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A Letter from Lawrence

Dear Readers,

I hope this letter finds you well. As 2023 comes to a close, I’m filled with excitement for the promising opportunities ahead in 2024.

On April 8, there will be a solar eclipse visible from parts of the United States. NASA and the Astronomical Society of the Pacific plan to enlist incarcerated people and children whose parents are behind bars to observe and take notes about the environment, people, insects and animals during the eclipse. These so-called Eclipse Ambassadors will send their findings to NASA for analysis and receive a participation certificate. If you’re interested in this enriching experience, please write to Eclipse Ambassadors Astronomical Society of the Pacific, 390 Ashton Avenue, San Francisco, Ca., 94112 and mention you heard about it from News Inside.

We recently held our annual Marshall Project retreat in Cleveland, where we opened a local newsroom in 2022. This year, we opened another in Jackson, Mississippi, and we plan to launch newsrooms in three more cities over the next three years. In this issue, you’ll find a special Ohio insert with stories from our Cleveland team.

At the retreat, we took a photo of The Marshall Project Inside team that brings you News Inside and Inside Story. We take pride in our work sharing powerful stories and helpful resources with you.

In Issue 15, you’ll find several compelling features. “What I Learned From a Year of ‘Life Inside’” offers a behind-the-scenes look at how the essays you send us become published pieces on our website and in News Inside. My former colleague Carla Canning takes you through the process and shares insights from her time at The Marshall Project.

You’ll also read about Mississippi, where some detained people are only given lawyers for initial hearings and are left without representation for extended periods during pretrial incarceration. A new regulation aims to provide lawyers for these detainees throughout their cases.

Another story profiles how some men play Dungeons & Dragons on Texas’ death row. It captures the spirit of the game while showcasing the players’ skills and camaraderie despite their circumstances.

And of course, along with dope articles, Issue 15 features favorites like “The Peeps” comic, “Reader to Reader” advice, our crossword puzzle and our “Thinking Inside the Box” quiz.

I wish you health and happiness as we close out 2023. Stay safe until next time!
Letters from our Readers

Since your last visit to Grafton Correctional Institution (GCI), I have earned parole. Mr. Louis Fields recommended that I send my comments directly to you. So, on behalf of the Reentry & Apprenticeship Resource Center here at Grafton, I would like to thank you and your team for taking the time to bless us with your presence. September 19th, 2023, was one of many example-filled opportunities that Grafton has provided this community. Ohio Department of Rehabilitation and Correction (ODRC) Director Annette Chambers-Smith, along with her administration, has revamped the ODRC and its policies. From physical/mental health, medical, and recovery services to education, workforce development, re-entry, and even parole board changes, incarcerated adults within GCI are utilizing these changes to become better people for their families and the communities they plan to return to. I personally would like to see some of the ODRC policy changes in your magazine especially those surrounding parole, and insight about what it means to be suitable for release in Ohio. Thank You!

—Alonzo Q., Ohio

Have you ever had the feeling that you wanted to hear something new? You know, that “yeah that’s it, I just didn’t know how to say it” new? That’s how News Inside makes me feel. They say what I think, but can’t truly express. Not only are the views new, but the narrative that News Inside pushes is amazing. It’s different, gives me hope and educates me at the same time. I look forward to mail call and flipping through the pages. It’s to the point now where all that’s missing is a weekly publication. To the staff responsible for its release, please give us more! Last but not least, the comic guy needs a raise. Never thought I’d look forward to catching a cool comic. We, the guys of the Mississippi Department of Corrections love the magazine. Wish I had 5 thumbs, but since I don’t, I’ll give NI two thumbs up.

—Sheron E., Mississippi

I got News Inside Issue 13. I loved it. I got the issue from a California nonprofit that sends free books to incarcerated people. I loved how it had the unofficial rules of prison. I got an older man as my celly and when he got here I schooled him on everything from cell living, the chow hall, respect — everything. When I got the issue, I showed him the unofficial rules and it was exactly everything I had shown him. It was good because that way he didn’t think I made some stuff up. I tore those pages out and I taped them on the wall in the day room. Everybody that comes out to the day room has read them. It helps the new arrivals and the first-timers who don’t know anything about prison. It saves a lot of drama, it saves some of them from getting in trouble and it refreshes the memory of some who do know but might have forgotten some rules.

—Alfredo C., California

I am a GED teacher in Maryland. I’ve been following The Marshall Project for some time and truly appreciate what you do. Recently, an issue of News Inside was left in my room. I made copies of your story on inflation and it was an amazing companion to the typically dry GED lessons on economy. It fostered incredible discussion and we were able to apply important terms to their current experience. I was wondering if it would be possible to get a class subscription so that I can continue using these texts as a teaching tool and maintain an archive to help me create future classes and lesson plans. The students are very interested in writing in and getting their voices heard, which is an incredible starting point for those who are typically unenthused by writing. Overall, I am excited to continue using this resource. I have been able to print out articles from home, but having the full edition for each student would be really helpful. Also, having a physical copy while I’m at work (I have extremely limited internet access) would prove very helpful for planning during work hours. Thanks in advance for your time.

—GED Teacher in Maryland

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.

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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 14 Crossword

 Unequal Access
    BOXING’S MOST WANTED
    FERTILITY
    HEARD
    REPOS
    BULLPEN
    OPPORTUNISTIC CORPORATIONS
    RAWHIDE
    FOSTERCARE
    EMPLOYMENT
    COLLATERAL CONSEQUENCES
    HABEAS
There are more than 100 people like Arther, who argue the medical care they received from Corizon while they were incarcerated was negligent, or worse, and are now dealing with the fallout of the company's complicated bankruptcy. Attorneys last month announced they had reached a tentative settlement deal in the bankruptcy and expected to bring the terms to the court next week, but the details won’t become public until that happens. Until then, the people who sued Corizon are left to wonder what compensation they’ll receive, if any.

That’s because Corizon, a company that provided healthcare in prisons and jails across the country, moved most of its debts to a new company called Tehum Care Services that then declared bankruptcy, in a controversial corporate restructuring known as a “Texas Two-Step.” Then, Corizon executives created another company to do business under a new name — YesCare — a move that critics say could allow Corizon to minimize its liability. In fact, YesCare inked a contract worth more than $1 billion in Alabama, even as Corizon’s creditors may be left empty-handed.

Tehum, the bankrupt new company created in the maneuver, owes more than $82 million to over 1,000 creditors, including former patients who were
injured or neglected, former employees who were hurt on the job, hospitals, doctors’ offices, cities and states. Almost all of Corizon’s assets — worth more than $170 million, according to court papers — went to YesCare, which continues to provide healthcare at prisons and jails.

“These guys are playing hide-and-go-seek with all the money,” said Michael Crawford, the attorney for the wife of a man who died in Arizona prisons when, his family says, he was left unattended by Corizon medical staff in bed for so long that he developed bed sores that became infected by his feces. He ultimately died of septic shock. His family also got an offer of $5,000 to settle its suit.

Tehum’s top executives and attorney did not reply to multiple emails. In court documents, the company said that the Texas Two-Step (known in the business world as a “divisional merger”) was “the fairest, most value-maximizing path forward” for Corizon’s creditors. Without the maneuver, liquidating the company would have left them receiving “pennies on the dollar” in some cases or nothing at all, YesCare said in a court filing.

But there are big questions about whether Tehum really is insolvent, or, as its creditors allege, is instead taking advantage of the bankruptcy system to avoid paying its debts. A recent article by Business Insider revealed a tangled web of companies — including both YesCare and Tehum — co-owned or managed by a small, secretive group of people who would benefit if the bankruptcy goes ahead. In a lawsuit, a former Corizon executive who was forced out called the merger “an old-fashioned bankruptcy fraud scheme — taking assets and avoiding liabilities, while draining coffers into their own pockets,” Business Insider reported.

Filings in the bankruptcy reviewed by The Marshall Project reveal the breadth of people and companies who say Tehum now owes them money. The cases are at varying stages, from people who had recently notified the courts that they intended to sue, to those who survived years of legal challenges and were set for trial, to those who went to trial and won.

The bankruptcy proceedings put them all on pause indefinitely. There’s a man who, while incarcerated in a Tennessee special needs prison, had a sexual relationship with his Corizon mental health counselor, which, “as an inmate and mental health patient,” he was “unable to give consent for,” according to his lawsuit. The counselor later admitted the inappropriate relationship to the state health department when she agreed to surrender her counseling license. There’s also a man who entered the Arizona prison system healthy, but stopped being able to walk, couldn’t tolerate light and became confused and incontinent. His lawsuit argues that Corizon employees waited months to send him to the hospital, where, by the time he was diagnosed with Valley Fever and meningitis, it had already done permanent damage to his brain and spine.

The bankruptcy does not just affect prisoners and their families. The list of creditors includes hundreds of former Corizon employees who filed over $1 million in claims with the court over unpaid workers compensation and sick and vacation days. Still other employees were left on the hook for fees and judgments they expected Corizon to cover.

“Corizon failed to pay the attorneys that were hired to defend us. It has been a nightmare for our family, to say the least,” Ashley Goetterman, the wife of a former Corizon nurse in a Michigan county jail, told The Marshall Project.

Wade Jones died in 2018 from alcohol withdrawal — a condition that is very rarely fatal, if treated — while serving a five-day sentence in the Kent County jail for a misdemeanor. Earlier this year, a jury found that Chad Goetterman and two other nurses employed by Corizon at the jail were “deliberately indifferent” to the 40-year-old’s pain and suffering and awarded his family more than $6 million.

The bankruptcy means the company has not paid the deductible on the nurses’ liability insurance, leaving them personally exposed. The law firm that represented the nurses in Jones’ suit and others also says Corizon owes more than $840,000 for its work.

Corizon was, for a time, the nation’s largest for-profit provider of correctional healthcare, operating in more than 50 facilities in 27 states. Corizon’s fortunes changed in recent years. Between 2016 and 2021, the company lost more than 25 contracts, amid lawsuits alleging subpar care. “Years of mounting costs, including litigation expenses relating to claims asserted by incarcerated individuals, threatened Corizon Health’s ability to continue as a going concern,” YesCare wrote in a court filing last year.

The divisional merger, created by Texas lawmakers decades ago, allows a company to split into two or more companies. In the 2010s, corporations began pairing the maneuver with bankruptcy to create the Texas Two-Step: Step one, divide the company and distribute most of its assets into one company and most of its debts to the other. Step two, the indebted company declares bankruptcy while the solvent company continues to do business. About a half-dozen companies have reportedly used the Texas Two-Step, but all of those attempts remain tied up in litigation.

