. Today, Santana lives in Atlanta and is raising a teenage daughter. Now creatively thriving, he recently started a skyrocketing fashion label, Park Madison NYC, named after the streets where he grew up. He says he hopes WHEN THEY SEE US will broaden the perspective on the Central Park case, show how the five exonerated men defied the odds against them, and inspire new ideas to improve the justice system.

CLIPS, STILLS AND QUOTES



EPISODE 2 — CLIPS

- 00:22–2:00 Opening news report uses negatively charged language
- 2:11–3:12 Public discourse/Trump ad
- 3:24–5:35 Teens discuss pretrial/Korey learns everyone is together
- 11:46–16:37 Lawyers and families discuss the lack of evidence and discuss separate trials
- 20:02 - 21:48 Activists, supporters and community members speak to press as the teens enter the courthouse
- 38:18–40:28 Detectives take the stand and testify about Antron’s interrogation
- 41:47–43:50 DNA expert testifies that none of the teens area DNA match to evidence at the scene of the crime
- 50:08–51:06 Antron and his father talk
- 51:10–55:07 Antron’s father testifies
- 55:36–58:14 Video testimony is shown in court
- 59:03–1:01:30 Korey testifies
- 1:05:50–1:08:04 Verdict read

EPISODE 1 — CLIPS

- 3:24–3:46 Korey’s decision to go to the park
- 4:42–4:56 Teens running into the park and playing
- 5:49–6:16 Kevin, Korey, Yusef and Raymond distanced from criminal activity in the park
- 6:45–7:25 Police responded to 911 calls. Kevin is brutalized.
- 9:43–9:56 Discussing the term “wiling” misinterpreted as “wilding”
- 10:05–10:38 Exchange between the Santanas and Reynolds
- 11:31–12:40 Exchange between Fairstein and Clarence
- 13:57–15:04 Discussion between Antron and his father
- 20:24–22:12 Yusef and Korey interact with the police
- 23:00–24:16 Police break the law to interrogate Kevin
- 24:17–26:00 Yusef, Antron and Raymond interrogated
- 26:06–28:17 Police manipulate teens using tactics during questioning to get them to name each other
- 31:14–32:14 Manipulation used to sway Antron’s father
- 35:24–36:22 Police shift timeline
- 36:27–37:37 Raymond makes a deal with the detective
- 37:37–42:52 Unlawful interrogation of Kevin/manipulation of family
- 43:25–45:53 Yusef’s mother navigates law enforcement to release her son
- 52:20–55:26 Korey mistreated and coerced
- 56:24–59:12 The teens meet for the first time and put some of the missing pieces together



EPISODE 3 — CLIPS

- 5:00–7:42 Antron describes his nightmare about the footstep to his mother
- 23:25–25:40 Grace, Deloris and Sharonne discuss their sons
- 26:25–28:08 Sharonne loses her job and applies for public assistance
- 33:20–35:06 Kevin and his family talk about guilt
- 45:50–47:00 Yusef learns he can’t get a state certification due to his former incarceration
- 53:50–55:30 Antron helps his father and has a tender moment
- 1:00.00–1:03:50 Kevin and Yusef see each other at a sex offender meeting
- 1:04:30–1:06:25 Raymond and his father talk before Raymond moves out
- 1:07:50–1:10:08 Raymond narrates a montage of boys; Ends with Raymond getting arrested again.

EPISODE 4 — CLIPS

- 2:02–4:50 Korey processed into an adult facility
- 7:10–8:45 Korey learns about transfers
- 9:35–11:25 Korey seeks medical attention
- 12:10–16:55 Korey and his mother visit at the prison
- 23:00–25:40 Korey is in solitary
- 40:40–41:30 Korey has a parole hearing but he won’t take responsibility because he is innocent
- 1:05:25–1:08:10 Ryan confronts detectives of the old case
- 1:09:45–1:12:40 Ryan confronts Fairstein



