A Letter from Lawrence

Dear Readers,

Many of my female friends who did time continuously remind me that women often get left out of rehabilitative programs and opportunities while incarcerated. When we meet at events or hang out in general, they list the ways they were overlooked or treated unfairly and ask me to represent them in News Inside and Inside Story.

One issue that particularly saddens me is the lack of visitors they received. I’m told their visiting rooms were nearly empty every weekend, a stark contrast to men’s prisons, where the visiting areas were largely packed with caring wives, mothers, grandmothers, and girlfriends who showed up consistently to support their loved ones. It troubles me to hear that the men in my female friends’ lives didn’t ride for them when they were down. I saw this firsthand last summer when I attended a Rehabilitation Through the Arts prison play at Bedford Hills Correctional Facility in New York called “Spring Spectacular.” While it was a special moment for the all-female incarcerated cast to shine and have their families and friends cheer them on, many of these women barely had any familial or friendly faces smiling at them, aside from volunteers and impressed prison staff. I made a point to congratulate and laugh with the women who didn’t have anyone there for them, understanding how much it meant from my own experience of having my wife and kids support me during a similar play years prior.

This is why it gives me pleasure to dedicate this issue to all incarcerated women, especially those who strive to improve themselves without recognition.

Along with more powerful articles, Issue 16 features favorites like “The Peeps” comic, “Reader to Reader” advice column, our crossword puzzle, and our “Thinking Inside the Box” quiz. I hope everyone enjoys what’s inside, but this one is especially for the ladies. We see you, we hear you, and we stand with you.

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

We have recently started receiving The Marshall Project’s News Inside through our education app via our tablets. The information provided in the newsletters is uplifting in a place where purposeful information is tough to come by. I am thankful for the opportunity to take part in the program. I would also like to request a subscription for a paper copy of the newsletter. I’m a little bit old school and enjoy the newsletter format.

—Christopher L., Florida

I am requesting a subscription to your News Inside magazine. I have read every one of your issues on the GTL tablet and they are informative. I am currently incarcerated in Indiana. This facility is drug-infested, and the conditions and food are bad. I am hoping you guys will have an issue that tackles prison lawsuits.

—Darnell J., Indiana

I want to thank you for reaching out to the LGBTQ community that is currently incarcerated with the opportunity to read about and share our life experiences and knowledge with the community. Also, thank you for reaching out to transgender females like me to keep us informed and make us feel loved.

—Rona L., New York

News Inside has given me hope because I see that the world is starting to see how badly this system is designed for Black men and women. I’m so happy that we are starting to get a lot of people involved in prison reform, so it gives me even bigger hope to see injustice—especially excessive sentences in a lot of cases—get attention. News Inside also inspires people to share their stories. Just because we’re locked up doesn’t mean that hope has forgotten about us. Things are possible, as long as you’re a believer. Never give up because the fight will never end, even when we reenter society.

—Tyrone S., Maryland

I am fortunate enough to be in a facility that works with the New York Public Library, which employs non-DOC civilian workers to provide us with reading materials. This is how I found your magazine! I intend to request that News Inside continue to be offered!

All people caught up within the system need a voice and a platform, especially women. As women in a predominantly male system, it’s hard for our voices as a WHOLE to be heard, let alone any other concerns, as we are unique (and often complex) individuals.

I’d love to work with any division of The Marshall Project/News Inside—even being featured in “Letters” would be a great feat! You have a reader/fan for life in me!

—Amanda S., New York

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

Manager’s Note

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

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

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

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

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

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

Answers from Issue 15 Crossword
Federal Prisons Are Over Capacity — Yet Efforts to Ease Overcrowding Are Ending

The Bureau of Prisons’ system is in trouble and needs serious upgrades on several fronts.

By SHANNON HEFFERNAN

The Bureau of Prisons faces a host of major challenges. Federal prisons are chronically short-staffed, creating dangerous conditions for both the people working there and for those who are incarcerated. The aging buildings need major repairs and maintenance. The bureau estimates its already overcrowded prison population will expand to 10% over capacity in 2024.

Despite the grim conditions, two programs — which allow people to live in their communities while serving their sentences if they are not likely to commit new crimes — have ended, or are at risk of ending. Former BOP staff and advocates for prisoners’ rights say that could increase the prison population at a time when resources are already strained.

The Elderly Offender Program allowed people 60 and older who had served most of their sentences, and were incarcerated for an offense categorized as nonviolent or non-sexual, to be released to home confinement. It was a pilot program expanded by the First Step Act, which took effect in 2018. The program expired in September 2023.

Older people are far less likely to commit new crimes, according to government research. Incarcerating older adults is also expensive, as they require more medical care, which is especially costly behind bars because prisons have to supply transportation to and security at hospitals. Research suggests that it costs twice as much to keep an older person in prison than a younger one.

The second program is part of the CARES Act, passed in 2020, which addressed issues related to COVID-19. It allowed people to finish their prison sentences at home, to ease overcrowding at the height of the pandemic. But legislation, sponsored by Republican Sen. Marsha Blackburn of Tennessee, could force participants to return to prison. “Now that the COVID-19 emergency is over, the policy is no longer feasible,” Blackburn tweeted on Dec. 3, 2023.

Both liberal and conservative organizations have pushed back against these efforts to send people back to prison, citing data that shows the CARES program poses little public safety risk.

According to a statement from President Joe Biden’s office in November 2023, of the more than 13,000 people released to home confinement under the CARES Act, “less than 1% have committed a new offense — mostly for nonviolent, low-level offenses — and all were returned to prison as a result.” According to the White House, the program has eased the burden on BOP staff and has saved millions of dollars.

Those savings could be especially important as the bureau tries to address deteriorating prisons that need expensive maintenance and repairs.

The agency’s Office of the Inspector General recently identified unsanitary and potentially unsafe conditions at a federal women’s prison in Florida. Among other health and safety issues, investigators found rats, moldy food and leaky roofs. “We observed housing areas in which feminine hygiene products were being used to absorb water from leaking windows, an electrical outlet that appeared to have fire damage, a sink that was detached from the wall, and a black substance on walls and ceiling,” investigators wrote.

The problems are system-wide. Colette Peters, director of the bureau, told lawmakers in late 2023 that there was a $2 billion backlog for maintenance and repairs. But over the last decade, the bureau has received an average of roughly $100 million per year for repairs. “As a result, our current infrastructure needs are significant,” Peters said.

Failing infrastructure is not the only issue Peters flagged. Despite recent improvements, she said staff recruitment and retention remains a challenge.

The New York Times reported on a federal facility in Colorado where staffing was “so low that teachers, case managers, counselors, facilities workers and even secretaries at the complex have been enlisted to serve as corrections officers, despite having only basic security training.” And The Marshall Project investigated a federal prison in Illinois, where several people died in recent years. One employee at that facility told The Quad-City Times that conditions there “have cultivated an environment with catastrophic potential.”

High prisoner-to-staff ratios can have serious consequences. High-profile deaths and injuries in federal prisons, like the stabbing of Derek Chauvin in November 2023, have highlighted the problem. The inspector general said that short staffing contributed to conditions that allowed Jeffrey Epstein’s suicide in a federal jail in Manhattan in 2019. That jail was ultimately closed in 2021 due to the poor conditions, but its companion facility in Brooklyn has seen similar issues. In January 2024, a federal judge refused to send a man there, citing the inhumane treatment.

In a letter to bureau officials in late 2022, Colorado senators wrote about staffing concerns at the federal complex in Florence, southwest of Colorado Springs. The complex includes the only federal Supermax prison, where there were two homicides of incarcerated people and six serious assaults in 2022. In the letter, the senators estimated that the facility was short at least 188 staff members. The dangerous conditions create a downward spiral, leading more staff to leave, the senators argued. “Fatigue, exhaustion, and low morale have reduced staff productivity and led to more sick leave, retirements, and resignations,” they wrote.

Short-staffing also creates a cycle that can make it harder to release people and ease the burden on the system. The First Step Act allows people to earn credits toward early release by participating in educational programming. But Joe Rojas, a literacy coordinator at the Coleman prison complex in central Florida, told...
NBC his program was rarely operational, because he had to assist with work usually done by correctional officers. “There’s no programming,” Rojas said. “If there’s no programming, you can’t do the First Step Act.”

The White House has threatened to veto any law that sends people who were released under the CARES Act back to prison.

In a rare bipartisan effort, Democratic Sen. Dick Durbin of Illinois and Republican Sen. Chuck Grassley of Iowa are co-sponsoring legislation that would revive the defunct Elderly Offenders program for older prisoners.

Hugh Hurwitz, the former acting director of the bureau, has said extending the program would make sense. Bureau staff could focus on people most in need of programming and security, “thereby reducing the risk to society,” Hurwitz said. “It will also save taxpayers money by greatly reducing BOP’s medical costs.”

These States Are Using Fetal Personhood to Put Women Behind Bars

Hundreds of women who used drugs while pregnant have faced criminal charges — even when they deliver healthy babies.

By CARY ASPINWALL

This article was published in partnership with AL.com, The Frontier, Mississippi Today, The Post and Courier, and The Guardian.

Additional reporting contributed by Amy Yurkanin, Brianna Bailey, Anna Wolfe, and Jocelyn Grzeszczak.

When Quitney Armstead learned she was pregnant while locked up in a rural Alabama jail, she made a promise — to God and herself — to stay clean. She had struggled with addiction and post-traumatic stress disorder for nearly a decade, since serving in the Iraq War. But when she found out she was pregnant with her third child, in October 2018, she resolved: “I want to be a mama to my kids again.”

Armstead says she did stay clean before delivering a baby girl in January 2019. Records show that hospital staff performed initial drug tests, and Armstead was negative.

