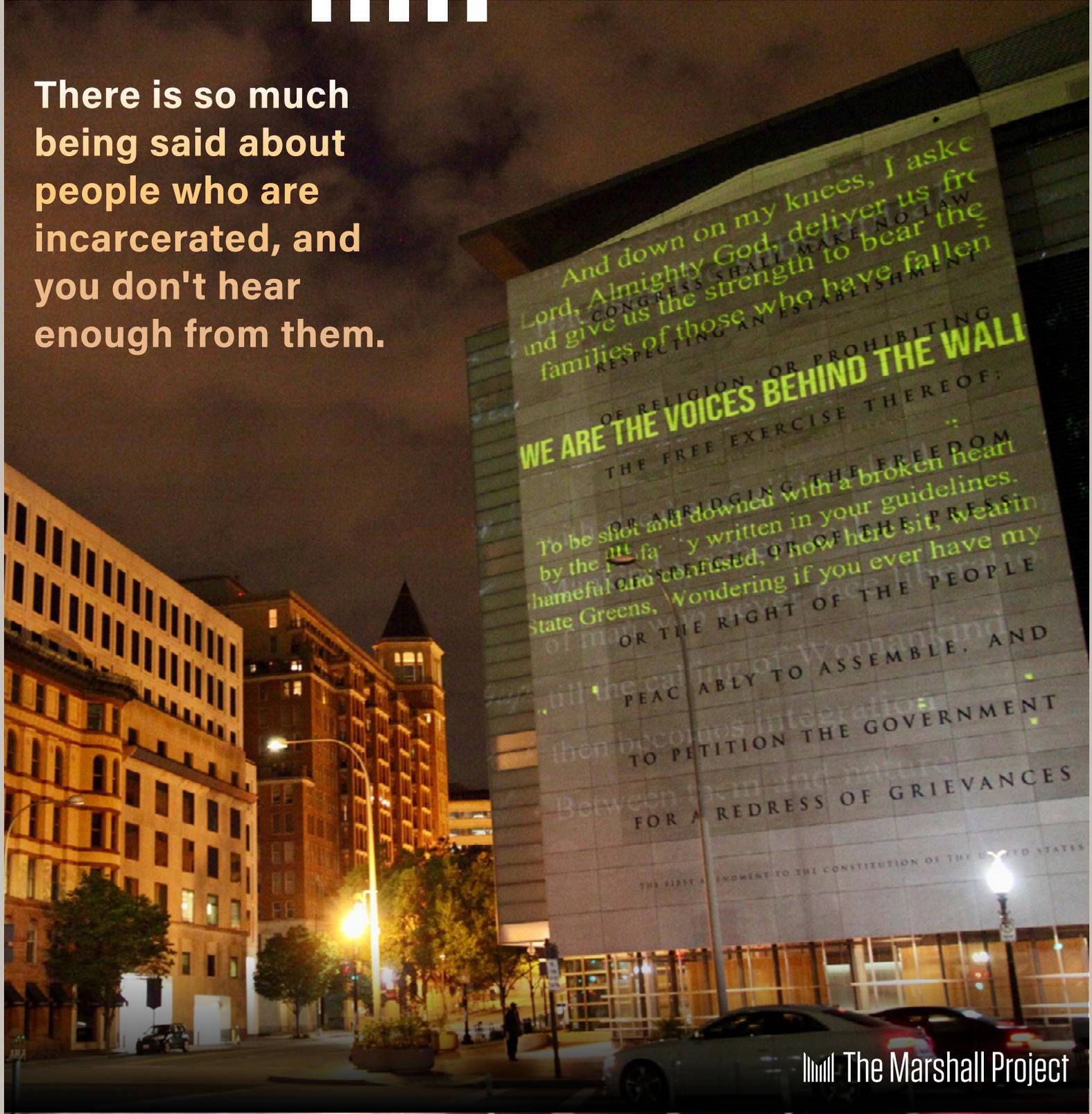


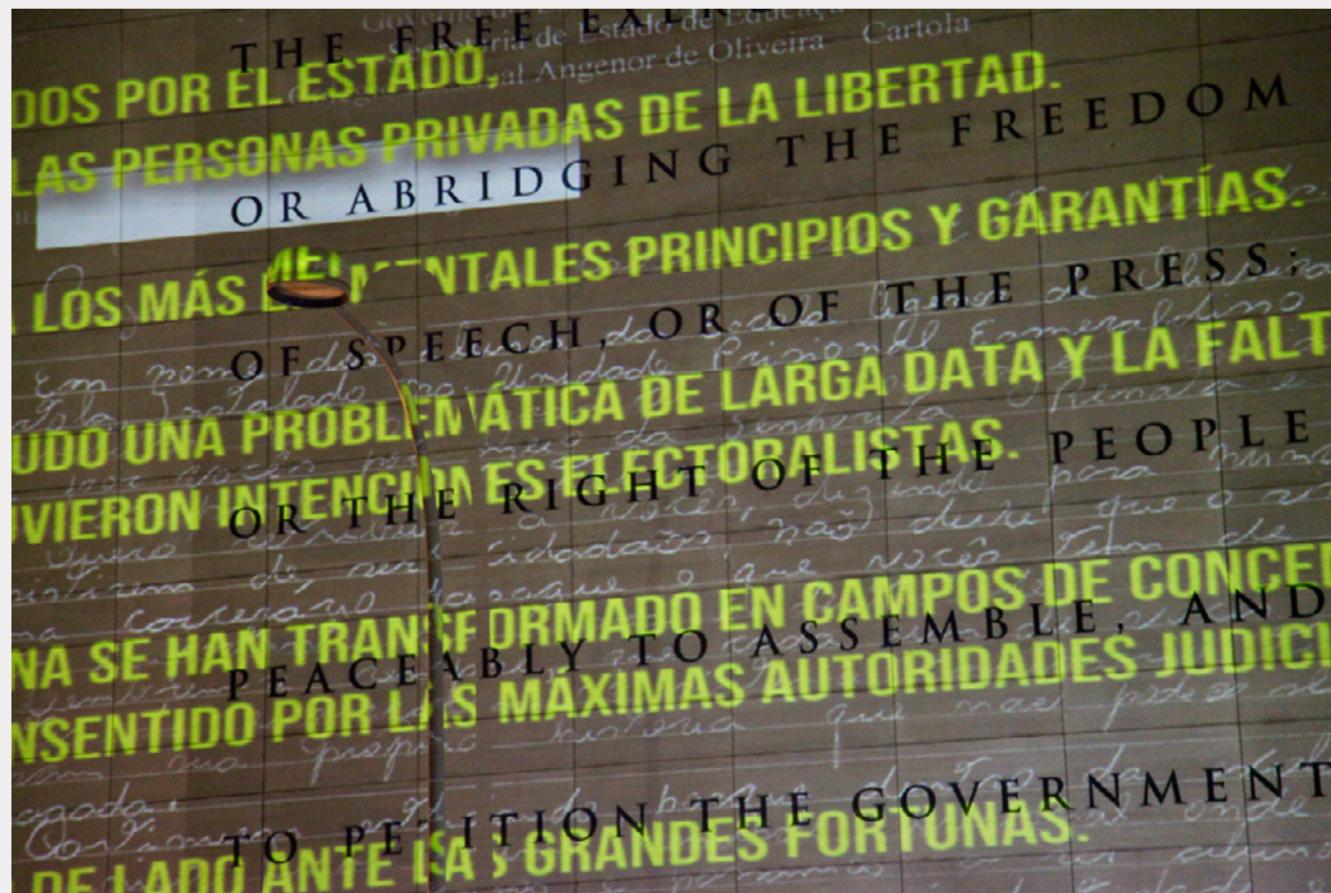
August 2020 — Issue 5

News Inside

A compilation
of criminal justice news
from The Marshall Project

There is so much
being said about
people who are
incarcerated, and
you don't hear
enough from them.





Projections include writings from incarcerated people around the world in places like the United Kingdom, Uganda, Argentina and Brazil.

Cover: A projection on the former Newseum building in Washington, D.C. "Our priority was how can we keep this installation going, keep these words alive in this moment where they're needed the most?" said Baz Dreisinger, who helped conceive the exhibit. LIZ GORMAN

- 4 Which States Are Taking on Police Reform After George Floyd?
- 5 You Can Get Kicked Out of a Jury Pool for Supporting Black Lives Matter
- 7 Jails Turn to UVC Robots to Fight Coronavirus
- 9 Can College Programs in Prison Survive COVID-19?
- 12 New Hope for People Who Claim Racism Tainted Their Death Sentence
- 14 These Political Candidates Are Embracing Their Criminal Records
- 18 As a Mom Working in a Prison, I Worry About Bringing Coronavirus Home
- 19 No, Your Coronavirus Quarantine Is Not Just Like Being in Prison
- 20 Shining a Light on Life Behind Bars

A Letter from Lawrence

Hello friends. Since my last letter to you, the world has been shaken in the wake of George Floyd's on-camera killing by Minneapolis police officer Derek Chauvin. All shades of people have taken to the streets demanding that the book, the bookshelf and the whole library be thrown at Chauvin and the other three former officers involved in Floyd's killing—Alexander Kueng, Thomas Lane and Tou Thao. They are calling for an end to police brutality and for police officers who kill to receive the justice on par with the kind you and I received from the judicial system. Still, I wonder how much time, if any, they will serve. Will they be held accountable for their part in the fatal choking of Floyd, a choking that lasted eight minutes and 46 seconds as he said he couldn't breathe and called out for his late mother?

In Issue One, I wrote about serving my 27-year sentence and the crucial value of personal accountability. I don't believe that value should be exclusive to people doing time. People who work in and around the criminal justice system should also answer for their actions.

Law enforcement accountability is at the center of "Which States Are Taking on Police Reform After George Floyd?" on page 4. In the same vein, on page 12, you'll also see how petitioners in North Carolina are moving the courts to acknowledge unfairness in "New Hope for People Who Claim Racism Tainted Their Death Sentence."

Since it's impossible to forget COVID-19, on page 7 you'll find "Jails Turn to UVC Robots to Fight Coronavirus." I'm hoping that one will satiate the appetite of all you techies in there.

In "Shining a Light on Life Behind Bars," a traveling exhibit that projects writings by currently and formerly incarcerated people onto buildings, the art seems to scream "I am human too!" It also questions the purported "care" of caregivers.

