

**SPEAKERS: Bobby Iacoviello, Hector Bannister, Martin O'Brien, Kurry Harbour, Eugene Ivey**

**Kurry Harbour 0:07**

From the greater Boston area, you are listening to the MyTERN Conversations, brought to you by Tufts Education Reentry Network. These are stories of life during and after incarceration, told by people who lived it, and are working to overcome the odds

**Hector Bannister 0:27**

My name is Hector Bannister. I'm 34 years old. I have three children of my own, two boys and a girl. My oldest son is 13. My youngest son is soon to be four. And my daughter is about 16 months. I've been in and out of the justice system basically my whole life since a teen and still now. I was given eight years and six months, in a federal prison for 3.5 grams of crack cocaine, which if anybody knows is a very small amount, with six years probation. And I violated my probation recently, and just came home again, January 11. And I also have state probation violation. And I'm being violated for the same violation for the state that I was for the feds. And they're trying to get another year out of me for the same charge. Which makes no sense to me, because they both agreed to run a concurrent but because the federal system never brought me to the state court, now, it's basically my fault. And I have to do another year on top of the one I just did, and I'm just hoping that it doesn't end up that way, because my two boys are coming back from North Carolina, and they've been there since 2018, so I haven't really had much time with them. And they come back May 2, I have court for this final surrender May 12. And I just pray that it all goes right, but reality tells me it won't. Because every time I go to the courts, the only option I ever have is prison. So, I'm hoping May 12, I'll be given another chance or option.

**Bobby Iacoviello 2:05**

How's everybody doing today? My name is Bobby Iacoviello. I'm the director of community outreach for Transformational Prison Project, which is a restorative justice organization. And I'm also formerly incarcerated. I served over 12 years in a state facility. But I also have been trapped inside the system ever since I was in the seventh grade. And now today, I'm out here trying to break down those systems, so the next young person or person doesn't get trapped in the same place that I was.

**Martin O'Brien 2:44**

Hello, my name is Marty. I'm currently a student in the MyTERN program, the group responsible for this podcast. On December 1, 2021, I was released from prison after serving nearly 17 years. In this episode, we're discussing the unique as well as the universal experiences individuals find themselves in when becoming involved with the criminal justice system. We discuss, among other things, the importance of the individual voice, and voice being the most important asset in ensuring autonomy. Unfortunately, it isn't until we're sitting in a courtroom, that we truly learn the significance of our voices.

**Hector Bannister 3:32**

I feel like I feel it when I walk right into the courtroom. Because it's like I know the minute I walk in there, I can't say nothing. I'm in the bullpen, I see my lawyer, I can talk as long as I want. But it's like, when I walk up there, just like, I know I have to be quiet, follow the instructions. And just hope that my lawyer gets everything that I said, down to the tee. Most of the time, no all the time, they never do. It's always a mix up somewhere. And it's like they don't say it with the same passion that I would say it, so it bothers me. Because it's like, you know when you watch TV and you got like Judge Judy, for instance, you got this side telling their story and that side. I would love to have one of those scenarios, because it's like, for me, it's like, I feel like you can get my point of view more, if you understand what it is I'm saying. And the way I'm saying it, instead of just like when your lawyer goes and he's just like nonchalant with it, you know, he's just like, "Yeah, Mr. Bannister uhh He has a kid and uhh he works too your honor." So, it's just like, where's your fire? I mean, like, you're not putting nothing under that judge to make them feel what it is that I'm really going through in my mind, you know? So that's when I feel like I feel it.

#### **Bobby Iacoviello 4:43**

and the lawyers too, they're overworked and underpaid. And they have so many clients, so they have to juggle 100 different things. So that's another reason why voice our doesn't get heard. You know, they're doing so many things. I think it is strange when you step into a courtroom and you can't say anything when you supposed to be, innocent till proven guilty, correct. And it's just, it's just strange. I felt like it's like right when you even get arrested. Because as soon as you get arrested, they're fingerprinting you, they're putting you in a cell, you know, you're not even, you can't do nothing, then you're advised to not say anything, even sometimes people do, because most majority people don't even know their rights, you know what I mean, to stay quiet. And I think and the whole time and especially if you don't have bail, or you don't have the money for bail, if they set a higher bail, you're sitting in there with nothin.