Armstead didn’t know that Decatur Morgan Hospital also sent her newborn’s meconium — the baby’s first bowel movement — to the Minnesota-based Mayo Clinic for more advanced testing. Those test results showed traces of methamphetamine — drugs Armstead says she took before she knew she was pregnant. Because meconium remains in the fetus throughout pregnancy, it can show residue of substances from many months before that are no longer in the mother’s system.

Child welfare workers barred Armstead from seeing her daughter, Aziyah, while they investigated, and Armstead’s mother stepped in to care for the newborn.

The hospital shared the meconium test results with local police, who then combed through months of medical records for Armstead and her baby to build a criminal case. Prosecutors alleged that the drugs she had taken much earlier in the pregnancy could have put the fetus at risk. Nearly a year after she’d delivered a healthy baby, Armstead was arrested and charged with chemical endangerment of a child.

She is one of hundreds of women prosecuted on similar charges in Alabama, Mississippi, Oklahoma and South Carolina. Law enforcement and prosecutors in those states have expanded their use of child abuse and neglect laws in recent years to police the conduct of pregnant women under the concept of “fetal personhood.” It’s a tenet promoted by many anti-abortion groups, which says that a fetus should be treated legally the same as a child.

These laws have been used to prosecute women who lose their pregnancies. But prosecutors are also targeting people who gave birth and used drugs during...
their pregnancy. This tactic represents a significant shift toward criminalizing mothers: In most states, if a pregnant woman is suspected of using drugs, the case could be referred to a child welfare agency, but not police or prosecutors.

Medical privacy laws have offered little protection. In many cases, health-care providers granted law enforcement access to patients’ information, sometimes without a warrant. These women were prosecuted for child endangerment or neglect even when they delivered healthy babies, an investigation by The Marshall Project, AL.com, The Frontier, The Post & Courier and Mississippi Today found.

In these cases, whether a woman goes to prison often depends on where she lives, what hospital she goes to and how much money she has, our review of records found. Most women charged plead guilty and are separated from their children for months, years — or forever. The evidence and procedures are rarely challenged in court.

Prosecutors who pursue these criminal cases say they’re protecting babies from potential harm and trying to get the mothers help in some cases.

But medical experts warn that prosecuting pregnant people who seek health care could cause them to avoid going to a doctor or hospital altogether, which is dangerous for the mother and the developing fetus. Proper prenatal care and drug treatment should be the goal, they argue — not punishment.

Dr. Tony Scialli, an obstetrician/gynecologist who specializes in reproductive and developmental toxicology, said the prosecutions are an abuse of drug screenings and tests designed to assess the medical needs of the mother and infant. He said that drug use doesn’t necessarily harm a fetus. “Exposure does not equal toxicity,” Scialli said.

But prosecutors in these states aren’t required to prove harm to the fetus or newborn — simply exposure at some point during the pregnancy.

Legal experts say that under this expanded use of child welfare laws, prosecutors could also pursue criminal charges for a pregnant person who drinks wine or uses recreational marijuana — even where it’s legal. Police could also comb through medical records to investigate whether a life-saving abortion was medically necessary or to allege that a miscarriage was actually the result of a self-managed abortion.

Because of concerns about people being criminally punished for seeking reproductive healthcare after last year’s reversal of Roe v. Wade, the U.S. Department of Health and Human Services is working to strengthen privacy rules under the Health Insurance Portability and Accountability Act, or HIPAA.

Scialli said the prosecutions ignore the effects of separating a newborn from a mother, which research has shown harms the child. Several studies have shown that even when newborns exhibit signs of drug withdrawal at birth, keeping them in hospital rooms with their mothers improves their health outcomes.

Just because a person struggles with addiction doesn’t necessarily mean she is an unfit mother, Scialli said. “Even women who are using illicit drugs, they’re usually highly motivated to take care of their children. Unless the mother is being neglectful, separating the baby and mother is not healthy for either of them.”

Armstead grew up Quitney Butler inTown Creek, about two hours north-west of Birmingham. She watched as her town lost its Dairy Queen, grocery store, and eventually, even the high school she graduated from in 2006.

She was deployed to Iraq in 2009, the same year her school closed. By then, she was 21 with one young daughter, Eva, with her boyfriend, Derry Armstead.

In Iraq, she drove trucks and made sure fellow soldiers got their mail. She was stationed at Forward Operating Base Hammer, in a stretch of desert east of Baghdad that was often the target of attacks.

Armstead came back from war in 2010 “a completely different person,” said her mother, Teresa Tippett. She was argumentative and temperamental.

Her family members “all said I changed when I went over there,” Armstead recalled. “I was like, ‘Mama, we were getting bombed all day, every day.’”

Armstead came home looking for an escape. She found drugs and trouble.

After her boyfriend returned from his deployment to Afghanistan, they married in 2012 and had a second daughter, Shelby. But their relationship became tumultuous, records show.

Both were arrested after a 2014 fight where he claimed she damaged his property, and she claimed he struck her on the leg, court records show. The following year, police records allege her husband drove his pickup past railroad barricades and into the side of a moving train, with his wife in the passenger seat.

Because of the couple’s fighting and arrests, her mother had custody of both Eva and Shelby. Quitney Armstead picked up two drug possession charges, and a misdemeanor charge for throwing a brick at the car her husband was in. Their divorce was granted in 2018, court records show.

In October 2018, she ended up back in jail after she was arrested on a drug possession charge during a police raid of a relative’s house, according to court records.

That’s when she found out she was pregnant with Aziyah, and promised herself she would get clean.

Not long before Armstead’s legal troubles began, some prosecutors in Alabama started to use a chemical endangerment statute — originally designed to protect children from chemical exposures in home meth labs — to punish women whose drug use potentially exposed their fetuses in the womb.

Prosecutions vary widely from county to county. In some areas, district attorneys choose not to pursue these charges, while one county has charged hundreds of women. In 2016, lawmakers carved
out an exemption for exposure to prescription drugs, which can also be harmful to a fetus.

Morgan County District Attorney Scott Anderson said he does not discuss details and facts about pending cases.

“However, I will tell you that my position of being willing to allow mothers charged with chemical endangerment into diversion programs has not changed. I am willing to do that and, if at all possible, I favor that approach in resolving these type cases,” he wrote in an email. “I think that Ms. Armstead needs treatment for drug dependency and am in favor of her getting it.”

Some Alabama women we interviewed avoided a felony conviction and prison time by participating in pre-trial intervention programs run by prosecutors, which offer some treatment options. In some counties, the cost is $700 just to apply. Participants must keep making payments to remain enrolled. If they can’t afford to keep up, they face an automatic guilty plea.

In his email, Anderson said poverty does not prevent a person from entering diversion programs in his county.

In several Alabama cases, the mother and her newborn initially tested negative for drugs — but the hospital sent the baby’s meconium to a lab for more extensive testing.

In Armstead’s case, her drug tests were negative, but her infant’s initial urine screen showed a “presumptive positive” for methamphetamine, according to medical records. Urine screening can result in false positives, which is why hospitals sometimes use more definitive meconium testing.

Armstead said she never granted permission specifically for the meconium test and had no idea her newborn’s sample was being sent to the Mayo Clinic. A spokesperson for Decatur Morgan Hospital, where Armstead gave birth, wrote in an email statement that the hospital drug tests “all mothers who are admitted to our hospital for labor and delivery. Our hospital follows Alabama law regarding any required reporting of test results to state authorities.”

A federal law requires each state to have a policy on how to report and examine cases of drug-exposed newborns — but the federal statute doesn’t require states to conduct criminal investigations. About half the states stipulate that healthcare providers report to child welfare agencies when a newborn or mother tests positive for drugs, but only a handful pursue criminal prosecutions of the mothers.

Some prosecutors in Alabama, South Carolina and Oklahoma have determined that under those states’ laws and court rulings establishing fetal personhood, child welfare statutes can apply to a fetus. Mississippi doesn’t have a fetal personhood law, but that hasn’t stopped prosecutors in at least two counties from filing criminal charges against women who tested positive for drugs while pregnant.

In northeast Mississippi’s Monroe County, Sheriff’s Investigator Spencer Woods said he spearheaded the effort to begin prosecuting women under the concept of fetal personhood in 2019.
Before that, Woods said, when the sheriff’s office received a referral from Child Protection Services about a new-born testing positive for drugs, officers wouldn't investigate.

“It wouldn’t be handled because it did not fall under the statute. It still does not fall under the statute,” he said. “Because the state of Mississippi does not look at a child as being a child until it draws its first breath. Well, when that child tests positive when it’s born, the abuse has already happened, and it didn’t happen to a ‘child.’ So it was a crack in the system the way I looked at it. And that’s where we’re kind of playing.”

There are several ways law enforcement can learn of alleged drug use. Sometimes, child welfare workers inform police. Occasionally, women themselves admit drug use to an investigator; other times doctors, nurses or hospital staff pass test results to law enforcement or grant officers access to medical records without a warrant.

The cases demonstrate how existing privacy laws don’t protect women’s medical records from scrutiny by law enforcement, said Ji Seon Song, a law professor at the University of California, Irvine, who studies how law enforcement infringes on patients’ privacy.

Child abuse allegations shouldn’t be a “carte blanche to access someone’s private health information, but that’s how it’s being used,” Song said. “When the loyalty to the patient completely disappears, that’s an institutional problem the hospitals need to deal with.”

Because this surveillance system could also be used to police women who seek abortions, federal authorities have proposed a privacy rule addition for HIPAA. Among other changes, it would prohibit disclosure of private health information for criminal, civil or administrative investigations against people seeking lawful reproductive health care. The agency sought public comment on the proposed rule through June 2023, and is expected to complete the changes in 2024.