Tehum’s creditors have tried to pursue YesCare’s money in court, arguing that the two companies are the same in practice, if not on paper. But YesCare has pushed back, saying it is a completely separate company from Corizon and not responsible for Tehum’s debts. The creditors point out that almost all of Corizon’s employees, equipment and contracts are now part of YesCare. And YesCare’s website describes Corizon’s past work as its own. “Over 40 years, the YesCare team has provided quality healthcare services to clients at more than 475 facilities serving over 1,000,000 patients across the nation,” it reads, although YesCare was incorporated last year.

A spokesperson for YesCare did not respond to a detailed list of questions.

Much of Corizon’s debt appears to be the result of not paying its bills. There are hundreds of claims worth tens of millions of dollars from hospitals, dentists, radiologists and others to whom Corizon sent prisoners who needed specialty care. There’s a bill from an orthopedic supply company in Dallas for $152.93 and one from a hospital in Missouri for $6.9 million.

The state of Arizona is one of more than a dozen government entities that say Corizon’s Texas Two-Step left them on the hook for bills Corizon promised to pay. Corizon’s contracts commonly included an “indemnity clause” that said Corizon or its insurance policies would cover the costs of any lawsuits or judgments stemming from their care. The city of St. Louis, for instance, says Corizon didn’t cover the $515,000 it was forced to pay to the family of a man who died after a stay in the county jail. Corizon’s “refusal to indemnify the city in the lawsuit was baseless and in bad faith,” the city said in court filings.

For now, Tehum’s bankruptcy is making its way through the federal court system. Attorneys for some
of the company’s creditors are arguing that the Texas Two-Step amounted to fraud, urging the court to unwind the divisional merger and make YesCare’s money available to Corizon’s creditors. The $5,000 offer letters that Arther and Crawford’s client received were part of negotiations between Tehum and one of Corizon’s insurance companies, which covered only certain lawsuits in Arizona. In August, Tehum announced that it had reached a tentative deal with a committee representing all of its creditors. The details are not yet public, but Business Insider reported if the deal goes through, Tehum will provide around $30 million to cover all of its outstanding claims. After attorneys’ fees, that will leave around $20 million for creditors.

This would amount to pennies on the dollar for most of the prisoners and former Corizon employees with claims, says Valrey Earley, a bankruptcy attorney representing a prisoner in Alabama who lived in her own fecal matter for months because, she said, Corizon staff at her prison did not provide her the proper supplies after abdominal surgery.

The people in Arizona who received the $5,000 offer, like Brandi Arther, say it’s not nearly enough. After her husband, Jonathan, is release from prison in 2027, the couple’s lives will be forever changed by his inability to drive or do the kind of warehouse work he used to do without his peripheral vision.

“You’re holding Jonathan responsible for what he’s done. Why wouldn’t you hold them responsible? What makes them above the law?” Brandi Arther said. “Because they know a loophole, they get to walk away with clean hands. All they’re going to do is start another business and start all over again.”

What Federal Judges’ Rulings Reveal About the Memphis Police Tactics

Five judges in recent years have found that officers violated residents’ constitutional rights during traffic and pedestrian stops.

By DAPHNE DURET and MARC PERRUSQUIA
Additional reporting contributed by SACHI MCCLENDON

This article was published in partnership with the Institute for Public Service Reporting, The Commercial Appeal and MLK50.

It was a warm weekday afternoon, and Maurice Vaughn had just pulled into his brother-in-law’s driveway — a Memphis police car tailing closely behind, its blue lights flashing.

Even though Vaughn’s Toyota Camry was parked in his relative’s driveway, officers insisted on impounding it and conducting a search that day in 2018. They found a gun inside, and Vaughn was charged with felony gun possession. A federal judge, however, found that the officers violated Vaughn’s Fourth Amendment right against unreasonable search and seizure, and took the rare step of throwing out the evidence.

Without the evidence, prosecutors dropped the charges against Vaughn, but by then he had spent more than a year in jail. He lost his job. He lost his apartment. He lost precious time with family.

“When you’re not even convicted of anything, this can cost you your whole life,” said Vaughn, now 35.
where the boundary is from between they're just not trained enough to know news organizations involved traffic stops successful challenges identified by the minority neighborhoods. Most of the extensive traffic and pedestrian stops waged an intensive campaign to get guns and drugs off the streets, relying on extensive traffic and pedestrian stops over the next five years in Memphis as the police department.

Investigators will be searching for cases involving traffic stops and searches of pedestrians. Some officers, from our experience, they’re just not trained enough to know where the boundary is from between…

‘any means necessary’ and what is constitutionally allowed in interacting with the citizens,” said Tyrone Paylor, first assistant in the Federal Public Defender’s Office in Memphis. Though the number of successful challenges remains relatively small — only about 1% of federal prosecutions in Memphis are dismissed because of Fourth Amendment violations — defense lawyers like Paylor say the rulings are a sign of larger problems in the police department.

Many police stops and searches are never even challenged, Paylor said, and some officers simply don’t care if their actions violate people’s rights. “They’d rather get guns and drugs off the street and have a court throw it out, but they still get the guns and drugs off the street,” he said.

The U.S. Attorney’s Office in Memphis declined to comment about the cases. Memphis police did not respond to requests for comment. The city’s police force has been under scrutiny since January, when Nichols’ death sparked a national outcry. Officers in a specialized crime unit called Scorpion stopped Nichols’ car on Jan. 7, saying he was driving recklessly. Bodycam footage showed officers pepper spraying, kicking and punching the 29-year-old, who later died.

Chief Cerelyn “CJ” Davis told Memphians in a press conference after Nichols’ death that she would continue to work with community members to restore their trust in the police. She later said there was no evidence Nichols was driving recklessly or justification for the traffic stop. “This is not a reflection of the good work that many Memphis police officers do,” Davis said after the officers involved in Nichols’ death were arrested. “What we do next will be a reflection of that character.”

Statistics on motions to suppress evidence in federal courts nationwide appear elusive or nonexistent. A range of experts contacted for this story, including college professors, attorneys and the clerk of the U.S. District Court in Memphis, said they know of no uniform statistics. However, federal court analysts said the number of successful motions to suppress uncovered in Memphis appear significantly higher than what they’ve seen in other cities around the country.

Nationally, judges rarely toss out evidence on Fourth Amendment grounds, according to Akin Adepoju, a law professor at George Mason University in Virginia. The fact it’s happened at least 10 times in the past five years in Memphis hints at problems with overzealous policing, he said. “I think it’s certainly an indicator that some practices out there have gone unchecked,” said Adepoju, who trains federal public defenders from around the country.

The rulings criticizing the actions of Memphis police officers have come from five judges and magistrates in federal court, including appointees of former Presidents George W. Bush, Barack Obama and Donald Trump.

In Vaughn’s case, he was just pulling up to pick up his brother-in-law for their shift in the catering kitchen at McAlister’s Deli in June 2018 when police stopped him. Vaughn’s brother-in-law was willing to take Vaughn’s car keys, court records show. But police insisted on impounding the car anyway, and it was during a subsequent inventory search that they found a gun in a duffel bag. A friend of Vaughn’s said he’d accidentally left it in the car earlier that day. The gun was registered to the friend, an Army veteran, but because Vaughn had a marijuana possession conviction from 2012, police charged him with felony gun possession.

Federal prosecutors argued that the search of the car was valid, but that even if police violated Vaughn’s Fourth Amendment rights, the officers believed they were acting appropriately at the time — meaning they could keep the evidence collected.  ■
When Wizards and Orcs Came to Death Row

For men awaiting execution in Texas, illicit games of Dungeons & Dragons became a lifeline.

By KERI BLAKINGER

The first time Tony Ford played Dungeons & Dragons, he was a wiry Black kid who had never seen the inside of a prison. His mother, a police officer in Detroit, had quit the force and moved the family to West Texas. To Ford, it seemed like a different world. Strangers talked funny, and El Paso was half desert. But he could skateboard in all that open space, and he eventually befriended a nerdy White kid with a passion for Dungeons & Dragons. Ford fell in love with the role-playing game right away; it was complex and cerebral, a saga you could lose yourself in. And in the 1980s, everyone seemed to be playing it.

D&D had come out a decade earlier with little fanfare. It was a tabletop role-playing game known for its miniature figurines and 20-sided dice. Players were entranced by the way it combined a choose-your-own-adventure structure with group performance. In D&D, participants create their own characters — often magical creatures like elves and wizards — to go on quests in fantasy worlds. A narrator and referee, known as the Dungeon Master, guides players through each twist and turn of the plot. There’s an element of chance: The roll of the die can determine if a blow is strong enough to take down a monster or whether a stranger will help you. The game has since become one of the most popular in the world, celebrated in nostalgic television shows and dramatized in movies. It is played in homes, at large conventions and even in prisons.

By the time Ford got to high school, he had drifted toward other interests — girls, cars and friends who sold drugs and ran with gangs. Ford started doing those things, too. He didn’t get into serious trouble until Dec. 18, 1991. Sometime before 9 p.m., two Black men knocked on the door of a small home on Dale Douglas Drive in southeast El Paso, asking for “the man of the house.” The woman who answered, Myra Murillo, refused to let them in. A few minutes later, they returned, breaking down the door and demanding money and jewelry. One opened fire, killing Murillo’s 18-year-old son, Armando.

Within hours, police picked up a suspect, who said Ford was his partner. They arrested Ford, who was 18 at the time, the following day. He has maintained that the two men who entered the house were brothers, and that he was outside in the car the whole time. There was no physical evidence clearly connecting him to the crime. He was so confident that a jury would believe him that he rejected a plea deal and took his case to trial in July 1993. He lost. By October, at age 20, he was on death row.

Back then, death row for men was located in a prison near Huntsville, Texas, where hundreds lived in tiny cells. The men were allowed to hang out together, watch television, play basketball and go to work at prison jobs. And because they were locked behind bars rather than solid doors, they could call out to one another and talk. That was how, one day, Ford caught familiar words...
drifting down from the cells above him, phrases like, “I’ll cast a spell!” “Aren’t there too many of them?” and “I think you have to roll!”

It was the sound of Dungeons & Dragons.

Roughly 200 people are on death row in Texas today, less than half the peak population in 1999. The number of people sentenced to death each year has declined over the past two decades in Texas and across the country as the cost of prosecuting and defending death-penalty cases has ballooned and public support for capital punishment has dropped.

While fewer prisoners arrive on death row each year, they languish there far longer. Some states have had difficulty procuring execution drugs, and landmark court rulings have banned executions of people deemed “insane” or intellectually disabled. Lawyers can spend years arguing that their clients have such low cognitive capacity that it would be cruel to kill them, or that new DNA technology could prove their innocence. In the early 1980s, prisoners across the country spent an average of six years on death row before they faced execution. Now, they can wait for two decades.

In many states, prisoners spend those years living in isolation so extreme the United Nations condemns it as torture. “All international standards and norms say that the use of isolation should be a last resort,” says Merel Pontier, a Texas-based lawyer who has studied death-row conditions. Decades of research show long-term isolation can cause hallucinations and psychosis. Prisoners living in severe isolation — like the men on Texas’ death row — turn to suicide at a higher rate than those in the general population. Some simply drop their appeals and volunteer for execution.