Their message reminds me of a recent letter I was CC'd on from a group of self-described lifers and long-termers to their state's governor. It reads:

In most cases, inmates serving decades behind bars have relatively good disciplinary records, have completed all our required programs, earned labor department certificates, and even college diplomas ... [yet] pleas for release go unnoticed even at the threat of dying from this horrible virus plaguing our nation. How are we to learn forgiveness, if we are the least likely to be forgiven?

As a former long-termer myself, I hear them. And through the articles within, I hope you feel heard as well.



Lawrence Bartley

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

Letters to the Director

I encourage everyone here to heed your message that's aired on SQ CCTV as I truly wish we could come together for each other in these times of need. Everyone feels like we are being punished for being sick. We only ask to be treated like patients.

J. Haines, CA

This will make five weeks that we have been locked down over the coronavirus. A lot of [people] have tested positive for it. At first, we would take a 10-minute shower one day and the next day 20-minute phone calls. Now we are locked down 24/7. No showers or phone calls. It's been 11 days since I have been able to take a shower. No end in sight. A long time for me without exercise or sunshine. So since we are going to be locked down for a long time, I was hoping you can send me some more stuff to read from The Marshall Project.

R. Wynn, CA

I found your magazine lying around so I picked it up and started reading. The information in your magazine has given me hope that society will someday come to an open mind of a true second chance. It is my belief that as an adult having served years inside prison our propensity to commit a crime has evolved to doing what is right.

McNric, FL

I am writing to request to be a part of your project & movement. There are numerous women who do not have the direction or support to know that there are options & deadlines that need to be met to fight for justice. When those deadlines are not met, individuals get lost in the system. I plan to bring awareness to those issues upon my release.

JK. Horne, MD



Iowa Gov. Kim Reynolds, left, signed a new bill restricting police chokeholds, and New York Gov. Andrew Cuomo has signed a series of police reforms into law. LEFT, POOL PHOTO BY CHARLIE NEIBERGALL; RIGHT, LEV RADIN/SIPA USA, VIA ASSOCIATED PRESS

Which States Are Taking on Police Reform After George Floyd?

Lawmakers in 16 states have introduced bills to improve police oversight and accountability.

By WEIHUA LI and HUMERA LODHI

Eighteen days after George Floyd was killed by a Minneapolis police officer, the Minnesota state legislature introduced 48 bills in a special session on law enforcement. On the same day, Iowa Gov. Kim Reynolds signed a new bill restricting police chokeholds, and New York Gov. Andrew Cuomo signed a series of police reforms into law, including repealing an obscure law, section 50-a, that shielded police disciplinary records from public scrutiny.

More lawmakers across the country are proposing changes to how police operate. In the three weeks after Floyd's death and the ensuing nationwide protests against police brutality, 16 state legislatures have discussed the issues roiling the country. As of [June 16], legislatures had introduced, amended or passed 159 bills and resolutions related to policing, including bills that were introduced in both cham-

bers, according to a database compiled by the National Conference of State Legislatures, a nonpartisan association of state lawmakers.

Of course, in politics, talking about doing something is one thing. Doing it is another. By June 16, nine of these bills had become law, and seven more were waiting for governors' signatures. In all, three state legislatures—Colorado, Iowa and New York—have passed policing bills.

Looking at action in the statehouse has its limits, because police reform usually happens on the local level, as cities and towns decide how to fund and regulate their own police forces. The sheer number of new bills can also be misleading: Some state legislatures will eventually bundle multiple bills related to the same topic and pass them as one omnibus bill.

Still, state legislatures can hold tremendous power on issues like setting pensions for police officers, and the wave of new state-level bills represents how swiftly the conversation around policing has shifted since the death of Floyd.

An analysis of the conference's database shows that the majority of the reform bills introduced since Floyd's death focus on police oversight and regulating use of force, like banning chokeholds, building public databases of traffic stops and establishing an independent agency to investigate misconduct.

Jamaal Bailey, a New York state senator who represents parts of the Bronx and Westchester County, said it's

been a humbling experience to represent constituents who are taking their anger and frustration with police brutality to the streets. Since Floyd's death, three policing bills Bailey sponsored — repealing 50-a, establishing a special unit in the attorney general's office to investigate police misconduct and requiring officers to pay attention to the medical and mental health needs of people in their custody — were signed into law.

"People have spoken," Bailey said. "Folks have been complaining about police brutality for so many years, and it just goes away. It couldn't go away this time. Not only are we going to take the street, but we are also going to push for changes in the legislature."

Patrick Lynch, president of the Police Benevolent Association of New York City, was not pleased with the action in the statehouse.

"Governor Cuomo and our legislative leaders have no business celebrating today," Lynch said in a statement when the reforms were signed into law. "New York state had been failing our communities for decades ... Police officers spend our days addressing issues caused by these failures. Now, we won't even be able to do that."

Currently, more than half of the state legislatures are out of session, many because of the impact of COVID-19. Amber Widgery, who leads the criminal justice program at the National Conference of State Legislatures, said she expects more police reform bills from state legislatures when they reconvene. Some governors, like

Kate Brown of Oregon, have already announced they will call legislatures back into session to address police accountability.

Widgery said the speed at which some of the reform bills are making their way through the chambers is particularly noteworthy. Iowa's police reform bill passed through the state's Republican-controlled legislature with unanimous support in just one day, and the governor signed it the next. It gives the state attorney general power to prosecute police officers, bans chokeholds and restricts police departments from hiring officers with records of misconduct.

Iowa state Rep. Ras Smith, one of the main architects of the new reforms, said it took less than two weeks to craft the legislation.

"We don't get to pick the moment in which we have allies who can unite and that we can get something done," Smith said. "This was one of those opportunities in which we could really gain ground by finding the commonality and really addressing something that went beyond politics. But also that also means that we have to be mindful of knowing that they may not feel that way tomorrow. It's still yet to be seen—

this is the first step, the verdict is still out."

Some states have not passed legislation, and there are a variety of roadblocks facing legislators. On June 3, Kansas state Rep. Rui Xu proposed a resolution condemning police brutality, racism and use of excessive and militarized force, but it died quickly the next day, when the legislature adjourned its special session.

Xu said he never truly expected to get his criminal justice bill passed in the state's Republican-led House and Senate.

"I just wanted to show, at the very least, the people of color in Kansas there are legislative people in power who wanted to do something about this. A resolution doesn't have the force of law, but we do have ideas," Xu said.

Daniel Feldman, a professor at the John Jay College of Criminal Justice, said he is cautiously optimistic that the rush of legislation suggests change will continue to come, even after the daily protests ebb.

"The unjustified killing of Black citizens has little by little changed people's wrong assumptions about interactions with the police," Feldman said. "We may see the reactions to George

Floyd's death as instant, but the psychological shift has happened over a period of time. It may be a permanent shift in opinion."

Since the publication of this story, eight more states, including Delaware, Georgia, Michigan, New Jersey, New Mexico, Oregon, Utah and Vermont have passed police reform bills.

In Hawaii, Kansas, Louisiana, Minnesota and Tennessee, the state legislative session adjourned without passing any reform bills.

You Can Get Kicked Out of a Jury Pool for Supporting Black Lives Matter

But is it legal? A California appeals court is going to decide.

By ABBIE VANSICKLE

Questioning a potential juror named Crishala Reed, the prosecutor homed in on a sentence from Reed's questionnaire.

"I support Black Lives Matter," she had written.

The prosecutor asked Reed if she supported "destroying other people's property." Reed said no. After the questioning, the prosecutor used a peremptory strike, where no reason is required, to remove Reed from the jury for the 2016 trial.

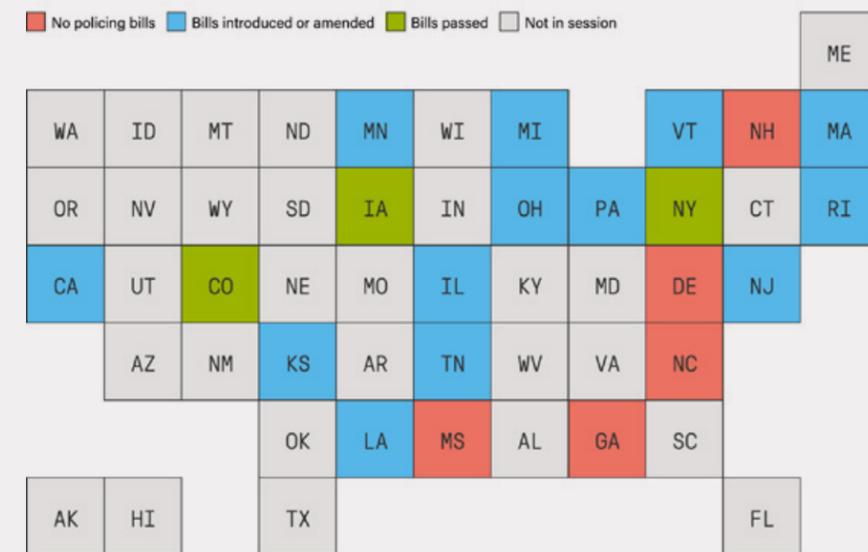
She looked around the jury box and didn't see any other Black people, Reed told The Marshall Project.

"I felt targeted," Reed said. "It was a life-changing experience for me, personally. And I still talk about it to this day. I tell my kids about it. Not to scare them but to make them aware."

The questioning of Reed's support for Black Lives Matter will be considered by a California appeals court in the coming months. Lawyers for the defendants in the

New Policing Bills by State (As of June 16)

In the three weeks after the death of George Floyd, lawmakers from more than a dozen states have introduced, amended or passed bills that address policing, while nearly half of the nation's state legislatures were not in session. Three states have passed police reform bills.



Source: National Conference of State Legislatures



Crishala Reed wrote on a jury questionnaire that she supports Black Lives Matter. She was soon removed from the jury pool BRANDON RUFFIN FOR THE MARSHALL PROJECT

I wanted to cry, but I held it, I didn't want to look weak. I would never want my kids to go and do that.

double-murder trial say the decision to remove Reed violated the U.S. Constitution's ban on excluding prospective jurors based on race.

The case is one of several across the country in which prosecutors have pressed potential jurors about their sympathy for Black Lives Matter – a movement that has won growing mainstream support in the weeks since the killing of George Floyd.