Medical groups supporting the changes argue that using private health information to punish people criminally harms the physician-patient relationship and results in substandard care. But several state attorneys general — including the AGs for Alabama, Mississippi and South Carolina — wrote a statement opposing the change.

As proposed, the HIPAA changes could require law enforcement to provide documentation, such as a search warrant or subpoena, when seeking records related to someone’s reproductive healthcare — and medical providers could still refuse, said Melanie Fontes Rainer, director of the Office for Civil Rights in the Department of Health and Human Services.

“It’s very much real that your information is being used inappropriately sometimes; and then that information is then being used to seek out criminal, civil and administrative prosecution of people,” Fontes Rainer said. “We’re in this new era — of unfortunately targeting populations for the kinds of health care they seek.”

In some cases, women were arrested and prosecuted after being honest with their doctors about their struggles with substance abuse. At one South Carolina hospital, a new mother admitted to occasional drug use while pregnant, only to have hospital staff call police, who arrested her after a nurse handed over her medical records.

A few women have even been prosecuted after seeking treatment.

In 2018, Kearline Bishop was pregnant and struggling with meth addiction. She said she checked herself into a rehab program in northeast Oklahoma because she knew she needed help.

When Bishop appeared to have contractions, the rehab transferred her to a local hospital. A doctor at Hillcrest Hospital Claremore determined that she wasn’t yet in labor, and that despite her past drug use, her fetus was healthy.

Then two men Bishop didn’t know walked in. They were police detectives in plain clothes, who demanded a hospital worker draw her blood for testing, according to court records. It turned out that an off-duty police officer working security at the hospital had called his police department supervisor because he’d heard that a pregnant woman admitted to drug use.

The detectives didn’t have a search warrant, so they handed Bishop a “Consent to Search” property form with blank spaces on it. The officers crossed out the line where they would normally list the property to be searched and instead simply wrote “Blood Draw.” Police testified later in court that they didn’t advise Bishop she could talk to a lawyer first.

Bishop had told the cops she “was in a dark place, and needed help,” according to an affidavit.

The blood tests showed traces of drugs in her system. Officers handcuffed Bishop and took her from the hospital to jail. She stayed there until right before she delivered her baby, when she was allowed to go to a treatment house for pregnant women for a few days. When Bishop’s daughter was born, she was healthy. But child welfare workers took her from Bishop the next day.

The District Attorney in Rogers County, northeast of Tulsa, charged Bishop with child neglect. After an initial hearing, a county judge dismissed the charge, ruling the state couldn’t apply its child welfare codes to a fetus.

But the district attorney appealed. Then a 2020 decision in a separate case by the Oklahoma Court of Criminal Appeals ruled that the state’s child neglect law could be applied to fetuses — even ones that didn’t display harm from drug use. The court later ruled that the prosecutor could continue the case against Bishop.

District Attorney Matt Ballard celebrated on Twitter: “My office scored a big victory today fighting for unborn children. I’m proud of all the work that went into this. #ProtectingUnbornChildren”

Through a spokeswoman, Ballard declined an interview request.

Bishop ultimately opted for a blind plea — a form of guilty plea that leaves the sentence entirely up to a judge — in January 2022. She was sentenced to three years in prison, plus five years of probation. A court terminated her parental rights to her youngest daughter.

Bishop did so well in prison that a judge reviewed her case and agreed to her release in March 2023, after just one year. Her daughter is now a healthy 4-year-old, adopted by a family member. Bishop has no contact with her youngest but saves up the money she makes working to buy clothes to send to her daughter.

Part of Bishop’s motivation to secure an early release, she said, was to prove that the prosecutors and judge who sent her to prison were wrong about her. She said that they never gave her a chance to show she’d be a caring mother.

“They looked at me like I wasn’t even human,” she said.

The cloud of cigarette smoke in Kevin Teague’s Decatur law office is almost as thick as his North Alabama accent.
Teague is Armstead’s court-appointed lawyer. He defends a number of women in Morgan County charged with chemical endangerment of a child.

Many of his clients — like most of the women charged in Alabama and other states — reach plea deals, rarely challenging the cases against them. Teague said he had intended to help Armstead plead guilty too, but something about her case gnawed at him.

“She’s just had a hell of a life. I mean, she fought for her country,” he said. “I truly believe she has some serious PTSD.”

Her country — and the state of Alabama — owed her something better, he said. It seems unfair that poor people who can’t afford pre-trial diversion programs get felony convictions and prison time, while people who could afford thousands of dollars in fees can get different outcomes, Teague said.

Armstead missed an October 2022 court hearing — she said she didn’t receive a notice or have transportation. The absence landed her back in jail in December, and, lacking the money for bail, she’s remained behind bars since.

Meanwhile, Teague heard about a chemical endangerment case similar to Armstead’s, in which the defendant challenged the evidence and the charges were dismissed: Dianne De La Rosa.

Eight months after De La Rosa’s daughter was born in 2018 in Huntsville, she and her family woke to a knock at the door at 2 a.m. The police had a warrant for her arrest for chemical endangerment. A meconium test allegedly showed traces of marijuana from earlier in the pregnancy.

De La Rosa did something that many women in Morgan County couldn’t afford. She scraped together thousands of dollars to hire her own attorney — John Brinkley.

Brinkley is a father of nine, and had another on the way in the spring of 2023. He had waited in many delivery rooms over the years, and he remembered a key detail: The hospital doesn’t preserve everything it collects when a baby is born.

So Brinkley and his law partner Justin Nance did something unusual: They asked to conduct their own independent drug tests of the meconium in De La Rosa’s case. Defendants in Alabama have the right to request independent testing of evidence. But since so many women plead guilty, it rarely happens.

“It’s unclear the criteria they have for when they do these tests,” Nance said. “They claim they’re doing them on everybody, but I don’t think that is true.”

Prosecutors admitted that the evidence wasn’t preserved, and the charges against De La Rosa were dismissed. That took nearly three years.
Many women charged with chemical endangerment in Alabama can’t afford their own lawyer to fight a criminal case for years, Brinkley said. “They pick on these less fortunate women, and then they just railroad them.”

After hearing about De La Rosa’s case, Teague filed a motion in late March to have the meconium evidence in Armstead’s case independently tested. Prosecutors never responded in a written filing, nor they did not turn over the sample within 14 days, as the court had ordered, Teague said. Armstead’s trial was set for August.

When Teague told Armstead about filing that motion — in hopes of getting her case dismissed — she broke down sobbing.

Teague reminded her it would be a long road, and she would need to work on her sobriety and fulfill the requirements for a veterans’ court program she was offered for a synthetic marijuana possession charge in a nearby county. But it was a glimmer of hope she could hold on to.

“I am not the mistakes I’ve made,” Armstead said. “My kids were my world.”

Her incarceration has isolated her from family. Her jail doesn’t allow in-person visits from anyone but her lawyer, and she barely has the funds to make phone calls.

Her daughter Aziyah is 4 years old now. She and her older sisters only see Armstead on occasional video calls from the county jail, when the family can afford to put money in her jail account.

Armstead recalled that during a recent video chat, Aziyah asked her: “Mommy, can you just sneak out of jail for one night?”

She explained to Aziyah that if she did, she would be there even longer.

“It tore me up,” Armstead said.

In July 2023, Teague visited her at the jail with news: Morgan County was now offering her a better plea deal. If she successfully completes veterans’ court in nearby Lauderdale County, both her drug possession charge and chemical endangerment charge will be dismissed, he told her. There would be no conviction for either felony, as long as she didn’t screw up.

Armstead knew this meant the state probably didn’t have the meconium evidence. But taking the plea deal meant getting out of jail sooner and hugging her girls. Maybe she would be home in time for back-to-school.

She couldn’t afford to say no.

Armstead was released after this article was published, but spent much of 2023 in jail.

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I ‘Stood My Ground’ — but It Was the Police Raiding My House

Diamonds Ford thought she was shooting at an intruder when Florida cops raided her home without knocking. Then she was charged with attempted murder.

By DIAMONDS FORD as told to MAURICE CHAMMAH

Illustration by SIMINA POPESCU FOR THE MARSHALL PROJECT

One morning in September 2020, I woke up to the sound of glass shattering. My first thought was: Someone is breaking into my house. It was around 8 a.m., but it felt like the middle of the night because we had blackout curtains. My daughter, who was 11, had spent that night at a friend’s house, and I’m so thankful she wasn’t there.

My boyfriend, Anthony, was still asleep, and I woke him up. He reached for my gun, but when he didn’t move fast enough, I grabbed it and started shooting toward the windows. I couldn’t see who I was shooting at because of the curtains.

A week before this, I’d bought a Glock 39 at a gun show. It was my first firearm, and I was working a lot of late nights as a pharmacy technician. In a gun class, I’d been taught to store it unloaded, but I thought, Sorry, where I live, I need to keep it loaded.

After I shot all the bullets, I dropped the gun. Anthony and I shut ourselves in the bathroom with our dog. It sounded like World War III outside. One of us had a cellphone, and I called 911. “Someone is shooting,” I told the operator.

In the recording of the call, you can hear me ask, “Are we going to die?” Then the operator asks, “Do you know who is shooting?”

Before I could answer him, I heard deputies with the Jacksonville Sheriff’s Office asking me to come out with my hands up. I immediately felt low-key relieved. But I say “low-key” because my next thought was, Wait, why are ya’ll here?

I shouted, “Hey, hold on, wait, wait! There was a loud bang and I screamed. I came out of the bathroom slowly and dropped my phone — I didn’t want them to think it was a gun.

