

Bell, E.

6.23.22

James Garbarino, PhD.
Consulting in Child and Adolescent Development
PO Box 7074
Ithaca NY 14851
607 351 2215

RE: Ed Bell DOB: 10/9/1972

As requested, I reviewed the case materials for Ed Bell. This included the Adverse Childhood Experiences Scale, our correspondence about his social history, his IDOC records, and trial/sentencing transcripts.

EXECUTIVE SUMMARY:

The foundation for my analysis lies in research that demonstrates three important findings:

*Adolescent brains are immature, particularly with respect to "executive function" (decision-making and weighing costs and benefits), "affective regulation" (emotional intelligence), and the links between "thinking" and "feeling." At age 22, Ed's behavior was shaped by these limitations.

*Severe adversity and trauma compounds the limitations of adolescent brains and thus increases the risk of anti-social and self-destructive behavior (including homicide). Thus, as a 22 year old who experienced severe adversity, Ed exhibited a kind of "adolescence squared."

*Despite his experience of adversity and the severity of his crime, Ed was not one of the rarest of cases of “irreparable corruption” whose rehabilitation and positive transformation are impossible. Ed has demonstrated that he has matured and made very significant progress in overcoming his childhood adversity and adolescent aggressive behavior.

My analysis focuses on bringing these findings to bear to answer three questions:

Was Ed so psychologically damaged as a child that by the time he entered adolescence he was irreparably harmed developmentally, and thus at high risk for a life-long pattern of anti-social behavior and crime?

Answer: NO

Was Ed so psychologically damaged while incarcerated that he could not take advantage of and profit from opportunities for rehabilitation while in prison?

Answer: NO

Does Ed have the psychological resources and the social support necessary to make a successful transition from prison to succeed in a positive post-release life?

Answer: YES

In the pages that follow, I expand upon all these issues and findings.

Let me be clear on three important points. First, I am not offering any clinical diagnoses of Ed, but rather serving as an educational witness to provide a developmental perspective on the information available to me regarding his pathway from childhood to adolescence into adulthood (to which the diagnoses offered by clinicians can contribute). Second, I am not excusing Ed's behavior in the crime in 1995 — which resulted in the death of Steven Lester--I am offering an explanation of how his life circumstances and experiences over the course of his first 22 years of life led him to a point at which it was *plausible* that he would be involved in such a crime.

Third, even though Ed was 22 years of age at the time of the crime in 1995, I am offering my developmental analysis in light of the Supreme Court decision in the case of *Miller v. Alabama*. The *Miller* ruling requires the courts to consider the adolescent defendant's liabilities when it comes to making good decisions and managing emotions as a function of the special developmental characteristics of being immature (particularly with respect to brain development), and which points toward considering the possibilities for rehabilitative intervention that are particularly promising in the case of young defendants. Given that Ed received a life sentence, the *Miller* principles are relevant in his case.

Adolescent brains are immature—an immaturity that extends into early adulthood. This includes the frontal lobes, which play a crucial role in making good decisions, controlling impulses, focusing attention for planning, and managing emotions. Science now understands that the process of maturation involves three components of brain function: “gray

matter” - the outer layer of the brain, “white matter connections” - the brain cells serving as the “wiring” between neurons, and activity in the chemicals or “neurotransmitters” that execute messages within the brain. All three are compromised in an individual under the age of 25. Measures of brain function and structure employing sophisticated technology support this new scientific recognition. Of special importance are the findings regarding “white matter,” because it is this aspect of brain development that links up the potential offered by “gray matter” to crucial decision-making and morally-relevant information processing in youth. One reference on “The Neuroscience of Adolescence” (Galvan, 2017) puts it this way: “White matter continues to develop and change from childhood into adolescence, supporting neural communication between functionally connected regions that have been coupled through learning and experiences. Examining the maturation of these structural connections throughout childhood and into early adulthood during which white matter growth peaks, provide a deeper understanding of the anatomical link between brain regions and the developmentally appropriate behaviors these connections support.” (pp. 56-57)

This is of special relevance in understanding properly the behavior and thinking of individuals such as Ed because social conditions and experiences affect the development of “white matter.” There is a general “maturation issue” faced by youth (i.e. the “natural” discrepancy between thinking well to act well). **But there is also the need to consider the “quality” of the individual’s experience.** Thus, the more coherent and supportive the social and psychological environment a youth has experienced, the more well-developed will be his neural systems, and thus his “mental resources” that can be brought to bear in processing morally (and criminally) relevant

information, and managing the links between emotions and behavior. Ed's life as a youth exemplifies these issues. Thus, at age 22, he was affected by both the general adolescent issues linked to brain immaturity and the additional limitations associated with experiencing adversity in childhood and early adolescence.