A Minneapolis man's conviction was upheld in 2016 after a court found there were no racial overtones to the question, "Have you participated in any of the Black Lives Matter kind of marches and stuff like that here?"

6 But the Nevada Supreme Court in 2018 criticized prosecutors for the racist implications of ques-

tioning potential jurors about Black Lives Matter and ordered a new trial.

This year, a North Carolina court upheld a conviction where a potential juror, a college student who was involved in Black Lives Matter, was dismissed by the prosecutor, who said her activism raised questions about whether she could be impartial toward law enforcement.

Legal experts say that those cases probably represent only a fraction of instances where jurors have been asked their views on Black Lives Matter, because these are the cases that have made their way up to appeals courts.

California courts rarely find racial bias in jury selection, but in January the state Supreme Court announced plans to review the rules for disquali-

fying potential jurors. State lawmakers are also considering a measure that would tighten rules on removing juror candidates.

The rules limiting discrimination against jurors are called the Batson process, named after a 1986 U.S. Supreme Court case over a trial at which prosecutors dismissed all prospective Black jurors. The high-profile case of Curtis Flowers, tried six times for the same crime, brought the issue to national attention again last summer when the U.S. Supreme Court overturned his conviction, finding that a White prosecutor had intentionally removed Black jurors.

If a California appeals court finds that the prosecutor used race in her decision to remove Reed, the defendants could get a new trial. A spokesman for the district attorney in Contra Costa County, northeast of San Francisco, said prosecutors would not comment while the appeal is pending.

The case involves the 2012 murder of a Bay Area couple. Prosecutors accused three men—Sheldon Silas, Reginald Whitley and Lamar Michaels—in the fatal shootings of Christopher Zinn

and Brianna Dow. All of the accused are Black. At trial, prosecutors argued the shootings happened during an argument after the men accused Zinn of stealing guns from a San Francisco gang. All three were convicted and received life sentences.

The California Attorney General's Office, which handles criminal appeals for county prosecutors, said race was not a factor in Reed's dismissal. In a court filing, it said Reed crossed her arms when the prosecutor talked to her, but not when the defense did, and she was "openly hostile when the prosecutor questioned her about BLM."

The Black Lives Matter issue in the case is catching the attention of national litigators who specialize in jury discrimination, including Jim Craig, the director of the Louisiana office of the Roderick and Solange MacArthur Justice Center. Craig had filed a brief in support of Flowers during his appeal.

"That these same techniques of racial discrimination and trying to whitewash discrimination are not just a part of Southern trials, but are a part of some of the most progressive parts of the United States, is exceptionally troubling," he said.

When Reed, a 28-year-old mail carrier who lives in a suburb about 30 miles northeast of San Francisco, received a jury summons, she was eager to go, she said. In the days before she went to court, she mentioned jury duty to her stepfather, who told her not to get her hopes up.

"He said, 'They're going to weed you out,'" she said. "I was just shocked when he told me that."

Reed showed up for jury duty and filled out a form with questions about her work history and experience with the criminal justice system.

One question asked if she had strong feelings about how the criminal justice system treats people based on gender, race, religion or national origin. She checked yes, but wrote that it wouldn't affect her role as a juror.

Another question asked whether she was part of "any law or justice-focused special interest groups." The form listed examples, including the National Rifle Association, the American Civil Liberties Union, Blue Lives Matter and Black Lives Matter. Reed wrote she supported Black Lives Matter.

Lawyers often test jurors for views about the criminal justice system, and courts have given them wide latitude, even allowing prosecutors to probe jurors on their opinions of the O.J. Simpson verdict.

In the California murder case, Reed was the first juror the judge called on in the group. The judge asked about her views on fairness in the criminal justice system.

Reed told the judge that "how I feel is that Black people are being sentenced longer than other races." But she told the judge that she could set that aside and be fair.

When it was the prosecutor's turn, Deputy District Attorney Melissa Smith asked Reed about Black Lives Matter.

"I support it," Reed told the prosecutor, according to a transcript filed in court. "But I'm not in anything social like, as in, group-wise."

Reed said she didn't support any illegal behavior, but that she supported the cause.

Smith then asked about whether she supported "riots" during demonstrations. After the defense lawyer objected, Smith asked if Reed supported demonstrators who "destroy property." Reed said no.

Reed said she doesn't want to go through jury duty again.

"I wanted to cry, but I held it," she said. "I didn't want to look weak. I would never want my kids to go and do that."

Jails Turn to UVC Robots to Fight Coronavirus

Some sheriffs are buying ultraviolet light machines traditionally used by hospitals.

By **ALYSIA SANTO**

At the Dane County Jail in Madison, Wisconsin, robots that look like fancy space heaters have rolled from room to room 24 hours a day, seven days a week, since the end of March. The

devices emit high-intensity ultraviolet light, a technology that can destroy viruses including swine flu and SARS (severe acute respiratory syndrome).

Sheriff Dave Mahoney bought the pair of UVC emitters, which cost about \$80,000, shortly after the coronavirus pandemic hit, and was reimbursed through a federal FEMA grant the county received for COVID-19 expenses. Now, the robots target everything from solitary cells to eating utensils. Mahoney says he's had 40 cases at the jail so far after testing the roughly 450 prisoners and 600 staff who work there, a level of infection that he believes would be higher if not for the robots.

"There is so much nasty stuff in the jail," Mahoney said. "Once you clean a room, it's only as good as the next person who comes in. That's why we do it around the clock."

Prisons and jails, where social distancing is nearly impossible, are epicenters for COVID-19 infections, and corrections officials have struggled to find ways to stop the spread. So they are increasingly turning to UVC technology typically used by hospitals to reduce the organisms that contribute to new infections.

Many lock-ups rely on the people incarcerated there to scrub them down, often with diluted and alcohol-free products. That can keep cleaners from getting intoxicated or injured, but can also make disinfection more difficult.

The Marion County Jail in Indianapolis used bleach as a disinfectant before the pandemic, said Col. James Martin. But it wasn't always possible for prisoners to leave it on surfaces, such as walls, long enough to work. Now, Martin says, in addition to chemical disinfection, officers run the UVC machines, which the county bought at the end of April.

"We were fighting hard water, dirt and grime," he said, "but now we're fighting something totally different."

Martin said he and others at the jail first learned about UVC during an Indiana Sheriff's Association meeting last fall where they met with representatives from Skytron, a Michigan-based company that manufactures UVC disinfection systems and other equipment for major hospitals, including the Cleveland Clinic.

Last year Skytron began to



A robot emits high-intensity ultraviolet light in a booking room at the Kent County Jail in Grand Rapids, Michigan. LARRY PEREZ

pursue a foothold in the prison and jail market, attending conferences and supplying machines to jails for free demos, said Larry Perez, a company vice president. "I began to think, why aren't we sharing this with other places in our community?" Perez said. "One of the dirtiest places you'll step foot in is a jail."

That strategy has paid off, Perez said. Skytron's UVC sales to jails more than quadrupled in April, going from 11 jails to a total of 48. Perez said several state prisons have also ordered units, which cost between \$40,000 and \$80,000.

Morris Miller, the chief executive of Xenex, which makes UVC robots, said he's also noticed more interest from police departments and

jails. Last year, the company made its first such sale when the LAPD purchased a UVC machine, which cost about \$100,000, after an officer contracted typhoid fever.

Companies are pitching new coronavirus-fighting products for lockups, including a machine that sprays an atomized disinfectant mist, which has been adopted by prisons in Connecticut and North Carolina, and a humidifier that a promoter said was being used to combat the virus in 83 unnamed prisons and jails across the country. Studies have shown that the influenza virus does not spread as easily in humid environments.

But UVC, which is also referred to as UVGI (for ultraviolet germicidal irradiation), has the advantage of a long

track record. For decades, municipal water plants have used UVC to sanitize water. Hospitals nationwide are currently using UVC to decontaminate equipment, including N95 respirators. There is also a growing reliance on UVC disinfection outside of hospitals, including in New York City's subway cars and the floors of Pittsburgh's airport.

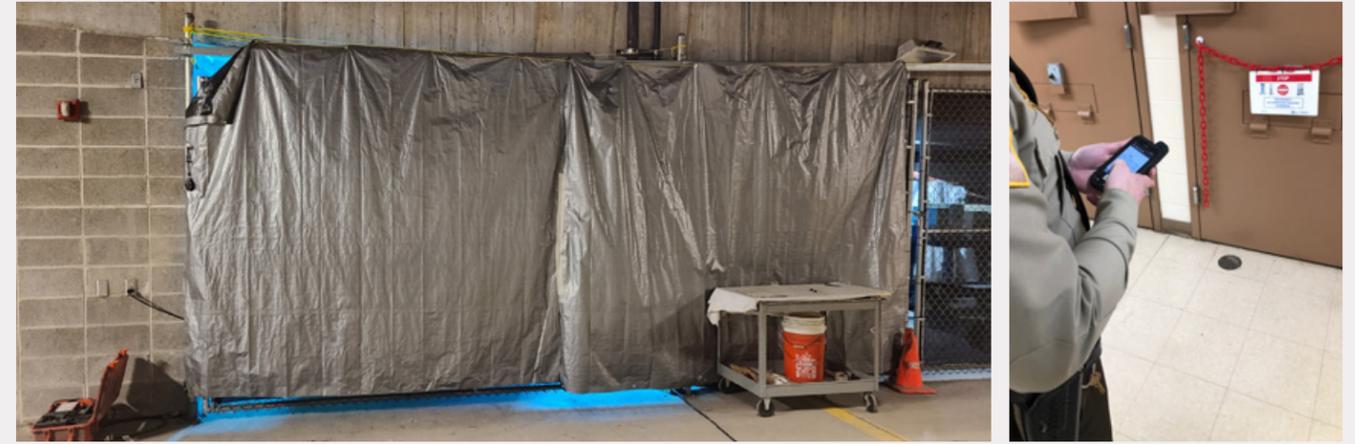
Nevertheless, its use is largely unregulated and there are no uniform standards to measure performance. "Right now it's just whatever anybody wants to say," said Meredith Stines, CEO of American Ultraviolet and a member of the International Ultraviolet Association, which is pushing for standardization in the industry. There is a range of UVC products, including hand-held devices, that are much less expensive than the robots, which are manufactured by about a dozen companies nationwide, Stines said, adding that some products aimed at consumers don't deliver on the level of disinfection they promise.