There was some kind of gas and I started coughing.

“You got the wrong house,” I said.

Once I got to the front door, I saw the officers hitting Anthony. They acknowledged this in reports, claiming he was resisting them. Someone handcuffed me and took me to a police car. I was just wearing a T-shirt and boxers, so the officer in the car gave me a blanket. He told me that some of my bullets had hit an officer. I said I was sorry and that I respect officers and this was all a mistake.

After I talked to more officers in an interrogation room, I went to a holding cell. A couple of hours later, someone came to my cell, and I remember the calmness in their voice when they told me I was being charged: “Attempted murder of a law enforcement officer.” I could end up in prison for life.

My mother found a lawyer named Stephen Kelly. He started gathering documents from the case. We learned that the local sheriff’s office was serving a warrant for the Drug Enforcement
Administration. A confidential informant had said a family member of my boyfriend was selling drugs out of the house. But this intel was from months earlier, and it’s not clear from the records if the police knew my daughter and I lived there. I was also doing women’s eyelashes from the house, so they’d probably seen some people come and go. We had a roommate, and they found around 125 grams of marijuana in his room, but they only found 0.07 grams in mine, and that’s all I was charged for having.

I was in jail for more than four months. My case got some social media attention, and an organizer named Danielle Chanzes worked with her group Dignity Power to raise money to get me out of jail on bond. Six months before my arrest, police in Louisville, Kentucky, had killed Breonna Taylor during a raid where police did not announce themselves. In my case, they claimed they’d announced themselves before breaking the window. But I was asleep. I’m not the type to go to war against cops. I remember one officer asked me why I didn’t reload, and I thought, I don’t really know how! This isn’t Call of Duty!

While in the jail, I felt so much anxiety, especially when there were loud noises, like doors closing or officers banging on the walls. Once I was out, my lawyer and I planned to file a stand-your-ground claim in court. We talked about how if you’re a Black woman, you’re not allowed to defend your “castle,” as the law puts it. To be honest, I don’t think I would have been arrested if I’d been a White man.

But over the next couple of years, the state’s case seemed to get weaker. We had my 911 call, in which you can tell I didn’t know it was the police. One of the officers involved in the raid was himself arrested for drug trafficking. He pleaded not guilty, but it would have affected his ability to testify credibly in my case.

Finally, in November 2023, prosecutors dropped the charges against Anthony and me. It was a relief, but it hasn’t ended all the effects this had on my life. While the charges were over my head for three years, I couldn’t work in pharmacies, so I relied on my family to stay afloat, which was hard on my sense of independence. Eventually, I went back to school for cosmetology, so I can do hair, and I now plan to return to my pharmacy technician work.

While I was in jail, my daughter would cry over the phone and ask when I was coming home. Now she never wants to leave my side, to go out and play with her friends. I know she’s scared something could happen to me again. I’m still paranoid, constantly worrying the police are about to pull me over and shoot me. I’ve found myself obsessively reading about Breonna Taylor’s death, and thinking it could have been me. I do hope telling my story contributes to this not happening again.

And I keep wondering: What laws do we need so this doesn’t happen to someone else?

The Jacksonville Sheriff’s Office did not respond to an emailed request for comment. The State Attorney Office for the Fourth Judicial Circuit sent a statement summarizing the decision to forgo prosecution. The raid was legal, prosecutors said, and Ford and Anthony Gantt may have known about past drug sales at the residence. But the subsequent arrests of officers raised questions about the police work that led to the raid, and would make it difficult to prevail in a trial. “But for these arrests, the prosecution would have continued,” spokesperson David Chapman wrote in an email. Asked about the role of race in the case, he added, “Race did not play a role in this charging decision, nor does it in any charging decision made by this office — only the evidence of the case and applicable law is considered.”
“Stranger Fruit”: Black Mothers and the Fear of Police Brutality

Jon Henry’s photography project seeks to convey the impact of police violence on Black families.

By MORGAN HORNSBY

Photography by Jon Henry

Police brutality cases that capture public attention follow a familiar pattern: first relentless media coverage, then local or national outrage, and then — if charges are ever brought against the officers involved — the drawn-out legal process. But what happens when this public cycle ends? In his ongoing series “Stranger Fruit,” photographer Jon Henry focuses on the private relationship between Black mothers and their sons, looking at how fear of violence permeates the daily lives of Black families across the United States.

“Stranger Fruit,” a project seven years in the making, features intimate portraits of Black mothers with their sons across the United States. Inspired by Renaissance paintings such as those by Titian, Henry poses the mothers cradling their sons in a manner that evokes Michelangelo’s “Pietà,” as if in mourning. Though these families have not experienced fatal police violence, Henry said they live with the possibility of such loss daily.

The boys range from children to adult men, against such backdrops as parking lots, backyards, basketball courts, a Target and a state Capitol. The images are made in towns and cities across the country, from Minneapolis to rural Alabama. The breadth of the project is intentional: Henry said it was important for viewers of the work to know that the violence and fear that Black communities experience is not limited to any region. The work has been exhibited in solo and group shows across the U.S. and in several countries around the world. It has also been turned into a book of the same name.

“It’s a nationwide issue, if not global,” Henry said. “The photos can be made anywhere, just as this could happen anywhere.”

In some images, Henry photographs the mothers alone, as if lamenting. In these images especially, he chooses to center the experiences of Black women, a group often overlooked in conversations about police brutality. Henry’s work is also unique for its quiet simplicity, centered around the private relationship between mother and son.

Henry, a Queens, New York native, said the project was partly a response to the police killing of Sean Bell in 2006. The night before Bell’s wedding, five New York City officers fired about 50
bullets into his car while he was parked outside a strip club with two friends. Bell was unarmed.

Bell, 23, was around the same age as Henry at the time, and also from Queens. “After the [not guilty] verdict, I was at a friend’s wedding thinking, ‘What if this was happening to us?’” Henry said.

For years following Bell’s killing, as other police violence cases followed, Henry’s thoughts returned to the mothers and families who were left behind. Along with the weight of grief, Henry considered how the grueling process of a trial and its subsequent media coverage affects Black families and communities.

“A mother losing their child is something no one should have to endure, much less at the hands of the police who are supposed to serve and protect,” Henry said.

By placing the bond between mother and child at the forefront of “Stranger Fruit,” Henry hopes to spark dialogue among viewers and inform the ongoing work of communities across the country fighting to end police brutality.

“The work has to continue. Even after the past year, when there’s been an awakening, there is still a lot that needs to change,” he said.

“Stranger Fruit,” along with Henry’s other work, can be seen on his website, https://www.jonhenryphotography.com, or on his Instagram account, @whoisdamaster.
Being a Corrections Officer Is Hard Enough. Doing the Job While Pregnant Is a Nightmare.

Lia McKeown says a California prison refused to adjust her job duties to accommodate her pregnancies. Now she’s suing for discrimination.

By LIA MCKEOWN as told to NICOLE LEWIS

Illustration by BERNARDO RODRIGUEZ FOR THE MARSHALL PROJECT

Several months into Lia McKeown’s first pregnancy while working as a corrections officer with the California Department of Corrections and Rehabilitation (CDCR), she asked to change roles. Her job had become too physically demanding, and she needed a position with less daily movement and more predictability.

For years, the CDCR had a “reasonable accommodation” policy that allowed pregnant corrections officers to transfer roles during their pregnancies while retaining their pay and benefits. But in 2015, the department instituted a new policy forcing pregnant officers to stay in physically arduous and dangerous positions — or risk losing their jobs, a class-action lawsuit alleges.

Roughly 300 corrections officers, including McKeown, have signed onto the lawsuit, which was filed in Los Angeles Superior Court in 2019. The plaintiffs are accusing the department of pregnancy discrimination, alleging they suffered miscarriages and lost wages when the policy was eliminated.

In 2020, CDCR restored the accommodation policy, but the lawsuit is ongoing. Here, McKeown reflects on the unique challenges and indignities of working in a prison while pregnant.

The first time I was pregnant while working as a corrections officer for the California Department of Corrections and Rehabilitation, I was carrying my daughter, who is now 13. I had recently started working at California Medical Facility, a prison in Vacaville that houses men who are aging or physically or mentally ill.

For the first two years working as a corrections officer, you rotate around to get more experience throughout the institution. I would go from working in a standard housing unit — where I’d unlock cells each day during the daily count — to working in a housing unit for inmates with mental health needs.

Being a corrections officer is a physically demanding job in general. At the time, the prison was way over capacity. If you put a bunch of people in that situation, they’re eventually going to fight each other. Fights would break out over anything, from drugs to lovers.

The staff also gets attacked. I’ve had feces, food and what I think was urine thrown at me. I have had inmates fight basically on top of me, throwing punches across my face. I’ve had inmates masturbate in their cells while saying the most grotesque, vulgar things. I’ve broken up fights over drugs and football games. All of this happens from the day you walk in, until the day you walk out.

I remember the day I decided to go on what is called “first watch,” a shift that begins at 10 p.m. and ends at 6 a.m. the next day. I was five months pregnant with my daughter and had just started showing. I was escorting new inmates off the bus to their cells. Even though we did not know what level of security they were being assigned to, they did not have to be handcuffed as they walked down the corridor.

One of the men I escorted said he had never seen an institution like this, where there was so much fighting. Of course, I knew there was fighting; I’d seen it every day. But when someone else calls it out, it makes it more real. At that moment, I realized I was putting myself and my baby in danger and that I needed to find a different position within the prison.
The first watch shift is a double-edged sword. There is no mass movement; everyone is locked in their cell. But you’re also alone. In the middle of the night, there are far fewer staff to respond to an incident.