The federal government's Centers for Disease Control has endorsed an approach to risk accumulation that focuses upon the impact of ten "Adverse Childhood Experiences." These risk factors are assessed through a series of ten questions, including inquiries about childhood experience of physical, sexual, and psychological maltreatment, poverty, domestic violence, household substance abuse, parental separation or divorce, depression or suicide in a family member, and incarceration of a family member. While not encompassing all possible negative influences on development (e.g. the impact of racism and educational impairment) these ten factors have proved to be powerful in accounting for differences in negative outcomes extending into adulthood—e.g. accounting for 65% of the variation in suicide attempts, 55% of the variation in substance abuse, 45% of the variation in depression and 30% of the variation in violent behavior.

For purposes of understanding the lives of the "general population," it may be sufficient to report measures of health and well-being in which the lives of adults who had an ACE score of zero (some 36% of the general population), one (26%), two (16%), or three ACE's (10%) are compared with those with four or more (13% of the population). One way of conceptualizing the effects of childhood adversity is in terms of "developmental damage." I use this term to indicate that kids who have experienced severe adversity

face special challenges in wise and pro-social decision making and effective emotional management moving into adulthood. If they live in social environments characterized by gangs and community violence they are more likely to become involved in criminal behavior. **However, most of these youth are not lost causes by any means. They are capable of rehabilitation and positive transformation as they mature, particularly if they are offered formal and informal supportive and therapeutic resources. Thus, far from being irreparably corrupt or incorrigible, they are good candidates over the long haul—normally a period of 20 years (the basis for this claim is presented in my 2018 book *Miller's Children*).**

Given the severe adversity experienced by many killers it is necessary to appreciate the impact of extraordinarily high scores that are rare in the general population, but relatively common in this group as a whole. Only 4% of the general population has an ACE score of five. Only 2% have a score of six. Less than 1% has a score of seven or eight, and the percentage with nine or ten is even smaller—on the order of .1%. Among defendants involved in murder cases it is not uncommon to have such unusually high scores (with the average score in cases in which I have participated in being seven). **When Ed responded to the ten ACE questions looking back on his first 18 years of life, his score was eight, worse than 999 out of 1000 American kids growing up.** The adverse experiences he reported in detail pertained to:

Being emotionally abused (Item #1): “It was my big brother (Tyronne Walker). My brother Tyronne always louted at me for anything I did that made him mad and my brothers use to

Bell, E.

always look at me with a mean look, which made me emotionally feel fear.

Being physically abused (Item #2): "My big brother Tyrone use to beat the shit out of me."

Being emotionally neglected (Item #4): "I feel the emotional neglect of seeing other kids having their fathers at home and me not having my father at home. I feel left out when I saw other kids doing fun things with their fathers.

Being physically neglected (Item #5): "By not having my father at home my mother struggle financially trying to take care of 8 kids by herself and because of that reason we lacked having food to eat every day. Sometime my mom didn't have money to buy me and my little brother underwear."

Experiencing parental separation (Item #6): "My father left my mother when i was around 10 years old with 8 kids to take care by her self. When my father separated from my mother, my mother had to get on welfare and years later my mother divorced my father."

Living with a substance abuser (Item ##8): "My big brother Tyrone, used drugs."

Living with mental health or suicide problems in the household (Item #9): "My brother Leroy Bell try to commit suicide a few times. My brother Leroy was sexually abused by my uncle."

Family member going to prison (Item #10): "My big brother Tyrone was convicted for murder."

The adversities he did not report are, being sexually abused (Item #3) and witnessing domestic violence (Item #7),

Any judgment of Ed's behavior as a 22 year old must be made with an appreciation of the emotional and social weight he was carrying on his shoulders given his ACE score of eight (i.e. worse than 99.9% of the general population).

I asked Ed these two questions. First, if I gave this survey to 100 girls in the neighborhood in which you grew up, how many do you think would have a score of eight or more? He responded, "I think just about all...." Second, if I gave this survey to 100 guys from all around America—rich and poor, White and Black, city and suburbs, how many do you think would have a score of six or more? He responded "All of them." A 2016 analysis of national data on these issues indicates: "Across all groups, black and Hispanic children were exposed to more adversities compared with white children, and income disparities in exposure were larger than racial/ethnic disparities." (Slopen, N. et. al, 2016). The overestimation of high ACE scores is, in my experience, common among those incarcerated for homicide: kids know what they grow up with. This is their "normal." The process of rehabilitation and transformation often involves recognizing this and readjusting their understanding of what is "normal."

In the period immediately preceding the crime for which he is currently incarcerated, Ed faced significant stress that interacted with his immaturity: "My brother Tyrone abuse me so bad that I had no self-control over my anger when someone made me mad. My brother Tyrone taught me to have a

aggressive behavior like himself. If I show weakness he would beat me. I lacked any coping skills to face my anxiety, depression, and I live in fear because I could not trust the adults in my life to provide me a safe home environment. When I was put in a emotionally situation I responded by acting out aggressive. I was easily stimulated and overwhelmed by emotions and which cause me to have poor judgement because I would often base my decisions totally on my emotions.

