
SING SING



FILM

FEST

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On the cover:

The poster for the Sing Sing Film Festival, organized by The Marshall Project and held at Sing Sing Correctional Facility in Ossining, New York. Design by David Kendall.

A Letter From Lawrence

Dear friends,

I'm excited to share some wonderful updates with you! Let me take you behind the scenes of our recent adventures.

The Marshall Project held its annual staff retreat in New Orleans this May. While our retreats are always valuable opportunities to connect with colleagues who typically work remotely across the country, this year's gathering was particularly meaningful to me. When we launched *News Inside*, only a few staff members were involved in the publication. Today, I'm grateful to work with at least a dozen team members on this magazine. Below, you can see some of our incredible *News Inside* team gathered together in New Orleans.

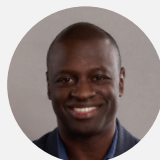
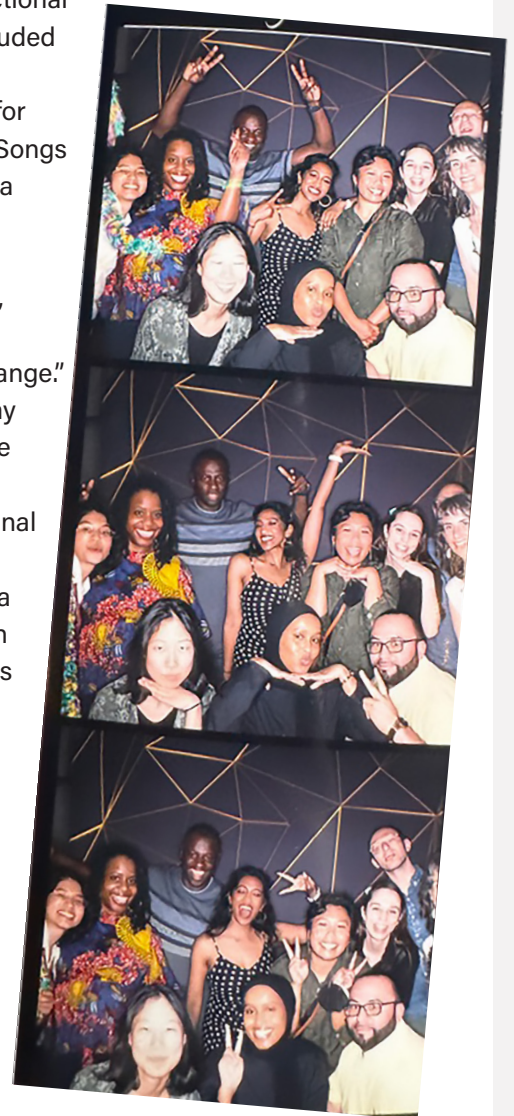
October brought a historic moment: The Marshall Project hosted the first-ever film festival at New York's Sing Sing Correctional Facility. The incarcerated jury — which included some familiar faces from my time there — evaluated five recent criminal justice films for style, depth and authenticity. They chose "Songs From the Hole," a documentary by Contessa Gayles about an incarcerated musician's struggle for healing and peace. Don't miss their thoughtful reflections in our coverage, "Incarcerated Men at Sing Sing's First Film Festival Reflect on Movies, Justice, and Change."

You'll also find a fascinating piece by my colleague Tom Meagher: "A Criminal Justice Journalist Wrestles With Doubts in the Jury Box." As someone who can't serve on criminal cases due to my past conviction, I was particularly drawn to Tom's perspective as a data expert examining evidence through an informed lens. I'd love to hear your thoughts after reading it!

Of course, we've included all your favorite sections: "Outside," "Reader to Reader," the crossword puzzle, "In the Spotlight," "Ohio Focus" and "Thinking Inside the Box."

This issue feels especially personal since I know many of the people featured. I hope you enjoy reading it as much as we enjoyed creating it!

Until next time.



Lawrence Bartley

Lawrence Bartley is the Publisher of The Marshall Project Inside. He served a 27 years-to-life sentence and was released on parole in May 2018.

Letters From Our Readers

I have come across two of your *News Inside* pamphlets. They are wonderful – so informative and so needed! Both were on our unit's bookshelf. I sent one to my son and my attorney. I like to spread the news as far as possible and give it to people who otherwise would never be exposed to this kind of information. Thank you for all your work and for not just walking away from all you've been through.

– Connie V., Illinois

I was born and raised in Pakistan. I've been living in the U.S. for the past 22 years. Unfortunately, 20 of those years have been in prison. In my decades of incarceration, I have NOT seen such insightful, captivating and fact-based articles. I want the knowledge you provide. I'm a big advocate for second chance legislation and prison reform. The fact-based knowledge you publish is precisely the thing we need to grow – not just in information but also in reforming ourselves. I have not seen such articles that can start an open conversation amongst the population. The Marshall Project contains such power – an amazing thing.

– Abbas A., Virginia

I've been watching and rewatching *Inside Story*. I love learning about the statistics, laws being passed, etc. I plan to share my experience and the knowledge I gain here with the younger kids in my hometown of Oakland, giving them an understanding of how the system works. I love the show! Thank you so much for providing the information and showing how you can do something positive after incarceration.

– Edith M., California

I read one of your issues of *News Inside*. I was blown away by the quality of the publication and the amazing stories inside the pages. I enjoy staying informed about what's going on in and around the prison system, and find your publication to be one of the best I've seen. I look forward to receiving *News Inside* in the future. Keep up the great work!

– Jeremy L., Virginia

I recently came across The Marshall Project's *News Inside* on our education app via our tablets and have read every issue. Thanks to your magazine, I have gained some knowledge and look forward to continuing to learn. You

have a reader/fan for life in me! Thank you!

– David M., Indiana

I overheard a few guys on my tier talking about your *News Inside* Issue 16. I asked if I could read it and I really enjoyed it. In one of your news articles, I was really surprised to learn that my facility isn't alone when it comes to being understaffed.

– Derwin B., New York

I was recently introduced to *News Inside* by another incarcerated person and got to read almost half of his copy. The young man who owned the periodical was transferred. I was able to extract your name and address from the journal prior to his departure. I was truly enlightened by and thoroughly enjoyed reading The Marshall Project's articles.

– James P., North Carolina

We appreciate your letters, so keep them coming! Please note that we will edit what you write to us for length and clarity.

Manager's Note

The Marshall Project provides *News Inside* to you free of charge. While we appreciate the gesture, you do not have to send stamps, money or donations of any kind.

Please know that we are unable to write back. Our *News Inside* team has been where you are now, and we understand the struggle. But we are a small team with limited capacity.

When you request a subscription, please follow the format below to ensure you receive your copy of *News Inside*:

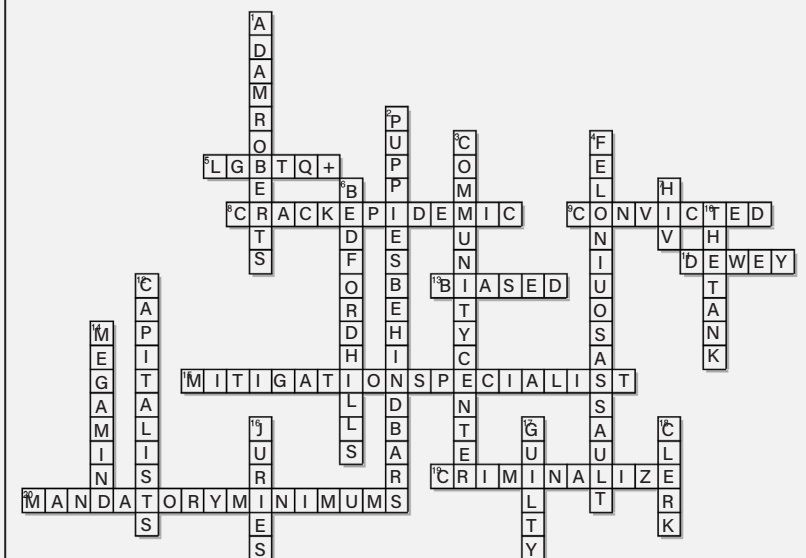
Full name, Identification number
Name of Facility
Street Address or PO Box
City, State, Zip Code

Thank you for your continued interest in and support of *News Inside*!

Martin Garcia

Martin Garcia is the manager of News Inside. He served a 10-year sentence and was released on parole in September 2019.

Answers From Issue 17 Crossword



How Efforts to Cut Long Prison Sentences Have Stalled

Crime victim advocates and conservative groups are resisting moves to revisit “truth-in-sentencing” laws.

By JAMILES LARTEY

When a 2016 California law made it possible for Lance Gonzalez to shorten his prison sentence by completing more rehabilitation programs and education, he hit the ground running.

Gonzalez “poured hundreds of hours into self-help groups, including courses on victim impact and cognitive behavior,” KQED reported in August of 2024. He taught classes, worked as a mentor and earned seven associate degrees.

His efforts seemed to pay off. Under the law, the state corrections department awarded Gonzalez enough time credits to move up his first parole hearing from 2028 to 2023. He was granted parole on his first try — a rare feat.

As Gonzalez was planning for his first hours as a free man in spring of 2024, a lawsuit pulled the rug out from under him. In May of that year, a judge agreed with the Criminal Justice Legal Foundation — a conservative nonprofit organization — that the corrections department didn’t have the authority to advance parole for people serving life sentences. The state has appealed the ruling.

Meanwhile, a bill that would have allowed some Californians sentenced to life before 1990 to be eligible for parole died in the statehouse in August 2024.

The two stalled efforts in the Golden State are indicative of a tension visible across the country, as reform efforts aimed at paring back long sentences bump up against resistance from victims’ rights groups and a resurgence of “tough-on-crime” politics.

The time people spend in prison generally got longer during the 1990s with the rapid adoption of “truth-in-sentencing” laws that severely restricted



People walk through the exercise yard at California State Prison in Sacramento, in February 2013.
RICH PEDRONCELLI/ASSOCIATED PRESS

or even eliminated opportunities for incarcerated people to earn parole partway through a sentence.

Wisconsin is characteristic of the changes in sentencing in many states. Before 1997, people convicted in Wisconsin were eligible for parole after serving 25% of their sentence and were automatically released after serving two-thirds. After 1997, people were required to serve 100% of their sentence, plus an additional 25% on supervised release.

Even as the state reduced arrests and prosecutions during the 2000s, there was no “release valve,” experts told Wisconsin Watch, causing the number of people incarcerated to continue to grow, even as fewer people were sentenced. By 2024, the state’s prison population was 5,000 people over capacity.

A few years after Wisconsin’s 1997 sentencing law passed, Gawaine Edwards was convicted of felony murder and armed robbery at age 23. Under the law, Edwards isn’t eligible for release until 2036, when he will be 57. Edwards told Wisconsin Watch that he feels he’s “stuck here doing all this dead time,” in a prison that isn’t offering legitimate rehabilitation or educational programming.

Truth-in-sentencing laws can also limit how people seek rehabilitation programming in prison. As one incarcerated writer put it in the Atlanta Journal-Constitution: “When I ask young inmates about behavioral change, they often respond, ‘Why should I?’ Without incentives, they see no reason to change.”

According to a July 2024 report from Stateline, several states have recently seen efforts to pass “second-look” legislation — bills that allow courts or parole boards to reevaluate long sentences — but most have failed.

One that bucked the trend was a new law in Oklahoma that allows domestic violence victims convicted of crimes to apply for resentencing if abuse “was a substantial contributing factor” to their crime. More general second-look legislation is often opposed by some victim advocacy groups, which argue that the bills rob people affected by crime of closure. A second-look effort in Virginia led to heated and emotional legislative hearings, before the bill was postponed to 2025.

“The impact — it’s with us every day,” said Michael Grey, whose son was killed during a cellphone sale. “Why have a justice system if we’re going to circumvent these decisions,” he said of the sentences imposed, “and try to come back and let these people get out of jail?”

An unrelated good-time credit law did go into effect in Virginia on July 1, 2024, leading to the release of more than 800 people from state prisons. The law roughly tripled how much time off their sentences incarcerated people can earn for good behavior.

Other states may be going the other way. In November 2024, Colorado voters approved a ballot measure requiring people convicted of violent crimes to serve at least 85% of their sentence before being eligible for parole or reductions for good behavior. That number was 75%.

And as of Aug. 1, virtually no one sentenced in Louisiana will be eligible for future parole under laws passed by the legislature in 2024. A related new law also reduces the ability to earn credits for good behavior. Prison policy experts predict that the changes will double the state prison population. III

'A Life Sentence.' How Mississippi's Forever Voting Ban Keeps Thousands From the Polls.

The state's disenfranchisement law punishes people with nonviolent offenses, as reform fails.

By CALEB BEDILLION



John Cook moved back to Mississippi in 2022 after about 15 years of living in the Atlanta area, where he ran his own telecom business maintaining fiber optic lines.

Hurricane Katrina had driven Cook from his home on the Mississippi Gulf Coast in 2005, but now, his business sold, Cook was glad to return to the Magnolia State. He bought a large farm-style house on land in the state's Pine Belt region.

But in one important respect to Cook, he soon found the state didn't fully welcome him.

Cook, now 66, learned from local voting officials that he was barred from casting a ballot because he had several 40-year-old felony convictions, including grand larceny. Yet he had legally voted in Georgia for years.

"I can't come back to my home state and vote?" Cook said. "It's a life sentence. I'm being deprived even though I've served my time."

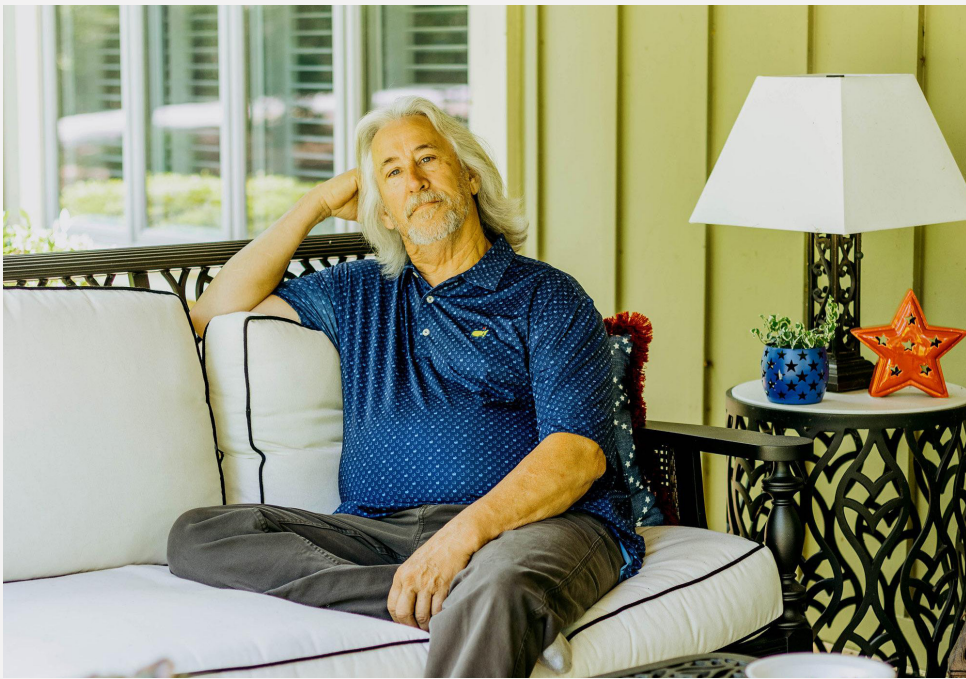
In most U.S. states, Cook would have been able to vote as he did in Georgia, despite his prior conviction. Mississippi is among 11 states that ban at least some people with felony convictions from voting for life, according to The Sentencing Project.

Critics deem Mississippi's law especially confusing. The state imposes a lifetime voting ban on people convicted for a range of violent and nonviolent crimes, but allows people convicted of many other crimes to retain their voting rights, even while still in prison.

A 2024 voting reform bill in the Mississippi Legislature would have benefited Cook and thousands of other disenfranchised voters convicted of nonviolent offenses — such as writing a bad check — but it died in the state Senate. The bill would have automatically restored their right to vote starting with the November election.

Legislative inaction earlier in 2024 was followed in July by a decision from the U.S. Fifth Circuit

John Cook is one of thousands of Mississippians who lost their right to vote after being convicted of a nonviolent crime. IMANI KHAYYAM FOR THE MARSHALL PROJECT



Although he legally voted in Georgia for years, John Cook learned he couldn't cast a ballot in his home state of Mississippi because of several 40-year-old felony convictions committed in his late teens and early 20s. IMANI KHAYYAM FOR THE MARSHALL PROJECT

Court of Appeals that ruled against a claim that Mississippi's law violates the Eighth Amendment's prohibition of cruel and unusual punishment.

This meant that even as people across the country prepared to cast their presidential ballots, Cook and tens of thousands of other Mississippians remained locked out of the electoral process.

No state agency comprehensively tracks the total number of people who have lost their voting rights in Mississippi. But court records reviewed by The Marshall Project - Jackson show that at least 55,000 people have lost their voting rights in the state since 1994.

The actual number of disenfranchised people is almost certainly higher, because records reviewed by the news organization don't include people like Cook, whose convictions came before

1994. The court records since 1994 are also likely incomplete.

Three judges on the Fifth Circuit dissented from the court's July opinion and pointed to the example of people like Cook and thousands of others like him who have long served their sentence. Dissenters wrote that "denying released offenders the right to vote takes away their full dignity as citizens" and "separates them from the rest of their community."

The majority of the Fifth Circuit judges, on the other hand, suggested opponents of the law should seek change through the Legislature rather than the courts.

Despite the Legislature's failure to approve such change, vocal defenders of the current system are few, even in the state Senate where

reform legislation died in 2024. State Sen. Angela Hill, a Republican from the Gulf Coast area, was a key figure blocking the House bill but said in a radio interview in 2024 the list of disenfranchising crimes should perhaps be narrower, without offering specifics.