I remember bringing in a doctor’s note saying I was pregnant. I don’t think there was any written pregnancy policy at the time for corrections officers in California, but I just figured, like with any job, you bring in a note to say “This is what my limitation is,” and the company has to figure it out.

At the time, I was still on apprenticeship status, which means you don’t get a raise if you don’t finish. “OK, let’s just take this month by month,” I would tell myself. “Let’s just see how far you could go.”

When the leadership realized I was pregnant, a sergeant came into my office and handed me a piece of paper. “You have to sign this because you’re a liability,” I remember him saying.

The paper stated that if anything happened to you or your child while working in the prison, you’re responsible for it. I remember thinking that I had never seen anybody else as pregnant as I was on the line at all. All of the pregnant women went to the mailroom or the payroll department.

I worked up until the day before my daughter was born. I was huge, and there was no actual pregnancy uniform. At the time, we had jumpsuits that zipped in the front. So I would wear my jumpsuit fully open because I couldn’t zip it over my belly. I would put my work jacket over the jumpsuit and zip that up.

The second time I was pregnant while working at a prison, it was with my son, who is now 6.

I went to our union reps to say that I was going to get another note from my doctor letting the department know I was pregnant. This time, the union told me that leadership wouldn’t recognize my request for a different role. Prison leadership no longer moved anybody into a different job. I would have to stay on the line again.

This time, I just figured things out for myself. I worked double shifts up until I was five months pregnant, and then I put myself on “first watch” again. During my second pregnancy, there were inmates who would notice I was pregnant and ask, “What are you doing here?” Or they’d shake their heads as if to say, “This is crazy.”

I used to think people in upper management would intervene. I used to think they’d see me and my pregnant belly and say, “Hey, maybe we should do something about this before something actually happens.” But that never happened.

There is no official training for corrections officers about what to do when pregnant. No one ever told me about any accommodations. When I gave birth, I used all of my own time off for maternity leave. I took five weeks with my two-month-old, and used all of my and my partner’s time off. (He is also a corrections officer.)

The only change I was allowed to make was wearing my shirt untucked when we got two-piece uniforms. I still had to wear all of my equipment: an alarm, a key ring, a baton, pepper spray and a radio. The keys alone are very heavy because we have to open 235 sets of doors. Altogether, I think the equipment weighs 11 to 15 pounds.

One of the most difficult aspects of being pregnant in prison is dealing with the smells. Some of the guys don’t shower. Others on the mental health side collect things. I’ve had inmates collect feces and lie in it or smear it from head to toe. Sometimes inmates get sick, and we’d still have to count as they were throwing up.

The third time I was pregnant while working in a prison, I miscarried.

I was working in a dorm with the general population. A lieutenant told us we had to do a mass search of the cells. Many of the guys in my dorm were in wheelchairs, which some used to transport drugs around the prison. So we were looking for anything drug-related in their cells. One of the ways they hid the drugs or needles was by rolling the items up in a brown paper towel and then taping them to the back of the heavy metal lockers in their cells.

During the search, I moved one of the lockers. Within an hour, I felt tremendous back pain. I filled out an incident report form because I thought I had injured my back. But I was miscarrying. I remember getting into the car to leave my shift. I was profusely sweating. Instead of driving home, I drove myself to the hospital.

It was early in the pregnancy, and I wouldn’t have asked the prison for any accommodations because I knew the drill. Like with my previous pregnancies, I had planned to change roles later. I thought the dorm I was assigned to was fine because it was mostly older men with physical disabilities. I thought it was a safer place for me to be, but it wasn’t.

The last time I was pregnant while working as a corrections officer was with my daughter, who is now 3.

I remember responding to an alarm with another officer on duty. I was two months along at the time. We had to enter the cell of an inmate who just wanted to fight. I had bruises from my thigh to my ankle. But my co-worker was hurt the worst.

This was my last pregnancy. I knew no one was going to accommodate me or do anything. I just remember thinking, Here we are again.

I know for sure that working in prisons isn’t a man’s job, and it’s not a woman’s job, either. Many women work in corrections in order to make a life for themselves and their families. For years, prisons didn’t even hire women. So the leadership never had to think about what to do with pregnant officers.

Sometimes I think about how much worse it might be to be pregnant while working in a prison in other states. And I think about some of the women in California, who were not accommodated but are too scared to come forward. Things are definitively changing for women in prison. Sometimes we have to force change. That’s just how it is here.
Good Intentions Don’t Blunt the Impact of Dehumanizing Words

Of course not everyone means harm when they use prison labels. But that doesn’t make the language any less damaging.

By LISSETTE B. HUGHES

When we are not called mad dogs, animals, predators, offenders and other derogatory terms, we are referred to as inmates, convicts, prisoners and felons—all terms devoid of humanness which identify us as “things” rather than as people. These terms are accepted as the “official” language of the media, law enforcement, prison industrial complex and public policy agencies. However, they are no longer acceptable for us. ...We are asking everyone to stop using these negative terms and to simply refer to us as PEOPLE. PEOPLE currently or formerly incarcerated, PEOPLE on parole, PEOPLE recently released from prison, PEOPLE in prison, PEOPLE with criminal convictions, but PEOPLE.

—Eddie Ellis, “An Open Letter to Our Friends on the Question of Language.”

As a formerly incarcerated woman, I cringe every time I hear or read terms such as “inmate,” “ex-offender,” “prisoner” and “ex-convict.” These words are dehumanizing because, as previously incarcerated activist Eddie Ellis writes, “they identify us as ‘things’ rather than people.” Media outlets, legislators and the general public have the ability to choose different words. But people hold on to labels like “offender” to keep people like me in my place.

Maybe this would change if more people knew how it feels to have the word “offender” or “inmate” take the place of their name. For women, labels like these can become extensions of slurs like “bitch.” Research shows that the majority of women who are incarcerated have been victims of domestic violence, rape, sexual assault and/or childhood abuse. This violence often contributes to the acts that land them behind bars. Prison labels can take you back to the feeling of powerlessness that abuse creates. In this way, you’re retraumatized and triggered.

Words like “criminal” and “convict” also serve to justify poor conditions in jails and prisons and make it OK to deny people basic needs after they are released. “Convicts” don’t deserve decent food, non-toxic facilities and quality medical care. “Criminals” shouldn’t expect to have necessities such as housing and employment.

In her work about “Post Traumatic Slave Syndrome,” therapist, writer and educator Dr. Joy DeGruy explains how owners eased their conscience by casting the people they enslaved as less than human. She describes this phenomenon as removing cognitive dissonance. I believe a similar process is at work when people use prison language to define currently or formerly incarcerated individuals.

Of course, not everyone means harm when they use prison labels. But intentions don’t blunt the impact of dehumanizing words. For instance, I’ve encountered correctional staff members who recognize that not every person in a female facility identifies as a woman. In an attempt to be respectful of everyone’s gender identity, they use “inmate” instead of “Ms.” Therefore, “Ms. Jones” becomes “Inmate Jones.” This is not a bad idea in theory, but how do people who are incarcerated explain to officials that using “inmate” to respect their gender identity violates their humanity? Just say their names; that will resolve the issue.

Similarly, some members of the media want to raise awareness of criminal justice issues, but their word choice creates the opposite effect. I recently read an article online about a bill that would permanently restore voting rights to formerly incarcerated people. The writer supported the bill, but the term “ex-offenders” appeared in the title and text of his piece. I couldn’t focus on his points because all I could see was “ex-offenders” printed in big black letters.

Instead of fuming to myself, I wrote to him. I told him about the negative impact of the labels, provided him with alternatives and sent him a copy of Eddie Ellis’ open letter. Within half an hour, the reporter informed me that he had changed all dehumanizing words to people-first terms.

I took the time to write to this reporter because people with legal system involvement cannot move forward if we are negatively labeled for the rest of our lives. In general, I’ve committed to doing three things: Educating people about the issue, modeling the use of people-first language and gently correcting those who use dehumanizing language.

What will you do?

Lisette B. Hughes holds bachelor’s degrees in psychology and Spanish from Drew University and a master’s in education from Mercy College.

She taught for close to a decade in New York City public schools. After her incarceration, Hughes joined Hudson Link for Higher Education in Prison, where she is an adjunct instructor.

She is also the curriculum director for the Racial Justice and Abolition Democracy project at Columbia University.
Elizabeth Holmes Has Two Young Children. Should That Have Kept Her Out of Prison?

Sending new moms to prison has devastating consequences. Some states are starting to rethink the practice.

By NICOLE LEWIS

This article was published in partnership with The 19th.

Elizabeth Holmes reported to federal prison on May 30, 2023, six months after a jury convicted her of fraud for misleading Theranos investors. Holmes’ attorneys requested a delay to the start of her 11-year sentence, asking that she remain free while she appeals her conviction. Among the reasons cited that Holmes is not a flight risk: the fact that she “is the mother of two very young children.”

For the vast majority of women, being a parent is rarely considered a mitigating factor to keep them out of prison or jail. Roughly 173,000 women are incarcerated in the United States, with Black and Latino women held at roughly twice the rate of White women. Nearly 60% of women in prison are parents, according to the Prison Policy Initiative. The vast majority of women detained in local jails — roughly 80% — have children. And for some, parenthood begins behind bars, with 55,000 pregnant women incarcerated each year. These women may have only hours with their newborn before they are separated and returned to prison or jail.

Separating mothers from their children has devastating consequences for both parties, research shows. Prisons and jails are ill-equipped to deal with the physical and emotional challenges of pregnancy and the vulnerable period after birth. Mothers who wind up in prison are far more likely than their male counterparts to have their parental rights permanently terminated. And parental incarceration is considered by public health experts to be an adverse childhood experience that can inflict lifelong harm on children’s health and well-being.