The crime for which Ed is incarcerated offers further evidence of his immaturity. It's a classic example of the kind of immaturity in "executive function" that is the hall mark of adolescent immaturity, when coupled with his immaturity in dealing with the emotional complexities of navigating challenging family and community dynamics ("affective regulation").

Larry Steinberg has elaborated on this concern. His analysis (2014) concludes that the crucial issue is the functional connections between the "socioemotional" and "cognitive-control networks." During the adolescence, the socioemotional system (which processes social and emotional information) becomes highly active – leading to intense emotions and sensitivity to social influences. The cognitive-control networks become more assertive during puberty, while the socioemotional-control system is still maturing during adolescence and into a person's mid-20s. What is more, the hormonal conditions of such youths contribute to impaired brain function (relative to adults) in matters of assessing and taking risks, emotional intensity, and dealing with peers (including social rejection). All of these considerations underlie the current scientific recognition that extended adolescence (people in their early

20's) are a special class. The process of brain maturation should not be presumed in any persons until they reach their mid 20's.

All of this has come to fruition with the development of a specialized area of research commonly referred to as "late adolescence" or "emerging adulthood." The former term emphasizes that adolescence does not end at age 18 and in fact continues into the early 20s. The second term comes at the issue from the other end of the spectrum, and recognizes that adulthood is not attained at age 18 or 21, but rather emerges in this period, not to be fully formed until the mid-20s. Thus, it is more appropriate to speak of "emerging adulthood" rather than "early adulthood," because the latter term suggests that a line has been crossed into adulthood. In contrast, "emerging" adulthood more accurately reflects the fact individuals in the age range 18-25 are not adults (from the perspective of development), but rather manifest a mix of adolescent and adult characteristics and functioning. Critics have pointed out that this phenomenon is mostly limited to modernized, "Western" societies, but since the focus here is on American youth this is not a critical issue. Studies of "sensation seeking" among youth have shown that it is a universal human phenomenon.

An influential review of this developmental issue was published in 2000 in the American Psychological Association's premier journal (*American Psychologist*) by Jeffrey Arnett, under the title "Emerging Adulthood." Arnett's summary of research findings includes the following:

"Although there is a voluminous literature on adolescent risk behavior and relatively little research on risk behavior in emerging adulthood (Jessor, Donovan, & Costa, 1991), the prevalence of several types of risk behavior peaks not during adolescence but during emerging adulthood (ages 18-25). These risk behaviors include unprotected sex, most types of substance use, and risky driving behaviors such as driving at high speeds or while intoxicated (Arnett, 1992; Bachman, Johnston, O'Malley, & Schulenberg, 1996)."

These studies deal with youth in "normal" social environments, in which their likely exposure to opportunities for "risk behaviors" is confined to sex, substance abuse and dangerous driving. In socially toxic environments (like communities immersed in gangs and gang violence) the "opportunities" for high-risk behaviors extend to criminal acts including homicide.

This has led to new institutional recognition of the need to consider "emerging adulthood" as a distinct period in human development. The Society of Clinical and Adolescent Psychology (Division 53 of the American Psychological Association of which I am a member and elected Fellow) created a Special Interest Group on "Emerging Adulthood" in 2015 in recognition of the new research being conducted that documented the particular developmental phenomena and issues identified by Jeffrey Arnett in 2000. The mission of this group:

"The Emerging Adulthood Special Interest Group (EA SIG) of the Society of Clinical Child and Adolescent Psychology is dedicated to the promotion of policy, practice, research, and training directly relevant to the psychological assessment and treatment of individuals 18 to 25 years of age."

Note that this is a special interest group of the Society of Clinical Child and **Adolescent** Psychology. This evolution of research dealing with “emerging adulthood” supports generally an extension of the developmental principles recognized in both *Roper* and *Miller* to adolescents beyond age 18 to include individuals in their early to mid- 20’s. By way of example, Legislation passed in California to amend the penal code (sections 3051 and 4801) in 2015, requires that parole boards apply the *Miller* principles up to age twenty-three. Illinois has followed suit with similar protections up to age 21. These protections include eligibility for parole consideration after 20 years for first degree murders so long as they have not been sentenced to a “natural life sentence.” My own conclusion, from examining the evidence from developmental psychology, is that no individual should be considered ineligible for imposition of the death penalty or life without realistic possibility of release until (at least) age 26, when brain maturation can be presumed and fully adult “executive function” and “affective regulation” are consistently present and available—most notably in situations of intense arousal (fear, anger, and lust, for example).

The foregoing analysis is relevant to the case of Ed Bell because he was 22 years old at the time of the crime in 1995, for which he is incarcerated, and thus, like all 22 year olds, was dealing with the world with an immature brain. What is more, his history of adversity and trauma growing up compromised his maturation, and exacerbated his juvenile issues with thinking and feeling. However, this did not mean that he was irreparably corrupt and not a good candidate for rehabilitation and positive transformation in adulthood.