Not every state keeps its death-row population in solitary. Some prisoners sentenced to death in Missouri and California, for example, are mixed with the general population. In Arizona, people on death row can go to the rec yard and day room in groups for a few hours a day. In North Carolina, they can take prison jobs; in Florida they can have TVs in their cells; and in Louisiana, they’re allowed to have contact visits, where they can hug their friends and families.

The death row that Ford entered in Huntsville offered some of those freedoms until an incident in 1998 changed everything. The night of Thanksgiving, seven men staged a breakout. One person stayed behind in the rec yard to shoot hoops, making enough noise to cover the sound of a purloined hacksaw cutting through a chain-link fence. When the guards spotted the men and started firing at them, six surrendered. Only one made it all the way into the woods. Off-duty prison workers found his body a week later, drowned in a nearby stream.

By the time the following summer rolled around, the men on Huntsville’s death row knew their lives were about to change for the worse. Officials spoke of imminent transfers to a new, higher-security death row in Livingston. As Ford remembers it, he was on the second bus there.

In the decades since then, the men on death row at the Allan B. Polunsky Unit have spent their days in near-total isolation, only allowed to leave their cells for two hours of recreation, three days a week, alone, in day rooms or fenced-in cages — if the guards feel like letting them out or aren’t too short-handed. Sometimes, the men say, they go weeks without setting foot outdoors or being able to take a shower. (The Texas Department of Criminal Justice denies these claims.)

The prison permits one five-minute phone call every 90 days. Their only regular physical contact with another human is when the guards put them in handcuffs. Even when the men manage to nurture relationships with girlfriends or wives in the free world, they’re never able to touch.

Just after the start of the pandemic, a new warden made a few changes, setting up TVs in some of the day rooms and letting the men exchange written notes with a handful of prisoners who run a radio station. When the Texas prison system got tablets last year, the men on death row were given limited access to email, which was closely monitored. Even so, Polunsky remains home to one of the most restrictive death rows in the nation. To report this article, I spent several years exchanging letters with men on death row in Texas. Phone calls with reporters aren’t permitted, and I could only conduct monitored, in-person, one-hour interviews with specific individuals every three months. For some of these men, I was their most regular visitor.

To cope with the isolation they face daily, the men on death row spend a lot of their time in search of escape — something to ease the racing thoughts or the crushing regrets. Some read books or find religion. Some play games like Scrabble or jailhouse chess. Others turn to D&D, where they can feel a small sense of the freedom they have left behind.

When Ford first overheard the men on the old Huntsville death row playing D&D, they were engaged in a fast, high-octane version. The gamers were members of the Mexican Mafia, an insular crew that let Ford into their circle after they realized he could draw. The gang’s leader, Spider, pulled some strings, Ford recalls, and got him moved to a neighboring cell to serve as his personal artist. Ford earned some money drawing intricate Aztec designs in ink. He also began to join their D&D sessions, eventually becoming a Dungeon Master and running games all over the row.
Some of the character sheets that Wardlow created for D&D included detailed notes about spellcasting abilities, physical traits and the powers of individual characters. Glenna Gordon for the *New York Times*
Playing Dungeons & Dragons is more difficult in prison than almost anywhere else. Just as in the free world, each gaming session can last for hours and is part of a larger campaign that often stretches on for months or years. But in prison, players can’t just look up the game rules online. The hard-bound manuals that detail settings, characters and spells are expensive and can be difficult to get past mailroom censors. Some states ban books about the game altogether, while others prohibit anything with a hard cover. Books with maps are generally forbidden, and dice are often considered contraband, because they can be used for gambling. Prisoners frequently replace them with game spinners crafted out of paper and typewriter parts.

On the old death row, prisoners could call out moves easily through the cell bars; they also had the chance to play face to face, sitting around the metal tables in the common room or under the sun of the outdoor rec yard. That was where, sometime in the late 1990s, Ford saw four men playing Dungeons & Dragons together. He asked someone who they were and learned that the 6-foot-5 White guy from the country, with a buzz cut and glasses, was Billy Wardlow.

Ford didn’t know Wardlow — they were never housed near each other for very long — but he had heard about him. “From what everyone that knew something about him said, there was universal agreement that Billy was one of the ‘good guys,’” Ford wrote in a court document in 2019. Wardlow kept his word and didn’t start trouble. He even participated in a hunger strike organized by Black prisoners in the mid-1990s to protest the growing frequency of executions. (After the Supreme Court reauthorized the death penalty in 1976, Texas accelerated the pace of executions, which jumped from one in 1982 to 19 in 1995, peaking at 40 in 2000.) “It was surprising to a lot of us Black guys that there was some White guy joining in because in prison it is HARD to organize any efforts across racial and ethnic lines,” Ford wrote.

The men in Ford’s D&D group struggled to bring their gaming world with them to Polunsky. When they arrived, they found that many of their belongings had gone missing or been confiscated. They lost game notes and hand-drawn maps, spinners and character sketches. And now they could not sit at a table together to play. They had to rely instead on a variety of clandestine communications, including written messages called “kites,” passed from cell to cell.

For Ford, there was one silver lining. At Polunsky, he could finally play D&D with a death-row legend: Billy Wardlow.

By death-row standards, Wardlow’s past was not remarkable. He had grown up in the small town of Cason, Texas, where his father worked in factories and his mother was a custodian at the First Baptist Church. He had an older brother and would have had two, but his parents’ second child died at 6 months. His mother, Wardlow said, visited the boy’s grave to claw at the dirt with her fingers, wailing as she prayed to God for another child. Then came Wardlow.

After Wardlow’s death in 2020, he left behind a box of D&D gaming supplies and drawings. His handmade game spinner is in the upper left. Glenna Gordon for The New York Times
Mississippi Says Poor Defendants Must Always Have a Lawyer. Few Courts Are Ready to Deliver

A rule requiring poor criminal defendants to have a lawyer throughout the criminal process took effect Saturday.

By CALEB BEDILLION, Northeast Mississippi Daily Journal

Many defendants in Mississippi wait in jail without an attorney as prosecutors decide whether to indict them on charges. The Mississippi Supreme Court recently took action to eliminate this period, known as the “dead zone.” Now a patchwork of courts around the state must figure out how to implement the rule. Zeke Peña, special to ProPublica

This article was published in partnership with ProPublica’s Local Reporting Network and the Northeast Mississippi Daily Journal.

In April, the Mississippi Supreme Court changed the rules for state courts to require that poor criminal defendants have a lawyer throughout the sometimes lengthy period between arrest and indictment. The goal is to eliminate a gap during which no one is working on a defendant’s behalf.

That mandate went into effect Saturday. But few of the state’s courts have plans in place to change their procedures in a way that is likely to accomplish what the justices intended.

A survey of courts by The Daily Journal, ProPublica and The Marshall Project found that some local court officials are unaware of the new rule. Others have not decided how they will respond. Some officials suggested that their current practice of appointing lawyers only for limited purposes will fulfill the new requirement, even though those attorneys do little beyond attending early court hearings.

That reporting suggests that impoverished defendants in many Mississippi counties are likely to remain deprived of
meaningful legal assistance as they wait, often in jail, for prosecutors to decide whether to pursue felony charges.

“There’s really not a plan,” said Chuck Hopkins, a judge in a county-level justice court in northeast Mississippi’s Lee County. He fears that if officials don’t come up with one, the court could be “hung out there waiting for a lawsuit to happen.”

André de Gruy, who runs Mississippi’s Office of State Public Defender and is recognized throughout the state as an expert on indigent defense, said just four of the state’s 23 circuit court districts have asked him for advice on how to comply with the new rule. He responded by developing a model process they could use.

After someone is arrested for a felony in Mississippi, that person has an initial appearance in court. A judge informs the defendant of the charges against them, sets the conditions for being released from jail, and appoints a lawyer if the defendant can’t afford one. Under current rules, in many courts that lawyer handles just the initial appearance and, in some cases, an optional preliminary hearing when evidence is presented. After that, the lawyer exits the case.

Another lawyer is appointed only after the defendant is indicted, which often takes months. Critics have dubbed the period between lawyers the “dead zone.”

Mississippi gives district attorneys unlimited time to indict someone after an arrest, and it’s among a handful of states where defendants can be jailed indefinitely as they await indictment, according to recent research by Pam Metzger, a legal scholar who runs the Deason Criminal Justice Reform Center at Southern Methodist University’s Dedman School of Law.

“Mississippi is among the worst of the worst on this issue,” Metzger said.

Cliff Johnson, a lawyer who pushed for the revised indigent defense rule, has documented how those two factors — the lack of an indictment deadline and the lack of legal representation in the “dead zone” — can cause defendants to be jailed for months or years. Without a lawyer, defendants may have a hard time fighting their charges or striking plea deals.

Johnson, who leads the Mississippi office of the MacArthur Justice Center, a civil rights law firm, said advocacy organizations like his will monitor courts for compliance with the new rule.

“This structural change means nothing,” he said, “if local judges don’t create and implement new comprehensive plans for indigent defense.”

The new rule on indigent defense makes one key change: It says a lawyer may not withdraw from a case pending indictment until another has been appointed.

Ordering that change now looks like the easy part. Implementing it is another story, largely because of the patchwork of courts in Mississippi.

Criminal defendants may move through as many as three different court systems, each with its own system of public defense, as they go from arrest to a plea deal or verdict.

Mississippi is one of only eight states without state oversight of public defense, according to the Sixth Amendment Center, which advocates for robust indigent defense. Instead, local governments bear almost all the responsibility of providing poor criminal defendants with an attorney, as guaranteed by the Constitution.

A few local governments employ full-time public defenders. Most rely on part-time public defenders or contract with private attorneys. They all generally have high caseloads.

Now, officials in those different court systems must figure out how to ensure that defendants maintain legal representation as they move from courtroom to jail to courtroom.

To understand how courts will do that, The Daily Journal, ProPublica and The Marshall Project contacted officials in all 23 circuit court districts, most of which cover more than one county, as well as more than a dozen officials in municipal courts and separate county-level justice courts. We spoke with more than 20 judges, public defenders, prosecutors, court clerks and private defense attorneys.

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Better help to find a full-time public defender.

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never files motions to withdraw from his job under the new rule. Since he anticipated little change in how he does his job under the new rule. Since he never files motions to withdraw from his cases, Davis said, he will remain a defendant's attorney until an indictment, and the new rule will appear to be satisfied.

But he believes it is “very unusual” for a defendant to require much legal assistance after bonding out. If he were to find his workload increasing, he might not want to keep the job. Hopkins, the justice court judge, said the county may need to find a full-time public defender.