State Rep. Kabir Karriem, a Democrat from the northeast Mississippi city of Columbus, has long been an emphatic supporter of reforming the state's felony disenfranchisement laws.

He authored the bipartisan bill that passed the House in 2024 and said he intends to keep pushing to overhaul the state's felony disenfranchisement laws so that no one feels unwelcome in their home state.

"Democracy," said Karriem, "is built on everyone having the right to elect their representative."

In his late teens and early 20s in the 1970s, Cook began using drugs and committed a string of drug and property crimes. At the time, voting was not on his mind.

"I didn't vote," Cook said. "I just didn't care."

Cook served several years in state prison and was released in 1982. He still wasn't thinking about his right to vote. Instead, he began rebuilding his life.

From a job marking underground phone lines with a can of paint, Cook eventually rose to own several telecommunications service businesses, based first on Mississippi's Gulf Coast, and then in the Atlanta area.

It was in Georgia that Cook registered to vote in his late 40s and cast a ballot for the first time in his life.

"I hold the vote precious," Cook said. "That's my voice."

Cook's convictions show the complexity that people with felony convictions must navigate to answer a simple question — can I vote? His convictions for drug possession and even burglary did not impact his right to vote in Mississippi. People with these convictions can cast a ballot even from prison. However, because Cook also has a conviction for grand larceny, he can no longer vote in the state.



Democratic State Rep. Kabir Karriem speaks after a legislative hearing on felony disenfranchisement on April 17, 2024, at the Mississippi State Capitol. Karriem authored a bipartisan bill that passed the House this year to restore voting rights to people convicted of some nonviolent crimes. That bill died in the state Senate.

IMANI KHAYYAM FOR THE MARSHALL PROJECT

A resident can regain their voting rights in Mississippi, but it's not an easy or accessible process. Either the governor or the Legislature can restore a person's voting rights, but that doesn't happen often. In the 2024 legislative session, lawmakers restored voting rights to 16 people, out of 49 restoration bills that were introduced.

Cook didn't even know restoration was possible.

But about an hour up the road from where Cook lives, Gerald Laird did know it was possible.

Laird, 54, lives in the rural town of Prentiss, where he grew up.

Laird began voting as soon as he reached age 18. He remembers casting his first vote in the presidential election between George H.W. Bush and Michael Dukakis in 1988.

Legislation to restore his voting rights has been introduced in the last four legislative sessions, without success.

Laird was convicted in 2003 for a bank robbery he committed when he was addicted to drugs. People with robbery convictions tend to face a steeper path toward restoration in the Legislature.

After his release from state prison, Laird earned a graduate degree and worked for years for Mississippi's Child Protection Services, where the state trusted him to help vulnerable children. He also worked for his family's funeral home business and is now a full-time caregiver for his elderly mother.

On each election day, Laird takes his mother to their local voting precinct to cast her ballot. She doesn't miss an election, whether federal, state or local, he said.

He recalled the first time he took her to vote. She went inside the small precinct building while he sat in the car.

"I just remember feeling depressed because I couldn't go in to vote," Laird said.

Laird is keenly aware that the state's disenfranchisement system has roots in the state's racist Jim Crow constitution of 1890. He said the laws represent "pure politics" that continue to lock him and others out of full participation in their communities.

"If you are there to represent all the people, shouldn't all of the people have a say-so?" Laird said about elected officials. "They make decisions for me and about me, and I can't make a decision about who's there to do these things for me and about me."

Racial disparities remain clear in the law's present-day impact.

Almost 60% of people convicted of disenfranchising crimes from 1994 through 2023 are Black, according to The Marshall Project - Jackson's review of court data. The news organization's findings also mirror an academic study done to support one of the federal lawsuits, which covered the years from 1994 to 2017. Statewide, nearly 40% of voting-age adults are Black.

These disparities have spurred repeated litigation.

Before the Fifth Circuit rejected the Eighth Amendment arguments against Mississippi's disenfranchisement law in 2024, that same appeals court upheld the law twice before, rejecting arguments that the law must be struck down because of its racist origin and racial impact on voting. Judges in 1998 and 2022 reasoned that since the original list of disenfranchising crimes has been modified — burglary was removed in 1950 and murder and rape were added in 1968 — the racist intent of the original law has been "cured."

In 2023, the U.S. Supreme Court declined to hear claims about Mississippi's disenfranchisement law on appeal, leaving the 2022 Fifth Circuit ruling in place.

However, Associate Justice Ketanji Brown Jackson said the high court should have taken up the case. In her dissent, she wrote that "Mississippians can only hope that they will not have to wait another century for a judicial knight-errant. Constitutional wrongs do not right themselves."

Laird and Cook said they both believe the state's disenfranchisement law needs to be reformed.

"You can't just use something from 1890," Cook said, "to tell me here in 2024 that I'm still a bad man." III



Gerald Laird at his home in the town of Prentiss in April 2024. Laird is among those with robbery convictions who tend to face a steeper path toward voter restoration in the Legislature. IMANI KHAYYAM FOR THE MARSHALL PROJECT

A Criminal Justice Journalist Wrestles With Doubts in the Jury Box

A longtime journalist serving on a jury must weigh the flaws of the system against the holes in the gun and drug case he heard.

By TOM MEAGHER

When I started as a journalist more than 25 years ago, my editors sent me to cover crime, the local police and the courts. I've lost track of how many hearings I've observed while sitting in courtroom galleries. In the years since then, I've been called for jury duty a few times, but I'd never been selected to serve on a trial. I had never watched evidence unfold from the jury box, and I had never helped determine someone's fate. Last year, I got summoned for jury duty again, and in January, I was chosen for a criminal trial after several days of questioning — first via Zoom, and then in person at the courthouse in Newark, New Jersey.

I was excited to participate in something I'd studied for so long. One family member told me she wouldn't be comfortable passing judgment on someone accused of a crime. I was a little nervous about that responsibility, but I felt that because I know the system and its flaws so well, it would be better to have me on a jury than not.

The trial took place in Essex County, a multi-racial county of 850,000 people. It encompasses some of the most affluent communities in the country that are situated alongside largely working-class Newark and a string of small cities that have struggled after the White flight of the 1960s and the excesses of the drug war.

The courthouse is a busy one. Over the course of a year, Essex County prosecutors filed more than 4,200 cases of "indictable offenses," New Jersey's equivalent of a felony.

Reporting on police, prisons and the politics of crime, I've seen how guns and drugs can wreak havoc, particularly in Black and Latino neighborhoods. I had steeled myself for a trial that would expose that trauma. But that's not quite what I got.

On its face, the case was straightforward: A man was charged with gun and drug possession.

The underlying incident took place in the spring of 2019 in East Orange, a small, predominantly Black city that borders Newark. A police officer working on a drug case was surreptitiously surveilling in the area when he spotted a group of men milling about in the parking lot of an apartment complex about a block away from the city's police headquarters. He radioed for colleagues to drive by and ask the men if they lived there.

When three officers in tactical vests from the

city's violent crimes task force rolled up a few minutes later, two men were near a gray Nissan in the parking lot.

The officers testified that when they stepped out of their car, one of the men immediately dropped a red bubble jacket and a fanny pack he had been holding, raised his arms, and said, "Officer, I have a gun on me."

To the police and the prosecutor, the scenario almost sounded ridiculous. "I thought he was kidding," said Detective Felix Cabrera on the witness stand.

In a gruff voice, Cabrera testified that when he frisked the defendant, he found a gun in the man's waistband. The detective and his colleagues went on to arrest the man, who was 37, and charge him with possessing an illegal handgun, in addition to charging him for drugs they found in the fanny pack.

Police suspected that the assortment of drugs included ecstasy, OxyContin, Xanax, cannabis and ibuprofen. By the time we on the jury began our deliberations, all but one of the drug charges had been dropped: possession of cocaine.

In my career as a journalist, I've seen how the justice system can go wrong. Similar crimes are unevenly policed, and people convicted of the same offenses can get vastly different punishments. So I was well-primed to be doubtful of the case presented to us. As the legal process unfolded, I was struck by several contradictions.

Sitting in the dark wooden pews of the courtroom during jury selection, I noticed signs posted all over, warning observers not to use cell phones. The sheriff's officers, who escort defendants and jurors in and out of the courtroom, strolled down the aisle and chided anyone who was holding a phone. Yet on the other side of the bar, about 20 feet away, lawyers, translators and the officers themselves used their phones and laptops freely.

From the first salvos of the attorneys' opening statements, the case was weird to me. Why was a man going to trial for a pair of charges that involved no violence, nearly five years after he was arrested? Why wasn't a case like this resolved by a plea deal to avoid a costly trial?

And before the trial began, we learned that the

man would not be testifying in his defense, and had even waived his right to sit in the courtroom.

I saw the man only once: On the first day of jury questioning, he appeared in a tiny box on Zoom on my laptop screen.

Given his physical absence, I was expecting to hear about who this guy was. *What did he do for a living? What kind of person was he? And why was he hanging out in a parking lot on a Thursday afternoon in May?*

The prosecution told us little about the defendant beyond his name and the police's crude description of his appearance: He was a "male" with "dreads about shoulder-length." One Black officer described him as "my complexion, maybe a little lighter."

The defense lawyers argued that their client lived across the street from the apartment complex and was in the lot talking to a friend who was parked there. But they did not call the friend or anyone else as a witness on his behalf.

(Given how little we learned about the defendant, I am not using his name in this essay.)

The man's absence didn't affect how I thought about any evidence of his guilt, but it made what was already a disorienting exercise feel detached and almost academic. The person at the center of the case was an abstract concept. The prosecutor was tilting at a ghost, and the defense had little to work with beyond this man's name and the police's testimony.

As a journalist, I'm trained to examine my own opinions and recognize my biases. I go to great lengths so that my experiences and worldview as a White man don't make me miss out on what other people encounter. Much of my job is to seek out different perspectives in order to tell complicated stories. Being a juror felt like the opposite of how I approach my work.

Our jury, composed mostly of Black people and more women than men, was provided with a narrow set of facts that made making an informed decision difficult. As the testimony progressed, I had more and more questions that were left unanswered.

For example, the prosecutor introduced pieces of evidence — a small, digital scale and two cell phones inside the fanny pack — that the officers

said they took from the defendant. But then the defense raised obvious questions that weren't acknowledged by the prosecution: *Who did the cell phones belong to? Were there fingerprints on the scale? Were there any photographs on the phones?*

There were other inconsistencies, too. One of the officers who drove up to the scene said both the defendant and the man he was talking to were standing outside the gray Nissan. Another officer said the friend was sitting in the car. Neither officer could describe what either of the men were wearing, but one said he did remember the men's haircuts, four and a half years later.

The similarity in the officers' phrasing — and the fact that two of them reread police reports on the stand to refresh their memories — made me suspect that most of their testimony came from their original reports. How else could cops on the beat remember a guy they arrested for relatively minor possession crimes back in 2019? And if they made a mistake when they wrote up the arrest, relying on the reports in court seemed risky.

The defense tried to poke holes in the prosecution's case, floating alternate scenarios: The defendant wasn't loitering in a parking lot; he was talking to his friend across the street from his home. The gun could have belonged to someone else, like his friend or one of the other men the first police officer originally saw there. The defense said the fanny pack was "covered in grime" and could have been stashed in the lot by someone else before the defendant came along.

While the defense attorneys posited other possibilities of what might have happened that day, they didn't offer a unified narrative to credibly undermine the prosecution's account, nor did they have to under the law. Instead, they emphasized the police's procedural and clerical snafus. The takeaway seemed to be that if the police are bad at paperwork and evidence collection — which they appeared to be in this case — perhaps someone besides the defendant left the gun and drugs in the parking lot.

After the trial was over, I spoke to three people who served on the jury with me. They each had worries about the case that stayed with them months later.

They remembered the police investigation as being "super disorganized." "I was expecting to see more — fingerprints, more of those reports that they mentioned during the trial that we didn't actually get to see, video footage, recordings, something," said juror Casey Raynis, a 32-year-old public school music teacher and musician. "We really didn't get to see anything." "It was incomplete. It was sloppy," said another juror, Osvaldo Gerald, a 65-year-old vice president of a government contracting company. "That was the hardest thing I had to understand and to deal with."

I had a similar impression.

For example, on the evidence box that held

the gun retrieved at the scene, someone — it was never clear to me who — had written the name of the man who police stopped with the defendant. Another report listed the wrong time of arrest.

The defense lawyers also pointed out that there was no video or audio from the arrest. The original officer's call for backup wasn't recorded because it was made on an encrypted radio channel used by undercover and plainclothes officers.

The cops didn't wear body cameras, and they didn't retrieve surveillance footage from any of the security cameras that faced the parking lot.

The officers' response when the prosecutor asked why was that the detectives weren't required to wear body cameras at that time in 2019. And besides, there was no need for it. They had no doubt about who committed the crime. Because they didn't have to identify a suspect after the fact, they didn't need to get surveillance videos of an act they had witnessed.

Some of us on the jury were dismayed by the gaps.

"I know if I were to be arrested — if you're going to put me away — you better have every little bit of evidence. It better be in order. It better have my name on it. You'd want to know that everything was in order," said Raynis.

In some respects, my knowledge of the flaws of the justice system made the prosecution's case more believable. The charges against the man, and the police's haphazard paperwork, all seemed plausible. The typos and switched names on evidence were familiar from other police records I've seen. It's another apparent contradiction in the justice system. Police misspell names all the time and put the wrong numbers on reports — reports that they end up relying on when they testify in court.

Anna Gee, one of the defense attorneys, summed up the case against the man as simply unverified claims by the police "because they said so."

The prosecution leaned into the absurdity of the situation. "Defense wants you to believe that my officers are lying. If they are lying, they are the worst liars in the world because those facts don't make sense unless they're telling the truth," said Assistant Prosecutor Andreas Diakos.

(Since the trial, I have contacted lawyers for both the defense and the prosecution. They all declined to comment on the case.)

Going into jury deliberations, Judge Arthur Batista gave us clear and lengthy instructions. To convict the man of drug possession, we had to find that he knew he was holding illegal drugs. To convict him on the gun charge, we had to believe he had possessed a firearm that was in working order and that he was not licensed to own. The judge implored us to respect the sanctity of the jury room and to keep the deliberations there secret. To abide by those instructions, I won't

divulge our conversations, but I can describe my own reactions.

I couldn't help but wonder if the long delay before the trial, exacerbated by the COVID-19 pandemic, exposed another symptom of the growing gap between police and the public.

When the defendant was arrested in 2019 — before the COVID-19 lockdowns and a Minneapolis cop murdered George Floyd — this case must have looked like a slam dunk to the police. By the time the case went to trial, the officers on the stand, and even the prosecutor, seemed affronted that their accounts would be questioned. But that attitude felt like it was from a bygone era.

On the first count, I saw no evidence that the fanny pack belonged to the man or that he had any knowledge of what was in it. We, the jury, voted to not convict him on the drug charge. For the second count, after several days of deliberating, we found the man guilty of possessing the unregistered handgun. Over the three days of testimony, I saw and heard things that made me doubt how well the criminal justice system operates. But it wasn't the system that was on trial. For me, the case hinged on whether Cabrera, the arresting officer who said he found the gun, sounded like he was being honest. As much as I wanted there to be more to it than that, there wasn't. If Cabrera told the truth about taking the gun from the man, we had to convict, whether we liked it or not.

The other jurors I spoke with later said they, too, expected more and better evidence from the investigators, perhaps because they'd been conditioned by years of "Law & Order" or a general skepticism fomented by high-profile police killings and the resulting protests. We didn't get answers to many of the questions we had about the case. All we had to go on was the word of the police.

Despite my disappointment at the way police handled the evidence and reports, I was buoyed by my time with the other jurors. Sitting in a room with 11 smart, careful people gave me some hope that convening an impartial jury of one's peers was not such a crazy idea.

But given the weight of what we were asked to do — potentially send a man to prison for many years — I expected damning evidence, not evidence that was just good enough. III

Postscript Shortly after our verdict, the man we convicted pleaded guilty to a separate count of possession of a handgun by someone with a prior criminal conviction. The man was scheduled to be sentenced in March 2024, and that hearing was postponed twice. On the day he was to be sentenced, the man didn't show up in court, and the judge issued a bench warrant for his arrest. When he is sentenced, he faces five to 10 years in state prison.

They Were in a Mental Health Crisis at a Hospital. This Is How They Landed in Jail.

Washington, like most states, has a law intended to protect health care workers. Instead, it's led to prosecutions of people with severe mental illness.

By **CHRISTIE THOMPSON, SYDNEY BROWNSTONE and ESMY JIMENEZ**
Additional reporting by **JASMYNE RICARD, WEIHUA LI and MIYOKO WOLF**

This article was published in partnership with The Seattle Times.

Kevin Page's flashbacks come at night: Being strapped to a hospital bed with a nurse's hands wrapped around his chin to keep his head from flailing. Feeling like he was suffocating and not knowing where he was, or why.

"There were so many hands on me, I just wanted them to let me go," he said of the night in 2020 when he landed in a Seattle-area emergency room for a mental health evaluation. Nurses called for security after he grew upset, swore and threatened staff, and tried to leave, according to hospital records. "I felt like I was going to die," he said.

Engulfed in panic and immobilized, Page spat — landing saliva in the eyes and on the mask of one nurse, and on the sleeve of another.

Just hours earlier, police had sent Page to the ER believing he was having a psychiatric crisis and was a danger to himself or others. After he spat, officers from the same department returned to pull him out of treatment and take him to jail instead. Prosecutors in King County, which includes Seattle, then charged Page with felony assault.

Under Washington state law, any assault on a health care worker can be a felony — including spitting, slapping or other actions that might otherwise be treated as minor offenses with fewer consequences for the accused. The decades-old statute was meant to protect providers, who are increasingly harmed in violent attacks.