In the *Miller* case, the Supreme Court laid out five grounds for rejecting mandatory life without parole—and by logical extension any sentence that is de facto a “death in prison” sentence-- for juveniles:

- *Immaturity, impetuosity, less capacity to consider future consequences, and related characteristics that impair juveniles’ ability to make decisions.

- *A family and home environment from which a child cannot extricate himself or herself.

- * The circumstances of the offense, including the role the youth played and the influence of peer pressure.

- * Impaired legal competency that puts juveniles at a disadvantage in dealing with police or participating in legal proceedings.

- *The youth’s potential for rehabilitation.

As we shall see, these *Miller* issues are present in the case of Ed Bell: His behavior reflected immature impetuosity due to his brain development. His behavior was the result, in part, of the dysfunctional impact of his family life as a child and as an adolescent. The social context in which he was an adolescent—chronic exposure to community violence and substance abusing peer group —exacerbated his adolescent problems with making good decisions (“executive function”) and managing his emotions (“affective regulation”). Finally, and most importantly, the nature of his behavior at age 22 could not and did not accurately predict what he

could become as a mature adult, because his potential for rehabilitation was masked by his youth and his emotional disturbance at the time of his crime.

As noted earlier, I believe there are three core questions to be answered in making a decision in the re-sentencing or clemency for someone like Ed Bell who was sentenced as a young person:

Was he so psychologically damaged as a child that by the time he entered adolescence he was irreparably harmed developmentally, and thus at high risk for a life-long pattern of anti-social behavior and crime?

Was he so psychologically damaged while incarcerated that he could not take advantage of and profit from opportunities for rehabilitation while in prison?

Does he have the psychological resources and the social support necessary to make a successful transition from prison to succeed in a positive post-release life?

Based upon my review of the case material I conducted, I have reached some conclusions about these three questions. These conclusions reflect my 45 years of experience as a researcher studying issues of trauma, child maltreatment, human development, and community violence, including my work as an expert witness in approximately 300 murder cases (which resulted in my 2015 book *Listening to Killers* and my 2018 book *Miller's Children*). This includes 120 "Miller" cases in which re-sentencing hearings were held to determine if a sentence

with the possibility of release is justified, and in a study of adolescents involved in lethal crimes. A full professional bio is included at the conclusion of this report.

Question #1: Was Ed Bell so psychologically damaged as a child that by the time he entered adolescence he was irreparably harmed developmentally, and thus at high risk for a life-long pattern of anti-social behavior and crime?

Many individuals who come to prison as adolescents or young adults for committing a violent crime evidence childhood experiences that result in them entering adolescence with very serious developmental damage. The childhood of these individuals is typically characterized by severe abuse and neglect in the family, chronically violent traumatic experiences in the community and/or school, high levels of family disruption (often including abandonment, rejection and domestic violence) and exposure to anti-social lifestyles on the part of immediate and extended family, family associates, and communities and neighborhoods in which they grow up. Usually this results in childhood onset of a chronic pattern of aggression, bad behavior, acting out and violating the rights of others. This is usually temporary (as it was with Ed), but in some rare cases it can become so ingrained that it continues into adulthood and forms the basis for long-term problems with negative and anti-social behavior (which it did not in Ed's case).

Why do some 10 year olds who demonstrate such a chronic pattern of aggression, bad behavior, acting out and violating the rights of others become life-long offenders, while others do not? The odds of contrasting developmental pathways

differs as a function of social context. For example, on average, some 30% of youth who demonstrated the problems with aggression in childhood end up evidencing serious violent delinquency as adolescents. However, this figure is 60% in some particularly anti-social neighborhoods but only 15% in some “good” neighborhoods. Overall, few individuals with a childhood onset of aggression, bad behavior, acting out and violating the rights of others “get better” spontaneously. For them, rehabilitation and positive transformation require a long period of intensive effort. But it is possible and does happen, particularly once brain maturation is complete at age 25. They *can* and *do* become pro-social if they engage in the transformative experiences of therapeutic intervention, education, and spiritual development.

The available evidence indicates that Ed Bell did experience many of the classic toxic influences associated with psychological damage in childhood, violent trauma in his family, and social alienation as a teenager. Many of these traumatic events occurred during the period of brain development (age 14) when the area of the brain involved in regulating the intensity of sensation (the “nucleus accumbens”) reaches its peak. The research of developmental psychologist Larry Steinberg (and others) demonstrates that therefore in mid-adolescence ***everything*** feels more intense than it does before or after. This helps explain the enormous developmental challenge Ed faced as he entered his fifteenth year of life in 1988, and Ed started his severe downward slide during this period.

Ed struggled in school: “My experience in school was not a happy one. All through school I was in Special Ed class and kids use to call me retarded or say I was in the retarded class. I

Bell, E.

always felt embarrass in school because I was in the Special Ed class.” Records from the Chicago Public Schools confirm this (indicating he was in Special Ed from fifth grade through high school).