EPISODE 1 — STILLS

- 4:35 Kevin covers his mother who’s asleep on the couch
- 5:10 Young Korey and Yusef
- 5:13 Raymond
- 5:57 Kevin responds to violence in the park
- 11:01 Kevin sleeps in the holding area
- 12:39 Clarence after talking with Fairstein
- 15:06 Antron’s father makes a face as police search his home
- 22:57 Kevin is handcuffed to a chair
- 25:50 Raymond watches his grandmother being escorted out
- 29:50 Antron is handcuffed to a chair
- 42:50 Angie and Kevin signed a statement
- 44:50 Yusef and his mother
- 45:33 Yusef holds on to his mother
- 45:55 Korey sleeps in the waiting area
- 46:08 Raymond cuffed while hugging his grandmother
- 46:28 Raymond lays his head on his grandmother’s lap
- 55:50 Korey is placed in adult holding

EPISODE 2 — STILLS

- 00:53 The lower half of the bodies of a group of people
- 3:06 Trump ad
- 7:04 Sharonne holds Yusef after hearing about Trump ad
- 20:04 Antron and his mom walk alone to the first day of trial
- 20:31 Lederer with protestors in the background
- 21:40 Picket sign – “It’s not open season on women”
- 21:45 *The Final Call* article “Gov’t Plots to Destroy Black Youth”
- 22:30 Lederer and Joseph
- 22:50 People file into a segregated courtroom
- 22:58 Courtroom protests break out
- 25:36 Antron loosens his tie during opening statements by Joseph
- 26:17 Raymond follows opening statements by Rivera
- 28:08 Yusef follows opening statements by Burns
- 35:14 Raymond sees Patricia Meili’s blood-soaked shirt in court
- 36:51 Antron’s mother sees her husband after he missed half of the trial
- 48:55 Antron’s father returns home
- 58:06 Kevin watches recording and sobs
- 1:02:03 Raymond, Yusef and Antron hug awaiting closing statements
- 1:08:10 Kevin plays trumpet

EPISODE 3 — STILLS

- 13:21 Raymond connects with a local drug dealer
- 13:46 Raymond receiving notice of job loss
- 31:44 Raymond in the house with his father’s wife and family
- 37:01 Kevin sits in the car after being released from prison
- 41:58 Kevin is surrounded by the women in his family
- 43:12 Yusef sits in the corner at his welcome home party
- 54:44 Raymond in his room that was taken over by his younger brother
- 56:53 Raymond walking down the street after being released
- 57:58 Raymond Sr. on the phone with Ramon playing at a table
- 1:04:28 Antron is released and he embraces his mother

EPISODE 4 — STILLS

- 6:19 Real-life Korey
- 6:52 Real-life Kevin
- 7:18 Real-life Yusef
- 7:46 Real-life Raymond
- 8:16 Real-life Antron
- 9:15 Korey walks into Kennedy Fried Chicken
- 10:01 All men raise hands together
- 12:02 Raymond is released from prison
- 12:11 Yusef finds out he was exonerated
- 12:44 Kevin finds out he was exonerated
- 13:19 Antron finds out he was exonerated
- 36:07 Korey imagines going to Coney Island
- 41:36 Korey is assaulted at Wende State; guard pulling his fingers off the window
- 56:40 Korey finds out his brother Norman/Marci was murdered
- 49:20 Korey is relieved when the air-conditioning comes on
- 49:49 Korey on cleaning duty
- 1:17:56 Korey in the infirmary
- 1:27:19 Korey in the courtroom when his verdict is about to be announced

CREATOR/DIRECTOR

AVA DUVERNAY
CREATOR, CO-WRITER, DIRECTOR

Winner of Emmy®, BAFTA and Peabody Awards, Academy Award® nominee Ava DuVernay is a writer, director, producer and film distributor. Her directorial work includes the historical drama *Selma*, the criminal justice documentary *13th*, and Disney’s *A Wrinkle in Time*, which made her the highest-grossing black woman director in American box-office history. Based on the infamous case of The Central Park Five, *WHEN THEY SEE US* was released worldwide on Netflix in May 2019. Currently, she is overseeing production on her critically acclaimed TV series *Queen Sugar* and the OWN series *Cherish the Day*. Winner of the 2012 Sundance Film Festival’s Best Director Prize for her micro-budget film *Middle of Nowhere*, DuVernay amplifies the work of people of color and women through her nonprofit film collective ARRAY, named one of Fast Company’s “Most Innovative Companies.” DuVernay sits on the advisory board of the Academy of Television Arts and Sciences and chairs the Prada Diversity Council. She is based in Los Angeles, California.





ARRAY