Researchers are studying the impact of UVC light specifically on the coronavirus that causes COVID-19, and some studies have shown it's probably as effective on this virus as on older ones like SARS.

Despite President Donald Trump's floating ultraviolet light as a possible coronavirus treatment for people, the intensity of UVC rays that are required to kill viruses and other germs are dangerous to humans and could burn skin and eyes.

"This is promising technology for jails, as long as you don't expose the prisoners or anybody to this light directly," said Steven DenBaars, a professor at UC Santa Barbara who specializes in ultraviolet LED light. He said he has seen an increase in funding for research into UVC and is expecting guidelines on the use of this technology in public spaces from the National Institutes of Health soon. NIH has already put out guidelines for the use of UVC to disinfect personal protective equipment.

Experts say UVC should be used in conjunction with other cleaning efforts, and is not a silver bullet. "What this does, is it gives an additional layer of security, because we're people, and people will miss spots when cleaning,"



Left: At the Dane County Jail in Madison, Wisconsin, a robot that emits ultraviolet light is behind a tarp, which is used to protect people from exposure to the machine's powerful rays. DEPUTY STEVEN SMITH/DANE COUNTY SHERIFF'S OFFICE. Right: An officer at the Jefferson County Jail in Madison, Indiana, uses a handheld device to operate a machine that emits strong ultraviolet light, which is being used to disinfect the jail in the fight against coronavirus. LARRY PEREZ

said Shawn Gibbs, dean of the School of Public Health at Texas A&M University.

UVC companies said the robots are high priced because they emit more powerful rays and can automatically assess a room's size, which allows the machine to estimate the correct dosage of light required to be effective. Robots also come with a variety of safety features, including an auto shutdown function if a person goes in the room while it's on and door motion sensors to detect people trying to enter.

The Kent County Sheriff's office in Grand Rapids, Michigan, reduced its spending on chemical cleaning agents so it could afford to buy a UVC robot. It is seeking reimbursement through a Bureau of Justice Assistance federal grant, Sheriff Michelle LaJoye-Young said.

As of June 13, the 1,400-bed jail had two positive cases of COVID-19, even though Michigan has one of the highest positive case counts in the country, according to data from John Hopkins University. LaJoye-Young partially credits the new robots for keeping the virus out, alongside reducing the jail's population by about 350 people.

"We have to approach this from all angles," LaJoye-Young said. "You can't just clean your way out of this."

Dane County's Sheriff Mahoney said he believes UVC is an important tool that he'd like to see other prisons and jails embrace. As incoming president of the National Sheriffs' Association, Mahoney said he plans to distribute a white paper to law enforcement

nationally about "the benefits of investing in this technology to keep deadly organisms out of jail populations."

Mahoney says he's already shared his enthusiasm for UVC with other sheriffs across Wisconsin, who have followed his lead and also bought UVC emitters. He said he has no ties to any UVC businesses.

"I've sold more of those machines for them than their salesman," he said with a laugh.

Can College Programs in Prison Survive COVID-19?

Many educators found workarounds now that they can no longer enter the prisons. But they fear the coronavirus could undermine a critical component: teaching in person.

By Nicole Lewis

When coronavirus kept college professors from teaching in person at Maine Correctional Facility, officials reconfigured a prison classroom to hold classes

over Zoom using the internet from an administrator's computer. Officials at Saginaw Correctional Facility in Michigan waived a ban on communication between volunteers and prisoners so that Delta College professors could instruct their students over email. At Great Meadow Correctional Facility in New York, college classes are postponed and graduation is cancelled.

Coronavirus has upended the semester for college students across the country—and thousands of incarcerated students are no exception. On the outside, professors are conducting classes over video conferencing and graduations will be live-streamed online. But in prison, where the majority of incarcerated people are cut off from the Internet, the options for distance learning are limited, leaving college administrators scrambling to figure out how to finish the semester from beyond the prison walls. Many have found workarounds now that they can no longer enter the prisons. But they fear the coronavirus could undermine a critical component of college in prison: teaching in person.

Research shows that higher education in prison reduces recidivism and saves taxpayer money. In interviews with The Marshall Project, college-in-prison administrators noted less often-cited benefits: College programs in prison build community, boost morale and provide incarcerated students with an antidote to the despair and monotony of prison life.

For Pablo Negrón, who is



Students participating in a history class for the Prison University Project at San Quentin State Prison in California in May 2019. R.J. LOZADA

enrolled at Prison-to-College Pipeline at Otisville Correctional Facility, college classes keep him “busy and away from prison politics and negativity.” Taking classes has given him a “sense of accomplishment,” which makes him feel like his time behind bars wasn’t simply wasted. As he looks forward to life after prison, he says he is optimistic he’ll have more career choices with a college education.

How well college programs are able to adapt during the pandemic largely depends on their relationship with the corrections department for their state, and what resources they’re able to provide. Many prisons are operating with a reduced workforce, and can’t spare the staff to keep the college programs running. But there’s an understanding among prison officials of the value of education programs, especially during a crisis, says Ruth Delaney, who provides assistance to college sites for the Vera Institute of Justice.

“Tensions are high,” Delaney said.

10 “Being able to give people something familiar, and engaging can

really help to make sure all the resources are focused on fighting coronavirus.”

Many college administrators say corrections officials have bent over backwards to make sure college classes continue, but without laptops, tablets or an easy way to securely access the Internet, many college programs have had to put their semesters on pause. With classes on hold, some incarcerated students won’t be eligible for important incentives. In some state prisons, earning a college degree while behind bars could result in a sentence reduction through “good time” credit programs. In New York, for example, students could have six months shaved off their time for completing designated programming, provided they also have a clean disciplinary record.

For incarcerated students at Great Meadow, an isolated prison several hours outside of New York City, the disrupted semester means they’ll have to wait even longer before they’re eligible to transfer to facilities closer to home. Students are placed on an educational hold while enrolled in college pro-

grams, so they cannot be transferred to other facilities while they complete their degrees.

At San Quentin Prison in California, college classes are suspended until volunteers from the Prison University Project can return to teaching in person. It was a choice between keeping the students on track to finish the semester as planned or ensuring they received a high quality education, said Jody Lewen, the project’s executive director. In-person teaching is essential because students, who overwhelmingly come from marginalized communities, benefit from relationships with their peers and professors.

“It’s particularly important for students who don’t have lots of relationships to a wide range of economic and social networks,” Lewen said. “The professors are people who get to know you and give you guidance and advice.”

As coronavirus spread throughout New York in early March, Jessica Jensen decided it was no longer safe to hold classes at Otisville Correctional Facility. Jensen directs the Pris-

on-to-College Pipeline program at John Jay’s Institute for Justice and Opportunity, which enrolls 52 men. At first, classes continued through the mail. Professors sent the remaining course materials directly to the prison, and students completed their work on their own. The program designated several “clerks” who collected coursework and submitted it to the deputy warden. The warden then mailed the completed work to the professors, who graded it and returned it to the students.

Shortly after she reconfigured the semester, Jensen received some alarming news from the Department of Education: correspondence learning is not approved for programs that receive funding through the Second Chance Pell Program, which enrolls nearly 10,000 incarcerated students across the country. Any Second Chance sites wrapping up the semester through the mail would have to pause their classes or return the grant money.

“We have heard from numerous postsecondary institutions participating in the Second Chance Pell experiment that prisons’ responses to COVID-19 have created significant challenges for the continuation of instruction at prisons,” the department wrote in a statement issuing guidance to Second Chance programs. The department declined to waive the restriction on correspondence classes, and has offered several alternatives for distance learning, including teaching over email or on conference calls. They believe these methods allow for more “regular and substantive” interaction between teachers and students, as outlined in the grant requirements, than simply corresponding by mail.

Now, Jensen is working with New York’s Department of Corrections and Community Supervision to use the prison’s teleconferencing equipment, normally used for parole hearings. Jensen hopes they’ll be able to “approximate the Zoom experience,” allowing professors to directly engage with their students throughout the week.

A spokesperson for the department said they are working “with college partners to ensure our student population is able to complete required coursework and will continue working to ensure students are able to do so in the future.” The statement added that

In some state prisons, earning a college degree while behind bars could result in a sentence reduction through “good time” credit programs.

several facilities are “developing plans for distance learning through telephone and video conferencing.”

Research shows that earning a degree in prison decreases recidivism and boosts incarcerated peoples’ career prospects once they are released. A 2013 study by the RAND Corporation found that every dollar spent on prison education saves \$4 to \$5 dollars on the overall cost of incarceration in the first three years after someone is released from prison.

It’s not clear just how many incarcerated people are enrolled in college

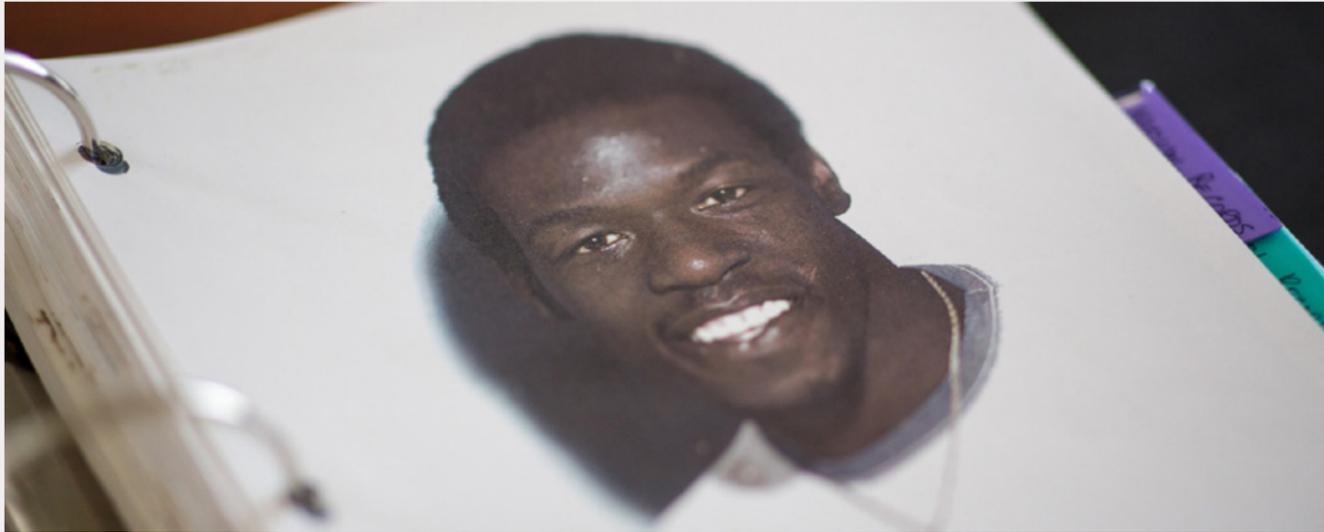
classes. Enrollments plunged after the 1994 crime bill eliminated Pell grants for incarcerated students. Prior to the 1994 ban, there were roughly 772 college prison programs in over 1,200 prisons nationwide, according to a 2017 report by the American Enterprise Institute, a conservative public policy organization. By 1997, the institute estimates, only a handful of college programs in prison remained.