It seems clear that Ed drifted away from whatever positive path he was able to maintain in childhood as he entered adolescence and was caught up in negativity. This explanation does not “excuse” the criminal path Ed followed in adolescence, but it does serve to “explain” it. That is the crucial point in any such developmental analysis of an individual’s social history. As evidence of his maturity now, he offers this reflection: “I look at my life now as a purpose and not a curse because I am a Black man.”

The negative dynamics of Ed’s family took its “natural” path as he more and more entered the world of “the streets.” He says this of how he was socialized toward the gang life: “My brother Tyrone in catching a murder which he was convicted for. I took over my brother drug business and started running his gang. I become the Chief of the Cicero Insane Vice Lords in Peoria.”

Ed’s litany of witnessing criminal violence in his community is a terrible list of severe traumatic events, any one of which would have elicited a powerful sustained therapeutic response—trauma-informed cognitive behavioral therapy—were it to have occurred to a youth living in a middle class, “safe” community. But for Ed there was no such intervention. Like most youth growing up in American war zones, Ed received little effective psychological intervention to deal with trauma and his family issues. Ed describes what it feels like to live with pervasive and intense community

violence: "My neighborhood was gang infected. I live in a war zone."

This is what it means to live in "an urban war zone," chronic trauma, and all it entails for child and adolescent development, including a pessimistic and fatalistic view of life. So it is, that growing up in a war zone often leads to the development of a "war zone mentality," particularly, but not exclusively, among males.

And, it reflects the coverall social difficulty of his life as an adolescent: "Where I grew up on the West Side of Chicago, it was like living in a war zone. I woke up hearing gunshots. It was drug dealers on every block in my neighborhood. A lot of my friends Mothers and fathers became drug addictions. It was a emotional feeling for me to be playing in my neighborhood and then to see my best friend Mother sucking a drug dealers dick for crack cocaine. Kids could not come outside and play after school on my block because a kid got shot when two drug dealers warring with each other concern who would run the drug business in my neighborhood. Crack heads ran in packs in my neighborhood stealing everything that was not nail down...Kids in my neighborhood never play in grass because all the grass in my neighborhood was worn down on. Wine bottles was everywhere, kids play with the wine bottles as toys. My neighborhood was like a jungle at night, you never knew what was going to jump out at you."

Being immersed in the war zone mentality suppressed the development of pro-social positive patterns of behavior. But it is possible to move away from and beyond this mentality. When asked to reflect upon how he looks at life now, he offers this reflection on how he has come to a more mature understanding of the dynamics in his family and community that led to his role in the gang: "My cousin A. J. was the king of

the Cicero Insane Vice Lords and my older brother Tyrone Walker thought it was part of our family history for all of us to grow up being Cicero Insane Vice Lords. When I was 10 years old my brother (Tyrone) told me that I was going to be a Cicero Insane Vice Lord or he was going to beat the shit out of me until I join the gang.”

In the years leading up to the crime for which he is incarcerated Ed’s life continued to spiral downward, as he more and more became immersed in the war zone mentality. The key elements of this “war zone mentality” are extreme sensitivity to threat (“hyper vigilance”—being highly attuned to verbal and physical threats) and a high probability of responding to perceived threat with aggression (including preemptive assault— “get them before they get you.”) These two factors often provide the basis for the rapid escalation of conflicts to flourish among youth exhibiting the “war zone mentality,” particularly where there is gang involvement.

The war zone mentality leads to violence in socially toxic neighborhood, as it did in Ed’s case. He offers evidence in the statements of others familiar with the events that led to the death of Steven Lester. These statements indicate that Ed’s position as leader of the gang led him to the decision that he had to “violate” Lester for breaking the rules of the drug dealing enterprise which was a core gang activity (specifically defrauding a “client” by substituting sugar for the promised drug in the transaction). Ed made statements to Lester and others that punishing him was required to maintain gang discipline. **From this perspective, it is psychologically and social *plausible* that beating up Lester and pouring gasoline on him as a scare tactic rather than killing him was Ed’s goal.** In Ed’s account, brandishing a lighted stick at the gasoline-soaked Lester was part of the scare tactic, rather than the prelude to

actually setting him on fire. In this sense, from Ed's perspective, the horrible conclusion of "violating" Lester was an "accident"—the unintended consequence of an action that was impetuous (meaning undertaken without care or thought).

I think understanding Ed's development of the war zone mentality is crucial to understanding the pattern of violent behavior in his life that made it *plausible* that he would be involved in the crime of murder, for which he is incarcerated. It is now understood that psychological and social residue of dysfunctional family life generally does not spontaneously decay. It can remain vivid and powerful many years (even decades) after the trauma that gives rise to them. Ed's life was replete with violent experiences: Gang fights at high school and after school were common. Police harassment was a fact of life. After being taken to a stationhouse, "...the police started beating on me and then I told them I was a Vice Lord. Police told us that there were niggers and we should all be shot and kill. I was 15 years old and that was my first time hearing a white man call me a nigger and to have a white man to be on me for no reason just because I was Black....from that day I believe that the only thing I can be in life was a 'nigger,' and I started calling myself a 'nigger' and acting like a nigger. And that was the day I lost my trust in police."