#### **Martin O'Brien 5:42**

I just wanted to add that, when you're speaking about our voice, I think something that's not taken into account is life before showing up in that courtroom, your economic status has a lot to do with how you're raised, what your beliefs are your social norms, and um you don't really think about your voice until you're in the position where you need to speak up. And then you're sort of stripped of, of the ability to speak for yourself, like Hector was saying. Because of the environment that a lot of us grew up in, you don't really think of consequences until it's too late, you know, large law enforcement is a big part of civil society. And I think we're under educated in school about how the system works. And then when you're thrown into it, you're sort of fighting an uphill battle, because the, the vocabulary, the world of the courts is just a world of its own. And you're not, you're not prepared when you enter that world.

#### **Bobby Iacoviello 7:16**

And I think the sad thing about it, too, is that like, you have the right to remain silent. And then if when you use that, and say you don't want to say anything you looked at as you're guilty, you're treated as guilty, or that you have something to hide, or you have something to do with something that's wrong. And it's just backwards.

### **Hector Bannister 7:39**

It's just the whole court systems weird because it's like even when like you go, like let's say you've been in court for a while fightin your case, and they do like a motion to suppress. And all that. It's like they'll bring in every witness they got to speak against, like the police officer, whatever witnesses was there, a specialist, but the one person who never gets to say anything, is you. So, you're sitting there listening to everybody else's story about what they seen that day, or what they heard that day. And it's like not once are you asked to get up on there, the only time you can get up on there really is when you go to trial. But it's like, it could be even critical moments like then and there when you have your motion suppressed, if you speak, the judge might get a better perspective of what really happened from your word of mouth, and actually be on your side and throw the case out right then and there because that's an opportunity to get your case thrown out. Because everyone else whose coming in, majority of time is against you, it's hard for a judge to see your side when anyone else is already painting an image against you or the picture of what you've done that day, and why. And it's just like, you have to sit there. You can't like even react, you can have outbursts, because if you do they take you out, or they'll even give you a 30 day sentence for that, you know, and it won't even count towards the charge that you're facing now. So just like, your just really like crippled while you're in a courtroom. And you have to just listen to everybody. And it's just like, you can sit there and whisper to your lawyer 1000 times like this this that and the third but no matter what like I said they never get it right. They'll never get it right because like you said they're overworked underpaid, so many caseloads, and they were doing it for so long, it's like repetitive, so they get tired of it. You know what I mean? So it's not like, at the end of the day, if they lose, they lose with you. They still get to go home, eat, do what they want to do, go shopping, celebrate, they still get the nice fat check at the end of night. You know, to me, it's like, I got one or two options. Either I'm going home or I'm going to jail. And the last place I want to go to, you know, is jail. It bothers you so much when you can't speak in that courtroom because you know what's at stake. No one really knows what's at stake as much as you do because it's your life that's on the line. So that's just one thing I hate. I hate the courts period. But that's like one of the main things I hate because I feel like I'm very good at explaining myself and how I feel and what it is that I've been through and going through and why things happen the way they do. So the fact that it's taken away from me, I feel like you know, just Like, I'm crippled, like somebody's just holding me down, spoon feeding me forcing me to just take what everybody's saying and just accept it for what it is. Which to me is, it isn't fair at all. They say there's three sides to every story, mine, theirs and the truth. But it's like in court, it's only theirs. That's really it you know.