But over the past several years, with new programs the Obama administration started and President Trump continued, college attendance in prison is on the rise. In 2015, the Department of Education piloted the Second Chance Pell Program, an experimental initiative to provide Pell grants to incarcerated students. The program, now in its third year, has provided college classes to roughly 17,000 incarcerated people. On April 24, the DOE announced 67 new Second Chance sites, doubling the number of Pell-funded college prison programs.

Members of Congress have also taken interest in higher education in prison. In April 2019, Sen. Brian Schatz, a Democrat from Hawaii, introduced legislation to restore Pell grants for incarcerated students. The bill received bipartisan support in both the House and Senate before stalling in committee.

Finding their way back into prison classrooms after the pandemic will be a “heartbreakingly difficult equation,” says Max Kenner, director of Bard Prison Initiative in New York. The decision to leave was urgent: Classes ended in order to keep people safe. Returning to the prisons could mean sending faculty and staff into facilities where the virus may have spread unchecked. For incarcerated students, an extended lockdown could mean months without the community they’ve come to depend on.

As they wait to see what the fall semester holds, Kenner, like many others, hopes to maintain the foothold college programs have made in prisons over the years. If programs have to teach at a distance, they risk “losing the most meaningful part of what we do, which is classroom and community-based work in the prisons,” he said. “The most important thing now is not leaving this crisis in a radically worse place than when we started.”



The North Carolina Supreme Court ordered relief for death row inmates if racial bias infected their case. One of the cases decided, on June 4, was Rayford Burke, whom the prosecutor called "a big black bull" during closing arguments to an all-White jury. EMILY BAXTER/NCCADP

New Hope for People Who Claim Racism Tainted Their Death Sentence

The North Carolina state Supreme Court has upheld the controversial Racial Justice Act, which opponents repealed in 2013

By JOSEPH NEFF and BETH SCHWARTZAPFEL

When Andrew Ramseur walked into the Iredell County, North Carolina, courtroom for his murder trial in 2010, the rows behind the defense table were cordoned off with police tape. His family, who are Black, were "forced to sit in the proverbial 'back of the bus,'" according to court papers, while the victims' White family was seated in front, directly behind the prosecution table. During jury selection, prosecutors removed every Black potential juror. In a county that is 12 percent African-American, the 21-year-old was convicted and sentenced to death by an all-White jury.

The North Carolina Supreme Court last week found that

Ramseur and more than 100 others were entitled to a hearing to examine whether racism played a role in their being sentenced to death. His case centers around the Racial Justice Act, a 2009 state law that mandated changing a death sentence to life without parole if a person could prove that race was a "significant factor" in their case. The law—the first of its kind anywhere in the country—specifically said that defendants like Ramseur can use statistics from the state or local level to help make their case.

"This could and should be a national model," said Gretchen Engel, director of the Center for Death Penalty Litigation in Durham, North Carolina.

Data is an especially powerful tool, the justices wrote in last week's ruling, when it comes to implicit bias: when people act on the basis of prejudices they don't know or won't admit holding. "Rarely, particularly in today's time, do people just outright say, 'I am doing this because of the color of your skin,'" State Sen. Doug Berger said in the debate leading up to the passage of the law. Statistics reveal the system's biases even when no one person or single action appears prejudiced.

Ramseur and others submitted data showing that prosecutors in North Carolina's death penalty trials were more than twice as likely to remove Black potential jurors as White ones. This held true even when researchers accounted for a range of potential confounding factors, such as the higher

likelihood that Black people feel ambivalent about the death penalty. Research has also found that statewide, murders with White victims were more than twice as likely to end with a death sentence as murders of Black victims, even when other factors were similar.

The Supreme Court's decision comes amid a renewed national focus on racial discrimination in the criminal justice system, with huge protests in all 50 states following the death of George Floyd at the hands of the Minneapolis police.

In reaction to the protests and just days before the release of the Ramseur decision, the chief justice of the North Carolina Supreme Court delivered a speech making an argument seldom, if ever, heard from the leader of a state court system: Justice in America is racist.

"Too many people believe that there are two kinds of justice," said Chief Justice Cheri Beasley. "The data also overwhelmingly bears out the truth of those lived experiences. In our courts, African-Americans are more harshly treated, more severely punished and more likely to be presumed guilty."

The North Carolina law was inspired by a 1987 U.S. Supreme Court case known as *McCleskey v. Kemp*, which used statistics to argue that Georgia's death penalty was racially discriminatory. Warren McCleskey, a Black man sentenced to death, submitted evidence that Georgia murder



defendants with White victims were more than four times as likely to be sentenced to death as were defendants with Black victims. The Supreme Court ruled against him, saying that numbers alone were not enough for judges to overturn the sentence. But the ruling encouraged state legislatures to craft their own laws relying on statistical evidence. North Carolina's racial justice law did exactly that, and a judge eventually ordered three people off death row.

Prosecutors and other opponents turned to politics and a campaign of fear-mongering to tank the law. After Republicans took over the legislature and governor's mansion in 2013, they repealed it. In last Friday's ruling, the state Supreme Court ruled the repeal to be an after-the-fact increase in punishment that violated the state constitution. People who filed claims before the repeal can now refile them.

That's about 135 of the 143 people on death row, according to Peg Dorer, executive director of the North Carolina Conference of District Attorneys, which opposed the Racial Justice Act. Many hearings will amount to a full-blown trial, Dorer said, with a judge reviewing voluminous evidence and hearing testimony from expert witnesses.

"It will be a resource suck," Dorer said.



Top-Left: Andrew Ramseur
Top-Right: Chief Justice Cheri Beasley of the North Carolina Supreme Court, in Fayetteville, N.C., in 2019. MELISSA SUE GERRITS/THE FAYETTEVILLE OBSERVER, VIA ASSOCIATED PRESS.
Right: During Andrew Ramseur's murder trial, the rows behind the defense table were cordoned off with police tape. His lawyer protested that his family, all African-American, would be forced to sit in the back. COURTESY OF ATTORNEY MARK RABIL



More than 60 percent of the people on death row were convicted at least 20 years ago. Given the turnover among district attorneys and the decrease in death penalty cases, some prosecutors may be willing to forgo a hearing and agree to a life without parole sentence, the only relief available under the law.

While local prosecutors will have some involvement, Dorer said the attorney general's office, which argued against the law in the state Supreme

Court, will lead the opposition to claims for relief by death row prisoners. A spokeswoman for Attorney General Josh Stein said the office was reviewing the decision to see how to proceed.

North Carolina has a history of criminal justice reform. In 2004 the Tar Heel state opened all prosecution files to defendants in felony cases, known as open file discovery. The state established the nation's first independent panel for investigating claims of wrongful conviction



Tarra Simmons, left, and Kevin Harris are running for state representative respectively in Washington and Michigan. Both have been outspoken on the campaign trail about being formerly incarcerated. Left, ANDI BUESCHER; right, RACHEL ELISE THOMAS FOR THE MARSHALL PROJECT

and imprisonment, which led to 12 exonerations to date. It also passed one of the first laws requiring the recording of interrogations, scientifically rigorous eyewitness identifications, and guidelines for preserving DNA evidence and access to post-conviction DNA testing. On [June 9], Gov. Roy Cooper issued an executive order to create the North Carolina Task Force on Racial Equity and Criminal Justice, a body that will focus on fixing police policies such as duty-to-intervene, use of force and de-escalation for all state law enforcement agencies.

During oral arguments in the Ramseur case in August, Henderson Hill, a veteran civil rights lawyer from Charlotte, looked at the portraits of former chief justices lining the chamber, White men who had upheld slavery and Jim Crow laws. Then he watched as two Black women who wrote the decision—Chief Justice Beasley and Associate Justice Anita Earls—drilled into the uncontested evidence of racial discrimination during jury selection. Hill said he asked himself, “What are these old White men thinking about these women asking questions that were never dared to be asked before?”

These Political Candidates Are Embracing Their Criminal Records

A group of 2020 hopefuls say their first hand experience with the justice system makes them best suited to fix it.

By CHRISTIE THOMPSON

One of the first things Tarra Simmons tells voters when asking for their support isn't the prestigious fellowships she's won or the legislation she's helped write. It's about the years she spent behind bars.

It's a story Simmons, a candidate for state representative in Kitsap County, Washington, has shared at many campaign events, which these days are entirely online: How she lost her car, her house, her nursing license, her voting rights. How after she came home

in 2013, most of her minimum-wage paychecks from Burger King were taken to pay the \$7,600 she owed in court fees. How she managed to climb out of that life, get a law degree and begin a civil rights nonprofit. And how all of it made her realize that only those who have lived through the system can fully understand how to fix it.

“I went to prison. It's not something I'm proud of, but I understand how people end up there,” Simmons said at a May campaign fundraiser via Zoom, her digital background set to a generic corporate lobby. “Our criminal justice system is just a Band-Aid; I want to prevent incarceration from happening to begin with.”

Simmons is one of a new crop of political candidates in 2020 for whom being formerly incarcerated isn't a disqualifier or a political liability. It's an identity—one they say is vital to represent in state capitals and the hallways of Congress, as lawmakers try to overhaul a system that spends billions to lock up mostly Black and brown people.