Generally, what is required to deal with this kind of severe chronic trauma is some combination of professional support and the "natural" therapy of education, reflection, and spiritual growth over a period of years. Ed has accomplished this, as is evident in his mature rendering of how he has made peace with his early negative experiences.

Ed's adult development has taken a decidedly positive direction. This is facilitated by the positive elements of his

childhood, of which he says. These positive elements of childhood provided a foundation upon which to build a positive life as an adult. As an inmate once told me, “How can I become *rehabilitated* if I was never *habilitated* in the first place?” To a significant degree, Ed was “habilitated” as a child by his mother, and this provided a foundation for his *rehabilitation* as a man after he entered prison and benefitted from developing a mature brain and dealing with his socially and psychologically toxic childhood—most notably the negative impact of his older brother Tyrone.

When asked about his earliest memories of his family, he reports, “XSS.”

He says this: “When my Mom kick my brother out of her house, I started doing better and going back to school. Then my mother was kill in a car accident and I was sent to live with my brother (Tyrone) in Peoria, Illinois. The first day I got to my brother house he told me that I was going to sell drugs for him or I had to get out of his house. I was 17 going on 18 years old. ...I wanted to go to school but my brother started back beating me again until I start selling drugs for him.” The impulse to positivity that Ed demonstrated is important for a developmentally appropriate understanding of Ed’s process of rehabilitation and positive transformation.

Despite the negativity of his mother’s life, Ed speaks lovingly of his. When asked what words comes to mind when he hears the word “mother,” Ed responds: “Protector.”

One measure of Ed’s rehabilitative progress is his efforts to “process” the way his mother treated his: “Those would have been my thoughts as a kid and a teenager, but now that I am an

adult my thoughts of his are different. I would say...No nonsense type of woman, hard worker, family woman, provider, and an unconditional lover. I know now that he has always had my back through thick and thin, and he tried to give me tough love, so, that I would not have had to end up in a place like this. My mom thought, if he disciplined me, it would turn out for my good, but I resented his, and thought he was jealous of me, and did not like me." Clearly, Ed's adolescence was colored by his struggles with his brother, and his adulthood has been informed by his efforts to make sense of that relationship.

When asked what word comes to mind when he hears the word "father," he responds: "Abandoned."

When asked about "best memory from childhood," he reports: "My best memory is when I was not in a gang!" His worst memory? "When my Mom died and I had to go to Peoria to live with my brother Tyrone who beat on me!"

But his life did contain significant trauma. Trauma is the result of encountering experiences that are characterized by "overwhelming negative cognitions" (i.e. whose the idea of what is happening violates normal standards of reality, such as when you witness people being killed or you are physically attacked with potentially lethal violence) and "overwhelming negative arousal" (i.e. when you are so terrified that normal emotional coping is disrupted, when "your emotional circuits are blown"). Effects of trauma in the short run include disrupted sleep and normal activities of life, emotional deadening and disconnection ("dissociation"), hypersensitivity to events and stimuli that are associated with the traumatic event(s) and other psychological symptoms of what has come to be known as Post Traumatic Stress Disorder (PTSD). In the

Bell, E.

long run, effects can include a wide range of negative effects on pro-social behavior and moral development. Ed says this: "My worst memory from my childhood?

In Ed's case, his youthfulness, his unresolved family issues, and his being immersed in a socially toxic environment were clearly interacting mitigating factors in assessing his at the time of his terrible crime in 1995. However, the deciding factor today is what Ed did and what happened to his *after* the crime for which he was convicted and sentenced to "natural life" in prison.

Question #2: Was Ed Bell so psychologically damaged while incarcerated that he could not take advantage of and profit from opportunities for rehabilitation while in prison?

One of the most important variables in understanding trauma is whether it is a single incident ("acute" trauma) or it is an on-going pattern of experience ("chronic" trauma). Acute trauma is amenable to resolution through some combination of "psychological first aid" in the form of reassurance and the passage of time as things return to normal. Chronic trauma is not so amenable to resolution because there is no possibility of a simple therapy of reassurance because a "return to normal" is not a solution because the problem is the normal. War zones, neighborhoods with high levels of community violence, and abusive families are all prime examples of chronic trauma. *Prisons can be.*

Ed Bell's experience of prison is notable in three respects. First, he was able to avoid some of the most traumatic experiences

associated with incarceration for a juvenile, namely sexual assault. Adolescents who are subject to the trauma of violent sexual assault are likely to develop rage and/or social withdrawal that both damages them psychologically, and disinclines them from taking advantage of opportunities for educational and social improvement that may be available in a prison. He says of prison: "My experience in prison was a life changing experience because I saw things for what it was. I knew that I didn't fit in here. So people here in prison walk around like this was a normal place to be, but for me I knew something was wrong with my life that put me here in prison, because prison is not normal."

