

ETHICS AND THE LAW FROM AN INTEGRATED HEALTH PROSPECTIVE

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Why you should know what happened in Freddie Gray's life — long before his death By Janell Ross December 19, 2015 <http://www.justicepolicy.org/news/9964>

The general statistical profile of the West Baltimore community where Freddie Gray grew up is something most people think they know, even if the details are not committed to memory.

Here is the truth: The abbreviated and not at all easy life of Freddie Gray was, to some extent, shaped by Gray's choices. He was an American and an adult with at least some of the attendant free will that people assume comes with either status.

But it is also a life altered and quite likely distorted by the net effects of where and how the wealthy country into which he was born and its voters have decided to distribute its resources. Freddie Gray was an American failed more often by his country than served by it. And yet again this week, after a mistrial was declared in the first of six cases against police officers in whose custody Gray died, only the details of his death have become the subject of any real and sustained public discussion.

In this, an already heated presidential election cycle, there is much more about the life of Freddie Gray that is worthy of examination — real political issues. You see, Baltimore might be the biggest city in one of the nation's wealthiest states. But for the people in many of its neighborhoods, those resources are most readily used in ways that a growing body of economists, sociologists and mental health experts now argue do far more harm than good.

Consider the following, which is culled from federal data, a deep dive into Gray's path through the criminal justice system written by Buzz Feed's Nicolas Medina Mora, the Baltimore Sun's extensive reporting — including this helpful timeline — and multiple reports from The Washington Post.

In the area where Gray lived, data-finding efforts often group a trio of communities as one — Sandtown-Winchester/Harlem Park. Here, the unemployment rate averaged a stunning 51.8 percent between 2008 and 2012, according to a Justice Policy Institute report published in February. More than 30 percent of those who are fortunate enough to have jobs must travel 45 minutes or more to get to them. The median household income hovers just over \$24,000 a year, and in 2012, there were roughly 19 deaths for every 1,000 people between the ages of 15 and 24.

A full 25 percent of children ages 10 to 17 have spent time in a juvenile facility. That's a quarter of Sandtown-Winchester/Harlem Park children. That figure is also roughly equal to the share of kids in these communities who are likely to graduate from high school. And more than 7 percent of these same children have levels of lead in their blood — impulse-control and academic-ability-damaging lead — that meet or exceed the state standard for poisoning. Average life expectancy is 68.8 years. And the immediate area where Gray lived does not have a single grocery store or even a fast food restaurant.

Freddie Gray's West Baltimore was and is the kind of community that those who have other options try to avoid, and those who must live there have to cope with the full knowledge that the odds are truly stacked against them and their children. And should they manage to move elsewhere, some of the same challenges would follow.

The homicide rate in the whole of Baltimore is the nation's fifth-worst, behind only Detroit, New Orleans, Newark and St. Louis. As recently as 2013, 9.9 — yes, nearly 10 percent — of children born in Baltimore arrived too soon (before 37 weeks gestation), putting them at increased risk of a wide range of long-term health and social problems beginning with low birth weight, early death and academic difficulties. (The figures are even worse for black children in Baltimore and across the country, for reasons that researchers suspect have a lot to do with stress and the overall health of black women.) And even that 9.9 percent overall preterm birth rate in Baltimore represents a marked improvement. In 2009, a full 16 percent of the city's children were born premature, according to an Annie E. Casey Foundation analysis of federal data.

State prison costs in Baltimore alone approach \$300 million each year. When a pair of Harvard researchers examined what, if any, impact the actual place where a person lives, receives their education, etc., has on their long-term economic prospects, they ranked Baltimore at the bottom of their list. A 26-year-old man who spent his entire childhood in Baltimore earns about 28 percent less each year than he would if he had grown up in 100 other major cities, the study found. In summation, Baltimore — and particularly Gray's West Baltimore — is not an easy place for a poor and black child to grow up and get an education or a job.

Perhaps most telling of all, though, is this. Almost every disadvantage, challenge and public spending decision described in the paragraphs above had a direct and real effect on Gray's short life. Arguably, they also had something to do with his death and the heated political debate about policing and Black Lives Matter in which the country is now engaged.

In 1989, Gray was born two months premature, one half of a boy-girl set of twins. Almost two decades later, Gray's mother told lawyers collecting her testimony in a lead exposure civil lawsuit that, at the time her children were born, she could not read, had never attended high school and had begun using heroin in her early 20s (suggesting that she might have used drugs during her pregnancy). Gray and his sister spent the first few months of life in the hospital, so fragile and ill that one of the goals that doctors set for Gray before he could go home sounds almost elemental to infant life as suck, swallow or breathe: Gray had to gain five pounds.

That minimal milestone reached, Gray went home to a succession of West Baltimore apartments, most of them public housing, where both conditions and eligibility have an almost direct connection to public budgets and the politics of the moment. And in the public housing units where Gray lived, lead-infused paint was peeling from the walls and the windowsills with such intensity that before his 2nd birthday, Gray tested positive for concentrations of lead in his blood more than seven times the level that child health experts now believe can cause severe and permanent brain damage.