The ongoing protests against racism and police violence, sparked by the killing of George Floyd in Minneapolis, have highlighted the distance between two Americas: one that has

lived under the pressure, surveillance and control of the justice system, and one that has not. It's unacceptable, candidates say, for only people who have never been on the other side of law enforcement to write the laws that affect those who have.

Simmons, who identifies as White and Hispanic, speaks often of the disproportionate impact the criminal justice system has on people of color. “I am a mother of two Black sons and have been working on racial equity for nearly two decades,” Simmons wrote in a recent campaign email, “and I will be the first formerly incarcerated individual in our state legislature if we succeed in this election.” She has called for demilitarizing the police and reinvesting police funding into community programs.

Kevin Harris is running for state representative in Detroit where he recently served as the departing representative's legislative director. He came home from a 14-year sentence in 2006 and soon got involved in community organizing. He was 18 when he went to prison. “It was the height of the crack epidemic. I had a little bit of a political awakening in understanding how the Department of Corrections treated people,” he said. “It's not a coincidence that so many people from the Black community have criminal records. We've been targeted—we've always been targeted.”

Now, Harris said, it's even more important to talk about his experience in prison. He's a Black formerly incarcerated organizer working on criminal justice; voters know he's been “in that fight” long before George Floyd was killed. Now is his moment, he said. “I've got to get to this place so my voice is elevated, so I have a bigger bullhorn,” he said of the state legislature. “One-third of all Americans have some kind of criminal record. Almost every family has been touched by it.”

There has been a dramatic shift in the criminal justice conversation in recent years. A majority of voters from both parties now say they would be more likely to vote for a candidate “who supports criminal justice reform.” And the issue of whether people leaving—or still in—prison can vote received unprecedented attention in the Democratic primary race. But voters rarely hear



Above: Tarra Simmons with campaign volunteer Debbie Hollyer, at a meet-and-greet with voters in Bremerton, Wash., in February. ANDI BUESCHER Below: Since COVID restrictions were put in place, Simmons has been campaigning over Zoom. A digital event in June featured Lt. Governor Cyrus Habib of Washington. ELI REED/MAGNUM PHOTOS



from candidates who have firsthand experience with the justice system.

Several formerly incarcerated candidates stressed that their platforms weren't solely about prison reform, especially amid catastrophic public health and economic crises. “I had to become more of an intersectional candidate, to respond to what my community needs,” said Simmons, who at recent meetings talked about everything from how political districts are drawn to protecting habitats for salmon.

But she hopes her message of

decarceration is more timely than ever. “We're going to have more momentum, especially if we can ground it in a health and economic argument ... Incarceration costs us a lot of money.”

Making it into the room where it happens will still not be easy. Fundraising for first-time candidates is a particular challenge with door-knocking on hold and in-person events cancelled because of the pandemic. And, like many other parts of civic life for those with felony convictions, serving in government is

Keeda Haynes noted her “personal experience with the racist criminal justice system,” in a recent mailer. COURTESY OF KEEDA HAYNES

restricted by thousands of state-level laws. Multiple states—such as Illinois, Alabama, and Delaware—ban people with criminal convictions from holding most public offices. Others, like West Virginia, outlaw it after certain crimes, like bribery, or bar people for years after their release. These laws disproportionately keep people of color, who are more likely to be sent to prison, out of public office.

If someone is legally able to run, the stigma of incarceration can still be a deterrent. Even Simmons—who was convicted of a lower-level drug offense in a liberal state—has faced significant blowback. In 2018, a conservative political action committee used her story in a smear campaign against one of her supporters, Washington state Sen. Emily Randall. Randall had recently posted on Facebook, cheering Simmons’ bid to become a licensed attorney. The mailers against her read: “TOO SOFT ON CRIME ... Randall has supported Tarra Simmons, a drug-addicted ex-con.”

To Simmons’ surprise, the ads sparked statewide backlash. The chair of the Washington state Republican Party called to apologize. It made Simmons think voters might be ready for a formerly incarcerated candidate. When state Sen. Sherry Appleton, the 16-year Democratic incumbent, encouraged Simmons to run for her seat, Simmons agreed. Kitsap County prosecutor Chad

Enright, who leads the same office that sent Simmons to prison,

has also endorsed her.

But in news coverage of her candidacy, Simmons has had to deal with headlines calling her “ex-inmate” or stories that list her criminal conviction as one of the only details.

“There’s a missing voice in our Legislature,” Simmons said. “You have a lot of well-intentioned advocates who are trying to push criminal justice reform, but they can’t know it as intimately as people who have survived it.”

“Survived” is the right word to describe Simmons’ early life. As is true for most women who end up in prison, she was the victim of serious crime long before she was the perpetrator. Growing up in Bremerton, across the Puget Sound from Seattle, Simmons said most members of her immediate family dealt with addiction. Most had served time. No one graduated from high school. Simmons ran away from home and by 14, had lived through foster care, juvenile detention, homelessness, sexual assault and trafficking. At 15 she had her first child.

His birth marked a new chapter for Simmons, connecting her with social services and prompting her to enroll in an alternative high school. As a single mother, she worked her way through high school, college and nursing school, eventually getting a steady job as an E.R. nurse. She had a second child.

But a series of events resurfaced Simmons’ childhood trauma. A spinal injury led to a painkiller prescription,

which led to an opioid addiction. Her addictions spiraled into drug dealing, and soon she was facing criminal charges for theft, drugs and gun possession. In 2011, a judge sentenced her to 20 months in prison.

Simmons began substance abuse treatment while incarcerated. When volunteer law students helped her file a motion to maintain custody of her kids, she started thinking about applying to law school herself. Simmons wanted to fight the avalanche of civil legal consequences that came with her criminal conviction: a house in foreclosure, the loss of her nursing license, her car repossessed.

“People only associate me with my incarceration history, not the tremendous amount of violence I’ve survived,” Simmons said. “I had a really hard time trusting people. Meeting these volunteers made me believe I could heal.”

After her release in 2013, Simmons enrolled at Seattle University School of Law. She graduated with honors and won a prestigious Skadden Fellowship for recent grads working in public interest law. Gov. Jay Inslee appointed her to lead a new statewide reentry council. But her own criminal history would yet again get in the way.

The “character and fitness board” of the Washington State Bar Association wouldn’t let her take the exam required to be a licensed lawyer, claiming that she minimized her drug abuse in her application. “Some of the attitudes she expressed in the record and at the hearing signal that her acquired fame has nurtured not integrity and honesty, but a sense of entitlement to privileges and recognition beyond the reach of others,” board members wrote.

Simmons enlisted her friend and mentor Shon Hopwood—another

formerly incarcerated attorney and Georgetown Law professor—and appealed the decision to the state’s highest court.

“They let someone with five armed bank robberies into the bar,” Hopwood said, referring to himself. “Losing my shit is the nicest way to describe how I felt. There are few people on this planet who have overcome the things that she has.”

The Washington State Supreme Court handed back a unanimous decision the same day they heard arguments. She won.

Simmons is now the founder and executive director of Civil Survival Project, a nonprofit focused on reducing barriers for people coming home from prison and involving them in policy-making. The group has been pushing for legislation to automatically restore voting rights for people leaving prison and to expunge certain criminal records.

Many supporters who attend Simmons’ campaign events carry the invisible burden of a criminal record, and know intimately the innumerable, byzantine obstacles it creates.

“I couldn’t get life insurance because I have a felony,” said Woodean Nickerson, a social work student, over appetizers at Simmons’ campaign launch in January.

“I couldn’t get a job,” said Andre Henderson, a college student who, despite great grades, was initially denied a work-study position. When the community college told him they had to run a background check, “It was like I was being policed and patted down all over again. It’s traumatizing,” he said.

A felony curtails involvement in civic life, too. Keeda Haynes, a former public defender who served nearly four years in federal prison in 2006, is running for Congress in Nashville, Tennessee. But she could not run for local office or even sit on a jury until she petitioned a court to restore her civil rights—a legal process that can be difficult to navigate. “This is an opportunity to change the narrative and have tough hard conversations around barriers to reentry,” she said of her campaign. In a recent mailer comparing her record on racial justice to her opponent’s, Haynes noted her “personal experience with the racist criminal justice system.”

Candidates say that experience is invaluable in shaping policy. “There’s

a huge difference between wisdom and education. Education is what you learn from books. Wisdom is what you learn from your own life,” said Angela Stanton-King, who is running as a Republican for Congress in Georgia’s 5th District, against Nikema Williams. She has been a vocal supporter of Donald Trump and law enforcement during the ongoing protests for racial justice.

Stanton-King served over two years in federal prison. She says being shackled while giving birth prompted her to push for a federal ban on the practice. Unlike many Republicans, she supports the right to vote for anyone with a felony conviction once they leave prison. “I’m here to dispel the saying, ‘Once a felon always a felon.’ That’s not true,” she said.

The countdown is on to August’s Democratic primary for state races in Washington. As the pandemic continues, Simmons has increased online events and phone banking—which her campaign has also been using to connect vulnerable constituents with resources during the shutdown.

So far, Simmons has raised over \$165,000, a little over \$20,000 of which came from a January fundraiser in New York City, hosted by several national criminal justice advocates, records show. (The organizers included a member of The Marshall Project’s board of directors.) Her main opponent in the primary is Leslie Daus, a current Bremerton City Council member, who has raised a little more than \$20,000.

Election Day will be the true litmus test for voters. “The same way we ask the question is the ‘U.S. ready for a female president?’—are we ready for a U.S. representative that has a felony on their record?” asked Haynes, the Tennessee candidate challenging incumbent Jim Cooper in that state’s 5th Congressional District. “I would like to think the answer is yes, but we will see. I don’t think that’s going to be the deciding factor.”

In her campaign for Congress in Maryland, McKayla Wilkes spoke openly about her experience in juvenile detention and a brief stint in jail while pregnant, for driving with a suspended license. She lost in the primary on June 2, against longtime incumbent Rep. Steny Hoyer. “I never thought that someone formerly incarcerated like my-

self would even be taken seriously,” she tweeted. “We lost. But it does appear we won more votes than any primary challenger to Hoyer in 40 years.”

Regardless of election results, just seeing people speak openly about their criminal record is a turning point for some. Kelly Olson, an Olympia, Washington, organizer with the Civil Survival Project, attended one of Simmons’ early campaign events in December. For the first several years after she came home from prison in 2007, Olson didn’t share her past unless absolutely necessary—including during an internship at the Washington state senate. It was only after she met Simmons that she “came out” as formerly incarcerated.