Second, Ed Bell engaged in transformative consciousness raising, growing out of existential crisis, which was valuable in helping Ed deal with the underlying emotional issues that were linked to his delinquent behavior. It is notable that this turning point occurred when Ed was 25 years of age, the point at which brain maturation is coming to fruition. Like many others (as documented in my 2018 book *Miller's Children*) he used his newly mature brain to confront and deal with the issues that had plagued his adolescence. He reports: "I notice that around 25 or 26 years old I started believing in myself more and I had more self-control over myself. I was not longer easily stimulated and overwhelmed by my emotions which use to cause me to make poor judgement and bad decisions. I notice these changers in my way of thinking when I went back to court for a resentencing hearing in 1998 and I took responsibility for causing Mr. Lester death by writing the Judge a remorseful letter."

For someone with the history of trauma and adversity demonstrated by Ed Bell, issues of resilience are

paramount. Emmy Werner's classic review of research on resilience (the ability to recover from and overcome adversity in life) indicates several foundations:

- *at least average intellectual ability
- *at least one person growing up who is 'crazy' about you
- *demonstrating some special talent or ability
- *educational experiences that enhance development
- *a supportive community
- *a positive approach to life

Ed has faced significant challenges with respect to resilience; but he does have resources as well. Although he was in Special Education as a child and teenager, his subsequent development suggests that he is of average intelligence. He reports unconditional love from his family: "My sisters and brothers support me. I also have the support from my daughter." He has sought out educational development by learning how to read and participate in writing projects. And, he demonstrates a positive approach to life, saying: "Educating myself have allow me to know I can be a part of this working society."

Ed has come to an appreciation of spirituality: "I now have a spiritual purpose in lifer. I am move to help other kids not go through what I have when t through."

It is clear why and how recovering from his childhood and adolescent adversity and trauma has been a long struggle. On the other hand, at age 50, he has had a lot of time to work on his issues (more than two decades since he turned 25, when brain maturity can be presumed).

Third, Ed had the on-going support of his family (as noted above): "My cousin Darrel S. Turner is the owner of Diversified

Bell, E.

Investments LLC (DST Property Management) and offer me a job at his company and a place to stay at.”

The result of these three positive aspects of Ed Bell’s incarceration is that he presents himself for re-sentencing as a mature 50 year old, *not* as the traumatized, oppositional and uneducated youth he was in 1995.

As noted earlier, modern neuroscience research demonstrates that the human brains are malleable, even in adulthood. In a sense, the brain is both the cause and result of experience. When an individual engages in the kind of re-socialization and transformation experiences characteristic of Ed Bell’s decades of self-development, that individual’s brain tends to follow suit. For example, research reveals that the brains of individuals who engage in a practice of meditation, reflection, and prayer actually change in a positive way. Thus, what emerges in a person whose brain promotes exactly the kind of competence in the areas of “emotional regulation” and “executive function” that are typically lacking in young violent offenders. Ed exemplifies this positive developmental path.

Question #3: Does Ed Bell have the psychological resources and the social support necessary to make a successful transition from prison to succeed in a positive post-release life?

As a 50 year old man, Ed is in the category of lowest risk for recidivism (which applies to individuals after age 40 with 20 years in prison).

At the time of the crime in 1995, for which he was incarcerated, Ed was a young traumatized person immersed

in a socially toxic environment. His brother Tyrone has a history of abusing Ed that began in childhood and continued into adolescence. Ed reports that once his mother died and he was under the sole control and influence of his brother the toxic environment intensified. His brother exerted terrible discipline over Ed's behavior in Tyrone's drug business. Once, when Ed had given someone a free bag of drugs Tyrone: "...tied me p and then throw cold water on me. He kept me tied up all day long until I said I would not do it again...Soon my brother started giving me weed and crack to smoke it. I stay high every day to deal with the world my brother had me in."

I am unaware of any evidence demonstrating a significant correlation between the seriousness of a young person's crime and the prospects for rehabilitation and positive transformation. That is, it is generally not possible to predict what a young person will become based upon the crime he commits. This, I believe, applies to Ed. When he was 22 it was a dark period in his life. However, his path to rehabilitation and transformation in the years and decades following his incarceration eloquently testify to the fact that he was *not* doomed to live out his life as a violent, anti-social criminal. He is not one of the rare cases of individuals who are irreparably depraved and corrupt. He does not have a "malignant heart."

Clinical psychologist Carol Holden has offered a useful framework for determining whether or not an individual is a good candidate for rehabilitation and positive transformation (or is in the rare category of the "irreparably corrupt"). He identifies 14 considerations:

- *poor disciplinary history, with little evidence of improvement
- *ongoing criminal behavior
- *violence, predatory behavior
- *continuing gang involvement
- *failure to benefit from educational programming
- *poor work record
- *failure to benefit from psych/self-help programming
- *lack of insight, lack of treatment amenability
- *criminal attitudes
- *lack of remorse
- *callous-unemotional traits
- *current antisocial personality disorder, psychopathy
- *assessed high risk for recidivism
- *ongoing substance use, mental illness

Ed's status with respect to these 14 considerations offers compelling evidence that he is not "irreparably corrupt," and thus is a good candidate for release, be it through re-sentencing or clemency.