### **Bobby Iacoviello 10:21**

yeah. Because it's a game, you know, it's not about who's right or wrong, or what the story really is, it's about the district attorney trying to win and your lawyer trying to win, you know, and they're supposed to be a judge in the middle of it, to judge it. And he's supposed to have all the power, but at the end of the day, the prosecutor has all the power, because they given out the sentences, they're saying what's right and what's wrong in the courtroom. And so even if, like, I even know what knew what to say, because, like, what he was saying earlier, I don't understand what they were saying, in the courts, like their, their terminology, their language,

like people go to school for that, you get degrees to understand that language, that terminology, the system. So I don't even know half the time what they were saying. But then when I did realize it, I realized no matter what really happened, it doesn't matter what happened in the sense of the courts, because they just want a guilty, and your lawyer wants a not guilty. And that's all that matters. So I can get up there. And I can say the truth, I can tell you my side of the story, but the DA is gonna get up there, and he's gonna manipulate you and use the words because they're good at what they do. That's why they get paid the money that they're paid, and especially if it's a serious crime, you're gonna have the best district attorney's, assistants to attorneys from all over Suffolk County or whatever county you're from. And they know how to trip you up and make you say things that, you don't even, that isn't even true. Same thing with the police. Like when they do interrogate witnesses, they're gonna have like we were talking about earlier, they're going to say certain things to make you say things that they want you to say. For instance, like, even when was it was involved in my crime. Like don't get me wrong, I take full responsibility for my actions, but the things that they were saying that I was doing wasn't true. And they used witnesses that basically lied to get immunity or things off their sentence. And how they would do that is alright, you got to say you get, so one person, for instance, got caught with AK 47. So he got picked up by the feds. And instead of him doin time, they said testify against me and they'll wipe that away, basically. So what they were doing is they sat down with him. And it was like, "Oh, you sold Mr. Iacoviello guns before?" he's like "yeah yeah" And he started saying certain things that he sold me or said or claimed that he sold me, then he's like, "Are you sure it wasn't like a black gun? Like a nine-millimeter?" And he's like, "Are you sure?" And they're like, "oh, yeah, it was." And now he's saying everything that the the district attorney, the police officer interrogating them wants him to say. So next time he comes into court, instead of instead of him saying what really happened, he's like, "yeah, it was a, it was a black nine-millimeter," you know. And they have all these tactics to pull things out. And I think I might have went a little bit off subject, but that's all part of the whole, whole whole system. They use certain things, they manipulate certain things, it's all broken, or in some way, it's not broken. It's working the way people want it to work, but it just doesn't. it's not right. You know, it's not about committing the crime, doing the time, paying your debt to society because it's, it's it has nothing to do with that. You know,

### **Hector Bannister 13:36**

everybody in there is supposed to be so righteous and holy and seeking justice and all that but it's like, it's like you said it's a game. It's like a game of Monopoly. Who's going to hit a boardwalk first and get the big check? That's all it's about, getting a big check, getting your name out there because like you said, if it's a high case you got the news in it, so you're on your news every day, front page all that, that's how you build your reputation up. you know it's like the same how they do it in the courts the same way the streets is played like the more your name is heard of the more people speak of you the more respected you are, the more feared you are. And it's just like going to courts when you have a big name and then everybody knows "Oh, this DA he's he's the one not to play with" nobody wants that DA, like "oh my god please don't give me that DA today give me somebody else," or if it's a judge whose strict and by the book like you don't play no games take no shortcuts. Nobody wants him either. But it's like if we're all playing fair and by the rules why is it that we're all seeking something more than