So, some states are starting to rethink the practice of incarcerating parents. Thirteen states now have laws to reduce the impact of parental incarceration, according to an analysis by the Prison Policy Initiative. These legislative efforts include requirements that parents be detained closer to home or programs to divert parents from prison or jail altogether. Many formerly incarcerated women advocating for these bills say they are a good first step to reducing the collateral traumas of incarceration.

When Andrea James went to prison in 2010, her second child was only 5 months old. James was convicted of wire fraud and spent two years in a federal facility. Like Holmes, James points out that she hardly represents most women behind bars. She had a successful legal practice before prison, excellent legal counsel and a supportive family network. But even these privileges could not protect her from the indignities of spending her first months postpartum at FCI Danbury in Connecticut.

“I walked into prison leaking from every orifice of my body,” she said. “We only had these little baby pads. There were no tampons unless you could buy them. It was the women who came to my support and brought me clean underwear.”

The first few months after birth are critical. Proponents of ending the incarceration of women and girls say locking women up so soon after giving birth puts them at risk. Some of the challenges are physical. At FCI Danbury, James said the women rarely had soap in the bathrooms or adequate access to feminine hygiene products. New mothers may struggle to
deal with their breast milk if the facility does not offer pumps or a freezer to safely store the milk before it can be transported to their baby.

Other challenges are mental and emotional. Post-pregnancy, women are adjusting to a cascade of hormones that can profoundly affect their mood. Birthing parents are typically assessed for postpartum depression at their six-week checkup. But the hormonal shifts last for months, especially if weaning a baby, said Dr. Jackie Abdalla, who has spent the last two years as a physician at Sacramento County Main Jail in California. Outside prisons or jails, people may have an easier time taking care of themselves, seeking treatment or leaning on their support network to get through the rough patches. Behind bars, the avenues for self-care are limited, and new moms are also dealing with the added emotional stress of being separated from their babies.

"Being in a jail setting where you are confined, isolated and don’t have access to your baby, to the outdoors or too much socialization can exacerbate postpartum depression or postpartum psychosis," Dr. Abdalla said.

People who give birth in prison may only have a few hours to bond with their babies. A 2019 documentary from Frontline and The Marshall Project chronicled the emotional toll of saying goodbye to a newborn. Pregnant women incarcerated at Tutwiler Prison in Alabama spend only 24 hours with their baby before returning to prison. "When you are locked up your whole pregnancy, and it was just you and that baby, and then to walk away from the person that’s been there with you, it makes the strongest person break," one woman said.

For many of these women, the separation is permanent. Mothers behind bars are more likely than incarcerated fathers to be single parents, research shows. When they go to prison, their children may be sent to live with relatives or placed in the foster care system. For many mothers, going to prison, even for a short stint, means saying goodbye to their children forever, a Marshall Project investigation found. Incarcerated parents whose kids are placed in foster care, but have never been convicted of child neglect or abuse, are more likely to lose their parental rights than parents who abuse or assault their children.

At FCI Danbury, James remembers watching women fall to their knees as they dealt with the weight of loss and longing. For many of the women, she said, the last time they saw their children "was looking out the back window of a law enforcement vehicle."

"Women would be mopping the floor or cleaning the bathroom, and we would just find them crumpled on the floor, inconsolable," she said. "The pressure of being separated from your kids and your community would hit us all from time to time."

These experiences led James to found the National Council for Incarcerated and Formerly Incarcerated Women and Girls, a nonprofit organization that works to keep women and girls out of prison and jail. As part of her mission, James has helped formerly incarcerated women in several states craft and lobby for primary caretaker legislation designed to keep the bond between a parent and child intact.

Florida, Hawaii, New York, Missouri and the federal system now require parents to be incarcerated within a specified distance of their kids, making visitation easier. In California, a new law went into effect on January 1, 2024 requiring the state to place incarcerated parents in the closest facility to where their children live, while taking gender and security level into account. And eight states, including Illinois, Tennessee and Louisiana, require that a person’s status as the sole caretaker be considered a mitigating factor during sentencing, or that parents are given priority access to alternatives to incarceration. Lawmakers in Connecticut and Maine are considering similar legislation.

One such program in Minnesota is designed to support incarcerated mothers in the first year after giving birth. A decade of research on pregnant women in Minnesota’s prison showed that most are released within one year of the birth of their baby, said Rebecca Shlafer, an associate professor in the Department of Pediatrics at University of Minnesota Medical School. Through her work with the Minnesota Doula Project, which supports pregnant women in prison, Shlafer saw many women give birth and say goodbye to their newborn baby, only to return home before the child’s first birthday.

“We felt there was this unnecessary separation between moms and their infants,” she said. “And that separation was a tremendous insult to the attachment relationship that is the foundation of all healthy relationships.”

Under Minnesota’s Healthy Start Act, signed into law in May 2021, the commissioner of corrections can place pregnant women or new moms into a community alternative, such as a halfway house, while also providing a plan for drug treatment or additional support, if needed. Pregnant women are eligible for such accommodation for the duration of their pregnancy and for up to a year after giving birth.

Programs such as these will be cold comfort to Holmes, who was sentenced in the federal system. Federal legislation caps the distance allowed between incarcerated parents and their families. But federal judges do not have to consider parental status during sentencing. Some women who give birth while in federal prison can participate in the Bureau’s Residential Parenting Program, which allows mothers to bond with their newborn for up to three months in a community setting before returning to prison to complete their sentence.

The government opposes Holmes’ request to delay. Attorneys for the Northern District of California said they have already given Holmes a break, granting six months for self-surrender because she had informed the court she was pregnant with her second child while awaiting a sentencing date.

“There are not two systems of justice — one for the wealthy and one for the poor — there is one criminal justice system in this country,” they wrote. “And under that system, the time has come for Elizabeth Holmes to answer for her crimes committed nearly a decade ago.”

James has a different perspective. Decades of research and her time in federal prison have made clear that incarceration is devastating to mothers and their children. Privilege, economic or otherwise, cannot shield them from the trauma of separation borne out of imprisonment.

“We write these bills in support of our sisters who are just trying to make it day to day, but I don’t give a damn who you are,” James said. “You could be a billionaire. When it comes to Elizabeth Holmes, sending her to a federal prison is not the answer. She has small children.”
New Data Shows How Dire the Prison Staffing Shortage Really Is

The stubborn staffing crisis affects almost every aspect of life in prison, for employees and the incarcerated alike.

As prison populations rebound, state correctional workers continue to decline

The number of people who work in state correctional systems — including prison guards, administrative staff, parole and probation officers — has dropped by 10% since 2019. Meanwhile, the population in state prisons is rebounding after a drop at the start of the pandemic.

When Andrew Phillips took a job as a corrections officer at Georgia’s Smith State Prison in 2021, he was desperate for work. Shortly after he started, he noticed a problem. The prison housed about 1,500 men, and each shift was supposed to have 30 officers to guard them, but most days there were half that, according to Phillips.

He said he and his colleagues often had to work 16-hour days, five days a week. “We just had no energy, we didn’t have the ability to care,” Phillips said. The mandatory overtime, combined with constant violence against both staff and incarcerated people, led officers to quit, he said, “The place was too brutal, too disgusting.”

Prisons across the country have long struggled to recruit and retain staff, but the most recent data from the U.S. Census Bureau shows the situation is particularly dire. In 2022, the number of people working for state prisons hit its lowest mark in over two decades.

Meanwhile, state prison populations are rising. The number of people behind bars steadily declined starting in 2013 and then drastically dropped during the pandemic, when states released people to ease dangerous COVID-19 conditions, and court systems slowed. But by 2022, the number of people held in state prisons started to bounce back to over 1 million people.

Some states argue they don’t need as many workers as they did, because they closed facilities or privatized services such as health care. And not all corrections staff work inside prisons; some state corrections departments include probation and parole, juvenile facilities or jails. Still, nearly every state saw a drop in the number of people working in corrections, at a time when prison populations in many places are rebounding.

Georgia, where Phillips worked, had half of its correctional officer jobs empty last year, according to state records. In one case, prison employees were so overstretched, they didn’t notice a dead and decomposing body for five days, according to The Atlanta Journal-Constitution. The situation has become so bad that West Virginia, Florida and New Hampshire have called in National Guard troops to provide support. In Wisconsin, The New York Times reported staffing ratios kept a prison in lockdown, confining people to their cells for months on end, without visits from family, with no access to the law library and little to no time outdoors for recreation.

And in Missouri, one incarcerated man pulled out his own teeth in 2021 when he was unable to secure a dental appointment due to staffing problems, according to the Jefferson City News Tribune.

The bleak conditions created by too few prison workers can lead to more violence. Locked in their cells for long stretches, people are more likely to act out against staff and fellow prisoners. Short staffing in Mississippi has contributed to assaults against officers. In Nevada, a union for correctional officers blamed the murder of an incarcerated person on low staffing.

Brian Dawe, national director of One Voice United, an advocacy organization for correctional officers, said overworked and sleep-deprived staff are also more
likely to use excessive force against incarcerated people. “It’s a constant battle in your head every single time you walk in that door,” Dawe said.

The dynamic creates a spiral, where poor conditions make prison employees quit, which then leads to worse conditions, causing more staff to leave. “It becomes cyclical. You start getting mandatory overtime, which means you miss more and more time with your family,” Dawe said. “You are demanded more and more to be on the job, which burns you out and causes people to leave.”

The drop in correctional workers mirrors an overall trend in government employment, which has seen decreases in workers across all sectors. But the Census Bureau data shows that corrections has seen a more marked decline than in any other state government sector in recent years.