Experts say during the first few months after someone is arrested for a felony, there's important work to be done: interviewing witnesses, securing evidence, perhaps seeking an early plea deal. If someone is jailed for months without being indicted, their attorney can ask the DA what's taking so long or file a motion to dismiss the case.

Justine Cook, the former head of the state public defenders association, warned attorneys against superficial adherence to the new requirement.

“You owe an indigent defendant effective representation under the Constitution,” he said. “You are not nominally their lawyer. You are their lawyer, and you have duties and obligations to them.”

A case in Hinds County that is wending its way through federal appeals shows what can happen if an appointed lawyer doesn’t act early and aggressively to investigate a defendant’s claims of innocence.

Sedrick Russell has spent more than 15 years arguing in court filings that he lacked representation after he was arrested for a nonfatal shooting with no eyewitnesses.

From his arrest in December 2006 until February 2008, Russell claims, he spoke with a public defender just once, briefly. During that time, he sent seven handwritten letters to the court alleging that his right to a speedy trial had been violated and complaining that he hadn’t spoken to an attorney.

Russell has claimed in court filings that at his preliminary hearing in January 2007, he tried to tell a lawyer with the Hinds County Public Defender’s Office about an alibi. But he didn’t get far.

Russell claims that before the shooting, he got into a car driven by a friend he knew only as Ron Ron, and the two left the site where the shooting later took place.

“The assistant public defender who came to his preliminary hearing brushed off Russell’s request to get Ron Ron to testify, telling Russell, ‘It was just a preliminary.’ She never came back,” U.S. District Judge Carlton Reeves later wrote, after Russell had appealed his conviction.

In February 2008, the state trial judge removed the Hinds County Public Defender’s Office from the case and appointed a private lawyer, Don Boykin. Within about a month, Boykin told prosecutors that Russell intended to raise an alibi defense. But Boykin never found Ron Ron.

Russell was convicted in a jury trial in January 2009 and sentenced to two life terms because he had been deemed a habitual offender.

It took years for Russell to exhaust his appeals in state court. When he took his case to federal court, Reeves ruled that Russell had been denied his Sixth Amendment right to an attorney, even though, as far as the local courts were concerned, he was represented by indigent counsel the entire time. The judge determined that Russell had been “completely abandoned by counsel” for 14 months, including eight before he was indicted.

In April 2008, Sedrick Russell wrote to a judge and complained that he'd been deprived of meaningful legal representation and had lost contact with a potential alibi witness. Obtained by Northeast Mississippi Daily Journal
Reeves vacated Russell’s conviction but stayed his order pending an appeal to the Fifth U.S. Circuit Court of Appeals.

In May, the appeals court reversed Reeves’ ruling and reinstated Russell’s conviction. The three-judge panel ruled that Reeves had overstepped his limited authority to overturn a state court, given a federal law that sets a high standard for doing so. The court also expressed doubt about whether Ron Ron even existed, let alone whether his testimony would’ve exonerated Russell.

Alysson Mills, Russell’s federal court-appointed attorney, said her client intends to appeal to the U.S. Supreme Court.

Cook, who handles state-level appeals for indigent defendants, said at least half of the defendants he represents claim that key witnesses or other evidence have gone missing. But he can’t introduce new evidence on appeal, and even if he could, it can be difficult to verify those claims.

“Hopefully that is what will get remedied by this new rule,” Cook said. “People can meet with their lawyers and that investigative work can happen early.”

Gail Lowery, the head of the Hinds County Public Defender’s Office, said she has discussed Reeves’ ruling with attorneys in the office. She said she stressed the need to investigate cases early and to locate key witnesses or evidence before it can be lost.

Lowery said she doesn’t know whether Russell’s public defender ignored his alibi claim. She didn’t work there at the time, and two key people involved have since died. But if his claim was ignored, Lowery said, “that will never happen again.”

The public defender initially assigned to a case, she said, interviews the defendant, typically within a week of an arrest, and seeks to identify witnesses and key evidence.

“That pre-indictment time, it’s critical. We’ve been doing it, but we’re shoring it up in light of the changes” to the rule on indigent defense, Lowery said. “I’m reminding everyone, we need to be vigilant.”

She acknowledged, however, that there’s limited time for investigative work given caseloads and limited resources.

Johnson, the MacArthur Center head who pushed for the rule change, knows this.

“The next step in our fight,” he said, “is to convince legislators to provide our public defenders with resources equal to those given to prosecutors and law enforcement.”

What I Learned From a Year of ‘Life Inside’

Publishing personal essays about the criminal justice system can be as complex as the system itself.

By CARLA CANNING

Writing has always felt like the only way for me to make sense of things. Since first grade, I have been a journal-keeper, a note-taker and a list-maker. So it was one of those full-circle moments when I became The Marshall Project’s 2022 Tow Audience Engagement Fellow, with a focus on “Life Inside.” As I fielded questions from potential contributors, tracked and edited their submissions, and co-developed guidelines, I learned the unique challenges of publishing personal essays and “as-told-to” pieces about the criminal justice system.

While some Life Inside contributors experience the system through their work or their loved ones, most are currently incarcerated. Their daily lives are, by design, hidden from the public. There are the physical walls of prisons, jails and immigration detention centers; the tightly regulated visits; the official monitoring of phone calls and mail; and the threat — real or imagined — of retaliation by authorities. These conditions complicate the already-difficult task of blending journalism and creative writing.

After all, the key to producing any good piece of creative nonfiction is clear communication between the writer, editor, and, in the case of Life Inside pieces, the fact checker. While people in the free world can use the internet for research and news, most corrections facilities don’t give prisoners access to this resource.

A growing number of facilities allow electronic messaging through for-profit portals like JPay or ViaPath, but the messages can come at a steep cost per page. And these platforms often lack basic tools that people rely on to communicate effectively, such as subject lines for each message exchanged. On some of the services, previous messages aren’t built into replies. That means everyone has to copy, paste — and pay for — each paragraph at hand. To add
to the confusion, messages often arrive out of sequence, or not at all, if they are flagged for what officials often describe as security reasons.

And of course, hundreds of facilities don’t give people inside the option of electronic messaging. Writers in those lockups must send their work through the mail and use letters or phone calls to complete the editing and fact checking process. This can take weeks or even months.

No matter how incarcerated contributors submitted their work, it was a challenge to explain what makes a good “Life Inside” piece. I had to constantly remind myself that these writers didn’t have the option of browsing the site to see what we’d published before.

For the record, Life Inside essays are usually around 1,000-1,400 words, and they zero in on a specific story, moment or experience. Some are celebratory, like Bobby Bostic’s essay about being freed from prison after 27 years and Rahsaan Thomas’ account of graduating from college behind bars. Some are heartbreaking, like Rebecca Figueroa’s piece about giving birth in shackles and Jy’Aire Smith-Pennick’s letter to the man who was killed in the robbery he participated in. Some pieces detail how writers cope with confinement, like Tariq MaQbool’s meditation on his Muslim faith and Michael J. Nichols’ top 10 tips for surviving a year in the hole. Others are surprisingly fun, like Harlin Pierce’s essay about the unique way he plays chess and Lamarr W. Knox’s story of leaving Crip life to pursue crocheting. When someone takes the risk of sending us a piece, it’s hard to say no to them. But there are some stories “Life Inside” can’t tell. For example, many contributors try to use their essays to prove their innocence. But, as it says in the guidelines, these claims don’t work in this space. It was tough to explain that we didn’t have the reporting resources to prove someone’s innocence, that we couldn’t re-litigate cases via personal essays.

I also found that many people wanted to write about the specific experiences and misdeeds of individuals in their lives, including relatives, friends, fellow prisoners and staff members. In electronic messages and mailed responses, I had to explain that Life Inside essays are a form of journalism. We check facts with the prison systems and people at the center of these narratives. We also have to protect the privacy of people who are not public figures, especially those who could be recognizable through their connection to the writer.

With all of these factors, the writing, editing and fact-checking process often felt slow, unnecessarily difficult and, sometimes, absurd. But wading through the stacks of mail and electronic messages showed me how much contributors value the opportunity. “Life Inside” gives contributors a chance to reinterpret the system, to reintroduce themselves as more than just a body behind bars.

Another major lesson I learned was that there are details about prison life that only people who have lived it can credibly write about. An essay about competing for shower time or bartering food might reveal a deeper truth about the writer’s...
environment. A person can wear the same clothes, eat the same food and work out in the same yard as dozens of others and still come out with something unique. These are the small truths you don’t learn from true-crime documentaries, reality shows and cop dramas.

When I was in school, being edited was a terrifying experience. Sometimes I felt like I had nothing good to say. That’s why I approached my work with Life Inside writers as a partnership. Instead of flatly saying no to people with limited professional writing experience, I tried to help them tease out what they really wanted to say, and I made an effort to explain why something was changed or deleted.

The more essays I read and worked on, the more I thought about the stories the media tells about incarcerated people — and who does and doesn’t get to tell those stories. No matter how dehumanizing their surroundings are, incarcerated people don’t cease to be human.

My time with The Marshall Project and “Life Inside” helped me reestablish why I became interested in journalism about criminal justice in the first place: the people and personal stories that lie beyond each facility’s walls.

Here’s How I Use My Story to Teach Incarcerated Kids That Writing Matters

At 18, Bobby Bostic was sentenced to 241 years in prison. Now out on parole, he’s sharing the healing power of writing in juvenile detention centers.

By BOBBY BOSTIC

Recently, at one of the writing workshops that I teach at three juvenile lockups in and around my hometown of St. Louis, one of my students posed a provocative question: “Why should I write about changing the world when the world doesn’t care about me?”

The tall, lanky 16-year-old asked his question in a slow, rebellious twang that reminded me of how I spoke as a child. “You should write about changing the world so that the world can start caring about you,” I quickly responded. “Maybe you’re right,” he said.

While my instant answer could have been met with skepticism, my students, who range in age from 13 to 17, know that I am not just talking in a vacuum.

They know that in the late ’90s, when I was 16, I sat in the city’s juvenile detention center before being certified as an adult and standing trial for participating in two armed robberies. They know that I was convicted of 17 felonies, and sentenced to a total of 241 years in prison. And they know I served nearly three decades before getting out on parole at age 43.
While these kids are facing the school-to-prison pipeline rather than the youth superpredator panic that ensnared me when I was tried, convicted and sentenced, the point is the same: If they don’t change their lives, what probably awaits them is prison or death. That’s why I urge my students to use the art form of writing. Succeeding in the arts can help these youth rise above poverty. Writing can help heal their trauma.

The rooms where I teach are made up of stark concrete walls, white linoleum floors and black chalkboards. As a security precaution, my students are only allowed to use pencils. During each class session, I stand in front of about 15 kids who are overwhelmingly Black. They sit in the chairs and small tables sprawled about and diligently take notes or record their own ideas.

But mostly, we all just talk. This format opens the door for students to challenge me. For instance, on the day in question, another kid wanted clarity about this concept of writing for change. “But how can a written document change the world?” he wanted to know.