If the magnitude of that misses you, consider what a lead expert told The Washington Post's Terrence McCoy this year after learning about Gray's childhood lead levels.

"Jesus," Dan Levy, an assistant professor of pediatrics at Johns Hopkins University who has studied the effects of lead poisoning on youths, gasped when told of Gray's levels. "The fact that Mr. Gray had these high levels of lead in all likelihood affected his ability to think and to self-regulate and profoundly affected his cognitive ability to process information."

Levy added, "And the real tragedy of lead is that the damage it does is irreparable."

Then consider this: Lead paint exposure is a widespread national problem, concentrated most heavily in the nation's low-income communities. And government efforts to remove lead paint from public and privately owned housing remains woefully below levels that most child and environmental health experts think truly necessary to eliminate the issue. In fact, the nation's lead paint abatement programs are among those that experienced a budget cut due to sequestration and subsequent federal cost reduction efforts.

And that happened even though some public health experts believe that concerted national efforts to reduce widespread lead exposure — such as removing lead from gasoline — might be at least partially responsible for the precipitous drop in the nation's crime rate over the past two decades.

Two decades ago, when Gray was entering a West Baltimore public school where many other children were, like him, born premature and then exposed to damaging levels of lead, it wasn't long before Gray began to struggle. He and his sisters were diagnosed with attention deficit disorders and impulse control problems. School officials moved Gray into special education classrooms.

By the time he reached high school, Gray attended a West Baltimore institution where he had the opportunity to play football but never graduated. Still, had he been in better academic standing, his learning options still would have remained remarkably limited.

Today, Gray's high school is what researchers at the University of California Los Angles have described as an "apartheid school," where in 2011 — the most recent comprehensive federal data available — less than 1 percent of the student body is white and 98.7 percent black. Nearly half of the school's teachers were absent from work more than 10 days during that same school year, nearly 20 percent were inexperienced and teaching for the first time, and just more than 79 percent of students came from families poor enough to receive free and reduced-price meals.

It's a situation that, at the very least, suggests that significant resources might be needed to provide students with a solid education or prepare them for college. But during Gray's tenure, the school did not offer even one Advanced Placement course (AP courses are generally considered a college prep curriculum).

This has since changed, but much else has not.

By the time Gray reached his 18th birthday, he had been suspended several times from school and had a few run-ins with police outside of it. Then, as BuzzFeed reported, his first adult arrest for a non-violent drug crime actually occurred in almost the same spot as his final one.

Police officers who patrol West Baltimore deliver the arrest, chase and conviction stats that eventually form the basis of those tough-on-crime speeches that politicians (until quite recently, at least) clamored to make. And officers in this area had contact with Gray so often that, the Baltimore Sun and The Washington Post have reported, many officers knew Gray by name.

The arrests were followed by stints in jail that prompted Gray's family and friends to do business repeatedly with bail bondsmen, enter into bail installment plans, payday loans and legal settlement buy-outs which made the network's already uncertain financial situation even more difficult. And prosecutors, aware that charges will never stick, sometimes leave defendants unable to make bail in jail as a form of punishment. This too is a widespread problem — one that Justice Department officials have said is costing Americans their jobs and homes, and might be contributing to a cycle of crime. None of these practices are illegal, of course.

More often than not, in Gray's cases, prosecutors later dropped those charges. You see, in a community where public funds are directed mostly toward a certain type of policing and making arrests, a large portion of those cases can't stand up in court or produce the kind of evidence needed. Baltimore juries are also increasingly unwilling to convict.

But Gray's arrests generated enough of a record and a handful of convictions to make it difficult for him to find a paying job. During one of Gray's longest stints in jail — two years — he picked up masonry skills. Later, he told friends that he wanted to put them to use. But a number of construction companies and building trades' apprenticeship programs will not consider applicants with certain criminal convictions.

And it seems that Gray's dependence on what are known around Baltimore as "lead checks" (civil lawsuit settlement payments) was something he'd come to accept as an essential part of his life. With the settlement funds, Gray — who an off-and-on girlfriend and several neighbors have described as fun-loving and known to sing off-key in public simply to make people laugh — could at least buy a constant supply of new clothes, something he liked.

In the years that followed, Gray was charged with a series of mostly minor crimes — an arrest in a nightclub parking lot, for instance, where Gray and two friends were found in a van smoking marijuana. A court eventually found Gray not guilty. In March, Gray was charged with his first violent crime, for allegedly assaulting a family friend. Those charges were pending, along with a felony charge for possession of two oxycodone pills, when he died.

On the day of Gray's last arrest on April 12, Gray ran from police. The officers who chased him down found no drugs on Gray, but said that his flight and his presence in a known open-air drug market gave them "probable cause" to make an arrest. Later, the officers found that Gray did have a knife.

But prosecutors have described Gray's arrest as unlawful. The officers deny hitting or manhandling Gray in any way that might have caused his injuries — although cellphone video of Gray being put into a police van show that Gray's body appears oddly limp. Prosecutors have argued that the injuries to Gray's spinal cord which ultimately proved fatal happened inside the police transport van.

This is how Freddie Gray lived and died. And there is plenty about it that is very political and very much worthy of a bigger debate than we're having.