But an investigation by The Marshall Project and The Seattle Times found the majority of the people charged by King County prosecutors under that law showed signs of serious mental illness, with dozens of patients in severe crisis

punished for behavior that landed them in the hospital in the first place.

From 2018 through 2022, county prosecutors filed 151 cases for felony assault on a health care worker. Court records show that 76% of these cases were filed against people with signs of serious mental illness. That included people who were involuntarily committed to a psychiatric facility, were in an emergency room for a mental health evaluation or had EMTs respond to their mental health crisis.

But increased penalties for people in crisis do little to deter violence, experts say. And reporters' findings reveal an unintended consequence: More people with serious mental illness are funneled into the criminal justice system, even as cities across the country search for ways to keep them out.

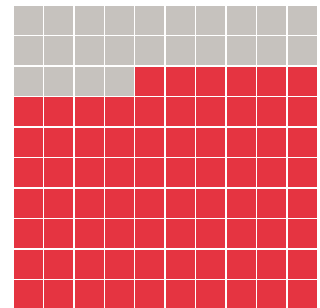
Some were arrested out of a health care facility, only to wait weeks or months in jail to get into a state psychiatric hospital, growing even sicker behind bars. A man who said he was off his medication for schizophrenia when he grabbed a nurse's groin and spat on him in 2020 spent nearly eight months in county jail, according to court records, much of it waiting for a hospital bed.

These prosecutions often stall because the person is too ill to understand the charges against them. While the county decides whether to charge these patients, it's up to the state Department of Social and Health Services to stabilize and prepare them to stand trial. The state has struggled with long delays and a backlog of cases for years, though wait times are now decreasing.

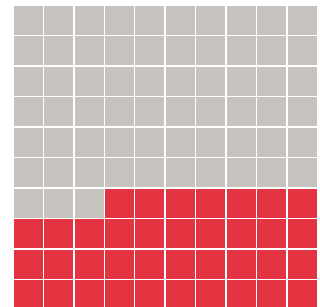
Whether someone was mentally fit to stand

From 2018 to 2022, King County prosecutors filed 151 cases for felony assault on a health care worker. Of those charged ...

76%
experienced symptoms of serious mental illness



37%
were homeless, according to police reports



Source: Data compiled by The Marshall Project and The Seattle Times

trial was questioned in nearly 40% of cases filed under this assault law between 2018 and 2022, according to the news organizations' analysis. Even if charges are ultimately dismissed, prosecutions can cost thousands in taxpayer dollars.

Since the start of the pandemic, more states have adopted similar laws as health care workers face increasing abuse. Congress is debating whether to make these assaults a federal crime.

Multiple cases analyzed by the news organizations detail serious violence and speak to the abuse and danger that health care workers face on the job. Emergency care providers bear the brunt of an overwhelmed mental health care system, when people spiraling have nowhere to go but their nearest hospital.

A 2022 survey published by the American College of Emergency Physicians found that over half of ER doctors queried said they had been physically assaulted. A 2024 poll by the Emergency Nurses Association found over half of nurses had been physically or verbally assaulted within a 30-day period.

One of the nurses Page spat on, Aviona Williams, said she's lost track of how many times she has been assaulted. She believes the law helps protect her and other providers.

"We live in a hostile environment," she said. "Our job is to serve you on your worst days."

Of the decision to charge Page, the King County Prosecuting Attorney's Office said his behavior caused "serious concerns for the risk of violence against multiple people" because of failures to appear in court, felony trespass and misdemeanor domestic violence convictions over a decade old, as well as a 911 call Page made before he was taken to the hospital. Police said Page, then 47, threatened to shoot children he believed were throwing rocks at his house, but when officers arrived, they found no evidence of a gun or children present. Page disputes the police's version of events.

"Having a mental illness does not prevent a person from committing an assault, does not necessarily alleviate them of legal responsibility, or provide a better option than the filing of



King County Prosecuting Attorney Leesa Manion acknowledged that filing criminal charges doesn't necessarily deter future attacks, especially if someone is in a mental crisis.

GREG GILBERT/THE SEATTLE TIMES



Kevin Page in his home in Federal Way, Wash., in March 2024. He was undergoing a mental health evaluation when he threatened and spat on two nurses in a Seattle-area emergency room in 2020. He was arrested out of the hospital, and charged with felony assault on a health care worker.

JOVELLE TAMAYO FOR THE MARSHALL PROJECT

criminal charges," prosecutor's office spokesperson Casey McNerthney wrote in an email, noting that violence against health care workers is often underreported. "Sometimes there are no other options to prevent the violent behavior that victimizes hospital staff."

Any assault that causes substantial pain or "bodily harm," or involves a weapon, can be a felony in Washington, regardless of the victim's job. But spitting, for example, becomes felony-level violence when it targets people in specific professions. Along with health care workers, Washington's assault law covers police officers, bus drivers, firefighters and courthouse employees — all public servants who are more likely to encounter people in crisis.

Statewide, at least 206 cases were filed in 2023 for felony assault on a health care worker, according to data provided by the state Administrative Office of the Courts. A defendant's competency was questioned in 28% of these cases. In the past decade, the number of people waiting in Washington jails for state psychiatric evaluations and treatment has more than doubled, from under 1,000 in 2013 to more than 2,000 in 2023.

"No one should be assaulted at work," said Kimberly Mosolf, former director of the Treatment Facilities Program at Disability Rights Washington. "But how you best address that is not arresting someone and booking them in jail. They will be back in your ER very shortly."

Mosolf authored a 2020 report that found more than 100 arrests from Seattle-area hospitals and mental health care facilities in a year, some for as little as throwing a cup of juice. In her research,

Mosolf was especially troubled by charges against people who were in the hospital on an involuntary treatment order, which meant a civil court had already concluded they were a danger to themselves or others. “The fact that they then have behaviors that could be harmful should not be a surprise,” she said. “It makes no sense to me that you would pull them out for those very behaviors and criminalize them.”

Some states, like Virginia and Missouri, explicitly exempt people who are receiving psychiatric care or are civilly committed to a hospital from being criminally charged under new laws against threatening health care workers. Washington’s statute, passed in 1997, has no such carveout.

King County Prosecuting Attorney Leesa Manion, who took office in January 2023, said her staff may pursue charges against someone with serious mental illness in hopes of connecting them with services.

“We often file charges as a way to get people help, not because that’s something we think is the world’s greatest practice, but because of how the system is currently designed,” she said.

But these charges can do the opposite, according to court records. At least four patients charged deteriorated so much in jail that they were found with feces in their cells or smeared on the walls. Some defendants waited so long in jail for a bed at a state hospital that their defense attorneys argued that the state was violating their right to due process. In one of those cases, a judge ordered the state to pay \$16,000 in sanctions for the patient’s time in jail. His case was ultimately dismissed because he was too sick to participate in a criminal trial.

Court records show this law disproportionately ensnares homeless people and people of color. More than a third of cases involved people who were homeless — a population with a higher rate of illness and who are more likely to end up in the ER.

Like Page, 40% of the people charged with this kind of felony assault were described as Black in police reports. That is an even higher racial disparity than overall felony cases in King County, where roughly a third of defendants were listed as Black, according to county prosecutors’ data in recent years. The county’s population is 7% Black.

Manion said these disparities point to a broader lack of access to services and to historical inequities in health care.

She acknowledged that filing criminal charges doesn’t necessarily deter future attacks, especially if someone is in a mental crisis. “I don’t think individuals who engage in criminal behavior are thinking, ‘I might have charges filed against me so maybe I shouldn’t do this,’” she said.

But sometimes, she added, the legal system is

more about “how you hold someone accountable for the harm that they have done to another person.”

A study conducted in 2023 by National Nurses United, a national union with nearly 225,000 members, found that nearly half of nurses reported an increase in violence in their workplace in the past year. Multiple factors are driving this trend, experts say, including understaffed facilities, long wait times for patients and the dual crises of mental illness and substance use disorders.

Nurse Thomas Keolker has worked in Seattle emergency rooms for nearly 20 years. He has been the victim in two felony assault cases but said that’s just a fraction of the violence he’s experienced. He has been bitten, spat on, threatened, strangled, tackled and punched, records show.

Keolker said he can tell the difference between someone who “was truly psychotic” and someone who understood what they were doing was wrong and chose to do it anyway. “I’ve never really wanted people to be locked up, but I also feel like there’s a ramp-up,” he said. “It’s frequently a series of very small incidents that build up to people really harming others.”

Nursing associations are divided in their support for these laws. Some have lobbied for their passage as part of broader efforts to curb violence. Others oppose them entirely.

“Criminalizing our patients is not the answer,” said Michelle Mahon, assistant director of nursing practice for National Nurses United. “It’s a pivot away from employer responsibility to provide a healthy and safe work environment.”

In Washington state, Service Employees International Union Healthcare 1199NW President Jane Hopkins said the felony assault law is important. But without other prevention measures, she said, it won’t protect her members.

Research shows there are multiple ways to reduce hospital violence, including de-escalation training, increasing the number of staffers and offering more preventive care for people with serious mental illness.

“We don’t want patients thinking it’s OK to assault health care workers,” Hopkins said. But, referring to the people charged, she said, “Three-quarters of them have mental health problems that maybe we could have influenced before they got to that place of assault.”

When weighing whether to charge psychiatric patients, the King County Prosecuting Attorney’s Office since at least 2019 has instructed its staff to consider someone’s mental illness as a factor. Yet a defendant’s competency — whether someone’s mental illness was too severe at the time for them to be tried — was questioned in court in nearly 40% of cases analyzed by The Marshall Project and The Seattle Times. (Not every person with a mental illness facing such charges will end up in competency proceedings.)

In 2022, I.M., a college student diagnosed with schizophrenia, was arrested after he allegedly threatened to kill a nurse and others, punched a nurse in the hand and spat on two other workers at a Seattle-area psychiatric hospital, according to police reports. He was being held under an involuntary treatment order. (I.M. are his initials. He requested anonymity out of concern for how discussing his mental illness would affect his job prospects.)

I.M. had recently tried going off his medication because the antipsychotics caused him to gain significant weight, making him dizzy and short of breath, he said. But it didn’t take long for his delusions to return, setting off a cycle of being arrested, hospitalized, then arrested again. After three weeks in jail, he was “severely decompensated,” and was found naked and spreading food around his cell, according to a jail progress note. I.M. was found incompetent to stand trial and ordered to a state hospital. But the wait time was six and a half months.

If someone’s mental illness is deemed too severe to proceed with their case, they may be referred to a state hospital to subdue their symptoms enough so they understand the charges against them. But the wait times for admission in Washington have been so long that a federal court found them unconstitutional, fining the state over \$100 million in 2023 for its failure to transfer people quickly.

In 2023, Manion’s office sued the state Department of Social and Health Services over these wait times. Data provided by the department shows the backlog had improved in early 2024, and the vast majority of people referred for competency restoration in April of 2024 were admitted within two weeks.

After seeing cases like I.M.’s end up in competency proceedings, county prosecutors updated their guidelines in December of 2023 to more explicitly caution attorneys as they consider charging people for assaults committed during a mental health crisis. The guidelines say prosecutors should also assess whether it would be appropriate to decline the case or refer someone to a diversion program to avoid a criminal conviction.

From January through March 2024, the office charged three people under the felony assault law for allegedly attacking health care workers. Two of the defendants were receiving mental health care at the time.

In an interview, Manion, the county’s top prosecutor, stressed the importance of services people can access after they’re arrested or charged.

The county’s Legal Intervention and Network of Care (LINC) program provides short-term housing, psychiatric services and other support for people with behavioral and mental health problems who are facing misdemeanor or low-level felony charges. Those referred to LINC can have criminal

charges dismissed or not even filed in the first place. The King County Regional Mental Health Court can also connect defendants with services.

But only a small number of people charged under this law get such help. Of the more than 150 cases reporters analyzed, six people were accepted into the LINC program, according to available court records. Another six had their cases handled in mental health court. Both programs require a defendant to opt in and may screen out people who are accused of serious violence or who have a significant criminal history. And neither program has enough resources to serve everyone with a mental illness who is facing criminal charges in the Seattle area. The LINC program served 189 people in 2023.

Manion's office said in many cases, defendants are not willing to participate in these programs, and such initiatives might not be appropriate for people whose primary diagnosis is substance use disorder.

Anita Khandelwal, director of the King County Department of Public Defense, said that at the very least, anyone who is in the hospital for mental health care who assaults someone but does not cause serious injury should be spared felony charges and connected to mental health support. Her office has advocated for diverting these cases to programs like LINC and keeping people charged with these felonies out of jail.

"You're setting someone up for failure by making it harder for them to access services that will help," she said. "We know that processing them through the system is not going to make them any healthier and is a huge waste of resources," she said, referring to the criminal courts. Khandelwal's office estimates it costs taxpayers nearly \$5,900 in attorneys' time to defend each of these cases.

After three and a half months in jail, I.M. had been on his medication long enough to be released to his mother, who promised to oversee his continued treatment. His criminal case dragged on for years. The prospect of a felony record hung over him as he returned to college and tried to put his life back together.

"I can't make sense why someone getting mental health treatment would be charged with a felony," he said. "I was really out of my mind; I didn't realize what was happening."

King County prosecutors are applying more scrutiny in these cases, but there is no legislative movement to change the law.

"I don't think this is on the radar of most legislators," said state Sen. Manka Dhingra, a former King County prosecutor. When a patient gets to the point of lashing out, she said, "You know they should have received services way before it got this bad. We have to push the system to get people help earlier."

Instead, legislators have faced pressure to

increase criminal penalties for assault involving more classes of workers, including massage therapists and electricians.

State Rep. Lauren Davis is critical of the law and opposed expanding it.

"Clearly there's no data to suggest that the criminalization of this population is addressing the underlying, core issue here," she said.

More states are passing similar laws. In 29 states, including Washington, any assault on a health care worker can be a felony offense, according to an analysis of state laws by the news organizations. And since the pandemic began, at least 20 states have increased criminal penalties for these attacks.

Efforts to increase criminal penalties in California and Oregon, however, have failed over concerns about their effectiveness and the impact on people with mental illnesses and intellectual and developmental disabilities.

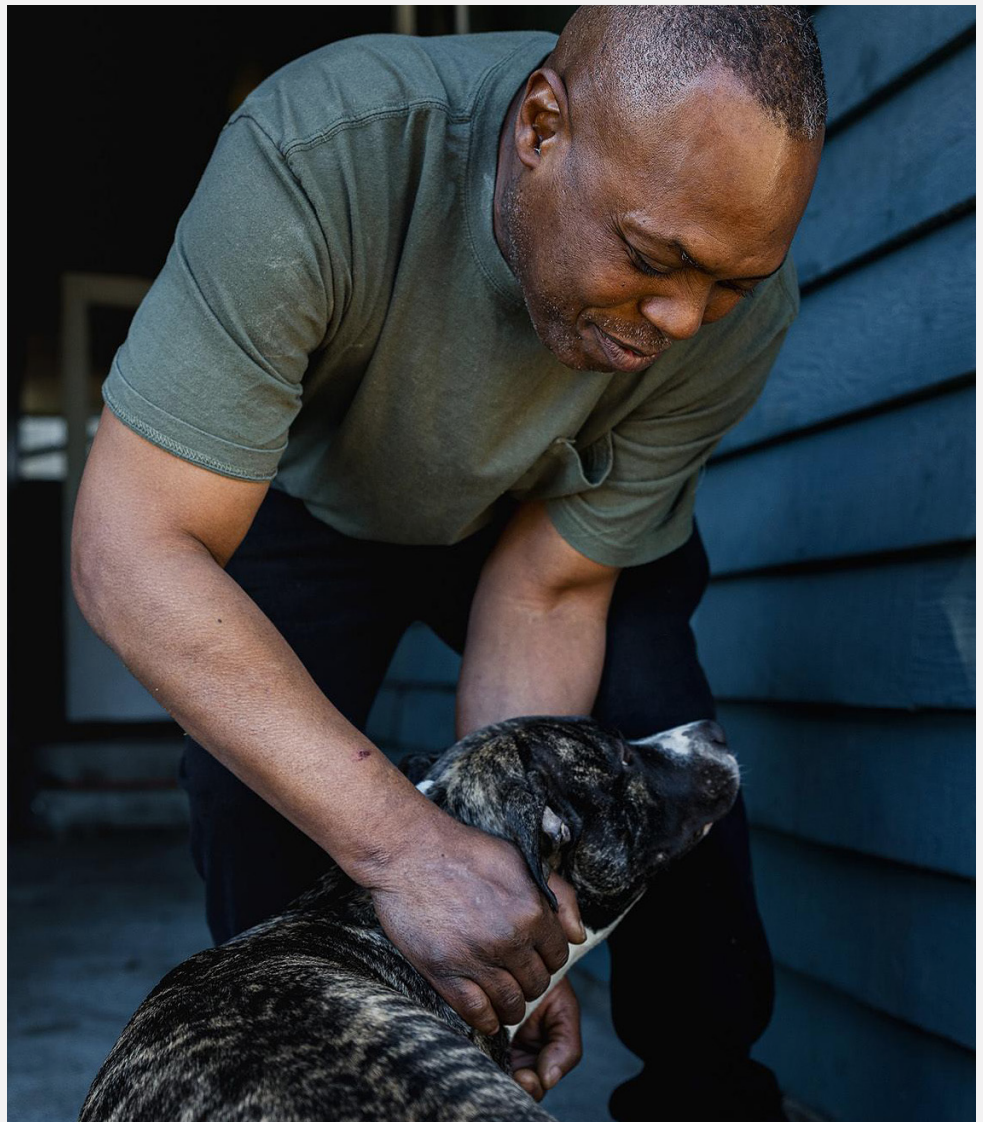
"When an individual is in crisis, they're not going to read a sign that says, 'It's a felony to

assault a health care worker,' and then change their behavior," said Beth Brownhill of Disability Rights Oregon, which lobbied against the state bill.