Before I could respond, a peer raised his hand and said, “Man, the Bible is a written document, and it changes people’s lives every day. It constantly changes the world.”

The class fell silent for a moment. Then a third child raised his hand and declared, “The United States Constitution is a written document, and it changed this country forever.”

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As others interjected — the writings of Martin Luther King Jr. and Socrates had global impact, they informed me — we found ourselves in the middle of a lively discussion.

When it was time for me to speak again, I explained how reading “Long Walk To Freedom,” the autobiography of Nelson Mandela, showed me the power of forgiveness and restorative justice. I also revealed how I became serious about writing: As a lost 18-year-old in an adult prison, penning a book of poems helped me find myself. That led to another student telling the class how much poetry books had inspired him as he was battling depression. I was happy that he felt safe enough to share that.

Perhaps I should mention here that I am not a trained teacher or counselor. During the 27 years that I spent in Missouri state prisons, my jobs included working in the kitchen washing pots and pans, and I had a very brief stint as a G.E.D. tutor. But I did write 13 books, including eight that I self-published. This lived experience gave me the confidence to walk into three juvenile detention centers — Hogan Street Regional Youth Center, St. Louis County Juvenile Detention Center and the St. Louis City Juvenile Detention Center — and propose a curriculum. I had only been out on parole for two weeks. Shortly after I made my proposal, I became a volunteer writing instructor.

Now, my classes are among the weekly programs that are mandatory for the kids. They run from 90 minutes to two hours, but often feel much shorter. My students have access to a library full of books. I give them homework assignments every week, but they don’t get traditional grades. Instead, they critique each other’s work, sharing constructive feedback.

The truth is, these classes help me as much as they seem to help my students. These kids are full of potential. Giving them guidance is my way of giving back. Toward the end of the class, when we discussed writing for change, I noticed that one kid had been sitting silently the entire time. I asked him what his opinion was, and he said that he was certain that writing could at least change the world one person at a time.

“How is that, man?” a classmate asked, genuinely interested.

The quiet young man held up a copy of “Humbled To The Dust: Still I Rise” — my most recent memoir — and read a passage that he had chosen: “The world has its problems, and it always will,” he recited. “But there [have] always been good people who work to change the world while trying to make it a better place. … Despite our flaws, we can change the world, make it better, and enjoy it with happiness.”

I felt grateful that he used a piece of my memoir to bring the class full circle. And I got no argument about their assignment for next week: Write your own essay titled “What I Would Do To Change The World.”

Bobby Bostic, a St. Louis native, was released on parole on November 9, 2022. He became eligible due to a 2021 Missouri law inspired by his case. His most recent memoir, “Humbled To The Dust: Still I Rise,” was published in August 2023 and is available on Amazon. Follow him on X and Instagram using @FreeBobbyBostic and visit his websites, www.minddiamonds.net and www.juvenileliferswithoutparolespeaks.org.

The Missouri Department of Social Services’ Division of Youth Services did not respond to questions about their educational programming by publication time.
How Criminal Records Hold Back Millions of People

More than 70 million Americans with arrest records face barriers to find work or a decent place to live.

By JAMILES LARTEY

Last spring a gust of wind sent a large patio umbrella crashing onto the roof of Bridgette Simpson’s car outside an Atlanta restaurant. No one was hurt, and the damage was fairly minor, but the car’s sentimental value sent Simpson into tears. “I used to live in my car — it was my safe haven,” she said.

After spending 10 years in prison, Simpson struggled to find housing that she could afford and where she was welcome. For four months after her release she lived under a highway overpass while she saved wages from her work at a chicken plant — about $5,000 — to buy a road-worn Lexus with over 200,000 miles on it.

Simpson is one of an estimated 70 million to 100 million people in this country with a criminal record. The number is hard to pin down because of differences in how states keep records. Simpson’s record has placed a laundry list of barriers in her path to fully rejoining society.

But this past fall Simpson and other organizers convinced the Atlanta city council to pass an ordinance banning discrimination based on a person’s criminal history. By making formerly incarcerated people a legally “protected class,” it’s their hope that they can pull down some of the collateral consequences that hamper life for those who completed their sentences, but who remain second-class citizens in myriad ways.

“We’re asking for an opportunity literally to just live, and to just be able to grow as people and to really participate in society,” Simpson told me recently.

Most barriers after prison are employment-related. In a 2021 report, the Council of State Governments’ Justice Center — a nonprofit, nonpartisan think tank — found that 72 percent of all post-release restrictions affect job opportunities. For example, people seeking work in trades bound by occupational licenses, like cosmetology or addiction counseling, are subject to stringent background checks — though some states have loosened these rules in recent years.

There have also been some changes around hiring for jobs without licensing. According to the National Conference of State Legislatures, more than half of states in the U.S. have passed some version of “ban the box” legislation. These laws aim to remove conviction and arrest history questions from job applications, and to delay background checks until after a job interview. The hot labor market in recent years has also helped somewhat, as businesses desperate for workers have warmed to hiring people with criminal records. Despite all of that, formerly incarcerated people have much higher rates of joblessness than the general public.

Once people find work, housing is often the most challenging barrier. Riverside, California, resident Terrance Stewart told me how after he got out of prison for a drug conviction, he spent time homeless or in one roach-infested apartment after another. Stewart said that at the type of complexes that allow people with criminal records, landlords charge high rents for poorly maintained units because many residents there have nowhere else to go — and they fear retribution if they demand better conditions.

Various forms of civic and social exclusion also take a destabilizing toll. Many formerly incarcerated people are barred from voting, but that’s not where the prohibitions end. “You can’t be a bingo caller, you can’t join the PTA, you can’t go on field trips with your child,” Stewart said. In many cases, people with criminal records are kept off of dating apps too.

Stewart said his record even kept him and his wife from adopting her nephew when the child needed a guardian. “Every time I try to do something better, my criminal record is my biggest nemesis,” he said.

Stewart is a member of TimeDone, a California organization that recently advocated the passage of a state law
that dramatically expands the number of people eligible to have their criminal records sealed. It's common to hear people speak about record “sealing” or “expungement” interchangeably. States vary widely on this question, but generally speaking expungement means the destruction of a record, and sealing limits who may see it.

The new California law is broadly considered to be the most sweeping of its kind in the nation. Once it is fully implemented, conviction and arrest records for most felonies will be automatically sealed for people “who are not convicted of another felony for four years after completing their sentences and any parole or probation.” Those convicted of serious felonies won’t have their records sealed automatically, but can petition a judge to have it done. The law excludes registered sex offenders. Records of arrests that don’t bring convictions will also be automatically sealed.

The California law passed over the objections of the state’s Peace Officers Research Association, which argued that the measure put communities at risk. Objections to record-clearing bills are usually framed around questions of public safety, but there’s some evidence that collateral consequences — like former prisoners being unable to find employment — can actually drive crime. Other research suggests that if a person does not commit a new crime within four to seven years of release from prison, their likelihood of doing so at all drops to a rate comparable with people without a criminal record.

Other states, including Nevada, Oregon and Arizona are also considering record-sealing bills — frequently referred to as “clean slate” legislation. In March a bipartisan group in the U.S. Congress formed a task force to work on similar federal legislation.

Jay Jordan, who leads TimeDone, said a benefit of these kinds of laws is that they put the onus on the state, rather than on individual landlords, employers or organizations, not to discriminate against people with criminal records.

“It is literally this system saying this person is rehabilitated, go on and live your life,” Jordan said, before asking me to note the period at the end of his organization’s logo. “It signifies that when your time is done your sentence should be complete. The sentence isn’t complete without a period.”

Freaky Friday, Prison-Style

At a Kentucky prison, inmates and staff switch places during a “re-entry to society” role-playing game.

Colleen Tighe for The Marshall Project

No one knew what we were signing up for, but we volunteered for the “re-entry-to-society simulator” at our Kentucky prison regardless.

When the day came, we filed into a large room.

“Take a seat at one of the tables, any table. That will be your ‘occupation’ for the next hour—so find something fitting, guys,” said the re-entry program administrator, a red-haired woman acting as our new boss. “You’ll find instructions in your packet. And don’t steal any of the pens or markers!”

“Damn,” said a prisoner beside me. “I could really use a new pen.”

After sitting down, I opened my packet and glanced inside. The instructions were
simple: I’d chosen the role of a “service worker” at the “plasma donation” station. (This is a common way for ex-prisoners to make money after getting out.) All I had to do to get into character was make sure all my potential customers did three things: provide personal I.D., pay a travel ticket—the simulator’s form of currency, allowing them to use each station, much like a bus token—and pick a card from my deck.

Each of the cards had one of six labels: anemic, new piercing, new tattoo, been drinking, fever and, lastly, “clear to donate.”

If someone drew that card, I was to give them $25 in fake dollars and remind them of the plasma center’s twice-a-week-only donation policy. If they were rejected for one of the five other reasons, they could try once more later in the game.

Once I’d gotten set up, I looked out at the other inmates seated at their stations: bank, food stamps, probation and parole, housing, court, transportation, I.D. and the guy beside me, employment. They all wore the same perplexed, surreal expression.

We were all clearly at a loss as to our purpose in this place. “I’m supposed to make people work?” asked the guy from employment. “Doing what? I’m an inmate.”

The red-haired administrator faced us down with her no-nonsense gaze. “Your jobs are described in the instructions. Read them, understand them, but most of all, have fun. For the time being, you’re an employer.”

That was it for direction. Now it was time to start ushering into the simulator a 30-member pool of “recently released prisoners”—played by our prison’s deputy wardens, captains and officers. They all entered the room every bit as clueless as we’d been, dumbstruck at being made to be convicts.

“Prison staff, there are chairs in the center of the room,” the administrator said next. “Find one, and stick to it. You will be given a dossier containing your potential customers as an ex-felon. Read it, embrace it and comply with the conditions of your probation and parole plan. Or else …”

The “or else” meant go back to jail, but of course these officers didn’t really know what going back to jail feels like.

My co-worker at the plasma table leaned over and said, “Look at them. They couldn’t find their asses with GPS assistance.”

Suddenly another re-entry simulator administrator, a stern-looking man, stood up and explained even more rules: “There will be four 15-minute rounds. Each round is a ‘week’ of freedom. You’ll be given the same chances available to the inmates you release from here everyday and will be treated exactly the same as they are. Have fun,” he reiterated.

The warden of our prison smiled at us all from over in the corner, where he was overseeing everything.

“Begin,” said the stern administrator. A funny thing happened then: All the staff-turned-ex-cons sat around looking like they needed more instructions. They couldn’t possibly be expected to comply with so little direction, could they?

“The clock’s ticking,” said the red-head. “Do you guys want to go to jail?”

Soon a deputy warden shot over to my table and said, “I need money. Give it.”

I asked for her I.D and travel card. She didn’t have her I.D.