“I was holding my own life back, it was my own internal shame. It’s so important for people to see us as humans, to see we’re capable of leadership,” Olson said. “Seeing Tarra do it makes me realize our stories do matter. I wish I had come out sooner.”

Prison Populations Drop by 100,000 During Pandemic

But not because of COVID-19 releases.

By Damini Sharma, Weihua Li, Denise Lavoie and Claudia Lauer

RICHMOND, Va. — Stephanie Parris was finishing a two-year prison sentence for a probation violation when she heard she’d be going home three weeks early because of COVID-19.

It made her feel bad to leave when she had so few days left at the Fluvanna Correctional Center for Women. She said she wasn’t sick, and, as far as she knew, there were no cases at the facility. There were others still inside who could have used the reprieve.

“I would have helped



Stephanie Parris was one of 250 people released early from Virginia prisons because of COVID-19 concerns. These early releases accounted for less than half of the state's prison population decline in recent months. STEVE HELBER/ASSOCIATED PRESS.

someone who had nine or 10 months, someone who absolutely needed it," she said recently. "There was a lady in there who was very elderly, and she has very bad health problems. I would have given my place to her."

There has been a major drop in the number of people behind bars in the U.S. Between March and June, more than 100,000 people were released from state and federal prisons, a decrease of 8 percent, according to a nationwide analysis by The Marshall Project and The Associated Press. The drops range from 2 percent in Virginia to 22 percent in Connecticut. By comparison, the state and federal prison population decreased by 2.2 percent in all of 2019, according to a report on prison populations by the Vera Institute of Justice.

But this year's decrease has not come because of efforts to release vulnerable prisoners for health reasons and to manage the spread of the virus raging in prisons, according to detailed data from eight states compiled by The Marshall Project and AP. Instead, head counts have dropped largely because prisons stopped accepting new prisoners from county jails to avoid importing the virus, court closures meant fewer people were receiving sentences and parole officers sent fewer people back

inside for low-level violations, according to data and experts. So

the number could rise again once those wheels begin moving despite the virus.

In Virginia, about 250 prisoners were released as corrections officials scrambled to minimize the spread of the virus, accounting for less than half of the decrease in population in that state between March and June, the news organizations found.

In California, Gov. Gavin Newsom last week ordered the release of up to 8,000 people by the end of August after a series of coronavirus outbreaks in the state's prisons. Between mid-March and mid-June, California's prison population dropped by more than 7,000, less than half of which can be attributed to an earlier decision by the state to let vulnerable prisoners out early.

More than 57,000 prisoners have tested positive for the coronavirus in facilities across the country since the outbreak began. Of those, at least 34,000 have recovered, and at least 651 have died, the data showed. Over 12,400 infections have been reported among staff, including 46 deaths.

Experts and advocates said whether the public perceives a public safety threat from people who are released early because of COVID-19 is likely to affect the larger criminal justice reform movement, especially the push to decrease prison populations.

While many people may be qualified for early releases, very few actually

got out. In April, Pennsylvania launched a temporary reprieve program, allowing the state's corrections department to send people home under the condition that they return to finish their sentences once the pandemic passes. The governor's office predicted more than 1,500 would be eligible for release.

So far, the state's corrections department has recommended 1,200 people for reprieves, but the application process is slow and tedious, said Bret Bucklen, the department's research director. Each application needs approval from the governor, the secretary of corrections and the assistant district attorney who oversaw the initial conviction.

Nearly three months later, fewer than 160 people have been released through the reprieve program, while Pennsylvania's total prison population dropped by 2,800.

As in Pennsylvania, data from states such as North Carolina, Illinois and New Jersey shows coronavirus releases only account for less than one-third of the decrease in prison population, which suggests something else is driving the drop. According to Martin Horn, professor emeritus at John Jay College of Criminal Justice and a former corrections commissioner for New York City, the pandemic has slowed the entire criminal justice system, which means fewer people are going to prisons.

Before the pandemic, parolees were required to meet with their parole officers in person. For the last four months, those meetings have mostly been by phone, and people on parole are under less scrutiny and less likely to be returned to prison for violating the rules right now, Horn said.

Even many who have been sentenced for crimes are not being transferred to state prisons. In North Carolina, the courts enacted a two-month moratorium on accepting newly sentenced individuals into prisons. By the time the moratorium was lifted in May, about 1,800 people were in county jails awaiting transfer to state prisons, said John Bull, a spokesman for North Carolina's Department of Public Safety.

Whether prison populations rise once the pandemic eases will depend in part on how the public perceives people who are released early now,

said Wanda Bertram, spokeswoman for the Prison Policy Initiative, a nonpartisan think tank that focuses on mass incarceration.

For example, if people leaving prison have little support and end up homeless, Bertram said she fears they may be more likely to get arrested for things like sleeping on the street, and the community may in turn associate early releases with more crime.

Garland King, who will turn 78 in a few weeks, spent 12 years in a North Carolina prison for shooting and killing his son-in-law during an argument. Like many older prisoners, he has mounting medical issues, including asthma and arthritis.

King was scheduled to be released in June, but on April 17 he became one of almost 500 prisoners who were let go early for good behavior. Since his wife died two years ago, he needed to find housing and apply for social services. He fretted over everything so much that he barely ate in the days leading to his freedom and nearly had a medical crisis as a result. He eventually found housing through a community health program in Durham, North Carolina.

Nazgol Ghandnoosh, a senior research analyst at the Sentencing Project, a group that advocates for sentencing reform, said that while the prison population decreases are a step in the right direction, she is disappointed by the numbers. Even if the COVID-19 release policies work as intended, they might not lower the prison population enough because states often exclude violent offenders from such releases, Ghandnoosh said.

"Even though we are sending too many people to prison and keeping them there too long, and even though research shows people who are older have the highest risk from COVID-19 and the lowest risk of recidivism, we are still not letting them out," Ghandnoosh said.

Additional reporting by Cary Aspinwall, Keri Blakinger, Jake Bleiberg, Andrew R. Calderón, Maurice Chamamah, Andrew DeMillo, Eli Hager, Jamiles Lartey, Nicole Lewis, Humera Lodhi, Colleen Long, Tom Meagher, Joseph Neff, Katie Park, Alysia Santo, Beth Schwartzapfel, Colleen Slevin, Christie Thompson, Abbie VanSickle, Adria Watson, Andrew Welsh-Huggins.



A prisoner in his cell in Illinois, in 2010. CARLOS JAVIER ORTIZ/REDUX

No, Your Coronavirus Quarantine Is Not Just Like Being in Prison

"I'd give anything to trade places with you right now."

By JERRY METCALF

For those of you reading this who feel trapped or are going stir-crazy because of your coronavirus-induced confinement, the best advice I can give you—is as someone used to suffering in long-term confinement—is to take a pause, inhale a few deep breaths, then look around at all the things you have to be grateful for.

That's what I've done each and every day for the past 25 years. Every morning when I awaken in my 8-by-10-foot cell, I peer out my small window and thank the universe for such a view. It's not much, mostly razor wire and uniform-clad convicts. But out past all those layers of fencing rests a few acres of deep forest, teeming with life.

I've found that during trying times like these, the simplest things matter the most. Sure, you're trapped inside

your home or apartment, but all's not lost. Hopefully you have family, friends or loved ones with you, or maybe a trusted pet. (Or if not, you've got wi-fi!)

Me, I have my trusted canine, Tootsie, a 15-month-old black lab, whom I am currently training to be a service dog for Paws With a Cause. But I have no family members or loved ones, only a cellmate who snores like a freight train and often whines insincerely about how he'd rather be dead than in prison.

You also have your own bathroom and kitchen, which, I hope, given your access to the world of commercial sanitizing products, are corona-free. I have none of these spaces. I share a bathroom with 96 other convicts. In my cell I have a narrow, lumpy mattress and a middle school-sized desk that I cram myself into while writing, as I am now as I type this.

Look around the room you are in. What do you see? I bet all kinds of welcoming things that speak of safety and comfort. Things like a favorite chair, or painting, or maybe some family heirloom that's been passed down from an elderly loved one.

Take comfort in these things. They are important. I know, because as the years drag on for me here behind bars, those are the things I pine for the most. The things I most look forward to seeing when I finally go home, whatever the world may be like when I get there.

And for some reason if you still find yourself going stir-cra-



A page from Matthew Wilson's graphic novel on the Department of Justice's Robert F. Kennedy Main Justice Department Building in Washington, D.C., on Thursday night. LIZ GORMAN

zy after all the deep breaths and the journey inwards, then try more straightforwardly considering my situation. I'd give anything to trade places with you right now. And when I say anything, I mean anything. If I owned a billion dollars I'd offer it over to you. A hundred billion. A trillion.

That's because I'm scared to death. I may die all alone in prison without any of my loved ones around to comfort me and send me off. I don't want the last faces I see to be those of the two cruel prison guards assigned to watch over me while I slip away.

And let's be honest, I now live in a death trap.

It's almost as if the coronavirus were specifically designed to kill off those locked away from society. I know this isn't literally the case. But this is a virus that is airborne and most affects people in confined, overcrowded spaces. It also likes to kill people like me with underlying chronic health issues (I suffer from kidney disease).

There is no place for us to hide. We have no home to sequester ourselves in. It is physically impossible for us to separate.

The way I am seeing it right now, this will go on until those of us imprisoned are all dead, or at the very least, until half of us have perished, leaving the other half to now-open single-man cells in which we can hide.

So my friend, would you like to switch places? I bet your

home doesn't seem so claustrophobic now, does it?

I did commit a crime, which I reckon with daily and deeply. And I do not deserve to come to prison. But I do not deserve a lonely death because of it. Neither do you.

Jerry Metcalf, 45, is a writer incarcerated at the Thumb Correctional Facility in Lapeer, Michigan, where he is serving 40 to 60 years for second-degree murder and two years for a weapons felony; he was convicted of both in 1996. In addition to his published work, he volunteers as an aide to the mentally ill and trains service dogs for Paws With a Cause.

Shining a Light on Life Behind Bars

"The Writing on the Wall" art installation lets incarcerated people speak for themselves.

By ADRIA WATSON

As COVID-19 continues to spread across the globe, people in prisons and jails are among the most vulnerable.