Kevin Page was charged with the felony assault in April 2020, just weeks into a statewide stay-at-home order. At the time, the King County jail was only booking people whose charges posed "serious public safety concerns," in order to lower its population and reduce the spread of COVID-19. His spitting on nurses qualified.

Sitting in jail, Page worried a felony charge would cost him his newfound stability. He had recently moved into supportive mental health housing after six years of homelessness. His son bailed him out quickly enough to avoid eviction, and his criminal case was dismissed due to "evidentiary issues" more than a year later.

But the impact of the night he was arrested lingers. He is wary of calling 911 if he needs help and of seeking mental health care. "I'm afraid of going to jail," he said. "I try not to go to the doctor. Because it could happen again." III



Kevin Page pets his dog, Fiona, in March 2024. More than a year after his crisis that led to assault charges, his criminal case was dropped. JOVELLE TAMAYO FOR THE MARSHALL PROJECT



Susan Horton ate a salad with poppy seed dressing before going to Kaiser Permanente hospital in Santa Rosa, California, to give birth in 2022. The hospital staff administered a urine drug screen and Horton tested positive for opiates. The hospital reported her to child welfare services and the agency placed her newborn Halle into protective custody. MARISSA LESHNOV FOR THE MARSHALL PROJECT

She Ate a Poppy Seed Salad Just Before Giving Birth. Then They Took Her Baby Away.

09.09.2024

Hospitals use drug tests that return false positives from poppy seed bagels, decongestants and Zantac. Yet newborns are being taken from parents based on the results.

By SHOSHANA WALTER
Additional reporting by WEIHUA LI, ANDREW RODRIGUEZ CALDERÓN, NAKYLAH CARTER and CATHERINE ODOM

This article was published in partnership with Reveal News, Mother Jones and USA Today.

Susan Horton had been a stay-at-home mom for almost 20 years, and when she was pregnant with her fifth child, she felt a hard-won confidence in herself as a mother.

Then she ate a salad from Costco.

It was her final meal before going to Kaiser Permanente hospital in Santa Rosa, in northern California, to give birth in August 2022. It had been an exhausting pregnancy. Her family had just moved houses, and Horton was still breastfeeding her toddler. Because of her teenage son's heart condition, she remained wary of COVID-19 and avoided crowded places, even doctor's offices. Now, already experiencing the clawing pangs of contractions, she pulled out a frozen pizza and a salad with creamy everything dressing, savoring the hush that fell over the house, the satisfying crunch of the poppy seeds as she ate.

Horton didn't realize that she would be drug tested before her child's birth. Or that the poppy seeds in her salad could trigger a positive result on a urine drug screen, the quick test that hospitals often use to check pregnant patients for illicit drugs. Many common foods and medications — from antacids to blood pressure and cold medicines — can prompt erroneous results.

The morning after Horton delivered her daughter, a nurse told her she had tested positive for opiates. Horton was shocked. She hadn't requested an epidural or any narcotic pain medication during labor — she didn't even like taking Advil. "You're sure it was mine?" she asked the nurse.

If Horton had been tested under different circumstances — for example, if she was a government employee and required to be tested as part of her job — she would have been entitled to a more advanced test and to a review from a specially trained doctor to confirm the initial result.

But as a mother giving birth, Horton had no such protections. The hospital quickly reported her to child welfare, and the next



Some over-the-counter nasal inhalers can trigger positive results for meth.

ANDRIA LO FOR THE MARSHALL PROJECT



Some baby wash products can cause positive results for THC, the active ingredient for marijuana.



Poppy seeds, used in salads and other foods, can yield positive results for opiates in urine tests.

day, a social worker arrived to take baby Halle into protective custody.

Kaiser Permanente declined to comment on Horton’s care. In a statement, it said the Santa Rosa hospital typically gets consent to drug-test patients for medical reasons, and as a mandated reporter under state law, it refers potential exposures of newborns to illicit drugs to child welfare authorities.

The Sonoma County Human Services Department said, in a statement, that it evaluates all referrals using “evidence- and research-based” methods, and if a report is deemed valid, it has a duty under state law to investigate.

Horton said the experience made her feel powerless and terrified.

“They had a singular piece of evidence that I had taken something,” she said, “and it was wrong.”

For decades, state and federal laws have required hospitals across the country to identify newborns affected by drugs in the womb and to refer such cases to child protective services for possible investigation. To comply, hospitals often use urine drug screens that are inexpensive (as little as \$10 per test), simple to administer (the patient pees in a cup), and provide results within minutes.

But urine drug screens are easily misinterpreted and often wrong, with false positive rates as high as 50%, according to some studies. Without confirmation testing and additional review, false positive results can lead hospitals to wrongly accuse parents of illicit drug use and report babies to child welfare agencies — which may separate newborns from their families, an investigation by The Marshall Project and Reveal has found.

It’s unclear how many of the nation’s 3.6 million births every year involve drug testing, but health care experts said urine screening is ubiquitous. Tens of thousands of infants are reported annually to authorities for in utero drug exposure, with no guarantee that the underlying tests are accurate, our analysis of federal data shows.

To report this story, The Marshall Project interviewed dozens of patients, medical providers, toxicologists and other experts, and collected information on more than 50 mothers in 22 states who faced reports and investigations over positive drug tests that were likely wrong. We also pored over thousands of pages of policy documents from

every state child welfare agency in the country.

Problems with drug screens are well known, especially in workplace testing. But there’s been little investigation of how easily false positives can occur inside labor and delivery units, and how quickly families can get trapped inside a system of surveillance and punishment.

Hospitals reported women for positive drug tests after they ate everything bagels and lemon poppy seed muffins, or used medications including the acid reducer Zantac, the antidepressant Zoloft and labetalol, one of the most commonly prescribed blood pressure treatments for pregnant women.

After a California mother had a false positive for meth and PCP, authorities took her newborn, then dispatched two sheriff’s deputies to also remove her toddler from her custody, court records show. In New York, hospital administrators refused to retract a child welfare report based on a false positive result, and instead offered the mother counseling for her trauma, according to a recording of the conversation. And when a Pennsylvania woman tested positive for opioids after eating pasta salad, the hearing officer in her case yelled at her to “buck up, get a backbone, and stop crying,” court records show. It took three months to get her newborn back from foster care.

Federal officials have known for decades that urine screens are not reliable. Poppy seeds — which come from the same plant used to make heroin — are so notorious for causing positives for opiates that in 2023, the Department of Defense directed service members to stop eating them. At hospitals, test results often come with warnings about false positives and direct clinicians to confirm the findings with more definitive tests.

Yet state policies and many hospitals tend to treat drug screens as unassailable evidence of illicit use, The Marshall Project found. Hospitals across the country routinely report cases to authorities without ordering confirmation tests or waiting to receive the results.

At least 27 states explicitly require hospitals to alert child welfare agencies after a positive screen or potential exposure, according to a review of state laws and policies by The Marshall Project. But not a single state requires hospitals to confirm test results before reporting them. At least 25 states do not require child welfare workers to confirm positive test results, either.

While parents often lack protections, most of the caseworkers who investigate them are entitled to confirmation testing and a review if they test positive for drugs on the job, our analysis found.

Health care providers say there are medical reasons to test labor and delivery patients for drugs, including alerting doctors to watch a newborn for withdrawal symptoms. They also cite concerns about criminal and legal liability if they fail to report positive test results.

Even when a doctor refutes a positive result and vouches for their patient, hospitals may report the incorrect data anyway to child welfare agencies.

“It’s almost like a gut punch. You come to the hospital and you see a social work note on your patient’s chart,” said Dr. Yashica Robinson, an OB/GYN in Huntsville, Alabama, who has tried and failed several times to halt child welfare reports and investigations of patients with false positive results. “Once that ball is rolling, it’s hard to stop it,” Robinson said.

No government agency collects comprehensive data on false positive results or how many pregnant patients are tested. And confidentiality laws that shield medical and child welfare records make it difficult for the public to understand how many families are affected.



Dr. Yashica Robinson in her Jones Valley office in Huntsville, Alabama, in August 2024. LYNSEY WEATHERSPOON FOR THE MARSHALL PROJECT

In 2016, Congress mandated states to submit the number of “substance-affected” infants to the U.S. Department of Health and Human Services. Not all states track every case, but from fiscal years 2018 through 2022, medical professionals reported at least 170,000 infants to child welfare agencies for exposure to substances, according to an analysis by The Marshall Project. In 2022 alone, more than 35,000 such cases were reported, and authorities removed more than 6,000 infants from their families, our analysis found.

The harms of drug testing fall disproportionately on low-income, Black, Hispanic and Native American women, who studies have found are more likely to be tested when they give birth, more likely to be investigated, and less likely to reunite with their children after they’ve been removed.

But the false-positive cases The Marshall Project identified include parents of all socioeconomic classes and occupations — from a lawyer to a school librarian to a nurse who drug tests other people for a living.

“People should be concerned,” said Dr. Stephen Patrick, a leading neonatal researcher who chairs the Department of Health Policy and Management at the Rollins School of Public Health in Atlanta. “This could happen to any one of us.”

Drug screens are more guesswork than exact science. Chemicals in the tests quickly cross-react with urine, flagging anything that looks like it could be an illicit substance. The tests are like fishing nets that are cast wide and pick up anything and everything that fits, said Dr. Gwen McMillin, a professor at the University of Utah School of Medicine and medical director of a drug-testing lab. The problem is that nets also ensnare fish that aren’t being targeted: compounds that are closely related to illicit substances or merely look similar.

“Drug testing results need to be confirmed before they go to CPS,” McMillin said. “Actions should not be taken based on a single drug testing result. Period.”

But sometimes, even confirmation tests can be misinterpreted, as Susan Horton found.

At first, Horton was puzzled by her positive test result. She wondered if her urine might have been mixed up with another patient’s. Then — “ding ding ding!” — her last meal popped into her head. She told a nurse about the poppy seeds in her salad, sure that this would resolve her doctors’ concerns.

Horton’s records show Kaiser ran her urine sample through a second test, and this time it came back positive for one opiate in particular: codeine. That shouldn’t have been surprising — poppy seeds, like the ones in Horton’s salad, are derived from the opium poppy plant and contain codeine.

To differentiate between salad dressing or bagels and illicit drugs, toxicologists have long recommended testing urine for the presence of



Smith hugs her child Julian, who is now 3 years old, in their home in Tobyhanna, Pennsylvania, in July 2024. PARIKHA MEHTA FOR THE MARSHALL PROJECT

a compound called thebaine, which is found in poppy seeds, but not in heroin. There’s no indication that the hospital performed or even knew about the thebaine test, leaving providers with no way to prove or disprove Horton’s claims.

“Mom and dad insist that a Costco salad with poppyseed dressing is responsible,” a doctor wrote in her notes. Another doctor wrote: “We are unable to verify whether this could result in a positive test.”

Soon, multiple doctors and nurses filed into Horton’s room. They said hospital policy dictated that Halle remain there for five days to be monitored for possible drug withdrawal symptoms — “for baby’s safety,” a doctor told Horton.

Unlike most other states that require hospitals to report positive drug tests, California law says a positive test alone “is not in and of itself a sufficient basis for reporting child abuse or neglect.” But because of COVID-19 and her son’s heart condition, Horton had also missed some prenatal appointments, which many providers see as a red flag for drug use. A hospital social worker noted the missed appointments and decided to file a report.

In a statement about its practices in general, Kaiser said it always conducts a “multi-faceted assessment” prior to filing a report to CPS, which is responsible for reviewing the information and investigating.

Horton insisted that keeping her baby at the hospital was unnecessary. “I’m not a drug addict,” she said she pleaded. Desperate for help, her husband called the police, who declined to oppose hospital directives, records show.

When the caseworker arrived, the couple

refused to sign a safety plan or allow the person to interview their children and inspect their home. So the caseworker immediately obtained a judge’s order and placed baby Halle into temporary custody in the hospital, before discharging her to her grandparents, who were ordered to supervise Horton with her child.

A few days later, Horton stood silently in court, dressed in pants that clung uncomfortably to her still-healing body, feeling as if her motherhood was on trial. A caseworker told the judge it would be dangerous to release Halle to her parents, and Horton agreed to another drug test. A worker followed her to the bathroom and watched her urinate in a cup.

By then, caseworkers and doctors had privately acknowledged that poppy seeds could have caused Horton’s positive test result. But in court, the caseworker didn’t mention that. Instead, she argued that Horton’s purported drug use had “caused serious physical harm” to her child.

The agency said under state law it can’t comment on individual cases. Speaking generally, it said a single positive drug test, false or otherwise, doesn’t warrant an investigation, and that there needs to be “a reported observation of impact to the child.”

When workplace drug testing was introduced in the 1980s, unions and civil rights groups decried the error rates of drug screens and how companies were firing workers over false positive results. In response, federal authorities mandated safeguards for employees, including requiring confirmation tests and a review from a specially trained doctor to determine whether a food or medication could have caused a positive result.

A federal medical advisory committee in 1993 urged health care providers who drug test pregnant patients to adopt the same rigorous standards. But amid the “crack baby” panic, the idea of protecting mothers did not catch on.

Hospital drug testing policies vary widely. Many facilities, such as Kaiser in Santa Rosa, test every single labor-and-delivery patient. Other hospitals flag only certain people, such as those with limited prenatal care, high blood pressure, even bad teeth, experts say. At many hospitals, the decision is up to doctors and nurses, who may view a mother’s tattoos, disheveled clothing or stressed demeanor with suspicion. Studies have found that the decision to test is rife with class and race bias.

“Those who look like they have less resources, people might say, ‘Well, they look more likely to use drugs,’” said Dr. Cresta Jones, an associate professor and maternal-fetal medicine specialist at the University of Minnesota Medical School.

Hospitals often have full discretion over whether or not to screen for drugs, but once a positive result is in hand, the decision to report becomes more complicated. Laws and policies in at least 12 states explicitly require hospitals to send screen results to child welfare agencies, even if they are not confirmed, according to The Marshall Project’s review.

For hospitals, cost is also an issue. While urine screens are cheap, the equipment needed to run a confirmation test costs hundreds of thousands of dollars, in addition to the cost of expert personnel and lab certification. Some hospitals contract out confirmation testing — a lower-cost alternative — but getting results can take days, long after many families are ready to go home.

Doctors, nurses and hospital social workers face an uncomfortable predicament: Do they send the baby home to what they believe could be an unsafe environment, or do they call authorities?

“God forbid the baby goes home, withdraws and dies, we’re going to be held liable for that,” said Dr. Adi Davidov, an obstetrician at Staten Island University Hospital, which drug tests every birthing patient.

State mandatory reporting laws add to the pressure on doctors and nurses. These laws impose criminal liability on providers who fail to report, while also protecting physicians who report “in good faith” — insulating hospitals from lawsuits if test results are wrong.

Even when doctors have the ability to order a confirmation test, they don’t always do so. Many misinterpret positive screens as definitive evidence of drug use.

When Grace Smith had her fourth child in 2021 at St. Luke’s University Hospital, an hour north of Philadelphia, she was taking prescribed marijuana and Vyvanse, a medication for attention deficit hyperactivity disorder. The medicine contains

amphetamine, but the hospital’s drug screen results did not differentiate between meth and amphetamine, according to medical records. The day after Smith delivered her son, a doctor told her that she and her baby had tested positive for meth and that the hospital had notified child protective services.

Smith’s husband Michael asked the doctor to review his wife’s medical records to confirm her prescription, according to the doctor’s notes. The doctor argued that wasn’t her role. “I explained that our responsibility as healthcare workers was to report the case” to child welfare authorities, she wrote, adding that the agency “would conduct any investigation that was necessary.”

When Michael Smith told the doctor they were leaving with their baby, the hospital called the police. An officer escorted the parents out, without their newborn, a police report shows. The Smiths said the police told them they would be arrested if they returned.

St. Luke’s University Health Network declined to answer questions from The Marshall Project, saying in an email that the hospital “complies with all rules and regulations regarding drug testing and reporting” and that the newborn’s welfare “is always our primary concern.”

Four days after the Smiths’ son was born, Monroe County Children and Youth Services told the hospital it was OK to release the baby to his parents. But the investigation remained open. It wasn’t until the Smiths paid more than \$3,500 for a lawyer— and nearly \$300 for a confirmation drug test that came back negative — that the agency closed their case. The agency declined to comment.

The Smiths filed a lawsuit in 2022 against St. Luke’s. In its response, the hospital acknowledged that it had not given Grace a confirmation test,

but denied violating the Smiths’ privacy or civil rights. A judge dismissed the suit in 2023, saying in part that the Smiths did not sufficiently argue their claims.

Many providers erroneously assume that child welfare agencies verify a parent’s drug use. But government caseworkers typically lack the expertise to accurately interpret drug test results. State policy manuals seldom mention the possibility of false positives. It often falls on parents to prove their own innocence.

As a nurse in South Carolina, Ashley Riley said she regularly drug-tested patients in an addiction treatment program, flagged faulty tests, and sent out positive screens for confirmation. But when she herself screened positive for opiates after delivering her son in 2023, Riley said the hospital declined to order a confirmation test, then reported her to authorities.

Riley and her husband, Jeffrey, insisted the positive result was from lemon poppy seed muffins that she had eaten throughout her pregnancy. As proof, Jeffrey Riley texted the investigator a receipt for the muffins, studies on false positives caused by poppy seeds, and the 2023 memo from the Department of Defense urging service members to avoid poppy seeds.

“At no point in time was there anybody in there that was even trying to advocate for my wife, except for me,” he recalled.

At first, he thought his efforts were working. The caseworker acknowledged in his notes having seen the poppy seeds and noted that the report “could be falsified.”

But the caseworker still insisted the couple sign a safety plan, advising them that their two children would be placed in foster care unless they assigned a “protector” — a responsible adult who would supervise them with their children at



Melissa Robinson with her daughter Lyriq in Huntsville, Alabama, in August 2024.
LYNSEY WEATHERSPOON FOR THE MARSHALL PROJECT

all times. This continued for 45 days before the case was closed as unfounded.