Her name tag read: Tom. She held out her hand and stared at me.

“Tom, I’m sorry, you can’t donate plasma without an I.D.,” I said, shaking my head, not without some pleasure.

“I can’t donate? This is bullshit!” She stalked off angrily.

The next officer-turned-ex-con who approached my table drew a card saying that he unfortunately has a new piercing. The next had a new tattoo, a fever, anemic, tattoo, fever—you get the picture. The more irate they became at their lot in life as returning prisoners, the worse their chances of drawing the right card—since I was drawing for them, and I’d placed all the good ones on the bottom of the stack.

“It says I can donate! Yes! Yes!” cried one officer who’d always been fair with me, after I drew her a good card. “I need cash so I can pay for my baby-mama’s new car!”

“New car?” I asked.

“Child support,” she said, before running off to the child-support table.

In a microcosm kind of way, I guess the simulator did represent the experience that many newly released ex-felons face upon reentry. The idea was to provide a strange dose of insight to all who participated, staff and inmates alike.

As I watched a certain deputy warden stoop to cheating the system (by palming her “clear to donate” card and using it multiple times), and as I pretended not to notice a certain senior captain use a marker from the employment table to surreptitiously check off all the requirements he needed to prevent his third trip to jail, the real lesson of the simulator became clear. It demonstrated to the staff who work with us in here the stress, feelings of hopelessness and seemingly insurmountable mountain of obstacles that the average newly released individual faces and the lengths we go to survive so that maybe they can empathize and do their jobs better.

And it worked.

“Damn it! Seriously? I did nearly everything right,” said one officer on his way to “jail.”

“Cheat. It’s easier,” said another. “They catch us, we go to jail. But if they don’t…”

“It’s like this was designed for us to fail,” said another. “What are we supposed to do?”

An officer finally smiled as she came over to my table and waited for me to pick her card. It was her second donation of the week. “Can a girl get lucky?” she said.

I drew her card. She’d been “drinking.” No donation. “Sorry.”

She sighed, but took it in stride.

By the end of week four, nearly all of the staff had visited jail more than once. The simulation was over, but their frustration was very much apparent in every hunched-over back, frown and pair of downcast eyes. No one liked being segregated. No one liked failure.

“Personally, I found jail easier than the hassle of compliance,” said the warden of his prior participation in a similar simulator at another prison. “We do this because we want to change the way we look at re-entry. It doesn’t help to throw our ex-felons out into a system that doesn’t work for them or anybody else. We’ve got to do something about it. It’s our responsibility.”

I couldn’t agree more.

Derek R. Trumbo Sr., 40, is incarcerated at the Northpoint Training Center in Burgin, Kentucky, where he is serving 25 years for charges stemming from the sexual abuse of a child. He has maintained his innocence in court. He is a two-time winner of PEN writing awards for his plays, which have been performed in Australia, New York City and Louisville, Kentucky.
News and Information From
Our Cleveland Newsroom

Illustration by Diana Nguyen
A Letter from Louis

Hello Ohio,

My name is Louis and it’s my pleasure to introduce News Inside magazine to Ohio. News Inside is a free publication created in collaboration with The Marshall Project. News Inside is produced by formerly incarcerated individuals with the goal of challenging the false narratives toward people who’ve been entangled in the criminal justice system.

News Inside and The Marshall Project challenge these false narratives by providing award-winning investigative journalism backed by credible data, so that you can stay informed. News Inside offers individuals who have been affected by the criminal justice system the unique opportunity to be heard and fuels the foundation of you are.

The Marshall Project understands the power and responsibilities of media and has now provided you a platform to participate in that power with media that reflects your experiences and your story.

I personally know what it feels like to receive bad information based upon a rumor circulating on the rec yard. I served 23 years straight within the Ohio prison system and earned my parole. When I was struggling to figure out how to gain my freedom, News Inside would have been a valuable resource. News Inside provides accurate information concerning new laws, spotlights on formerly incarcerated individuals who are doing amazing work within the walls and among the community.

As Outreach Manager for The Marshall Project - Cleveland I am extremely excited about Issue 15 of News Inside. This is our first issue with an Ohio insert, dealing with articles specific to Ohio. News Inside should provoke a sense of pride and excitement as you flip through the pages and explore news created to directly affect you and your situation.

Thank you for your support and enjoy the magazine. Please send feedback as to what you think and feel will improve future issues. This is an opportunity to tell our story. You now have the power to make a difference.

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.

Six Years of Bail Reform in Cuyahoga County: A Timeline

How public pressure, inhumane jail conditions and informal agreements reshaped the Cuyahoga County bail system.

By RACHEL DISSELL AND ILICA MAHAJAN

Testify is The Marshall Project’s investigation into Cuyahoga County’s Criminal Courts.

Calls for bail reform are not new in Cleveland or across the country.

More than 50 years ago, the Federal Bail Reform Act of 1966 created a new standard which favored releasing most defendants from jail in non-death penalty cases. It also added the options for judges to set conditions for release, such as electronic monitoring or drug screening.

Federal bail laws were changed again in 1984, tipping the scales back toward keeping defendants locked up pending trial. The laws also allowed judges setting bail to consider whether a person posed a danger to community safety.

The most recent push for what’s sometimes called pretrial justice started in the 2010s. The federal government supported evidence-based practices, and reform took off as journalists told stories about the toll of money bail. One of the most well-known stories was that of Kalief Browder, who spent three years at New York City’s Rikers Island before charges against him were dropped. He was released, but later died by suicide. Illinois recently became the first state to completely eliminate cash bail after a state Supreme Court decision found it is not mandated by the state constitution. (Learn more about the state of bail reform from The Marshall Project.)

The paths to bail reform elsewhere have included statewide legislation, civil rights lawsuits and systems change on the local level. In Cleveland,
the most recent push for reform started around 2016. Since then, justice system officials have discussed, debated and studied the issue. They’ve implemented some changes that have reduced the overall use of cash bail but have not eliminated it.

August 2016: The Plain Dealer and Cleveland.com kick off Justice for All, a series of articles looking at Cuyahoga County’s current bail system and advocating for reform.

Fall, 2016: The Court of Common Pleas starts to examine how bail is used across Cuyahoga County. The county works with the American Civil Liberties Union of Ohio and the national Pretrial Justice Institute to create a snapshot of people released from several municipal jails and the county jail on the same day, and to get feedback from players in the court system.

The report, completed in September 2017, found that even though the number of criminal cases filed had dropped, the number of people sitting in jail had not, and the county jail was often at capacity.

People who were released from jail on personal or money bonds had an average jail stay of 17 days.

Among defendants with a bond of $5,000 or less, 28% never posted it and remained detained while their cases were pending.

December 2016: Cleveland Municipal Court, the largest of Cuyahoga County’s 13 municipal courts, announces it will partner with the nonprofit Laura and John Arnold Foundation to explore using risk assessments and other tactics to reduce the use of money bail. (Full disclosure: Arnold Ventures LLC is a funder of The Marshall Project through philanthropic organizations it administers, including the nonprofit Laura and John Arnold Foundation. Under the terms of its funding, The Marshall Project has sole editorial control of its news reporting.)

2016: The Common Pleas Court phases in a “first appearance docket” so felony judges can more quickly review bail set in municipal courts before a case is considered by a grand jury. The goal is for defendants who post bond at the municipal court level to have a county hearing within four days, and defendants who remain in jail to have a hearing within two days. It also speeds up the appointment of attorneys.

June-Dec. 2018: Eight people being held in the Cuyahoga County jail die in one year from drug overdoses, medical issues, acts of violence and suicide. Many of them are being held for minor crimes or probation violations. The deaths lead the U.S. Marshals Service to investigate.

March 2018: Cuyahoga County Bail Reform Task Force report makes sweeping recommendations, including creating centralized booking and bail hearings and a countywide pretrial justice system that includes the 13 municipal courts and the county common pleas court. The report also recommends that judges default to setting a personal bond in certain low-level and nonviolent cases.

April 2018-Dec. 2019: Common Pleas Court Administrative and Presiding Judge John J. Russo changed long-standing practice by limiting private conversations between the bond commissioner’s office and police, prosecutors or defense attorneys about bail prior to arraignment. The court also started having the bond commissioner recommend personal bonds in nonviolent fifth-degree felony cases, Russo said in a 2019 letter.

June 2018: County leaders announce the formation of a Criminal Justice Council that includes representatives from law enforcement, prosecutors, criminal defense attorneys, local officials and advocacy groups. The council agrees to collaboratively tackle justice reform, including bail, and the treatment of defendants with mental health concerns.

Sept. 24, 2018: Cleveland Municipal Court launches its pretrial services program. It includes text reminders for court dates and electronic monitoring. In the first year of the program, the percentage of defendants who fail to show up for a court date is cut in half, according to the court. About 8% of defendants are charged with a new offense after their release.

Nov. 2018: A U.S. Marshals report finds inhumane conditions and civil rights violations in the crowded county jail. Pete Elliott, the U.S. marshal for the Northern District of Ohio, calls the jail one of the “worst in the country.”

July 2019: The Bail Project launches in Cleveland. It starts to post bonds for defendants and support them when they are released.

July 2019: An Ohio Supreme Court task force examines the state’s bail...
system and makes several recommendations, including:

Make a pretrial release risk assessment tool available to all judges statewide.

Require counties with more than one municipal court to use standard bond amounts based on a defendant’s charges when a judge is not available to make a release decision.

Require defense attorneys to be present during a bail hearing if a person could be detained.

Create more alternatives to pretrial detention and collect better data on bail and pretrial detention.

**August 28, 2019:** Cuyahoga County Prosecutor Michael O’Malley puts in writing the office’s practice of not asking for cash bonds or objecting to personal bonds in lower-level felony cases that don’t involve violence — unless there’s evidence that the person is a risk to a person or the community.

**July 2021:** New statewide rules issued by the Ohio Supreme Court go into effect, requiring Ohio counties to first consider personal bonds before setting monetary bail, and for counties with more than one municipal or county court to set bail standards for all courts to use.

**January 2022:** Ohio voters overwhelmingly decide to amend the state’s constitution to include specific factors that judges have to consider when setting bail amounts and conditions, including: public safety, the seriousness of the offense, a person’s criminal record, and the likelihood a person will return to court. This strips the Ohio Supreme Court of the authority to set bail rules and practices and gives that power to the state legislature.

**March 2021:** The ACLU of Ohio releases a report on the impact of cash bail on sentencing outcomes. The report, which included Cuyahoga County cases, finds that the longer a person sits in jail, the more likely they are to be convicted and get a lengthier jail or prison sentence.

**May 2021:** Bills introduced in the Ohio House and Senate would require courts to release defendants on a personal bond unless there is a safety risk or a flight risk. The bills also would require courts to consider the ability to pay when setting the bond amount. Legislation is backed by a broad coalition including Americans for Prosperity, ACLU of Ohio and the Ohio Public Defender. The legislation stalls.