But rarely do they have the opportunity to share their perspectives with people on the outside.

A traveling art installation called "The Writing on the Wall" aims to change that. Conceived by Baz Dreisinger, founder and executive director of the Incarceration Nations Network, and conceptual artist Hank Willis Thomas, the exhibit projects writings by people who are or once were in prison onto buildings and landscapes. In June, the projections illuminated the exterior walls of the Department of Justice and the now-closed Newseum in Washington, D.C.

"There is so much being said about people who are incarcerated, and you don't hear enough from them," Thomas said.

One of the pieces featured in Washington, D.C., was part of an unpublished graphic novel written by Matthew Wilson, also a curator for "The Writing on the Wall," while he was incarcerated at Otisville Correctional Facility in New York in 2013. The story follows a young man who was orphaned and feels betrayed by his country, and a mercenary who took him in.

"My hopes are to have individuals think about the humanity that's pretty much forgotten about," Wilson said, "to be mindful of how they address these individuals, like myself, who are returning back into society."

The installation has been an ongoing effort with the nonprofit architec-



Images and writings were projected on the New York State Supreme Court building in Manhattan (right), the Manhattan Detention Complex (top) and near the Brooklyn Bridge on May 10, 2020. CHEMISTRY CREATIVE



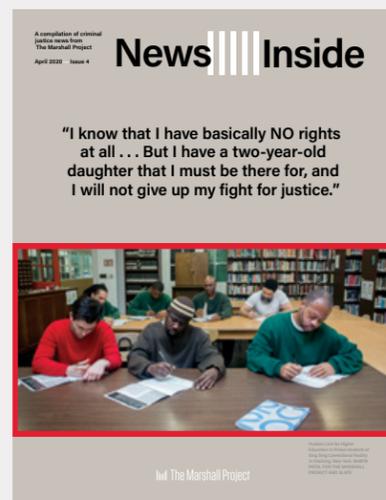
ture firm MASS Design Group, art-activist collective The Illuminator and the production team Openbox. But before the pandemic, it took a different form: as an immersive, in-person experience that traveled to the High Line Park in New York City, as well as Detroit, New Orleans, Philadelphia and Miami. When the pandemic hit, the organizers reinvented the exhibit as a series of large-scale projections.

The new version debuted in May in New York City with projections on the Brooklyn Bridge, Manhattan Detention Complex and the New York State

Supreme Court building in Manhattan. Dreisinger said she and Thomas chose the city, then the global epicenter of the pandemic, because they wanted "to be responsive to that and say we need to push for the release of people from prison, push for all kinds of radical changes that need to happen in the justice system in this moment."

The virus has infected thousands of people in correctional facilities across the U.S. Incarcerated people have little chance of social distancing and have unreliable access to hygiene products and medical care.

"The Writing on the Wall" features writing in English and Spanish and from incarcerated people around the world, including the United Kingdom, Argentina, Uganda and Brazil. The organizers plan to take the exhibit abroad to cities including Mexico City and London. At every stop, they coordinate the installation with local justice reform organizations and formerly incarcerated community leaders. In Washington, D.C., the group collaborated with the Office of the Attorney General's Cure the Streets and the Restorative Justice programs, as well as the WIRE,



an organization of formerly incarcerated women.

Its next stop will be Ohio on June 19—or Juneteenth, which marks the anniversary of when enslaved people in Galveston, Texas, first learned of their freedom in 1865. Dreisinger said they are still figuring out the exact location but wanted to show the exhibit in Ohio because of how hard the pandemic has hit prisons in the state, where more than 4,800 prisoners had been infected and 76 have died.

“We wanted to do it on Juneteenth for the obvious significance of the direct correlation between slavery and mass incarceration,” she said, “and the idea that emancipation has not fully happened yet.”

22

The Marshall Project Wins an Izzy Award

Honored for our ‘News Inside’ publication for incarcerated readers.

By The Marshall Project

News Inside, The Marshall Project’s print publication distributed to readers in prisons and jails across the country, has been honored with the annual Izzy

Award by the Park Center for Independent Media. Each issue of News Inside is a collection of The Marshall Project’s award-winning journalism that relates directly to the lives of incarcerated people.

The publication is the brainchild of Lawrence Bartley, Director of News Inside, who joined The Marshall Project in 2018 after 27 years in prison. In his own words, Bartley knows “the frustrations of a hungry mind in prison. News Inside is my attempt to feed that hunger with credible information about the world of criminal justice—free of charge and free of hassles.”

We launched our pilot edition in February 2019 in 30 correctional facilities in 19 states. Now, News Inside is circulating in 502 facilities across the country. A recent edition contains the results of a ground-breaking survey on the political views of incarcerated people, created in partnership with Slate Magazine.

“It’s a labor of love to bring in-depth journalism to folks who crave it,” said Bartley. “I consider News Inside readers my friends, and every article I place before them is meant to empower and enrich their lives. For News Inside to be recognized with an Izzy Award is a win for every incarcerated person looking for an opportunity to show that he or she has changed.”

“I am delighted and proud that Lawrence’s inspired idea for News Inside has been recognized with an Izzy Award,” said Susan Chira, editor-in-chief. “Lawrence’s determination and innovation in creating and distributing News Inside has enabled us to directly reach incarcerated people and to learn more about their perspectives and opinions. It’s particularly gratifying to win an award in the name of a journalist who embodies the values and mission we cherish at The Marshall Project.”

Named for legendary investigative journalist I. F. “Izzy” Stone, the annual Izzy Award is presented by the Park Center for Independent Media (PCIM) at Ithaca College and honors outstanding achievement in independent media. PCIM will celebrate the 12th annual presentation of the Izzy Award this fall in Ithaca, N.Y.

IN THE SPOTLIGHT

Kevin Harris says he had a “political awakening” while in prison, which spurred him to get involved in politics when he came home in 2006. RACHEL ELISE THOMAS FOR THE MARSHALL PROJECT



? 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 “The Writing on the Wall” features writing in English and Spanish and from incarcerated people around the world, including what African country?
- 2 A device used at the Dane County Jail in Madison emits a high-intensity ultraviolet light that can destroy viruses including the swine flu and _____.
- 3 The Department of Education has declined to waive the restriction on correspondence classes for institutions’ participation in the Second Chance Pell Program during the pandemic. To remain qualified, what distance learning alternatives have the department offered?
- 4 In the three weeks after the death of George Floyd, how many states passed police reform bills?

5 Jerry Metcalf has what underlying health condition?

6 In early June, North Carolina’s Supreme Court found that Andrew Ramseur and more than 100 others were entitled to a hearing to examine what?

7 Between March and June, which state experienced the largest decrease in their prison population?

8 What are the names of the two formerly incarcerated people running for political office in Washington and Michigan?

9 The rules limiting discrimination against jurors named after a 1986 U.S. Supreme Court case over a trial at which prosecutors dismissed all prospective Black jurors.

Last Issue's Answers

- 1 11 years old. (I Did My 25 Years. Now I’m Fighting Another Sentence—Deportation)
- 2 Color. (Newsrooms Rethink a Crime Reporting Staple: The Mugshot)
- 3 Theatrical. (How to Fix Our Prisons? Let The Public Inside.)
- 4 11 (Trump’s Surprising Popularity in Prison)
- 5 8,266 (What Do We Really Know About the Politics of People Behind Bars?)
- 6 Wash and air dry them. (COVID-19: A Survival Guide for Incarcerated People)
- 7 \$250. (Trade Your Prison Sentence for a Smartwatch?)
- 8 For her and Jesse to get married. (A Couple That Crafts Together Stays Together)
- 9 22 (For Those Serving Long Sentences, Politics is a Lifeline)

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.

NEIL BARSKY Founder & Chairman
SUSAN CHIRA Editor-in-Chief
CARROLL BOGERT President

Editorial

GERALDINE SEALEY Managing Editor
ANDREW COHEN Senior Editor
LESLIE EATON Senior Editor
GABE ISMAN Director of Technology
ELAN KIDERMAN Director of Product
TOM MEAGHER Managing Editor for
Digital and Data
AKIBA SOLOMON Senior Editor
MANUEL TORRES Regional Editor
CARY ASPINWALL Staff Writer
KERI BLAKINGER Staff Writer
ANDREW R. CALDERON Data Reporter
MAURICE CHAMMAH Staff Writer
CELINA FANG Senior Multimedia Editor
ANNA FLAGG Senior Data Reporter
ELI HAGER Staff Writer
EMILY KASSIE Director of Visual Projects
JAMILES LARTEY Staff Writer
NICOLE LEWIS Staff Writer
WEIHUA LI Data Reporting Fellow
JOSEPH NEFF Staff Writer
KATIE PARK Developer
ALYSIA SANTO Staff Writer
BETH SCHWARTZAPFEL Staff Writer
CHRISTIE THOMPSON Staff Writer
ABBIE VANSICKLE Staff Writer
SIMONE WEICHSELBAUM Staff Writer

Business

RUTH BALDWIN Director of
Communications & Strategy
CRYSTAL HAYES Chief Administrative
Officer/ Director of Human Resources
ELI STERN Chief Financial Officer
AMANDA WILSON Director of Development
LAWRENCE BARTLEY Director of News Inside
JOHN DUKES News Inside Assistant
JENNIFER MONTALBANO Development
Manager for Institutional Giving
AJ PFLANZER Membership Manager
DONALD WASHINGTON, JR Executive Assistant

Contributing Writers

JOHN J. LENNON Sing Sing Correctional
Facility, Ossining, N.Y.
ARTHUR LONGWORTH Monroe Correctional
Complex, Monroe, Wash.
JERRY METCALF Thumb Correctional Facility,
Lapeer, Mich.
JULIA PRESTON
TOM ROBBINS
ANAT RUBIN
RAHSAAN THOMAS San Quentin State
Prison, San Quentin, Calif.
GEORGE T. WILKERSON Central Prison,
Raleigh, N.C.

The stories in this
issue were originally
co-published with:

FiveThirtyEight
Mother Jones
Chalkbeat
The Associated Press

Contact

Lawrence Bartley
The Marshall Project
156 West 56th Street, Suite 701
New York, NY 10019
212-803-5200
lbartley@themarshallproject.org
newsinside@themarshallproject.org

themarshallproject.org