“We were guilty until proven innocent,” Ashley Riley said.

The hospital even charged \$424 for the problematic urine test. Hospital officials did not respond to multiple interview requests.

Will Batchelor, a spokesperson for the South Carolina Department of Social Services, wrote in a statement that the agency has a duty to investigate once a hospital has filed a report, and that it “exercised appropriate restraint” by not removing the child from the home.

“Because the safety of a child is at stake, DSS has to continue its investigation beyond seeing a receipt for poppy seed muffins,” Batchelor wrote.

Even when a parent has a confirmation test and her own doctor’s word attesting to a false positive result, authorities may keep investigating.

When Melissa Robinson, an elementary school librarian in Huntsville, Alabama, screened positive for cocaine in early 2024, the news shocked her and her doctors. Robinson had avoided anything during her pregnancy that could be risky, even cold cuts — which may carry bacteria — and had no history of drug use. Because of the positive test, staff told Robinson she was not allowed to breastfeed her daughter, hospital records show, and they reported her to Alabama’s child welfare agency, the Department of Human Resources. Robinson said a caseworker told her that she

probably wouldn’t be allowed to be alone with her baby — her husband would have to supervise.

A few days later, a confirmation test came back negative for any substances. With proof that she had not used cocaine, Robinson assumed the case would be closed. Instead, the agency continued to investigate, inspecting her home and even requiring her husband to take a drug test, she said.

Alabama’s child welfare agency said they are required to respond immediately to a hospital report and “make safety decisions relying on current and most accessible information.”

When the baby was two weeks old, the agency closed the case, citing insufficient evidence. But the allegations will remain on Robinson’s record for at least five years.

“To have such a beautiful experience tainted by something like that, it’s difficult,” Robinson recalled. “Truthfully, it’s turned me into somebody different.”

Some medical groups and providers have taken steps to reduce unnecessary child welfare reports. The American College of Obstetricians and Gynecologists advises hospitals to use a screening questionnaire rather than drug tests to identify people who may have substance abuse problems. The organization also recommends that hospitals obtain consent from patients, explaining the potential consequences of a positive result — including if the hospital is required to report it

to authorities. A number of large hospitals have adopted some version of those recommendations.

After a study at Staten Island University Hospital in New York found a high rate of false positives, administrators brought the confirmation testing in-house. They said results come back within a day or two, rather than the week that is typical for outside tests, which allows providers to wait before contacting child welfare.

“Any time you act on a test that’s not 100%, you run the risk of causing more harm than good,” said the hospital’s Dr. Davidov. “If you are going to get CPS involved with a mother who did nothing wrong, is a good citizen, that’s harming her. It’s harming her experience, it’s harming her ability to take care of her newborn.”

In recent years, advocacy groups have filed lawsuits against hospitals for testing without explicit consent, which has led some state officials and lawmakers to speak out against the testing. But in most of the U.S., it remains common practice to report families based on unconfirmed positive screens. Most of the women interviewed by The Marshall Project signed general consent forms at the hospital, but said they were never informed explicitly they would be drug tested, nor that a positive result could be reported to authorities.

For Susan Horton, her family’s ordeal has created an undercurrent of fear that courses through her daily life.

After the court hearing in August 2022, child welfare workers took the baby to Horton’s elderly in-laws and barred Horton and her husband from being alone with their newborn while the agency investigated. Finally, almost two weeks after their daughter was born, the agency withdrew its petition and a judge dismissed the case, allowing the Hortons to bring baby Halle home.

One afternoon in spring 2024, Horton took her daughter, now a toddler, outside. Halle giggled as her mother chased her around the front yard, her little feet splashing in a small mudhole. This was the life Horton had envisioned years ago — a quiet place in the California countryside where her children could delight in the world around them. And yet, Horton couldn’t help but remember the investigation that destroyed her family’s peace of mind — and her self-esteem.

“I had a lot of confidence in how I mother and how I parent,” she said, adding later: “Now in my head, I’m always questioning my choices.” She wondered aloud what neighbors would say if they saw her daughter playing in the mud, if someone might accuse her of being a bad parent.

“I just always have that looming feeling that at any moment CPS could come knocking and take my children away.” III



Horton looks after her daughters as they sit outside their home in Cotati, California, in July 2024.

PARIKHA MEHTA FOR THE MARSHALL PROJECT

Incarcerated Men at Sing Sing's First Film Festival Reflect on Movies, Justice, and Change

The diverse group of jurors shared how their favorite films have shaped their perspectives on community and life behind bars.

By AALA ABDULLAHI and DONALD WASHINGTON, JR.
Photos by KHLOOD EID for The Marshall Project



At the end of October, Sing Sing Correctional Facility held its first-ever film festival. It stood out not just for its setting but also for its jury: incarcerated men who share a deep love for movies. Organized by The Marshall Project, the festival featured a diverse group of five jurors and four alternates — men in their 30s to 60s, of various ethnic backgrounds and educational experiences (several even earned their bachelor's degrees while incarcerated).

Before the festival, the men participated in a film criticism workshop with filmmaker El Sawyer, where they learned to evaluate films for story, style, depth and authenticity. The jurors then spent a week deliberating, before ultimately choosing one of five criminal justice-related documentaries for the top prize. "Songs From the Hole," a documentary visual album directed by Contessa Gayles, won the Excellence in Criminal Justice Storytelling Award. We spoke with the jurors about their personal connections to film. They shared their movie memories and reflected on how their favorite films have shaped their views on justice, community and life behind bars.

Special Subjects worker Jose Llaca holds a sign for the Sing Sing Film Festival on Oct. 24, 2024. KHLOOD EID FOR THE MARSHALL PROJECT



Alonzo “Tiny” Miles speaks alongside fellow incarcerated jury members as they interview Contessa Gayles, director of “Songs From the Hole,” and Mindy Goldberg, producer of “Daughters,” at the Sing Sing film festival on Oct. 24, 2024.
KHOLOOD EID FOR THE MARSHALL PROJECT

Alexander Aguilar, 33



What’s your all-time favorite film? Why?

“Home Alone” — for the family dynamics. I grew up with a single mom who worked two jobs. We were poor and lived in a basement, a garage and then a two-bedroom apartment. By the time we had a house, I was in juvie. “Home Alone” reminds me of the family memories I wish I had grown up around, seen or been a part of.

Can you share a movie-watching memory that has left a lasting impression on you?

Christmas with my mom. That was the one time of year she was home with us. Those mornings, opening presents and trying to stay up until midnight — that was my “Home Alone” perspective right there.

How do you think your connection to — or appreciation for — film has changed since you’ve been incarcerated?

I view things differently now, regardless if it’s a movie or life. Education has helped me. As a young kid, [I was] an impulsive individual. I was looking at the world as a kid—everything was entertainment, even life. Through education, I actually learned to mature and see things differently. I actually started putting myself in situations that in the past I didn’t. So, for the majority of things, it was just maturity [that I needed]. It took time for me to see everything in a different light.

What parts of the criminal justice journey or the experience of incarceration do you want to see captured in movies?

We’re often shown as animals, fighting or caged, but that’s not the truth. Most of the time, it’s just the paths we choose. I chose to be in an educator role within the prison system. I chose to rehabilitate myself. It took some time, but this is what you get now: I’m a different person now at 33 than I was at 18.

Raheem Edwards, 44



All-time favorite film?

It’s tough, but I’d choose “Point Break” (1991). It follows a group of guys committing crimes in search of something bigger than themselves. At one point, they perform a dangerous “air-to-earth transfer,” jumping from a plane into a deep cave. I don’t think I want to be that extreme, but I do try to put all my efforts, all my energies into accomplishing my goals.

Favorite movie memory?

The first time I saw “The Outsiders” had a lasting impact. It was the camaraderie, friendship, and the pain of losing friends. I watched it with my father, and it was one of his favorites.

How has your appreciation for or connection to film changed?

I’ve become slightly more emotional and vulnerable. I cry when I see certain things in movies, like a parent hugging a child or standing up for them.

What do you want to see more of in prison films?

I’d like to see the criminal trial aspect because many of us go through the stages — from arrest to arraignment to conviction — without knowing what to expect. It’s scary, and it’s often not depicted in a way that helps you understand the treatment, mistreatment and challenges you face just sitting in front of 12 people who don’t know you and have to judge you.

Jean Erick Géhy, 49



All-time favorite film?

My all-time favorite movie as a kid was "Little Shop of Horrors." I loved the musical and watched it over and over. But as I got older, I started really liking documentaries about animals and wildlife and nature.

Favorite movie memory?

"Little Shop of Horrors" was a musical, and I knew it had been a Broadway show. After watching it, I realized I might enjoy Broadway, too. [That movie] made me want to explore different things.

How has your appreciation for or connection to film changed?

Being incarcerated, one of the few ways to entertain yourself is by watching movies. A lot of other options for getting firsthand information are gone, so films are definitely a medium that people use to learn about new things.

What do you want to see more of in prison films?

One topic about incarceration that doesn't get much exposure is people's efforts to rehabilitate. Once you're incarcerated, rehabilitation is something you have to look for because it's not right there. There are so many distractions. So, just making [rehabilitation] more available, making more programs available, getting people when they're young and giving them that knowledge.

Nigel Francis, 40



All-time favorite film?

I'm going to go with a safe choice: "The Day After Tomorrow." I like it because we're really mistreating the planet. If a calamity like that were to happen, what would come next? What would we be like if all infrastructure were destroyed? If there were no electricity, how would we maneuver [something like that]?

Favorite movie memory?

The Tina Turner story, "What's Love Got to Do with It." It was a special bonding moment with my mother. I feel like that was the soundtrack for our lives at that point in time.

How has your appreciation for or connection to film changed?

I have an appreciation for films, but they're something to think about as a distraction at times when I don't want to face reality. That's just the unfortunate truth.

What do you want to see more of in prison films?

The effects on loved ones and families; not just the families of the victims, but also the families and loved ones of those inside. I think if this were portrayed more, it could actually be very preventative because people could see — these are the things I'm doing, this is how it's gonna affect my loved ones and they would operate differently. I would hope so.

Michael Hoffler, 45



All-time favorite film?

"The Color Purple." I don't know if it's the memories with my mom, but I laugh and cry every time I watch it. I see myself in the family in the film. The main character, Celie, played by Whoopi Goldberg, goes through so much and overcomes it all in the end. Watching her get her kids back and seeing [Shug] Avery reunite with her dad is something I yearn for.

Favorite movie memory?

My favorite movie memory is "The Color Purple" because it was the last film I watched with my mom. She passed away when I was 12, and it was her favorite, so we watched it every Saturday and Sunday. The music and family themes are things I longed for after she passed, and I often reminisce about those times.

How has your appreciation for or connection to film changed?

I'm learning to watch movies for more than just entertainment. I've started to understand the importance of looking for messages and critiquing quality. Since participating in this festival, I view each film differently than I ever have before.

What do you want to see more of in prison films?

I want films to present more authentic and realistic messages, shying away from stereotypes about the criminal justice system. Most prison films show incarcerated people in the worst light. While some horrible things happen, there are also great things going on, like people learning about themselves, people experiencing their first interaction with humanity. All of this can happen in a prison setting, where you least expect it.

Ryan Lawrence, 33



All-time favorite film?

"Fear and Loathing in Las Vegas." I'm a big fan of Hunter S. Thompson. [As] an aspiring writer, it clicks with me on many levels. I used to take a lot of drugs, and the portrayal of the psychedelic life and the hippies in the '60s really resonates with me.

Favorite movie memory?

Sitting around the couch in the family room with my family, my sisters and my brother, and my parents just watching comedies and Disney movies and stuff like that, and really sharing quality family time. Even though we're not really talking [right now], that feeling of love and nostalgia comes back when I watch those movies. It reminds me of being loved again.

How has your appreciation for or connection to film changed?

Being incarcerated feels like being removed from society, which can narrow your vision. But you can also choose to broaden your perspective. I've learned to observe myself and the world around me more deeply. Now, I see everything as art — architecture, floral patterns, culinary arts. Film is just another aspect of this new light for me.

What do you want to see more of in prison films?

I want films to show the brilliance and beauty that also exist here. You have to sift through a lot to find it, but it's there. That's the main thing people need to know — that there are gems in here. If you're willing to put in the work and search for it, or put up the Batman signal, it'll be responded to in a really beneficial way for both the person inside and those outside.

Jonathan Mills, 61



All-time favorite film?

It's "The Spook Who Sat by the Door." [The main character] Freeman climbs the ladder to become one of the only successful [Black] CIA members. Instead of staying with the CIA, he goes back to his community to be a social worker. He teaches the neighborhood, including gang members, all the skills he learned. It impressed me as a young person because I didn't see people of color in those positions.

Favorite movie memory?

My father, God rest his soul, passed away last year. He took me to see "The Education of Sonny Carson." Sonny Carson is from Brooklyn, and he was what you'd call a troubled soul. He was part of gangs, dealt with drugs and all that. He had an epiphany, realizing all this wasn't helpful to the community or himself. So, he wound up becoming a social activist for his neighborhood. It was memorable because my father took me, and whenever I think of that movie, he comes to mind.

How has your appreciation for or connection to film changed?

Initially, I watched movies for entertainment. Since becoming a juror in the film festival at Sing Sing, I developed a critical eye for detail. Now I know how to look at movies differently; I understand the storylines and the process.

What do you want to see more of in prison films?

There are so many nuances in the prison system that go unnoticed. But if I had to pick one, it'd be the process of how individuals are accused of being assaultive toward staff. People only see what's on paper. I get it; it's hard for those doing time and for the staff, but the staff need more sensitivity training. Now that America finally admits that there's a mental health problem [in the country], we need to address the fact that many entering the system aren't psychologically developed to adjust to what's going on. A lot of that needs to be looked into.

Noel Rivera, 32



All-time favorite film?

"The Nightmare Before Christmas." Jack [Skellington], the king of Halloweentown, has the urge to try something new. When he discovers the portal to Santa's world, he is enchanted by the snow and wants to share this experience with his community. It's about overcoming challenges and transforming perceptions of being "scary" individuals. I see a transformational power in how you can use the opportunity to change, just like the circumstances [in this movie].

Favorite movie memory?

My favorite memory is watching "The Nightmare Before Christmas" and "Home Alone" with my stepmother, who raised me; or just enjoying watching "The Little Rascals" with my family.

How has your appreciation for or connection to film changed?

New movies come out, but we can't watch them right away. We have to wait for them to come out on DVD and then be played in the facility. And it's not like we can watch it on demand ourselves. So, there's an anticipation around watching them and hearing about them.

What do you want to see more of in prison films?

I want to see more films like the ones we've seen [during this festival]. They highlight the system, individual stories, and the transformative power of being incarcerated. It's not just about people doing negative things, but about transformation [that comes] when programs are offered, and opportunities are offered for betterment to expand that person's mind. When individuals know better or are given the opportunity and the chance to do better, they most likely will take the opportunity to do so.

Alonzo "Tiny" Miles, 56



All-time favorite film?

I have two. The first is "Jaws," which is special because my mother would take me out of school to see matinees. I was like her date for the movies. "Jaws" was one of the first films we saw together. But my favorite is "Conan the Barbarian" with Arnold Schwarzenegger, not Jason Momoa. The reason being because of the stereotype about big people. Arnold Schwarzenegger's character is educated and a philosopher. He wasn't just a big brute; he still had a brain inside his head. He was [also] in love. For a big man like that, it's not normal where I come from for you to be able to express love the way that he did.

Favorite movie memory?

Films have always been important to me, because of the connection [they] gave me with my mother. Going to the movies was how we interacted — having popcorn and hot dogs, then heading to the game room together. All throughout my childhood, all the way up until her passing, we went to the movies [together]. The last movie we saw together was "Amistad." It wasn't just about the film, but watching her get emotionally invested in the characters. Seeing her express her feelings while we watched is one of my fondest memories.

How has your appreciation for or connection to film changed?

Watching films in prison has helped me keep up with what's going on out in the world, because a lot of the stuff that's depicted through film is a replica of what's going on in the world. It has also helped me stay connected to my family because they're into films as much as I am, so we have dialogue that brings us closer over the telephone and during visits.

What do you want to see more of in prison films?

What I wish was explored through movies is the process of becoming comfortable with who you are. I didn't know how to articulate myself when I was young, so I expressed myself physically. I had to go through a journey of understanding myself to articulate my emotions and thoughts. I think a movie showing the transition from who you were to who you're going to be would be impactful. This journey doesn't happen overnight. It takes years of working on yourself, being honest, and wanting to do better.

"I think a movie showing the transition from who you were to who you're going to be would be impactful. This journey doesn't happen overnight. It takes years of working on yourself, being honest, and wanting to do better."

— Alonzo "Tiny" Miles

Anthony Wager, 48



All-time favorite film?

My all-time favorite movie is "Colors," because I grew up in that type of environment. The movie stuck with me so much, because it was a family thing, and the topics it covered were relatable to me.

Favorite movie memory?

When "Colors" came out, my mom, pops and brother all went as a family to see it. Being so young and able to relate to the story, I learned that just because you're part of a certain environment, it doesn't define you; it's the choices you make that truly matter.

How has your appreciation for or connection to film changed?

You get to learn to appreciate more of the art and the time and effort that goes into making a movie. As you sit here and watch the whole movie, along with the previews and featured trailers that I actually watch now — because in prison, you got nothing but time — you learn to appreciate the effort they put into it.

What do you want to see more of in prison films?

It would have to be the way the world perceives us and the way we actually live. [Films] don't touch on many aspects of our lives, and what we're dealing with here in prison. This is a different society altogether that people don't realize.

A LETTER FROM LOUIS

Hello Ohio,

In October, I had the incredible honor of hosting two screenings of *Inside Story* at London Correctional Institution. The screenings took place in one of the most spacious libraries in Ohio's prison system, creating an atmosphere that was both open and conducive to deep conversation among the more than 600 men who participated. A large projector screen was set up at the front, with men seated in chairs that spanned the room in a semicircle. Bookshelves neatly stacked in rows surrounded us, adding a sense of structure to the space. The tables and desks in the library were arranged to allow for comfortable engagement during the question-and-answer period that followed each screening.