**June 2022:** Republican lawmakers in Ohio vote to put a proposed constitutional amendment on the statewide ballot. A majority of voters would have to approve the amendment, which would require judges setting bail to consider public safety and shift oversight of bail from the Ohio Supreme Court to the legislature.

**November 2020:** Common Pleas Court Administrative and Presiding Judge Brendan Sheehan instructs the court’s bond commissioner to recommend personal bonds — which don’t require a payment for release — in third, fourth and fifth degree felonies cases that don’t include an allegation of violence.
Earning Your Way Out in Ohio: The Truth About Sentence Reductions

Myths abound on ways incarcerated people can reduce their time. We clear up the confusion.

By RACHEL DISSELL

People sentenced to prison in Ohio have several ways to shave time from their sentences. One way is to earn time credits by participating in educational, health or work programs approved by the prison. Another option is to complete an approved class or training, or by earning a diploma or certificate. Starting April 4, 2024 the maximum time a sentence can be reduced by earning credits is increasing to 15%. That would mean, for example, 1.5 years taken off a 10-year sentence. What was known as a “good time” reduction (up to 30% of a sentence) was eliminated by lawmakers in 2011.

How much credit can a person earn?

The amount of credit a person can earn by participating in educational, substance abuse, job training programs or working in prison industries will almost double under the new law. People can get prison sentences reduced by up to 15%. For example, a person serving a three-year term could earn a maximum of 164 days off. The previous maximum amount was 8% of a prison sentence, or a little over 87 days.

Before the change, Ohio prisoners were eligible to earn only about half the number of credits compared to a person serving time in federal prison. That was among the lowest in the country, according to an Ohio ACLU study.

Because credit laws have changed over time, there are many restrictions on who can earn credit, depending on the type of conviction and when the crime or conviction happened.

Most credit is earned monthly

Under existing state law, five days of credit can be earned for each completed month of a program or other approved activity. A person serving a sentence for a sex crime that happened before Sept. 30, 2011, can earn one day of credit for each month. The Bureau of Sentence Computation tracks the earned credit.

The rules say participation must be “productive.” What does that mean?

People must show up at least 75% of the time to earn credit. Credit may also be denied for behavior issues while in a program. A guilty finding by the Rules Infraction Board for misconduct means a person could be denied credit for the month.

Who decides which programs count for credit?

The Ohio Department of Rehabilitation and Correction must approve a program for it to be eligible. Not all programs are available at each of the state’s 28 adult institutions. It’s best to check if a program is eligible before participating.

Some currently approved programs include:

Educational & Workforce

- Adult basic literacy education
- Pre-high school equivalency
- HSE and high school
- Advanced job training
- Career-technical education
- Apprenticeships
- Work extension assignments
- Career enhancement
- Vocational programs
- Ohio Penal Industries

Alcohol & Drug treatment

- Therapeutic communities
- Alcohol and other drug treatment residential units
- Alcohol and other drug intensive outpatient programs
- Alcohol and or other drug treatment readiness programs
- Alcohol and other drug recovery maintenance programs
- Alcohol and other drug continuing care programs
- Substance Abuse and Mental Illness (SAMI) dual diagnosis programs
- Treatment transfer program
- Brief Intervention Program

People can get prison sentences reduced by up to 15%. For example, a person serving a three-year term could earn a maximum of 164 days off. The previous maximum amount was 8% of a prison sentence, or a little over 87 days.
Other
Mental health approved programs
• Reentry programs approved by the Reentry Program Oversight Committee (RPOC)

Not everyone is eligible to earn credit through these programs

Ohio laws that allow people to reduce prison terms have changed at least five times since 1996. Eligibility can be based on the types of convictions, and also, the date when a crime occurred or when a person was sentenced. That means if you hope to earn credit, it’s important to check before participating in a program.

In general, people serving life sentences without parole eligibility, or mandatory repeat violent offenders sentenced after July 1, 1996, are not eligible for earned credits. People sentenced to prison for a sex crime on or after Sept. 30, 2011, also can’t earn credits for sentences related to those crimes.

Other convictions that can prevent you from earning credits are:
• Murder, manslaughter and vehicular manslaughter, and felonious and aggravated assault charges
• Human trafficking-related charges
• Some sexual assault offenses, including rape, gross sexual imposition or sexual battery involving a person under 13 years of age
• Use of a firearm with a prior record of violent convictions
• Certain drug convictions
• Convictions while serving time for a parole violation

Can I earn credit for getting my high school diploma?

Yes, as long as the sentence is not a mandatory term, an offense of violence or a sex crime. For example, if a person is serving a sentence for gross sexual imposition, robbery and theft, they would only be eligible to earn time off the sentence for the theft offense. If you are eligible to earn credit, you can get your sentence reduced by three months or up to 10%, whichever is less, for earning a diploma or what’s commonly called a GED. (The total time reductions you can earn in credits or cannot equal more than 15% of your total sentence.)

You can also earn this type of reduction by completing:
• A therapeutic drug community program
• All three phases of the ODRC intensive outpatient drug treatment program
• A career technical vocational school program
• A college certification program
• Earning a certificate of achievement and employability
• Other programs developed by the ODRC with specific standards for performance by prisoners

If I complete a program or activity, are the earned credits guaranteed?

No. The state does a review and awards the credits monthly. Credits can be in jeopardy if a person violated certain prison rules or the rules of a substance use disorder treatment program.

Can earned credit be taken away?

Possibly. Credit for program participation awarded to people whose offenses happened on or after July 1, 1996, can be forfeited for rule violations. But only the ODRC director or someone they appoint can remove the credit. Once the credit is forfeited, it can’t be earned again. Rule violations that can lead to forfeiting some or all credits include:
• Causing, or attempting to cause, the death of another person
• Hostage taking or physically restraining another person
• Causing or trying to cause physical harm to another person
• Throwing or expelling a bodily substance or other liquid or material at another person
• Intentionally grabbing or touching a staff member or other person visiting an institution without consent
• Non-consensual sexual conduct with another person through force or intimidation
• Consensual sexual conduct or contact with another incarcerated person
• Consensual romantic contact with another incarcerated person, including kissing and hand holding.

Earned credits awarded prior to July 1, 1996, can’t be forfeited for any reason.

Are there other ways to get time off my sentence?

Yes.

• If, at sentencing, the judge grants what’s called a “risk reduction” sentence, you can be released once you serve 80% of your sentence if you complete required assessments and classes. Only some convictions qualify for this reduction.
• The ODRC director can recommend to the sentencing judge a reduction of between 5% and 15% for “exceptional conduct” or an adjustment for certain felony cases.
• ODRC can recommend what is called “judicial release” if a person has served 80% of their sentence, for people who qualify. (Most offenses of violence, life sentences, sex offenses and firearm-related offenses do not qualify.)

Illustrations by Jarett Sitter for The Marshall Project
Reader to Reader

Embarking on the reentry journey is like setting sail in an ocean of possibilities. Navigating these waters can be transformative, reigniting hope and perseverance in people who have felt lost and uncertain. But every path also comes with unique challenges.

We asked our incarcerated readers across the country to share their thoughts on reentry. The responses told stories of struggle, triumph and resilience. One reader shared their experience of finding inspiration and purpose while pursuing their college education. Another spoke of the joys of reconnecting with loved ones. Some, however, said they were not even thinking about reentry and voiced their displeasure with the lack of resources within the system. Here are some of the compelling responses that offer a glimpse into the challenges and rewards of the reentry journey.

First, consider what you hope to achieve with the rest of your life. Do anything you can to research how to make this happen. Attempt to build a support network, including family and friends, who will help you grow your network to include possible sponsors, mentors, employers, business partners, investors and more. It’s hard from the inside, but you can achieve more than you think as long as you don’t succumb to hopelessness and complacency. Find places that help smooth reentry. Connect to places that specialize in former convict employment. Find a good place of congregation such as a church, coffee shop or fraternity in which people gather to help improve themselves and each other. You become who you hang out with, so hang out with inspired people. Don’t give up. — FROM A READER IN NC

I have thought about reentry. The advice I would give is: Don’t take anything for granted. And if any type of opportunity presents itself, then take it. You never know what kind of doors it can open for you. — FROM A READER IN NC

The best I can offer anybody incarcerated is to plan for that release date and make sure you have everything you need to be better prepared for society. You might be inside the walls, but that doesn’t mean your thinking or plans are barred. Send mail to different companies and sell yourself. Offer those people a great addition in the near future: someone who is willing to work and make an impact in that company. Show off your work skills and experiences. Tell them you have great management skills and say you’ve lived amongst all kinds of people and made it out. — FROM A READER IN NC

This question is tough. On one hand, it is absolutely vital to keep your eyes focused on release and life after incarceration. Failing to do so puts you at risk of falling into old habits upon release — habits that caused incarceration in the first place. On the other hand, focusing too much on life after prison...
can actually become a hindering form of escapism for short-timers that places dealing with destructive character flaws on the back burner. For those with extended sentences, a focus too far beyond prison walls makes navigating the ever-present hazards of incarceration — depression, drugs, violence, etc. — all the more difficult. — FROM A READER IN NC

I’m a lifer, yet I think of reentry every day. If you are doing time, carry yourself as if you are going home soon. — FROM A READER IN NC

I have thought about reentry, even with an LWOP sentence. When prison counselors told me that I would not be released, I told them that that was their opinion and am now on my way to possibly be resentenced in November 2023. — FROM A READER IN CA

Yes, I have been thinking of reentry even though I am a lifer. Those people that you think are just miserable lifers or LWOPs who have been down forever know more than people realize. An OG who is an LWOP is helping me get ready for the board, and she gave me a lot of reentry information about transitional housing as well. A lot of people sleep on people like them, thinking they not going home one day. Laws are always changing, especially here in California. LWOPs and lifers are going home left and right. So don’t give up. Ask around; it’s called networking for your future. — FROM A READER IN CA

Yes, I am thinking about reentry — even though I am serving an LWOP sentence. I believe the number one thing is to develop insight into why you became the person that resulted in the crimes you committed. Then, develop a relapse prevention plan based on this knowledge. — FROM A READER IN CA

My particular reentry is rather ethereal. I may or may not be resentenced soon. The parole board may or may not find me suitable in a couple of years. What I focus on is who I want to be today, and I make daily strides to achieve this ideal. My advice is to live life NOW. Do not wait to get out. As my pop says, “If you have one foot in the past and one in the future, you’re pissing all over today.” — FROM A READER IN CA

Yes, I’ve thought about reentry. My advice to fellow incarcerated people would be to just stay positive through your sentence. Start by taking the time to better yourself while incarcerated. Surround yourself with people who want the same goals. Take home a career from prison. — FROM A READER IN CA

