



PICTURING JUSTICE FOR KALIEF BROWDER: DOCUMENTARY FILM AND THE ETHICS OF MEDIA ADVOCACY

In 2010, Kalief Browder, a Black teen from the Bronx, was arrested and accused of stealing a backpack. Over the next five years, Browder's case languished in the Bronx court system, and he remained confined in Rikers Island, a prison notorious for not only its dire physical conditions but also the brutal violence among both prisoners and officers. An otherwise reserved and quiet teen, Browder's literal fight to survive the corruption at Rikers – all while simply awaiting trial – resulted in solitary confinement for a sum of two of his three years in prison.



Shawn "Jay-Z" Carter and Kalief Browder /
TIME: The Kalief Browder Story

The Netflix/Spike documentary mini-series *Time: The Kalief Browder Story* (Carter, 2017) recounts the complexity of Browder's tragic experience in the criminal justice system. The "docuseries," produced by rap artist Jay-Z, includes violent security camera footage of Browder and other inmates at Rikers Island, and depicts the damaging effects of solitary confinement. The series features interviews with Browder, his mother Venida, his siblings, and his lawyer. Jay-Z and Governor Andrew Cuomo also add their own commentary on Browder's experience in a broken system. The psychological damage of solitary confinement is clearly depicted, and Browder himself describes the isolation, paranoia, and fear associated with being "in the bing." Media attention was intended to help bring attention to unjust instances of solitary confinement, but may also have contributed to the tragic outcome of Browder's story.

The System

After his arrest in 2010, Browder's adoptive mother scraped together the \$3,000 required for his bail, though because Browder was on probation for a previous offense - joyriding in a bakery truck - he could not be discharged. Browder was offered plea bargains which would have resulted in his immediate release, though he insisted on his innocence and refused to plead guilty to a crime that he did not commit. The prosecution on the case dragged its heels, and repeatedly deferred the trial, claiming it was "not ready." Browder remained imprisoned, despite several court appearances which all resulted in ongoing delays.

Raw video footage in the docuseries includes officers beating Browder to the ground even while he was in



handcuffs, fights among prisoners, and guards' aggressive and provocative behaviour. While Browder was not a large man and was generally respectful, the need to defend himself in prison and his refusal to subscribe to what inmates and guards call "The Program" of extortion and corruption at Rikers resulted in repeated stints in solitary confinement. His frustration at the lack of a speedy trial, violence associated with the unwritten rules in prison, and isolation led him to attempt suicide six times while imprisoned. He had no history of mental challenges before his time at Rikers. Browder pleaded to speak with counselors while incarcerated, but his requests were ignored by officers.

The Results

In 2013, after continually professing his innocence for three years, Browder was released from Rikers. A judge dismissed all charges against him given that his case was dragged out in the court system without a trial. But by then, the damage had been done. Browder suffered significant emotional, psychological, social, and economic consequences associated with isolation, manipulation, and violence.

Browder's plight garnered national attention, including that of Jay-Z. With the assistance of supporters and media, Browder made a public call for criminal justice reform in New York. He described to reporters (Gonnerman, 2016) the psychological trauma of spending years in a sparse cell, together with the starvation and brutality that he suffered at Rikers.

The Media

Media attention served to promote Browder's message about a broken, corrupt, and violent criminal justice system. Browder spoke openly and honestly on camera with producers and Jay-Z in particular as the docuseries was filmed. He described his frustration and pain; Jay-Z professed his pride in Browder's survival and advocacy. Browder appeared with his lawyer on *The View* (2014) and developed a relationship with Rosie O'Donnell; he even had O'Donnell's personal cell phone number. He and his lawyer were also interviewed by Marc Lamont Hill on *HuffPostLive* (2013). Browder's public advocacy for criminal justice reform was amplified by the media, and gained the attention of politicians and advocates.

However, Browder's exposure in the media also caught the attention of Bronx residents who wrongly assumed that he had money given his recent media appearances (in which he appeared in professional clothing and new glasses) and attention from celebrities such as Jay-Z and Rosie O'Donnell. Browder was thus not enthusiastic about the public attention paid to him; far from becoming rich from his media appearances, he still lived at home in the Bronx with his mom and claimed that all he wanted was justice. During a 2014 confrontation in his Bronx neighborhood, Browder was shot point blank in the abdomen. This incident brought further contact with the police and a stint in the hospital, neither of which were helpful to Browder's mental health.