what's just right? We're all seeking like to become a senator or you know, just the things that they go for just to build their reputation up and get a fatter check and more endorsements and all that like He wasn't thinking that, I don't believe any person became a DA or lawyer was thinking like that when he decided to become one and was going to school. It just probably happened as time went along because they've seen the, what's the word I'm looking for the the, steppingstones they can get from doing certain things in life, you know. I mean, and it's like, you're playing with other people's lives by bettering yours. How is that fair to give me 10-15 years for a crime I didn't do, or maybe there's a crime that I did do, but it's not as serious as you're making it seem, you're just going for the max to make a name for yourself. When you know, you can actually be lenient on me, because who knows, I could be that one person who might, it's my one time and I might not come back. But it's like, when you give someone so much time just to make your own name for yourself. You make him adapt to that lifestyle that you're putting him in. So it's just like, it doesn't bother him that much anymore. You know, like, I've had COs tell me like, you be so comfortable in here. It's like, it's like, yeah, like your home, I tell then all the time, like, man, I've done this so long. It's just like, you can't tell me that mattress on that bunk is not a TempurPedic. I got to sleep with ease. And it's sad to say, but it's the truth, you know, because I've been doing it for so long. And nobody should have to feel that way when they go into an environment like that because it's not humane, man, like to be in a in a bedroom slash bathroom while another man is using it, why you got to have the curtain up, you got to smell his feces, you got to smell his feet him snoring all night, you know, I mean, it's not, it's not, normal at all that things you got to go through when you get incarcerated. So I feel like the games they play in court, it just isn't right. You know, it really messes you up mentally a lot. So, something gotta be done. And that's why I feel like honestly, people should be able to speak on what it is that they been through, they're going through and why at that time and moment, even if they did do or they didn't, why they did at that moment, or, you know, just their truth alone, because it just puts another perspective out there.

### **Bobby Iacoviello 16:54**

So it's all about like repairing harm. When a crime is committed, multiple people get hurt, right. And I think the system looks at it as who committed that crime. Let's punish that individual. And at the end of the day, that doesn't work. Because let's just say you did commit a crime, you did get a sentence, what happens to the victim or the victim's family, they don't get any closure just by you going away? They don't, they probably want to know why. They want to know, why did this happen to them? Why did this happen to their family? I think when you look at it from a restorative perspective it's all about repairing harm. Now, it's more about why did that person commit that crime? Now, let's figure out what he'd been through, that person's situation to get him to the point why he committed it. And now let's sit him down with whoever he committed it with, and repair that. Because I think, for myself in general, I know that, you know, when I committed a crime, there's a reason why I did it. Because of my past traumas, my past hurts things that I've been through in my life, that I wasn't looking at things in a normal perspective, because I was hurt, I was hurt. There was a lot of crimes that were committed on me before I committed on others. And I was hurting. And that's why I was hurting other people. And the only way for me to understand, for me, the only way for me to fully take accountability and understand what I did wrong, was I had to do work on myself, and go through my traumas go

through my issues, and it came to the point where I could be accountable and take responsibility for my actions. And that healed me. Now in the process. Just say, you know, I got locked up for taking somebody's life. You know what I mean? And I know that there is mothers and family members out there that want to know why that happened. Right? And I think the best medicine for that is, when they're ready, when that victim is ready and that individual is ready to sit down in the space and actually have that restorative dialogue, meaning actually communicate with each other. Now, why did you do that? Like what happened to you to get you to that point, like what really happened? You know, and I think a lot of people even when they do commit crimes, they fully don't understand how much pain they're putting on people because they're hurting themselves, and they don't get that space as well. Like, imagine if, if you committed a crime, you sat down with that victim's mother, and she expressed how much she's hurting every single day. Like obviously, that's going to hold a toll on you and make you look at things in a different perspective. But most people don't look at that because it's just, you have no contact with the victim at all. As a matter of fact, you can get another charge if you have any contact with the victims or the victim's family. They cut that completely off from the court system. That not only hurts the individual that committed the crime or that's on trial for committing the crime, it also hurts the family and the victim. You know what I think, um, that's why I kind of, I love my work. I love restorative justice because it just, it changed my whole perspective in life on things, you know. And I say that because like, it took me a long time to sit in space with district attorneys and police officers and stuff to it, I didn't like it. I sat in spaces with my enemies before hours I would sit in spaces with them. And when I did go through that, I realized that, you know, and I'm okay to say that they go through their own harms themselves. That's why they act the way they do, they are trained in a certain way to act the way that they are just like, in some way, when I was growing up, I was trained in a certain way to act the way that I was. That's why I wasn't remorseful. That's why I didn't care. That's why I actually acted with violence. So I think when you get to the point where you can understand that it makes things a little bit more like better right. And I think so many people, like push away from the restorative aspect of things, because they fully don't understand it, they think it's a deterrent from prison, a deterrent from jail, that you sit in space, instead of going to jail, you do this? No, it's repairing harm, and a community in a space in general, you know, and I think that, you know, the mindset, which is still around today, which is embedded in the system, as well is tough on crime. So it's like that will be easier for you to like, like, it's a, how do I say it like, it's a slap on the wrist in order to go through this, instead of actually doing the time, which that actually doesn't do anything. All that does is put you in prison, take you away from society, take you away from your family, you're doing nothing but sitting in a cell and being exited off from family everything. And then they want you to rehabilitate in that way. Especially when you fully don't understand, like, yourself, right? Especially majority people going so young. You know, I was in the system since I was really, really young. And I was in the seventh grade. Then I went in for homicide when I was 20. And I spent my whole entire 30s in there, you know, and I didn't even know who I was with when I went in there, you know, didn't take me till way later in life to deal with my stuff. When I stepped into the store just to understand who I even was as a person, cause I didn't know, I blocked all that out.