One way to deal with the shrinking staff levels would be to decrease the prison population, so that fewer employees are needed. But in many states, prison populations have been rebounding back to pre-pandemic numbers as court operations resume. And state legislators, governors, parole boards and prosecutors in many jurisdictions aren’t taking action to lower the number of people behind bars.

That leaves prison officials strain- ing to find new ways to increase staffing levels. Joan Heath, a spokeswoman for the Georgia Department of Corrections wrote in an email, “[T]he role of a correctional officer is challenging, compared to other job opportunities available from which individuals may choose; however, we will continue in our recruitment efforts showing potential employees that working with Corrections is a good, rewarding career.”

She said the state has partnered with an ad agency, which has distributed recruitment videos via mass media and cable television.

Other states across the country have also tried new solutions to tackle the problem. Several lowered their hiring age requirements for corrections officers to 18; others have created recruitment ads for social media. At least 32 states have also increased pay.

For example, Karen Pojmann, spokeswoman for the Missouri Department of Corrections, said after the state “invested more than $175 million in staff pay increases since 2017, boosting salaries for most positions by over 40%,” it has since seen a growth in applications.

Phillips said when he worked in Georgia’s prisons, he struggled to make ends meet. The state recently improved

Source: Annual Survey of Public Employment & Payroll, the Census Bureau
pay and ramped up hiring, but still struggles with retention. Over the last six months, Georgia hired around 700 staff-
ers, but at the same time, many left, and the net gain was only about 250.

But corrections workers say that pay alone is not enough to retain staff if pris-
sons also neglect fixing the poor working conditions that lead to officers quitting: mandated overtime, poor mental health support and violence.

About a year after he started, Phillips worked a particularly difficult shift. The electricity on the wing had been out all day. In order to turn it on, Phillips had to go outside and flip the breaker. But, he said, he was the only officer assigned to an area with 600 men. Tensions were already high, and some people, many diagnosed with serious mental illness, lit their mattresses on fire. The smoke was thick and yellow. Phillips ran for a fire extinguisher, but it was empty. The next canister he tried was empty, too.

Men began throwing feces and urine at him as he scrambled to put out the flames. “You can’t really blame them for losing their mind. And especially when they’re treated so poorly,” Phillips said.

Eventually, Phillips found a working extinguisher and put out the fire, but just then, he got a call on the radio: He needed to accompany an incarcerated man who had just been stabbed to the hospital.

Phillips’ throat burned from inhaling smoke, and he was covered in filth. He’d worked 11 days straight and had no clean clothes, so another officer gave him the shirt off his back to go to the hospital. “Sixteen hours later, I got to go home. And then I was supposed to be back the next day.”

Phillips resigned, but administrators convinced him to stay on for another few months in a different position. He left permanently in February 2023.

From 2019 to 2022, corrections staff decreased by about one-third in Georgia. During that time, the state’s spending on overtime for prison workers ballooned to more than $4 million, more than 11 times as high as the pre-pandemic level.

Heath, the Georgia Department of Corrections’ spokeswoman, would not comment on Phillips’ account, but said trends are moving in the right direction in recent months, with turnover rates dropping.

But people who are currently serving time or who were recently released from Georgia prisons said the situa-
tion remains dangerous. In interviews and correspondence with The Marshall Project, four incarcerated people described how understaffing affected nearly every aspect of their lives.

They said they endured long waits for essential medical appointments and went weeks without getting recreation time. Something as simple as getting a tampon was difficult because there wasn’t enough staff to hand out hygiene supplies.

“It’s absolutely detrimental to every-
one’s mental stability,” said one woman who was recently released from prison in Georgia and asked not to be named, for fear it would affect her employment prospects. She said the conditions led to depression and fights. In fiscal year 2023, there were 40 homicides and 38 suicides in Georgia state prisons, according to department records.

Terrica Redfield Ganzy is executive director of the Southern Center for Human Rights, which sued the Georgia Department of Corrections in 2021 over poor prison conditions.

She said the state needlessly incarcer-
ates people for technical parole viola-
tions, even as it faces a major staffing crisis. Ganzy also argues the state could release more elderly and sick prisoners without risking public safety.

“One of the things that I think peo-
ple are starting to agree on now is that we’re not likely in the … foreseeable future to be able to fully staff. We’re incarcerating people at a high rate, and the staffing numbers are just not keep-
ing up,” Ganzy said.

Dawe, with One Voice United, said it may surprise the public to learn that many correctional officers support this approach. He said releasing older peo-
ple and those with mental illness could significantly decrease the burden on officers, who have no control over who is incarcerated, but deal with the fallout.

Whatever the fix, Dawe said the lives and well-being of both staff and incarcer-
ated people are on the line. “We’re all in the same toxic environment.”
Hello Ohio!

In this edition of News Inside, we’re excited to share meaningful journalism that speaks to you.

Cleveland Focus, which we introduced in our last issue, is now Ohio Focus. In this section, we share stories produced by our team at The Marshall Project - Cleveland. These are stories that directly impact people and families caught up in the criminal justice system in Ohio.

April marks Second Chance Month. It’s a time to raise awareness about the challenges faced by those of us who have been incarcerated. It’s also a time to celebrate victories in the ongoing struggle for formerly incarcerated people.

This month, Ohio Focus looks at how the Cuyahoga County juvenile court appoints public defenders or private attorneys to represent children accused of crimes. It also shines a light on the lack of support in place for people leaving the Cuyahoga County Jail.

After meeting with the local community and having been incarcerated myself, I know many of you have been through this process or have children, grandchildren, and other family and friends who have experienced juvenile prosecution.

We hope that by detailing how our courts work, we can bring clarity to how children are represented in our county court system, using facts and data-driven reporting by our Marshall Project - Cleveland reporters.

During my years behind bars in Ohio, as I worked toward earning my parole, my thoughts were consumed by my reentry plan and concerns about the type of support I would receive upon returning to society. One of my biggest fears was that the guidance I expected wouldn’t be there. That fear is real for folks leaving Cuyahoga County Jail. Our reporting at The Marshall Project - Cleveland has uncovered alarming accounts of the county’s failure to support individuals as they leave jail and the promises made to fix the problem.

We hope this becomes an ongoing conversation. We want to hear your concerns, opinions, or questions about prison. We also want to hear your stories, your past experiences, or your hopes for reconnecting with your family after regaining your freedom.

Readers in Ohio can email me at cleveland@themarshallproject.org or send mail to:

The Marshall Project - Cleveland, c/o Signal Cleveland,
3200 Euclid Avenue
Cleveland, OH 44115

We hope these stories inspire and empower you as you prepare to live the life you desire.

Until next time,

Louis Fields

Louis Fields is the outreach manager for The Marshall Project - Cleveland. He served 23 years in Ohio state prisons and was released on parole in October 2021.
A high-ranking leader in the Cuyahoga County Jail raised alarms in October about the lack of help offered to people before they are sent back onto the streets.

But after questioning the shortcomings of the jail’s reentry work during his first six weeks on the job, Warden Jeremy Everett’s concerns were not met with change.

Instead, all he received from his boss was a demand that he resign.

The longtime jail administrator had also sought help from the state, but his sudden departure stalled efforts to assist people leaving jail through a reentry program such as those operated by other large counties in Ohio.

“They basically kick people to the curb,” said Evan O’Reilly, a spokesperson for the Cuyahoga County Jail Coalition, a group advocating for change in the county justice system. “It’s been a problem for a while.”

Changes are now coming after The Marshall Project - Cleveland began investigating Everett’s concerns.

Cuyahoga County Sheriff Harold Pretel is vowing to create a reentry program modeled on those in other counties.

His decision comes after The Marshall Project - Cleveland reviewed emails Everett sent to the state and other Cuyahoga County officials regarding the lack of reentry services to help guide people leaving the jail.

Several large Ohio counties offer reentry services to help individuals obtain basic needs, such as housing, employment and health programs. Many advocates say reentry programs lower the risk of repeat offenses.

Counties like Franklin, which includes Columbus, and Lorain have reentry offices specifically designed to connect people to providers for services such as health care, transportation and housing. The assistance is offered prior to a person’s release.

In Cuyahoga County, those leaving the jail are only shown the door. Pretel says that needs to change.
“It is something we should address,” Pretel conceded in an interview with The Marshall Project - Cleveland. “I would like to take a page from Lorain and Franklin counties and tailor it to us. It’s a higher-level priority.”

The move for impactful reentry services is spreading across county jails after Ohio Supreme Court Chief Justice Sharon L. Kennedy formed the Supreme Court of Ohio Reentry Task Force in April.

The task force represents state and local agencies, judges, law enforcement, and community health and rehabilitation partners. Its mission is to “analyze the needs, services, and practices between courts and the reentry population,” according to the Ohio Supreme Court’s website.

The task force will examine jail release efforts and is expected to report its findings and recommendations to the Ohio Supreme Court by June 1, 2024.

Other counties with existing reentry programs include Tuscarawas, Butler, Montgomery, Fairfield and Delaware, records show.

Pretel, who was appointed sheriff in July, pledged to visit Lorain and Franklin counties to learn more about their reentry programs.

For those who have experienced living behind bars, the need for services is clear.

On a recent Friday, Reamus Belcher retrieved his belongings after he was released from the Cuyahoga County Jail. As he was leaving the Justice Center, he said he wished the county offered services that connected him to temporary housing.

“We need something,” he said. “They do nothing here. Nothing.”

While Cuyahoga County doesn’t have reentry workers in the jail, it does operate an Office of Reentry located on Fulton Parkway — about 6 miles from the county jail in downtown Cleveland.