In context of increased attention to anti-Black racism and police brutality, the media attention given to Browder's



extended incarceration and suffering at Rikers highlights a clear example of how the justice system mistreats and jeopardizes people of color. Media coverage—spurred on by this docuseries—was helpful in bringing attention to the brutal justice system, but Browder seems to have also paid a price beyond the consequences of his incarceration. Thus this docuseries raises ethical concerns. In producing the docuseries, presumably Jay-Z intended to help Browder and bring attention to injustices in the prison system, which disproportionately includes young Black men. However, it is unclear whether Jay-Z considered if the series could have been detrimental to Browder himself. In other words, the series could have been helpful to the cause yet detrimental to Browder.

Is it ethical to produce a series that is harmful to its subject but potentially helpful to many like him or her? As this documentary illustrates, documentary filmmakers might have a perspective that goes beyond simply explaining some aspect of the world; they may have a persuasive message to communicate. In this case, the creators seemed intent on conveying a message about the injustices of the criminal system, particularly in New York. Thus, this documentary is not objective or neutral reporting that simply conveys information, even though it states the facts about Browder's case and uses actual footage of his incarceration. It is created to change minds and spur action and reform. The persuasive intent behind the message of the series is not bad, but new challenges arise when documentary filmmakers become advocates for a perspective or position. For instance, this approach could lead to questions about how subjects in the series (such as Browder and his mother) are edited in or out of the footage, and how their messages are tailored to suit the overall purpose of the series. Additionally, making a documentary for a specific persuasive purpose will also change what footage, interviews, and facts are included in the final narrative. The audience might not be privy to many details that may have contributed to the case but do not serve the message of the documentary and were thereby left out. In other words, the nature of documentaries that set out to advocate for causes such as criminal system reform and social justice raise important concerns about how filmmakers present their messages, shape their artworks, and how audiences make sense of the information provided.

Discussion Questions:

1. After his release from Rikers, Kalief Browder's activism gained the attention of advocates, but also that of neighborhood rivals who assumed that he had money. What are the benefits of media attention in this case? What are the drawbacks of media attention in this case?
2. Who was more vulnerable in this case, Browder or the prison system? Why? Consider if Browder was aware of how this docuseries would affect both him and his cause. Do you think that he considered any detrimental consequences of his media exposure before consenting to participating in this series? Would they have mattered to him?
3. Nichols (2001) urges documentary filmmakers to reflect upon the question, "How do we treat the people we film?" Is there evidence in the docuseries that Jay-Z considered how the docuseries would affect Browder? As producer, does Jay-Z seem to be concerned more with Browder, or the issue of systemic racism and brutality in the prison system?
4. Browder was psychologically damaged by the brutality that he suffered at Rikers. After his release, significant media attention increased his paranoia. How did or could the media have demonstrated care



for Browder and his family?

5. After watching the series, describe Browder's appearance and conduct after his release. Is there anything about how the media treated him or how he appeared that would imply that he "had money?"
6. How did the media address inequities suffered by the Browder and the greater Black community in the criminal justice system? How could the media improve such coverage going forward? Consider if media products such as specific, detailed series such as this one or something more general such as reports, statistics, or government lobbying would best serve to address these inequities?

Further Information

Carter, S. (Executive Producer). (2017). *TIME: The Kalief Browder Story*. [Docuseries]. Roc Nation.

Gannerman, J. (2014, September 29). "Before the law." *The New Yorker*. Retrieved from <https://www.newyorker.com/magazine/2014/10/06/before-the-law>

Gonnerman, J. (2016, June 3). "Kalief Browder, in his own words." *The New Yorker Radio Hour*. Retrieved from <https://www.newyorker.com/news/news-desk/kalief-browder-in-his-own-words>

Goldensohn, R. (2018, September 6). "With Rikers closure still years off, de Blasio backs away from young adult reforms." *Politico*. Retrieved from <https://www.politico.com/states/new-york/city-hall/story/2018/09/05/with-rikers-closure-still-years-off-de-blasio-backs-away-from-young-adult-reforms-594152>

Hill, M. L. (2013, December 3). "Kalief Browder, NYC teen jailed for years with no conviction, says Rikers guards starved him." *HuffPostLive*. Retrieved from https://youtu.be/yllSsqk_pfbA

Nichols, B. (2001). *Introduction to Documentary*. Bloomington & Indianapolis: Indiana University Press.

O'Donnell, R. (2014, November 7). Rosie.com. Retrieved from <https://www.rosie.com/2014/11/page/6/>

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