**Hector Bannister 22:33**

I can understand where he's coming from when he says like when we're young, it's like, you don't react. Like when I was growing up, I've never harmed a soul until like, people started coming to my neighborhood and doing things to me and my guys. So it was like, I never looked at myself when I was young as someone who was committing harm. I looked at it like I was protecting what was mine, you know what I mean? Like, it was about like, two three times, before everything started happening. Like they kept coming through and jumping my boys for no reason, we was all just young, you know what I mean? So after a while, it was just like, you know, you get tired of it and you, you fight back, you strike back. So it's like when I was young, I was like, I'm sitting here with this big old gun on my hip or a knife in my pocket or whatever it is, you know, I'm not sitting here thinking, Okay, I'm coming in to crime today, I'm gonna go to jail today. Not at all I'm thinking if anybody comes through here to mess with me and my boys, anybody neighborhood, I'm going to handle it. I'm feeling like I'm protecting them, you know, because when stuff happened, the cops aren't there. By the time the cops get there, they're long gone, they got away, we're hurtin and they're laughing. You know? I mean, so I'm taking it as like, okay, they keep getting over and getting over. I'm getting tired of it. So it took for me, like you said to go through the pain to react the way I reacting. And I was never conscious of the fact that I was doing wrong. You cannot tell me I was doing wrong. It took till I was about like 24 in the Feds to realize that the life I was living was wrong. I sat there one day, I was just looking at myself. And I'm like, Man, I can't. This is not right. Like matter of fact, let me rewind. My brother used to always tell me, I used to think he was hating on me, "show me your friends and show me your future." I used to think like he just didn't like my friends. You know? So I was I was like, Man, you just hating on me. You know, I'm out here getting money doing what I'm doing. But it took that day when I was lookin out of the cell window. It just came out of nowhere. I was even thinking my brother, the words just hit me. And I was like, dang, he's right, you know, but I don't blame my friends for that. I felt like it was more of just my environment where I grew up. And the fact that I had no one to tell me, Hec, what you're doing is wrong. It would be like, even my parents, like, I'll get locked up, my mom will come bail me out. And she'll never even give me a speech. I'll be like, right back on the street corner. My mom used to come from her job, because it got to a point where like, I have so much money on me. The cops will take my money. And be like if you want this money back, have your mother come to police station so we could tell her what you're doing. And then I'll go there, my mom will go there. I swear to God, my mom would go there, you know, give it a whole spiel. Act like she has no clue, cussing me out and all that as soon as I leave, she was relieved to take the money give me like 20 bucks, I'm taking the rest home. So it got to the point, my mom would come home from work and grab my money from me so I don't have to keep going through that. So like you really couldn't tell me what I was doing was wrong. You know what I'm saying? It just really took me to go through all that pain and all that, like of just solitary confinement and just prison alone to realize like this life I'm living, isn't what it's made up to be, you know, I had to see people get killed in jail cells and all that to be like, this isn't for me. Before I was like, like growing up, people used to glorify going to prison. "Oh you going to jail, you get your stripes, you put it work", that it also like you grow up, be like, "I can't wait to go to jail." I'm not even joking. Like, "I can't wait to go to jail. They're gonna know me." You know, that's how you think. And it's like, the whole time I'm sitting in there, I did 18 months straight in a hole because I was fighting non stop. I never made it back to population. I was fighting COs and inmates. Because no one sat