The discussions were lively and impassioned. One segment, which centered on the struggles of a young woman and her son trying to visit her incarcerated fiancé, surfaced a heartfelt dialogue about the challenges families face to maintain connections with their loved ones behind bars. Participants shared their personal experiences with visitation and its emotional toll. Another story, about a member of the New York parole board – who resigned after objecting to the way potential parolees were evaluated – prompted a spirited discussion about the frustrations many of the men in attendance had with Ohio's own parole system.

After each screening, we engaged in dynamic conversations filled with thoughtful questions and insights. The direct feedback from participants helps our journalism accurately reflect the experiences and the issues that matter most to incarcerated people in Ohio.

I invite other correctional facilities and jails across Ohio to host screenings like the one in London. I am working to arrange screenings across Ohio's correctional facilities, but your voices play a crucial role in making these events possible. By reaching out to staff to express interest, you help pave the way for these screenings and dialogues that inspire hope and resilience on the journey toward reintegration. Together, we can inspire hope and resilience.

Thank you for reading and stay strong.
Until next time,



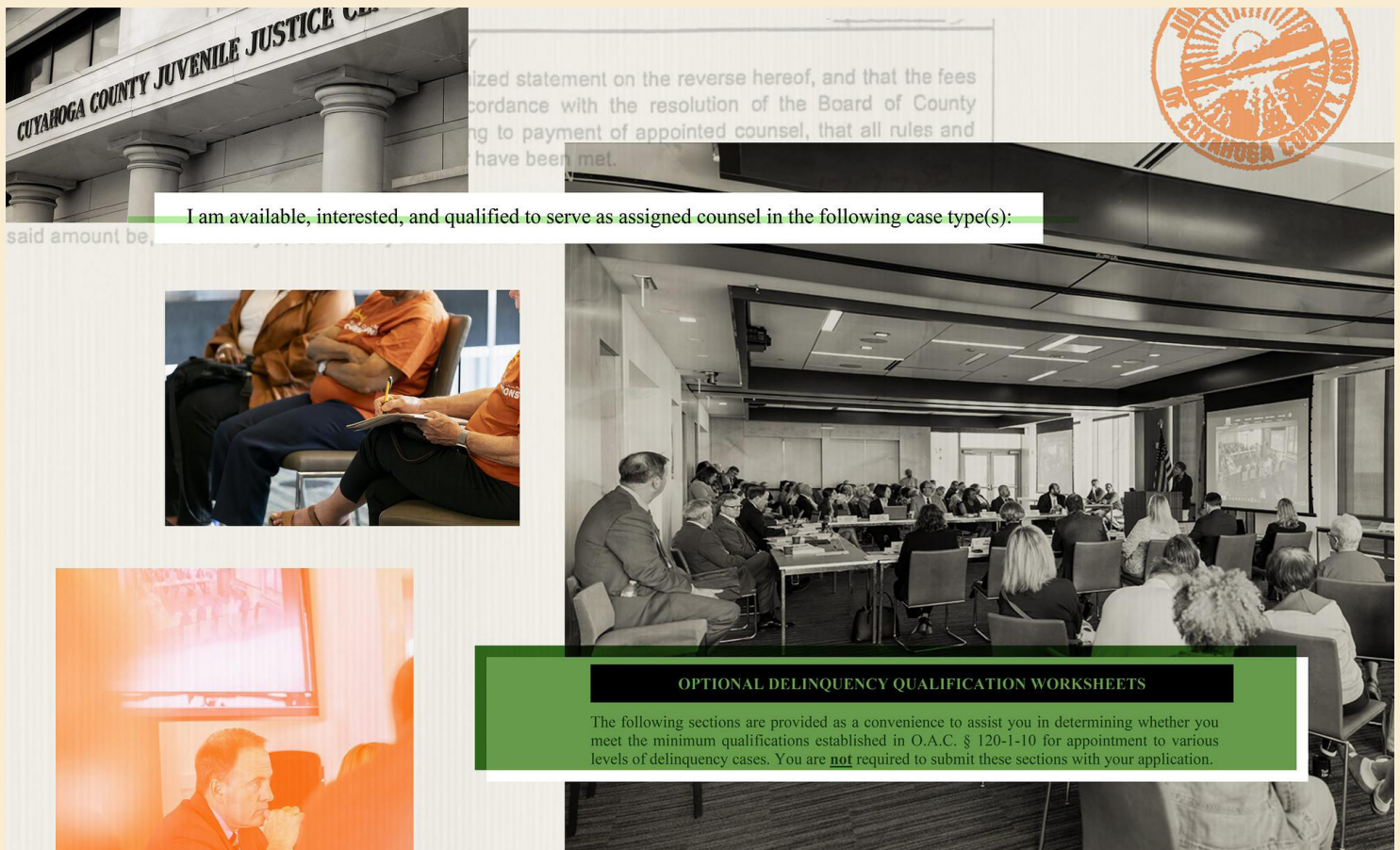
Louis Fields

Louis Fields is the outreach manager for The Marshall Project - Cleveland. He served 23 years in Ohio state prisons and was released on parole in October 2021.

Not ‘Mini-Adult Court’: Lawyers Lacking Qualifications Defended 1,200 Cuyahoga County Kids

Juvenile Court judges will now track qualifications, but insist the state system creates barriers keeping experienced attorneys from defending kids.

By DOUG LIVINGSTON and RACHEL DISSELL



OPTIONAL DELINQUENCY QUALIFICATION WORKSHEETS

The following sections are provided as a convenience to assist you in determining whether you meet the minimum qualifications established in O.A.C. § 120-1-10 for appointment to various levels of delinquency cases. You are **not** required to submit these sections with your application.

PHOTO ILLUSTRATION BY JOVELLE TAMAYO/THE MARSHALL PROJECT; PHOTOS BY DANIEL LOZADA AND GUS CHAN FOR THE MARSHALL PROJECT, DOCUMENTS: CUYAHOGA COUNTY COURT OF COMMON PLEAS

More than 1,200 children accused of serious crimes in Cuyahoga County since 2020 were defended by court-appointed lawyers who lacked state-mandated qualifications, The Marshall Project - Cleveland found.

Ohio reimburses counties for private attorneys to represent people who can't afford them. However, the taxpayer money comes with strings: Attorneys must keep up with legal education and, in some cases, have trial experience.

The qualification requirements, put in place for juvenile cases in 2009, are meant to ensure that youth defense lawyers have training in how juvenile law is different and the best ways to communicate with child clients.

“This isn’t just mini-adult court,” said Leah Winsberg, a former senior policy attorney with the Children’s Law Center, a nonprofit that provides legal services to children and advocates for policy reform. “Lawyers don’t just know stuff

because they are lawyers. That is why we need ongoing training.”

Ignoring the standards in Cuyahoga County has contributed to distrust in the system, leading community and child advocates to publicly question whether it causes worse outcomes for kids. The state, which is working with court officials to bring them into compliance, could halt reimbursements, though that is rare.

County juvenile court officials contend that

Unqualified case assignments by juvenile judge

From 2020 through 2023, Cuyahoga County Juvenile Court judges who hand-picked a few private lawyers also appointed attorneys who lacked state qualifications for continuing legal education, The Marshall Project - Cleveland found.

Juvenile judge	Total felony case assignments to private attorneys	Felony case assignments to unqualified private attorneys	Percent of assignments to unqualified private attorneys
Thomas F. O'Malley	201	174	87%
Jennifer L. O'Malley	544	455	84%
Patrick F. Corrigan	72	58	81%
Nicholas J. Celebrezze	266	211	79%
Anne C. McDonough	372	290	78%
Kristin W. Sweeney	417	308	74%
Michael J. Ryan	103	74	72%
Alison L. Floyd	174	111	64%

Patrick F. Corrigan and Michael J. Ryan are no longer juvenile court judges.

Table: Doug Livingston / Source: Cuyahoga County Juvenile Court, Office of the Ohio Public Defender

the state's reimbursement system does not guarantee experienced representation, and that the additional requirements — no matter how well-intentioned — have created a disincentive for attorneys to take on demanding youth defense work.

"The current system also expects us to be the police of attorney 'qualifications,'" Cuyahoga County Juvenile Court Administrator Timothy McDevitt said in an email.

In 2023, nearly 1,800 children were accused of various levels of crimes, sometimes more than once, in more than 2,800 cases, according to court records. When they can't afford a lawyer, the court picks a county-employed public defender or a private practice attorney to defend them. The Marshall Project - Cleveland spoke to more than a dozen young people, now all adults, about their experiences with court-appointed lawyers. Most, like Demarion Harris, who will be 26 when he's up for parole in 2030, had no idea how the court picked their attorneys or that the attorneys sometimes lacked the required training.

Several described rushed attorneys who didn't explain key defense options — including how they could fight to keep their cases out of adult court. Others felt that their attorneys barely made court arguments on their behalf.

Harris said his attorney, one of the juvenile court's most frequently appointed private attorneys, advised him to forgo key hearings in his felonious assault case, which he later pleaded guilty to in adult court.

"I didn't really understand what was really going on. He told me, 'You're getting bound over to the adult court system,'" Harris said. "He didn't break down all the motions I had to go through. He didn't tell me none of that."

Parents of the young defendants said they often

heard little to nothing from private attorneys, many of whom failed to return messages.

"You feel helpless," said Tekisha Cunningham, whose son, Jaylan, was transferred to adult court where he pleaded guilty in 2023 to involuntary manslaughter and other charges. "And as a parent, that's the one feeling you don't want to feel."

What's not clear is whether, overall, attorneys' qualifications affect the outcomes for children facing crimes. Unlike adult court, that type of information for juvenile cases isn't readily available. The juvenile court provided information on more than 450 cases where prosecutors wanted to transfer a child's case to adult court, a legal process called a bindover.

Young people with court-appointed private attorneys, regardless of whether they met the qualification requirements, had their cases moved to adult court more often than cases handled by public defenders.

Court-provided defense attorneys need to be as capable as the prosecutors they face, said Gayl Branum Carr, previous president of the National Council of Juvenile and Family Court Judges.

"Our justice system is based on a level playing field, so we have a check-and-balance system," the retired judge from Virginia said. "It's even more important when you're talking about a child who's charged with a delinquent act."

Until 2024, the juvenile court operated on an honor system, where attorneys self-certified on applications that they had the required legal education and trial experience. Unlike other large juvenile courts in Ohio, Cuyahoga County didn't check. The court trusted attorneys to provide an accurate account of their credentials, said McDevitt, the court administrator. Likewise, the state relied on judges and courts to track and verify the attorneys' qualifications.

In 2024, after community members and The Marshall Project - Cleveland questioned county court officials about not following state rules, the court asked attorneys to update their qualifications and reapply for case assignments. Dozens did not. In May 2024, the court found about two-thirds of remaining attorneys lacked at least some of the required legal education or jury trial experience.

At a June 2024 meeting of Ohio's Public Defender Commission, which oversees the system, a court official said just four qualified private attorneys remained to defend children in serious bindover cases, such as murders and aggravated robberies.

The Marshall Project - Cleveland report from March 2024 found that, for the year ending October 2023, judges or their staff gave two-thirds of court-appointed delinquency assignments to 10 attorneys. The juvenile court's reliance on so few attorneys flouted state and local rules that prohibit judges from making or influencing assignments.

Dozens of community members and child advocates at the state's meeting in June 2024 criticized the court's practice of hand-picking attorneys. They demanded more scrutiny of whether it was a factor in the high number of children from Cuyahoga County who end up on adult court.

For years, Cuyahoga County has sent more children to adult court than the next four most populous counties combined, according to state data, with more than 90% of those children being Black.

"It's demoralizing for the community to learn, as we have, that the very court judging our children is itself not following the law," said Ginger Van Wagenen, a retired attorney and a member of Greater Cleveland Congregations, a non-partisan group of more than 30 congregations and organizations.

At the meeting, a court official said she did not know how many children were represented by unqualified attorneys — including on current cases.

To qualify for a court appointment to represent kids in felony-level cases, attorneys need to log 12 hours of study in criminal law and procedure in the two years before the assignment. At least half of those hours need to be specific to the skills needed to defend children accused of crimes in juvenile court.

The Marshall Project - Cleveland reviewed nearly 200 Ohio Supreme Court records that track continuing legal education hours completed by 46 local attorneys and found that:

- Defense counsel fell short on educational qualifications in 79% of felony-level assignments to private lawyers.
- The state reimbursed Cuyahoga County hundreds of thousands of dollars for assignments to attorneys who lacked qualifications.



Members of Greater Cleveland Congregations, a non-partisan group of more than 30 organizations, held a prayer vigil before June’s Ohio Public Defender Commission meeting. The group attended the quarterly meeting in Cleveland to question and criticize Cuyahoga County’s standards for providing youth with legal representation. DANIEL LOZADA FOR THE MARSHALL PROJECT

Some of the reimbursement covered work on other cases for the same clients.

- In picking private lawyers, Administrative Judge Thomas O’Malley assigned private attorneys who turned out to lack the training requirements in 87% of felony cases and 96% of bindover cases — shares higher than any other judge.

The findings were shared with more than a dozen of the private attorneys.

Attorneys, for the most part, said they did their best to meet the qualifications, but pointed to a lack of clarity about which courses would count.

The state rules aren’t specific, leaving it to local officials to decide. Several attorneys said they believed that guardian ad litem courses, designed for an attorney who represents the best interests of children in legal matters and whose work differs from defense counsel, should count. (Find more on how we processed and analyzed the data at the end of this story.)

The state public defender’s office asks for a “good faith estimate” by an attorney or court about whether courses relate to juvenile defense, a spokesperson said.

Court officials or attorneys can contact the state for advice on whether a course would qualify. Attorneys can also ask to be exempt from the training and trial experience requirements if they prove they can provide high-quality, competent representation. None of the 46 attorneys reviewed by The Marshall Project - Cleveland asked for guidance or requested an exemption in recent years, the spokesperson said.

Four private attorneys — Edward Borkowski, William Beck, Paul Daher and Christopher Lenahan — accounted for nearly half of all felony case assignments to attorneys who lacked qualification for reimbursement, The Marshall Project - Cleveland found.

From 2020 through early 2022, Borkowski

handled 26 bindover cases — more than any other court-appointed private attorney. Eighteen of the cases were transferred to adult court. Juvenile Court judges appointed Borkowski even though he did not provide the court proof of the jury trial experience required under state rules, according to the court’s review. He needed two criminal jury trials to take first- or second-degree felony cases and three for murder cases. Borkowski did not respond to multiple requests for comment.

Attorney Ian Friedman, who represents lawyers Beck, Daher and Lenahan, said each of the attorneys, who have practiced in juvenile court for decades, believed that the classes they

took, including courses for guardians ad litem, satisfied the eligibility criteria in place.

“The only story to be told of these attorneys would be one of great skill and understanding in rendering outstanding legal assistance to their clients,” Friedman said. “If there are any concerns about the services afforded, the analysis should be aimed elsewhere because these attorneys have only operated at the highest levels within a Justice system that was in place long before they began practicing.”

There appears to be a recent uptick in the number of attorneys meeting the legal education requirements. But some, including Beck, Daher

Judges assigned most felony cases to 12 juvenile attorneys

An analysis by The Marshall Project - Cleveland found that, when picking private attorneys, Cuyahoga County juvenile judges assigned 75% of felony case assignments to 12 lawyers. Many lacked state requirements for legal education.

Court-appointed attorney	Felony case assignments 2020-23	Unqualified assignments	% unqualified
Edward Borkowski	269	269	100%
William Beck	260	260	100%
Paul Daher	142	142	100%
Jay Mattes	133	0	0%
Christopher Lenahan	132	132	100%
Richard Summers	129	79	61%
Troy Hough	117	117	100%
Brian Sharkin	117	80	68%
Mark Schneider	96	93	97%
James Hofelich	92	92	100%
Thomas Kozel	86	23	27%
Rachel Kopec	49	49	100%
Next 34 attorneys combined	527	345	53%

Table: Doug Livingston / Source: Cuyahoga County Juvenile Court, Office of the Ohio Public Defender

and Lenahan, are no longer applying to take the most serious cases, including bindovers for murder or aggravated robbery. Others, like Borkowski, are no longer eligible after the court found that they lacked jury trial experience.

Going forward, juvenile court officials said they won't rely on attorneys to report their own qualifications. The court created a staff position to monitor qualifications and case assignments, which continue to be made by judges and their staff despite state and local rules that bar judges from steering assignments.

Judges have also shifted more cases with children accused of crimes to the county public defender's office, which has previously raised the issue of whether private attorneys were fully qualified.

Even as the court has increased case assignments to the public defender by more than 40% since 2022, administrator McDevitt accused the state of turning a "blind eye" to the inexperience of some public defenders.

He asked how many would be "unqualified" if held to the same standards as appointed attorneys. "From daily experience, our judges would tell you the answer to that question is: many."

The state qualifications for attorney training and trial experience apply only to court-appointed defense lawyers. The state treats public defenders more like county prosecutors and sets comparable standards for salaries and budgets that cover training and hiring experts to help defend clients.

Twenty of Cuyahoga County's 27 juvenile public defenders have at least five years of experience, said Cullen Sweeney, the county's chief public defender. New attorneys receive trial court training and start by handling mostly misdemeanor or low-level felony cases. They team up for trials, Sweeney explained. Caseloads are regularly monitored to avoid overextending staff.

The public defender's office has in-house social workers and investigators who can help bolster defense arguments. Private court-appointed attorneys can hire experts and, if judges approve, get reimbursed for those expenses. The state public defender has no record of reimbursement for experts, but has asked the court for evidence of whether juvenile judges have granted or denied such requests.