Yes, I have thought about reentry to the point of making the decision to become a firefighter and a truck driver. The resources I’m going to use are through my parole office to further educate myself and finalize my goals and aspirations. — FROM A READER IN CA

Yeah, man most definitely. I’ve been down 10 years and the best advice I’d give to the youngsters is, “Bro, you got choices and you got to live by those choices.” When we’re young, we have that mentality of “fuck it, it’s nothing, run it.” And that thought process doesn’t get us anything but more prison time, fighting in-house time, higher security prisons, etc. So the choices you make now you’ll have to live by down the road, whatever they are. Before you hold that banger, remember that at all times, laws and things change. And one day you may regret the choice you made that you ain’t tripping on now. Later, you’ll be like, “Yeah, I could have let that one go.” Trust me, I’ve been there. So grow and be sharp. You’ll get through this. I promise. — FROM A READER IN CA

I think about reentry every day. What can I do now that will help me when I am released? You do not have to wait ‘til you are that close to your release date. Some ways you can be proactive about your re-entry is by taking college courses, [learning] a vocation, and getting your high

What reentry resources do you think are helpful to share with your fellow incarcerated people?
your incarceration. Don’t leave blank spaces or gaps with time unaccounted for. Start preparing a budget for yourself; use hypotheticals and estimates so you can have an idea of your finances and what to expect. Be patient and don’t be too anxious. Everything is going to fall into place, but it won’t happen overnight. It’s gonna take time. If you’re struggling with mental health or substance abuse issues, make sure to connect with the resources available in your area upon your release. — FROM A READER IN NC

I’m 54 and I have served 34 1/2 years of incarceration. I’m up for parole this year and know that you must be ready if it is your time for release. Always have a Plan B when it comes to your reentry plan. Whether it be your home plan, job plan or whatever, be ready just in case things change. — FROM A READER IN NC

Making connections with people on the outside is important. Having a strong network can help you find resources and jobs. Also, there are usually lists of resources available in the prison law library. — FROM A READER IN CA

I need to make sure I have an effective network set up so that I can have the best opportunity once I’m out. That means that every person and organization I come in contact with during my incarceration can and may play a role in my life once I’m out. This even includes some — notice I said “some” and not “all” — of my formerly incarcerated peers who are already out there battling life. It gives me a more realistic view of what to expect upon release. — FROM A READER IN CA

As said in the article, reentry starts on your first day in. — FROM A READER IN CA

I am thinking of reentry. My approach is to do anything I can education-wise to help, like the Pell Grant for school. — FROM A READER IN UT
Despite the challenges of incarceration, many people strive to build and maintain ties with folks on the outside. These relationships can have significant emotional and psychological benefits, providing a form of connection and belonging that can be difficult to find within the prison system. Additionally, maintaining ties to friends and family on the outside can strengthen parole applications, help minimize the adverse effects of family separation, reduce recidivism and facilitate people's reentry into society. That's why we're asking you to share your strategies for creating and supporting these bonds.

Can you describe the challenges incarcerated individuals face when it comes to connecting with people who are not in jail or prison? How do you work around distance and restrictions? Once you make a connection, how do you keep it going?
Aaron this guy is new, huh?

Blame your buddies who were fighting in the yard. They give everyone with a violent crime a bad name!

Just think about that when you go to the parole board.

MAN, this lockdown sucks!!!

You gotta cool out little bro.

That won’t help.

Prison staff is gonna keep us in our cells until they find weapons or they think they found out what caused the mash-up...

What, you’re Jamaican now?

“Mash-up”?

You catch that?

He dropped “MASH-UP” like a Jamaican!
Man just wait, regular problems will seem so small when you’re out.

Awwww... my lil' lawn mower broke and interest rates or whatever!

This normal to us! You gotta build the mystical art of mental fortitude just like us!

serving prison time makes you mentally strong. But you're right lil' bro, we can't normalize lockdowns.

Pedro!

What's this doin' in your cell?!

Abracadabra?

GET HIM!
ACROSS
2 Name of Billy Wardlow’s D&D character. (1 word)
7 According to U.S. District Court Judge Thomas Parker, “a ______ is not reasonable suspicion.” (1 word)
11 Has written Life Inside pieces for The Marshall Project and now teaches writing workshops at three juvenile lockups in and around his hometown of St. Louis. (2 words)
13 “How _________, inhumane jail conditions, and informal agreements reshaped the Cuyahoga County bail system.” (2 words)
15 1,000- to 1,400-word essays published by The Marshall Project that zero in on a specific story, moment or experience. (2 words)
16 Percent of federal prosecutions in Memphis that are dismissed because of Fourth Amendment violations. (1 word)
17 Another major lesson I learned was that there are details about prison life that only people who have lived it can ______ write about. (1 word)
18 A tabletop role-playing game with mini figurines and 20-sided dice that gives people on death row a sense of freedom. (2 words with &)
19 The private, for-profit medical contractor that provided healthcare in prisons and jails across the country. (1 word)
20 “In many states, prisoners spend those years living in isolation so extreme the _________ condemn it as torture. (2 words)

DOWN
1 Laws that “aim to remove conviction and arrest history questions from job applications, and to delay background checks until after a job interview.” (3 words)
2 The art form Bobby Bostic urges his students to use. (1 word)
3 A controversial corporate restructuring that consists of moving debts to a new company and then declaring bankruptcy. (3 words; 1 hyphen)
4 Runs Mississippi’s Office of State Public Defender and is recognized throughout the state as an expert on indigent defense. (3 words)
5 Constitutional right against unreasonable search and seizure. (2 words)
6 “Mississippi gives district attorneys ______ to indict someone after an arrest...” (2 words)
8 “While some Life Inside contributors experience the system through their work or their loved ones, most are currently ______.” (2 words)
9 Name of the company that continued providing healthcare in prisons and jails after Corizon. (2 words)
10 “This strips the Ohio ______ of the authority to set bail rules and practices and gives that power to the state legislature...” (2 words)
12 The lack of an indictment deadline and legal representation in this timeframe can cause defendants to be jailed for months or years. (2 words)

9 "While some Life Inside contributors experience the system through their work or their loved ones, most are currently _________. " (2 words)
10 Name of the company that continued providing healthcare in prisons and jails after Corizon. (2 words)
12 "This strips the Ohio ______ of the authority to set bail rules and practices and gives that power to the state legislature..." (2 words)
14 The lack of an indictment deadline and legal representation in this timeframe can cause defendants to be jailed for months or years. (2 words)
In The Spotlight

I served 19 years Ohio state prisons. While many shy away from revealing this, I highlight my journey and the lessons I learned for those of us who are directly impacted. I also use my incarceration to show people in society that we will not be defined by the worst choices we have made. While I was incarcerated I found my purpose as an advocate and activist. I founded and served as the inaugural president of Grafton Correctional Institution's NAACP Branch Unit 34AB; became a certified American Red Cross instructor; served as management director of the Junior Chamber of Commerce; facilitated educational workshops; mentored at-risk adolescents in the facility from surrounding counties through the Heart-to-Heart Program; and wrote, proposed and received authorization to facilitate the Reentry Premier Program that helped men prepare for a successful transition back into their communities. I believe that we all tell stories in the way we live our lives. These stories serve as tools to connect, heal and transmit our truths in ways that add dignity and value to ourselves, to others, and to our communities. During my time in prison, The Marshall Project and News Inside did not yet exist. I wish something that brought relevant news and information directly to incarcerated people would have existed while I was locked up. It would have been very helpful. I am proud to have been part of the focus groups that helped The Marshall Project launch their first local newsroom, right here in the town of Cleveland that I love so much.

Damian Calvert works as a consultant and outreach supervisor for Lorain County’s Urban League. He is a member of Case Western Reserve’s Institutional Review Board and co-chairman of the Cuyahoga County Leadership Coalition for Reentry. He sits on numerous committees including the Citizen Circle Committee, The Greater Cleveland Community Engagement & Awareness Committee and the Program Committee of the Juvenile Detention Inspection Team. Since his release in 2011, he has taken courses at Cleveland State University. Previously, he worked as an outreach supervisor for the City of Cleveland’s Community Relations Board, as the Cleveland organizer for Building Freedom Ohio, and as a policy advocate coordinator at Luther Metropolitan Ministries working in collaboration with some judges on bail, bond, fees and fines reform.

Facebook: Damian Calvert
Phone #: 440-452-0465
Website: LCUL.org

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.

Last Issue’s Answers

1 Kassan was on a list of prison boxers – like Sonny Liston and Mike Tyson – in the 2014 book “Boxing’s Most Wanted.” TRUE
2 The rate of inflation for incarcerated people is often two, three or four times higher than for those on the outside. TRUE
3 Former president Donald Trump became just another one of the roughly 31,000 people arraigned for felonies across New York State each year. TRUE
4 Effective January 2024, in a major step in the fight over accommodations for deaf people behind bars, the Federal Communications Commission will require all prison phone companies to provide video communication services for deaf and hard-of-hearing prisoners. TRUE
5 “Collateral consequences” are laws or policies that prevent people with criminal records from obtaining employment, certifications, education and more. TRUE
6 In the Shinn v. Martinez Ramirez Supreme Court decision, Judge Clarence Thomas stated that serial relitigation of final convictions is encouraged by the Supreme Court. FALSE
7 All three of the Bahkit brothers went to prison following their time served in prison. FALSE

Issue 15 Questions

1 T or F: In an Ohio state prison, incarcerated people and correctional staff played a role reversal simulator game.
2 T or F: A survey of courts by the Daily Journal, ProPublica and The Marshall Project found that some local court officials are unaware of the new rule that requires poor criminal defendants to have a lawyer throughout the sometimes lengthy period between arrest and indictment.
3 T or F: A man entered the Arizona prison system healthy, but stopped being able to walk, couldn’t tolerate light and became confused and incontinent.
4 T or F: In federal courts, the bar is even higher because of a legal principle called the good faith doctrine: Even if a judge finds that police illegally obtained evidence, the judge can still allow it if prosecutors can show that the officers believed they were acting lawfully when they made a stop, search or arrest.
5 T or F: Most barriers after prison are housing-related.
6 T or F: In 2005, the Supreme Court banned capital punishment for crimes committed by people under 18, saying that “evolving standards of decency” forbade it.
7 T or F: The key to producing any good piece of creative nonfiction is clear communication between the writer, editor, and, in the case of Life Inside pieces, the police.
8 T or F: Bobby Bostic is a Chicago native who was released on parole on November 1, 2023.
9 T or F: People sentenced to prison in Ohio have several ways to shave time from their sentences.
10 T or F: Illinois recently became the first state to completely eliminate cash bail after a state Supreme Court decision found it is not mandated by the state constitution.
The stories in this issue were originally co-published with:
USA Today
AL.com
Institute for Public Service Reporting
The Commercial Appeal
MLK50
The New York Times
ProPublica’s Local Reporting Network
The Northeast Mississippi Daily Journal