there to take the time, like, "Bannister what you're doing is wrong." Or let me ask you why you're reacting the way react? Let me find out how you think. No one did none of that. They was just like, Okay, you did this. That was wrong. Go to the hole. You know, I mean, like there'll be times I'll get jumped. I got jumped on a unit by seven people. I'm fighting my behind off, you know, I'm fighting my behind off. But it's I still get found guilty. I'm like, how am I wrong? For getting jumped. I'm trying to defend myself. You know what I mean, but it's like, they don't care for none of that. They just want what they want. Once you already established yourself as someone who's a troublemaker in their eyes, because to me, I wasn't a troublemaker. Well, before I did, my first bin eyes, I wasn't a troublemaker. But it's just like, once they already have that opinion of you, they don't care for the truth. They just they just want you to suffer the repercussions, you know, they want to do what they feel is right. And it's like, I honestly feel like if there's people who take the time to learn individuals while they're young, and why they react the way they react, then all that can be changed. Because it's like, it's crazy to me, because like sometimes I think the same guy that I have issues with, we all used to play baseball together on a on a minor league as kids. Like we used to get up every weekend have competitions. And it's like, here we are, now we're fighting, for what? No one can actually say why, you know, and it just takes for you to go through things to actually think like that. So I get what he's saying, where it's like you don't understand you're wrong until you have to learn yourself, you know, and you would think like going into a courtroom, the judge or the DA or one of them would want to teach you that. You know, like they don't want to do none of that. I remember once the police came to us and asked us to have a meeting to stop the violence. And instead of asking us, what's the root of the problem, how to solve it, their resolution was "you guys stay off Shawmut, at the end of Shawmut, and you guys stay off the beginning of Shawmut and just avoid each other," that was the resolution instead of sitting and trying to figure out why? If they can actually understand your side maybe they can actually forgive you and maybe if they can forgive you the courts won't be so harsh on you, you know, you wouldn't have to do so much time because it's like, how can you all not forgive me if they can. Like what I've done to this person isn't harming you all after today. When it's all over with, y'all gonna forget all about this. They're gonna live with it for the rest of their lives. And so am I. So it's like, how can you not forgive me?

### **Bobby Iacoviello 28:28**

But I love what he said because you know, it's like, I say this a lot, but I did the wrong things for the right reasons growing up. In my mind, I really believed I was doing this for like, my boys, my friends, my neighborhood, my family. I wasn't doing it to hurt anybody. And and that never was my intention, I think that's the intentions of majority of individuals you know, that just have a way of expressing and showing that love that might not be as normal as somebody else. But like I said I was doing the wrong things but for the right reasons.

### **Eugene Ivey 29:13**

Thank you for listening to the MyTERN podcast. MyTERN is a community-based university accredited program, providing education, mentorship, and career development support to and by those who have been directly impacted by the criminal justice system. MyTERN objective is to provide an opportunity for each participant to rediscover and reframe their skills, interests,



responsibilities, and commitments. This podcast is created and produced in partnership with Tufts University Jonathan M. Tisch College of Civic Life, and the Bridging Differences Grant Program. Music brought to you by Elmer Pleitez. Learn more or support MyTERN at [Tupit.org](http://Tupit.org), [Tupit.org](http://Tupit.org).