"I get that the [Cuyahoga County Juvenile] Court does not like or apparently agree with the administrative code," Sweeney said. "We all have rules with which we do not necessarily agree. We can always advocate for a change to the law, but

none of us have the luxury of simply ignoring it."

How we analyzed state reimbursement and local court data

The Marshall Project reviewed whether attorneys selected by the Cuyahoga County Juvenile Court to represent children in felony delinquency cases from 2020 through 2023 met state qualifications for case assignment and reimbursement. According to Ohio Administrative Code 120-1-10, reimbursement is contingent on the attorneys meeting minimum qualifications, like taking legal education courses every two years and taking more serious felony cases to trial in the past decade.

We compiled our review of qualifications as a database, then linked it with reimbursement records obtained from the Office of the Ohio Public Defender. These records are known as "fee bills" and represent money the state reimbursed Cuyahoga County for covering the cost of defending people who cannot afford to hire an attorney

Using the fee bills, The Marshall Project linked more than 1,500 cases involving more than 1,200 children who were represented by at least one of 40 court-appointed private attorneys who did not meet state standards for reimbursement at the time they were appointed to the case.

First, an attorney gets assigned a case and does work on it. Then the attorney submits the bills to the court, where they are reviewed and approved by a judge. The county reviews the calculation for the attorney fee and issues payments if accurate. Monthly, the county sends the bills to the state public defender's office to get paid out. The state reviews and records information from the batched bills and pays the county accordingly. The reimbursement process can take up to three months or more from the time the attorney finishes the case.

How we determined appointments

To determine the time of appointment, the analysis used filing dates for each case, which were provided by the court. The data provided by the Office of the Ohio Public Defender lists one case number per reimbursement, though the total amount may cover other cases for the same client.

In some instances, multiple attorneys can bill on the same case. We considered only felony-level appointments in which an attorney billed as defense counsel. Our published results considered the qualifications of any attorneys assigned to a case. In our analysis, we looked at other variations, like whether all attorneys who billed for a case were unqualified. The findings did not differ significantly

and capture all children who were defended by an unqualified attorney.

How we determined qualifications

To look at whether attorneys met the state reimbursement requirements, we reviewed Ohio Supreme Court transcripts that track continuing legal education courses and training classes that attorneys take. We looked at transcripts for 46 attorneys who were assigned by the court to represent children accused in serious delinquency cases — cases that would be felonies if they were adults.

The Ohio Supreme Court tallies continuing legal education in two-year increments. We reviewed the courses attorneys took in each two-year period prior to the filing dates for cases the court assigned them.

Ohio sets criteria that these attorneys must meet in order for the county to be reimbursed with taxpayer money for the representation. Every two years, the attorneys must complete 12 course hours in criminal law practice and procedure, with at least six hours focused on juvenile delinquency practice and procedure.

The state doesn't list specific courses that meet those standards, leaving the decision on what counts to county and court officials.

Since Cuyahoga County didn't previously check on qualifications and didn't have a system for doing so, we consulted with other Ohio counties, including Franklin and Hamilton, which do. We also asked the Ohio Public Defender's office for general guidance on the types of credits that should count and reviewed a similar analysis by The Wren Collective, published in December 2023. Based on those discussions, we:

- **Did not count** credits geared toward acting as a guardian ad litem (someone who represents a child's interests) because it is not related to providing defense in a criminal case.
- **Counted** all courses that mentioned the term "juvenile."
- **Counted** general courses around topics such as children with psychiatric, mental health or substance abuse disorders that were not specifically focused on guardian ad litem work. III

Behind the Black Shield: The History of a Cleveland Institution

How one of the oldest Black policing organizations in the country shaped law enforcement in Cleveland.

By WILBERT L. COOPER

This article was published in partnership with Signal Cleveland.

The Black Shield formed in Cleveland nearly 80 years ago. Initially, Black officers came together to support and protect each other from discrimination and retaliation in the mostly White police department. In the 1970s, the association took that battle to court, fighting for a more fair system of hiring and promoting Black officers and pushing for a police force that reflected the makeup of the city.

The Black Shield has also had outspoken leaders who called out civil rights violations or police brutality. One of those leaders

was Vincent Montague, who in 2020 decried racism and police brutality at protests, on panels and in the press. But Montague also had his contradictions, and a history that included shooting a Black man at a traffic stop.

Here is a timeline of some key events in the history of the Black Shield.

1866



Black Shield President Fred Johnson stands in the center of a group of Cleveland officers who were promoted in 1981. CREDIT: FAMILY PHOTOS FROM WILBERT L. COOPER

THE BLACK SHIELD

A year after the abolition of slavery, according to the Case Western Reserve University Encyclopedia of Cleveland History, Cleveland creates its own modern police department. There are an estimated 1,300 Black residents living in the city of about 95,000 people by 1870, according to Case Western Reserve history Professor John Grabowski. But there are no Black members of the city's police force in its early years.

1881

According to the Cleveland Police Museum, William Manuel Tucker, a formerly enslaved man, becomes the first Black person appointed to the Cleveland police force. He's one of the tens of thousands of Black people who migrated to the city after the Civil War.



Dorothy Doan Henry was the first commander of the Cleveland Police Department's Women's Bureau, was a social worker who sought to hire Black women as officers. CREDIT: PLAIN DEALER ARCHIVES / CLEVELAND PUBLIC LIBRARY

1925

Social workers and women's groups successfully lead a campaign to create a segregated Women's Bureau for the police department, operated by policewomen and focused on diversion and working cases that involve women or children as victims or suspects. The bureau's first director, trained social worker Dorothy Doan Henry, tells *The Plain Dealer* that they are seeking women of color to be officers because they "understand the colored problem better."

1930

According to historian Kenneth L. Kusmer's "A Ghetto Takes Shape: Black Cleveland, 1870-1930," Cleveland goes from being the nation's 15th largest city to becoming the sixth, with more than 900,000 people in 1930. During this time, the number of Black residents in the city balloons to 72,000.

1935

Cleveland officers form a chapter of the Fraternal Order of Police. Even though the union violates the department's rules against officers organizing, the chief does not stop the efforts, according to the Encyclopedia of Cleveland History.

1945

The Fraternal Order of Police's ranks encompass nearly half of the Cleveland police department, according to the Encyclopedia of Cleveland History. Amid this growth, Black officers who are sidelined by fraternal organizations begin to meet on their own to discuss their "unfair treatment," according to the Black Shield Police Association's website.

1946

According to W. Marvin Dulaney's book, "Black Police in America," Black Cleveland cops are galvanized by what was known as the "Euclid Beach Park Riot," in which Black patrolman Lynn Coleman was wounded during a scuffle with private police while trying to protect Civil Rights activists at the segregated amusement park. Black officers move to create a formal organization called the Shield Club. But the city refuses to recognize the organization or its grievances, and the leaders of the group face harassment for its formation.



Lynn Coleman, a Black Cleveland patrolman who was wounded in a scuffle with private police while trying to protect Civil Rights activists at Euclid Beach. CREDIT: CALL AND POST ARCHIVES / CLEVELAND PUBLIC LIBRARY

1950s

Faced with institutional opposition, the Shield Club becomes a social club, focusing on community service and youth athletics, according to interviews with former Shield Club President Alfred Zellner and former Shield Club Secretary Curtis Scott.

1964

Inspired by the Civil Rights Movement and the organizational efforts of other Black cops across the country, a new generation of Black officers in Cleveland begins to meet to discuss how they can pool their power to get promotions and police their community differently, according to Scott.



The events surrounding the Glenville Shootout left seven dead and 15 wounded, and several buildings in the neighborhood destroyed. CREDIT: PHOTO COURTESY OF CLEVELAND PRESS COLLECTION / CLEVELAND STATE UNIVERSITY SPECIAL COLLECTIONS

1968

A firefight between the Cleveland police and a Black nationalist group breaks out in Glenville, leaving several cops and citizens dead. Fearing violent retaliation from police against the Black community, the following night, the city's first Black mayor, Carl Stokes, makes use of an all-Black squad of officers (including several future Shield Club leaders) to successfully quell unrest in the neighborhood with no casualties, according to Stokes' memoir "Promises of Power: A Political Autobiography."

1969

The group of Black officers that began meeting in 1964 officially calls itself the Shield Club to honor the Black officers of the past, according to former Shield Club Secretary Scott. The group is chartered as a nonprofit organization, according to Shield Club documents. Scott and former club President Zellner say its original focus is on promotions, social events and community service. The same year, rank-and-file officers break away from the Fraternal Order of Police and launch the Cleveland Police Patrolmen's Association to address their labor concerns. In the wake of the violence in Glenville, they also demand armored vehicles and grenade launchers, according to Stokes' memoir. According to a 1969 *Plain Dealer* interview with a White police officer, officers who didn't sign up for the CPPA were accused of being "[n-word] lovers."

1972

Shield Club President Fred Johnson and Secretary Jean Clayton lead legal efforts to increase diversity in the police department, according to numerous internal Shield Club documents. Clayton files a lawsuit over gender discrimination at a time when police women's careers are stymied in the segregated Women's Bureau with unequal pay and little hope of promotion. Johnson spearheads the filing of a suit claiming that the city's hiring and promotional practices are racially discriminatory — Cleveland's population is 38% Black, while the police department is only 8% Black, according to court documents.

1973

Clayton's lawsuit causes the city to disband the Women's Bureau and integrate women into the police department, according to her obituary in *The Plain Dealer*.



Cleveland Police Officer and Black Shield President Fred Johnson, seen in the center of the back row in his 1957 academy class photo. CREDIT: FAMILY PHOTOS FROM WILBERT L. COOPER

1977

After years of litigation, the city drops its appeal of the Shield Club lawsuit and enters into a federal consent decree, agreeing to continue to follow minority hiring and promotional quotas until minority representation surpasses 35.8%, according to court documents.

1978

The Shield Club changes its name to the Black Shield Police Association, according to internal Shield Club documents.

1985

The Fraternal Order of Police successfully appeals parts of the Shield Club consent decree that apply to officer promotions, dismissing those quotas. But the hiring quotas remain in place, amended

to now set the goal of minority representation in the department at 33%, according to court documents.

1995

The consent decree's hiring quotas expire when minority representation in the department surpasses the 33% benchmark, according to court documents. However, since the start of the lawsuit, the city is even more diverse. More than half of the city's population is Black, Hispanic or Asian, according to a *Plain Dealer* article.

1997

Two years after the expiration of the hiring consent decree, the number of Black cadets in police academy classes in Cleveland drops from 43% to less than 15%, according to a *Plain Dealer* article.

1999

Cleveland Mayor Michael R. White holds a news conference and announces an investigation into reports of bigoted graffiti in police locker rooms and racist symbolism worn by White officers. Black Shield Police Association President Anthony Ruffin supports the claims. A city investigation doesn't find evidence of organized racism among officers, though many Black officers declined to participate citing safety concerns, according to a *Plain Dealer* article.

2014

A group of White officers involved in the notorious 2012 chase and fatal shooting of Timothy Russell and Malissa Williams sue the City of Cleveland for reverse racism. In their suit, they allege the department has a "history of treating non-African American officers involved in the shootings

of African Americans substantially harsher than African American officers." The lawsuit is dismissed the following year.

2016

Black Shield leadership calls on the Cleveland Police Patrolmen's Association to retract its presidential endorsement of Donald Trump. It was the first time in the union's history it endorsed a presidential candidate. The union doesn't retract the endorsement, but CPPA declines to endorse a presidential candidate in 2020.

2018

Vincent Montague becomes Black Shield president and issues condolences to the family of 12-year-old Tamir Rice, who was killed by a Cleveland police officer in 2014. Tamir's mother, Samaria, was pushing back on police union efforts to have the officer who killed her son rehired. The Black Shield offers its support and vows to aid in the family's healing process.

2020

After the police killing of George Floyd, in a public forum, President Montague expresses the need for something "extreme, something radical," to ensure that another person doesn't die "unjustly by the hands of the police." The comments generate heated responses from other officers.

2021

Montague becomes the first Black Shield president to be fired while in office. According to the city, he was terminated because of involvement in a bribery scheme. (Montague did not face criminal charges in the case.) Montague claims he was fired in retaliation for speaking out against racism and police misconduct.

2023

The Cleveland Division of Police is nearly two-thirds White, while Cleveland's population of people of color grows to about 47% Black and 12% Latino. The city, like many across the country, struggles to recruit officers and launches a marketing campaign to attract more diverse recruits.

2024

Under the leadership of current President Mister Jackson, the Black Shield is focusing less on the issues of the Black community and more on internal issues faced by Black officers. "Vince made a lot of dynamic moves," Jackson told *The Marshall Project*. "After that, not only myself, but our members have become a lot more cautious." III

Reader to Reader

In our last issue of News Inside, we asked you what you'd like to see more of in Reader to Reader. We received over 600 comments, and we've read every single one! Over the coming years, we'll use your feedback to generate ideas for stories, columns, and call-outs in the magazine.

Many of you asked for more "Food Hacks," which we covered in our very first Reader to Reader column. We're excited to bring it back for this issue! No matter what ingredients you have on hand, we hope the recipes below will inspire you to make your own creative twists.

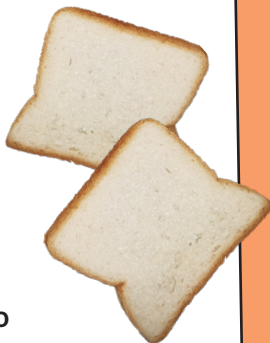
WILLIAM'S CALZONE

FROM A READER IN NY

TOASTER OVEN NEEDED

Ingredients:

- 8 to 10 slices of white bread
- 3 teaspoons of butter
- 1 Hormel pepperoni stick
- Italian seasoning
- Sliced American or mozzarella cheese
- Optional: hot sauce, Shabang chips, honey, tomato paste, Adobo seasoning, onion, peppers, etc.



Directions:

Tear up the bread and put it all in a medium-sized bowl. Add 2 spoonfuls of Italian seasoning and a small handful of crushed Shabang potato chips (for the turmeric). Add about 4 oz of water (you may need to tinker with the amount), and knead by hand until the bread is converted back to dough (about 15-20 minutes). Put the dough in a covered bowl. Cut up the pepperoni to about pinkie-nail size, drizzle with honey, and cook in a toaster oven until crisp, then drain the grease. Flatten the dough into a round pancake shape, and place pepperoni, cheese and hot sauce into the middle in a line (when you fold it, it should look like half a circle). Take a corner of the dough and fold it, crimping (sealing) the edges. Use a plastic knife to make three vents on the top of the calzone to release pressure while cooking. Cover the pan in butter and cover the calzone with butter. Place in a toaster oven for 30 minutes at about 400 degrees F or until the crust is fully baked. Add cheese on top to melt. Remove from the toaster oven and put on a plate. Enjoy.

Strawberry Milk

FROM A READER IN MT

NO HEAT NEEDED

Ingredients:

- Strawberry jelly
- Milk
- Sugar

Directions:

Add 4 tablespoons of strawberry jelly to a cup. The amount used depends on what size cup you have. Start with a little; you can always add more. Add milk and about 4 tablespoons of sugar to your cup, and enjoy.



BOMBSKEEZ EDIBLE INCREDIBLE COFFEE BALLS

FROM A READER IN CA

NO HEAT NEEDED

Ingredients:

- Instant coffee packets
- Cappuccino packets
- 3 packets of peanut butter
- 1 ½ bars of crushed Butterfinger



Add 4 spoonfuls of coffee, 5 spoonfuls of cappuccino powder mix, 3 packets of peanut butter, and 1 ½ bars of crushed Butterfinger. Mix all ingredients with water to get the consistency of cake frosting, and there you have it: "Bombskeez edible incredible coffee balls." Don't forget to roll the mix into mini balls, or you can use it as cake frosting.

ARROZ CON LECHE

FROM A READER IN MT

NO HEAT NEEDED

Ingredients:

- Pre-cooked rice
- Little Debbie fudge brownies
- 8 hot cocoa packets
- Water
- 6 peanut butter packets
- A Hershey's chocolate bar



Directions:

Cook rice in a separate bowl. Use just enough water to turn the cocoa into a thick syrup, and break brownies into tiny pieces and add them to the syrup. Melt the chocolate bar in the brownie-cocoa mix. Drain the rice, leaving just enough water to mix with the rest of the ingredients. Stir the peanut butter into the rice and brownie-cocoa mix until thoroughly mixed together, and let rest for 6 hours. Spoon onto snack crackers to eat.

SWEET HEAT SALSA

FROM A READER IN AR

NO HEAT NEEDED

I make my sweet heat salsa. It's super sweet and gets hotter the longer you let it sit. It's my go-to ingredient when I make a lot of dishes, especially my enchilada bowls.

Ingredients:

- 1 pickle (dill or kosher)
- ½ bottle of minced onions
- 2 packs of jalapeños
- 6 packs of jelly (strawberry or grape)
- 6 sugar packs
- 2 pasta sauce packs
- 1 soda (citrus drop or lemon-lime)



Directions:

Dice pickles, jalapeños, and add onions. Wet the mixture with soda. Add pasta sauce, then jelly, followed by sugar, and stir. Add the rest of the soda, stir, and cover. Let sit for 20 minutes. If you like it chunky, let it sit covered overnight. Dark sodas make it more spicy due to higher acidity. If you prefer your salsa to be more spicy, cut the jelly and sugar amount in half. When I make the spicy salsa, I cut the sweetness down and amp my heat up. I add Cascabella peppers (1 pack) and chilies (1 spoonful) to the jalapeños. And I would use a dark soda for added acidity. Enchilada bowl: ½ bag of chips (crushed corn, tortilla, or Doritos) ¼ bag of rice.



KARE-KARE

FROM A READER IN CA

HOTPOT NEEDED

Ingredients:

- 16 oz peanut butter
- Breakfast or other sausages (saved from meals or purchased at canteen)
- 8 oz bag of rice
- 8 oz bag of beans
- 2 chiles or picante Top Ramen
- Garlic chili sauce
- Hot Cheetos, Takis or other chips

While incarcerated, I was taught how to make an Asian dish that sticks to your ribs and has a great flavor: Kare-Kare. This is a layered dish, so you cook it like this.