*poor disciplinary history, with little evidence of improvement: "My disciplinary history would show as I got older my behavior have change. I have not caught a disciplinary ticket in 13 years." His IDOC record indicates ten violations (only one two involving aggression) from 2001-2008.

*ongoing criminal behavior: He reports, "No"

*violence, predatory behavior: He reports, "No."

*continuing gang involvement: In April 2022, he filed a notice with Stateville CC stating that he was renouncing "my

Bell, E.

affiliation with the Insane Vice Lords...I had walked away from the gang life in 2010 when I found God."

*failure to benefit from educational programming: Like many long-term inmates, Ed has found it difficult to access educational programming: "I have had to teach myself how to read by reading the Bible every day and case law. I couldn't get my GED because people who is doing a life sentence cannot get in school..." He has certificates for participating in the Northeastern university Prion and Neighborhood Arts Project course on "Introduction to Criminology" and "Political Science: The Meaning and Limits of Rights."

*poor work record: He has a letter of support regarding his work from R. Arndt- Supervisor of the kitchen at Stateville CC indicating that "Mr. Bell is a great worker in the kitchen..." and is "a model inmate."

*failure to benefit from psych/self-help programming: He has certificates for participating in the "Women's History Essay Contest," and the "Kairos Inside Weekend Program."

*lack of insight, lack of treatment amenability: He appears to be open to self-improvement: "When I took responsibility for causing Mr. Lester death, I took ownership of my action and the punishment that come with it. I throw myself upon the mercy of the court."

*criminal attitudes: "My criminal life path is over with. I am now 50 years old. I have no thoughts in my mind of committing any crimes. My thoughts is all about getting out of prison and getting a job to provide for my daughter and granddaughter."

*lack of remorse: In 1988, Ed wrote a remorseful letter to the judge in his case (Judge Barnes). The letter is appended.

*callous-unemotional traits: Ed appears to have a normal emotional life.

*current antisocial personality disorder, psychopathy: He appears to function normally in this sense.

*assessed high risk for recidivism: He is past the age of 40 and 20 years in prison, when recidivism rates decline, and he states, "After doing over 26 years in prison, my whole outlook at life have change. I have did the majority of my life in prison and having health problem now, i may only have 10 good years left in me. So i don't have the youth in me to come back to prison."

*ongoing substance use, mental illness: "The last time I used any kind of drug was in 2003. I have been drug free over 19 years and i have no mental health issues."

Was Ed so psychologically damaged as a child that by the time he entered adolescence he was irreparably harmed developmentally, and thus at high risk for a life-long pattern of anti-social behavior and crime?

Answer: NO

Was Ed so psychologically damaged while incarcerated that he could not take advantage of and profit from opportunities for rehabilitation while in prison?

Answer: **NO**

Does Ed have the psychological resources and the social support necessary to make a successful transition from prison to succeed in a positive post-release life?

Answer: **YES**

All in all, Ed Bell is a good candidate for safe release and return to the community.

I offer my opinions to a reasonable degree of scientific certainty, based upon the information available to me. I reserve the right to supplement my conclusions subject to additional information.

Professional Background and Credentials:

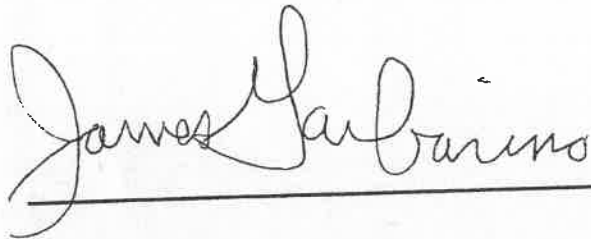
I am a developmental psychologist who is a member and Fellow of the American Psychological Association. From 1989-1990, I served as president of the Association's Division on Child, Youth and Family Services. I am currently Professor Emeritus of Human Development at Cornell University and of Psychology at Loyola University Chicago. From 2005-2020 I was Maude C. Clarke Professor of Psychology at Loyola University Chicago, where I also served as Senior Faculty Fellow at the Center for the Human Rights of Children. Prior to this I served as Elizabeth Lee Vincent Professor of Human Development at Cornell University in Ithaca, New York and from 1985 to 1994, as

James Garbarino, Ph.D.
Consulting in Child and Adolescent Development
PO Box 7074
Ithaca NY 14851

August 5, 2022

TO: Court
RE: Ed Bell IDOC # B72493

I am writing to confirm that I prepared a report providing a developmental analysis of Ed Bell, and that I will to testify in Court to the content of this report (dated 6/22/22).

A handwritten signature in cursive script that reads "James Garbarino". The signature is written in dark ink and is positioned above a horizontal line.

James Garbarino, PhD

IF you wish to write Mr. Bell,
write him at: Ed Bell #B-72493
Illinois River C.C., 1300 West Locust St.
Canton, IL 61520