Directions:

In your hotpot, mix the bag of beans, peanut butter and cut-up sausages with one of the seasoning packs from the soups. Also, depending on how spicy you like your food, add the desired amount of garlic chili or sriracha sauce and let simmer, stirring occasionally. Your goal is to get the sausage juices to blend with the beans and peanut butter to create a creamy and flavorful sauce.

The Ramen Burger

FROM A READER IN MA

HOTPOT NEEDED

Ingredients:

- 1 ramen unbroken
- 1 refried black beans
- 1 little sausage
- 1 fish (of your choice)
- 1 syrup
- 1 fruit punch package
- 1 small bag of chips (any flavor)

Directions:

Take the refried beans and mix them with hot water until thick. Cut the little sausage up and sprinkle them with a fruit punch pack. Take the fish in the package, smash it up, and add syrup and the crushed-up chips. Open the ramen pack on one side only so it can hold water. Take out the seasoning pack, discard it, and fill the ramen with hot water for 30 seconds, then remove the noodles from the water so you have 2 halves. Take one half and spread black beans on it, then put the little sausage on top. Then, add your fish next, and put on the other half of the ramen. Boom, you got yourself a dank-ass sandwich.



Pork Skin Rice Bowl

FROM A READER IN WA

HOT WATER NEEDED

I make a rice bowl out of pork skins.

Ingredients:

- 1 bag of pork skins
- 1 commissary grape jelly packet
- 1 Hawaiian Punch drink mix packet
- 1 picante beef-flavored instant noodle soup packet
- 1 cup cooked rice
- 1 Big Haus sausage

Directions:

For the pork skins: Add one commissary grape jelly into a freshly opened bag of pork skins. Then, add one Hawaiian Punch drink mix packet with a splash of water. After the drink is mixed into the pork skins, cut up the Big Haus sausage into pieces. Put the sausage pieces in to the bag of pork skins to mix with the punch and jelly for flavor. Set aside to let dry.

Next, prepare the beef soup: Boil 2 cups of water, add the noodles from 1 packet of picante beef-flavored soup, and cook for 3-4 minutes. Turn off the heat and stir only half the packet of seasoning. Save the other half for the rice.

Then, prepare the rice: Get a cup of cooked rice, mix the remaining seasoning into the rice for flavor, and add the soup, once drained, to a plate styrofoam tray they usually give out in these facilities. The rice and noodles should now be mixed together. You can leave some rice to sprinkle on top of the soup.

Finally, add the pork skins and sausage that have been sitting in that sauce and enjoy! Bomb amazing!



Taki Chili Noodle Soup

FROM A READER IN CA

HEAT REQUIRED

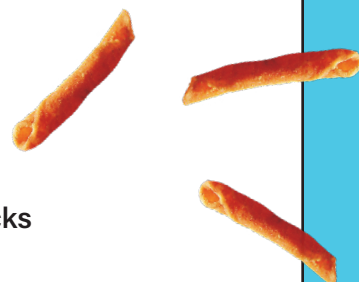
Ingredients:

- Takis
- Cabbage
- Noodles
- Soy meat
- Sriracha meat sticks
- Optional: rice

We've made various dishes from pozole to pizza while "detained" in jail. I recently made a good dish with chili noodle soups, rice, soy meat from the dinner trays, sriracha meat sticks, Takis and cabbage.

Directions:

Essentially, crunch up the Takis and combine everything (including Takis) minus cabbage in boiling water. Make sure to save some Takis as a topper. Let the soup sit until the noodles are to your liking. Once finished, pour into a bowl and top with cabbage and dry Takis. If you've ever had sizzling rice tortilla soup, this will be right up your alley!



Reese's & M&M's Cake

FROM A READER IN AR

HOT WATER NEEDED

Ingredients:

- 2 packs of peanut butter cream cookies
- 2 packs of Reese's peanut butter cups
- 4 packs of peanut butter squeeze packets (4 oz packs)
- 2 packs of M&M's
- 1 cleaned-out chip bag

Directions:

First, take the peanut butter cream out of the cookies and set aside in a cup. Then, crunch the cookies up and put them in ½ cup of hot or warm water. Mix the water and cookies up until they form back into a solid mix. Next, add one package of Reese's peanut butter cups. Mix it evenly, then spread some of the mixture out onto a cleaned-out chip bag. You'll be adding layers of cake and frosting.

For the frosting, take the peanut butter cream from the cookies and add 1 tablespoon of hot water (190 degrees F), mix it, then add in 2 peanut butter squeeze packets and 1 pack of M&M's. Stir everything together. Spread the frosting mixture out over the cookie cake. Then add a layer of cake mixture, and repeat until you've used all your ingredients. Let everything sit for about 3 minutes.



Our next Reader to Reader is about ...



Hobbies Behind Bars



Finding hobbies to help pass the time in prison can make a big difference in your day-to-day life. Many people want to explore activities that go beyond the typical stereotypes of prison life, such as lifting weights, playing cards or watching TV all day.

Whether you're into writing, music, games, art, reading or sports, hobbies can provide an important outlet for creativity, relaxation and socializing, which can help reduce stress and boost confidence. Tell us: What do you enjoy doing to keep your spirits up? Have you discovered new passions or skills while inside?



OUTSIDE

WESTON & BARTLEY

The BEGGING HUSTLE

Automated voice: This is a collect call from Winston Correctional Facility. To accept this call, press 5.



Hello?

All good, Phil. Just washing dishes. What's up?

Phil: Hey Will! What's going on?!

I'm messed up. My sister didn't send me money. I'm starving. Send something my way, bro.

Last I remember, the mess hall paid well enough to feed you. Plus you can eat while working.

Man, you know they don't let guys like me in the mess hall. I don't mess with too many dudes.

Sure, I'll send you something when I get paid.

Automated voice: This is a collect call from Winston Correctional Facility. To accept this call, press 5.



Jermaine: Sup Will!

Heeey bro! Long time no hear from! How have you been?

Good, considering. I try to space my calls out to not burden you with a hefty bill.

Nah man, thanks. Remember the money you sent me last year?

I appreciate that. Do you want me to send you some money?

I used it for art supplies. Now I sell cards

AND have a laundry job. I'm good!

Wow! You're a hustler for sure!





You know the saying, "I can buy you a fish to keep you full for a day or..."

"I can teach you to fish so you can stay full for the rest of your life!"

HA HA

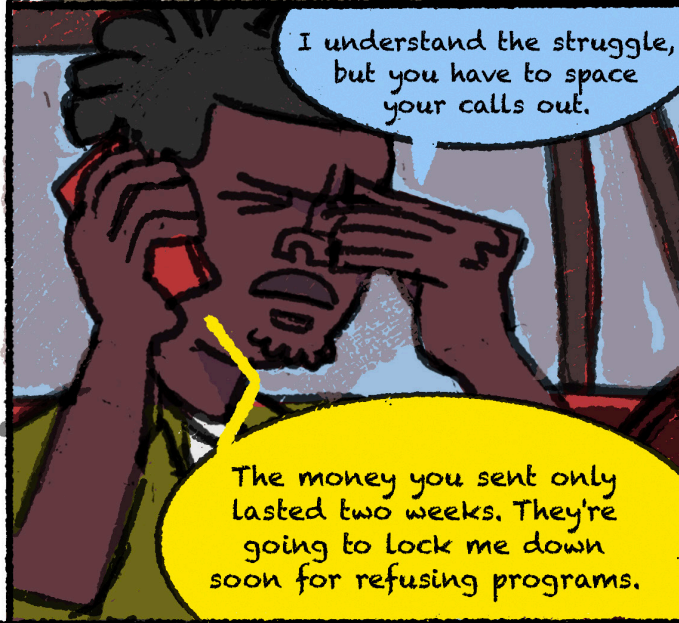
HA HA



Hey Will! What's going on?!

Bro, didn't you call me yesterday and the day before that?

Yeah, bro. You all I got.



I understand the struggle, but you have to space your calls out.

The money you sent only lasted two weeks. They're going to lock me down soon for refusing programs.



I can send you seed money to help you begin a prison-approved startup. Ever heard the fishing saying?

Man, FISH? STARTUP?! Where do you think I am? This is a prison! Can you send me something?

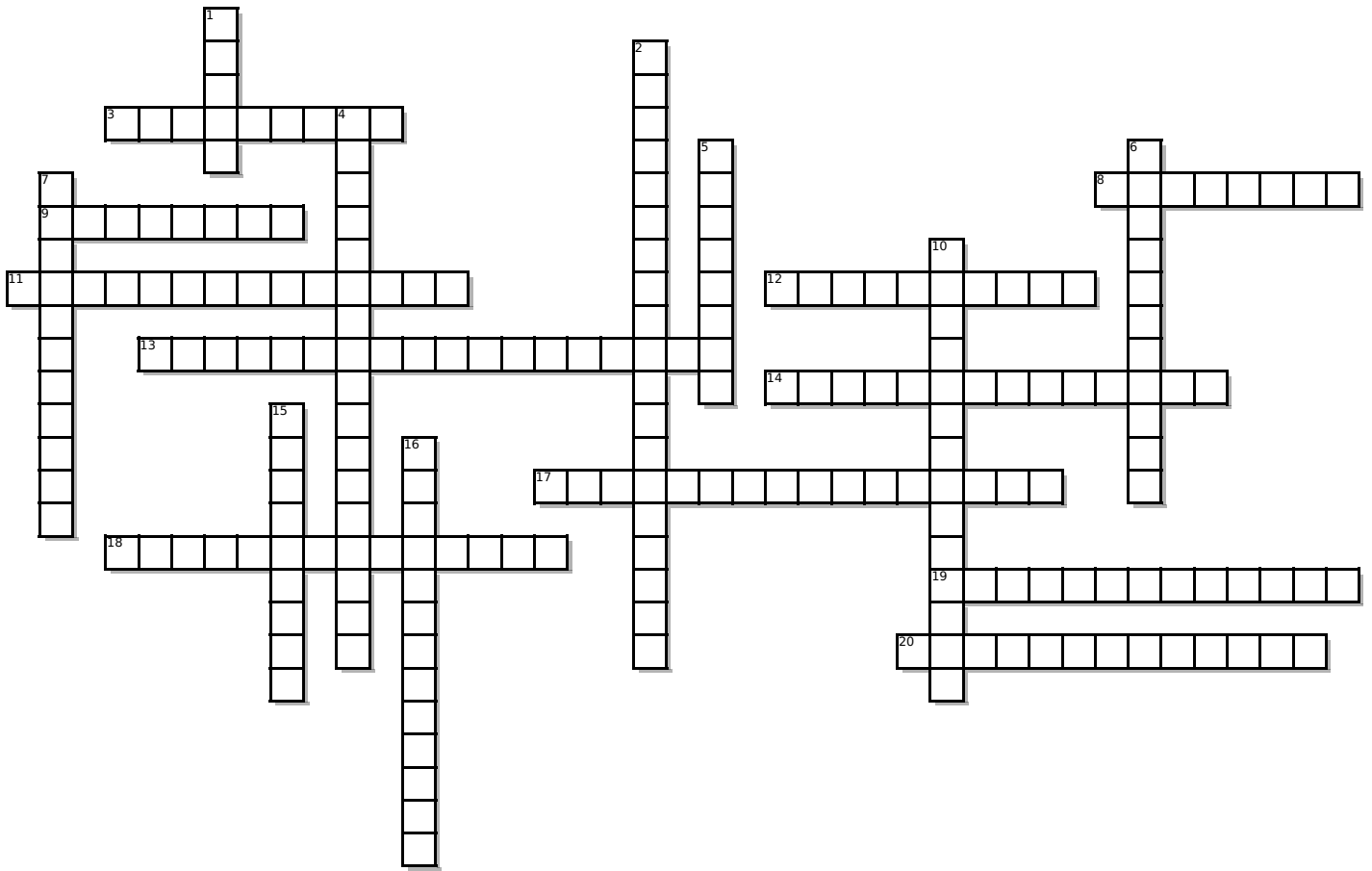


You know Phil, you are a hustler after all.



Because **BEGGING** is your hustle!

Crossword



ACROSS

- 3** "_____ care providers bear the brunt of an overwhelmed mental health care system, when people spiraling have nowhere to go but their nearest hospital." (1 word)
- 8** New York's first film festival judged by incarcerated men was held at this prison (2 words)
- 9** Filmmaker who taught a film criticism workshop to train incarcerated jurors how to evaluate films for story, style, depth and authenticity (2 words)
- 11** Politics that support punitive approaches to public safety and policing. (3 words; hyphenated)
- 12** Marshall Project journalist who wrote about his experience with jury duty. (2 words)
- 13** New Jersey's equivalent of a felony. (2 words)
- 14** "Until this year, the juvenile court operated on an honor system where attorneys self-certified on applications that they had the required _____ and trial experience." (2 words)
- 15** "Almost 60% of people convicted of _____ crimes from 1994 through 2023 are Black." (1 word)
- 18** Ohio's _____ Commission (2 words)
- 19** State and federal laws require hospitals nationwide to identify newborns affected by drugs in the womb and to refer such cases to child protective services for possible _____ (1 word)
- 20** A law intended to protect health care workers has overwhelmingly led to prosecutions of people with severe _____ (2 words)

DOWN

- 1** "Excellence in Criminal Justice Storytelling _____." (1 word)
- 2** Laws "that severely restricted or even eliminated opportunities for incarcerated people to earn parole part-way through a sentence." (3 words; hyphenated)
- 4** "Hospitals across the country routinely report cases to authorities without ordering _____ or waiting to receive the results." (2 words)
- 5** "Court records show this law disproportionately ensnares _____ people and people of color." (1 word)
- 6** "_____ imposes a lifetime voting ban on people convicted for a range of violent and nonviolent crimes, but allows people convicted of many other crimes to retain their voting rights, even while still in prison." (1 word)
- 7** Legislation "that allows courts or parole boards to reevaluate long sentences." (2 words; hyphenated)
- 10** "Hospitals use drug tests that return _____ from poppy seed bagels, decongestants and Zantac." (2 words)
- 15** "_____ is built on everyone having the right to elect their representative." (1 word)
- 16** "_____ judges will now track qualifications, but insist the state system creates barriers keeping experienced attorneys from defending kids." (2 words)

In the Spotlight



Dennis Prince Mapp in his office.

Growing up in South Jamaica, Queens, New York, I realized I have the innate ability to connect with others. While incarcerated, I used this ability to foster change. I believe that lasting change comes through collective effort. Despite my wrongful incarceration at a young age, I transformed my life in prison through education. I began to inspire others to be part of the solution by uplifting marginalized and underrepresented voices. News Inside was not around while I was incarcerated, but I have several friends who read it and love it. I recognize the important resource it has become for incarcerated people, especially as a publication that uplifts marginalized and underrepresented voices.

Dennis Prince Mapp is the head of Community and Culture at Citizen, where he has been instrumental in strengthening community engagement and championing diversity, equity, inclusion and cultural awareness. He is a passionate leader, advocate, author, publisher and entrepreneur. Dennis draws inspiration from his family, faith and upbringing. He holds a bachelor's degree in organizational leadership from Alliance University and an honorary humanitarianism doctorate from Upper Room Theological University.

Dennis is also the founder of Change for Change and the visionary behind Swag Swap, a community-driven initiative that collects and redistributes apparel and essential supplies to underserved neighborhoods. These efforts foster a sense of unity and mutual upliftment, reflecting his deep belief in giving back to the communities that have shaped his journey.

LinkedIn: Dennis Prince Mapp
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We want to hear a bit about you and how News Inside has affected you. If you are interested in being featured in "In The Spotlight," please mail us your response to the address on the back of the magazine, or send us an electronic message at newsinside@themarshallproject.org. If you are chosen to be featured, we will contact you to request a picture of you and discuss your response if needed.

? Thinking Inside the Box

Give these questions a try after you've read the stories in this issue. We'll include the answers in the next issue.

1 T or F: "Truth-in-sentencing" laws severely restricted or eliminated opportunities for incarcerated people to earn parole partway through a sentence.

2 T or F: Mississippi is among 11 states that ban at least some people with felony convictions from voting for life.

3 T or F: "Indictable offenses" are New Jersey's equivalent of a misdemeanor.

4 T or F: Under Washington state law, any assault on a health care worker can be a felony — including spitting.

5 T or F: According to some studies, urine drug screens are easily misinterpreted and often wrong, with false positive rates as high as 50%.

6 T or F: Sing Sing Correctional Facility held the first-ever film festival in a NY prison.

7 T or F: More than 1,200 children accused of serious crimes in Cuyahoga County since 2020 were defended by court-appointed lawyers who lacked state-mandated qualifications.

8 T or F: The Black Shield, formed by Black officers in Cleveland nearly 80 years ago, came together to support and protect each other from discrimination and retaliation in the mostly White police department.

Last Issue's Answers

1 The Puppies Behind Bars program allows incarcerated people to live in a special unit and train Labrador retrievers to become service dogs. **TRUE** **2** Shane helped to redesign the library at Sing Sing Correctional Facility. **TRUE** **3** Donald J. Trump is now among millions of Americans with criminal records. **TRUE** **4** Donovan X. Ramsey believes that the crack epidemic completely reshaped the current legal landscape. **TRUE** **5** 106.5 FM The Tank is the Allan B. Polunsky Unit's own prison radio station. **TRUE** **6** "Mitigation specialists" have helped save death-penalty defendants by documenting their childhood traumas. **TRUE** **7** Ohio has six different laws that criminalize certain acts — including sex — for people living with HIV, or that substantially increase penalties for them, compared to people who do not have the virus. **TRUE**

is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system. We achieve this through award-winning journalism, partnerships with other news outlets and public forums. In all of our work we strive to educate and enlarge the audience of people who care about the state of criminal justice.

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