Their work is seemingly anonymous. They don’t conduct outreach or meet directly with people leaving jail. The office functions as a funding source for community groups designed to offer help after someone leaves the jail.

Pretel said he was unaware the county operated the reentry office until The Marshall Project - Cleveland told him. “I have not spoken to them,” Pretel admitted.

The county Office of Reentry, with a budget of more than $2.8 million and five employees, says on its website it “serves as a funder, convener, and collaborator in the reentry space.”

The county’s 2024-2025 budget says the office provides services like “increased access to employment, education, housing, transportation, and healthcare.” The recommended 2024 budget shows personnel services would be nearly $579,000 and other expenses would total over $2.1 million.

But The Marshall Project - Cleveland found that parts of the office’s website have not been updated since 2021.

For example, the meeting dates for its reentry coalition board and members were from two years ago.

The website also does not list the hours when workers are present, noting that its offices are “temporarily closed to the public.”

The office quickly updated numerous sections, including the data and meeting dates, of the website after The Marshall Project - Cleveland pointed out the outdated information. County spokeswoman Kelly Woodard didn’t address specific questions about why the site listed outdated information.

“The office supports community partners through funding to provide basic services such as housing, employment, and transportation to formerly incarcerated individuals,” she said in a statement.

Woodard added the office helped more than 11,000 people in the reentry population in 2022 through programs and services, but provided no documents to substantiate the figure.

Damian Calvert, a chair for the Office of Reentry’s Greater Cleveland Reentry Leadership Coalition, once served as an outreach manager for Cleveland’s Community Relations Board. He has also performed contract work for The Marshall Project - Cleveland.

He called the Office of Reentry ineffective because, he said, politics seemingly looms over every decision.

“There’s not a lot of county support,” said Calvert, who served 18 years in Ohio prisons. “[Reentry workers] should be in the jail. We should have a heavy presence. It’s a hot political item. Politicians don’t want to touch it.”

These obstacles should not get in the way of providing vital services to the hundreds of people cycling through the county jail, Calvert said.

“We need an agency to help stabilize people back into the community,” he said. “They’re coming to a neighborhood near you. It’s a safety issue. People need help.”

Woodard also did not address Calvert’s criticism.

Meanwhile, Everett’s departure continues to raise questions as to why Cuyahoga County Executive Chris Ronayne’s administration forced him to resign. Ronayne’s staff has declined numerous requests to explain the forced resignation. While seeking office, Ronayne pledged to be more
people within 24 hours of entering the jail. The urgency is necessary because many people are often released within 10 days of arriving.

Andrew Laubenthal, a project specialist with the Lorain County Sheriff’s Office, leads the county’s effort to connect people with services before they leave the jail. He also serves on the Ohio Supreme Court’s reentry task force.

While the jail is smaller than those of Franklin and Cuyahoga counties, Lorain County focuses on veterans and individuals experiencing homelessness and drug withdrawals, Laubenthal said.

“We try to get them off on a better foot,” Laubenthal said.

Alyssa Hertelendy is the jail’s reentry coordinator. A county board provides a grant to pay her salary and benefits. She said she pushes to quickly help people because some might be released within days of arriving.

“I believe I am making a difference,” she said. “It’s tough because there are limited resources.”

Matthew Wickline, who is preparing to leave the jail, welcomed the information on services for outpatient alcohol treatment. He said he was arrested twice in two months for driving under the influence and is intent on obtaining the needed resources to avoid returning.

“I’m trying to do this to help myself,” he said.

It’s a different story 30 miles east at the Cuyahoga County Jail. The reputation of one of the state’s largest jails is mired in negative headlines about numerous deaths and inhumane conditions in the aging and decrepit facility.

News 5 has chronicled the problems of “abuse, suicides, lawsuits, accidental releases, and leadership issues” over the years.

Pretel said the time is right to build the reentry program. Cuyahoga County is poised to spend hundreds of millions of dollars to construct a new jail away from the Justice Center in downtown Cleveland.

The county, he said, has “a blank slate” and can build with an eye toward future needs.

Pretel said he plans to send teams to Detroit and Indianapolis to examine new facilities to see what ideas could also work in Cuyahoga County.

“This is something that is important to us,” he said.
How Cuyahoga County Picks Attorneys to Represent Children

Ohio sets rules for fairly appointing attorneys and the qualifications they must meet to be paid.

Children accused of crimes have a constitutional right to an attorney, just like adults. Each of Ohio's 88 counties gets to choose whether to provide public defenders, use nonprofit lawyers or appoint private attorneys for individuals unable to afford an attorney. The courts can also provide attorneys in child abuse and neglect cases.

State and local governments share the costs, with the state reimbursing counties for most of what's spent.

Ohio also sets rules on how courts are supposed to fairly pick private attorneys to handle cases and make sure they are qualified.

The state's most recent budget includes $366 million to pay for public defenders, private attorneys and their costs for representing both children and adults for a two-year period.

Why do children have the same rights as adults?
In 1963, the U.S. Supreme Court decided in a case called Gideon vs. Wainwright that the right to legal counsel was fundamental to ensuring a fair trial. Four years later, the court extended that right to children and ruled that police who picked up a child had to contact their parents.

Courts have to follow rules when they pick private attorneys to represent clients. How does it work in Cuyahoga County?
The process of picking private attorneys is supposed to be “free from influence” by judges, elected officials or the prosecution. Each court must set rules to ensure cases are widely distributed to approved, qualified attorneys. Only on a “rare occasion” should a court select a specific attorney for a case or client, according to state rules.

Courts also must:

- Have a written process to review attorney qualifications and maintain lists of appointed counsel
- Maintain a record of all appointments, qualifications and refusals to accept appointments
- Regularly review the assignment process for equity

To represent children in Cuyahoga County, six juvenile court judges decide whether to assign the public defender's office or appoint private counsel. Judges must rotate assignments through an alphabetical list of qualified attorneys, according to rules posted on the court’s website. About 90 attorneys are on the court’s list. In unique circumstances, or to “facilitate the expeditious management of the docket,” judges can choose any attorney from the list, according to the court’s rules.

Last year, the juvenile court agreed to assign public defenders to represent more children accused of crimes. What happened?
In recent years, judges have assigned county public defenders to represent children accused of crimes in about a third of cases, according to data from the public defender’s office and the juvenile court.

In 2023, Cuyahoga County Public Defender Cullen Sweeney prodded the court to assign more cases to public defenders. Following the process used in adult criminal cases, Administrative Judge Thomas F. O’Malley agreed to assign public defenders on cases ending in 1, 3, 5, and 7, except when there is a conflict. For example, the public defender’s office can’t represent multiple children involved in the same case because some could be witnesses against their co-defendants. The office also can’t represent a child charged with victimizing a current client.

Other large Ohio counties — Franklin, Hamilton, Montgomery and Summit — automatically assign public defenders to represent children in delinquency cases.

The Public Defender's office has argued it could do a better job representing kids facing transfer to adult court because it has a bindover team. The team includes a social worker and an investigator who can gather information from schools, family members and the child to paint a clearer picture of the child’s life and make a stronger argument to the court that they can be rehabilitated. The team can also continue to represent a child who is transferred to adult court.

The team handled 102 cases between early 2022 and January 2024. Of the 65 cases that have been resolved, about 65% percent have remained in juvenile court, according to the Public Defender’s office. The largest impact has been in discretionary bindover cases, where a judge decides on the transfer after hearing evidence. In those cases, 90% of children have remained in juvenile court.

How often does the court appoint private attorneys?
Judges can appoint attorneys for several roles in juvenile cases: to represent children accused of crimes or violating court orders in “delinquency” cases; to represent children or parents in abuse,
dependency and neglect cases; and as guardians ad litem, on behalf of protecting the best interests of children in legal matters.

Between 2021 and May 2023, Cuyahoga County Juvenile Court judges issued 12,421 assignments for private counsel. Some cases involved multiple appointments.

In that period, the Ohio Public Defender’s Office reimbursed the county about $5.5 million for 70 attorneys assigned to juvenile cases. The reimbursements covered a majority of the costs while leaving the county to pay any remainder. The annual reimbursement was $43,909, though eight top-earning lawyers each made more than $200,000.

There were:

- 6,001 guardian ad litem appointments reimbursed at $2,870,936 ($478 average);
- 3,902 abuse, dependency and neglect appointments reimbursed at $1,633,584 ($419 average);
- 2,518 delinquency appointments reimbursed at $1,027,676 ($408 average).

Private attorneys have to meet certain standards to get paid for representing children.

Private attorneys appointed to represent children must meet certain requirements, including ongoing legal training and experience handling juvenile cases. Many courts, including the Cuyahoga County court that handles adult felonies, require defense attorneys to provide documents showing they have met the training and trial experience requirements. Cuyahoga County Juvenile Court allows attorneys to self-certify that they are qualified. The application states: “You are not required to submit these sections with your application.” The court can request documentation.

How much are private attorneys paid for juvenile court cases?
The state reimburses counties up to $75 per hour for attorneys appointed to juvenile cases. That’s the rate Cuyahoga County pays for delinquency cases. The county pays less — $60 per hour — for attorneys appointed as guardians ad litem.

The state sets caps for what it will pay in each type of case. Counties can set their own rates higher or lower. For example, an attorney representing a child charged in a felonious assault case could be reimbursed up to $6,750 in Cuyahoga County. The state maximum for that charge would be $5,000. The state office gets an average of 13,000 bills from Ohio counties each month for appointed counsel reimbursement.

In the 2023 fiscal year, the state approved $15.7 million in reimbursements for Cuyahoga County for appointed attorneys, including $4.1 million for “youth defense.” The state also reimburses public defender offices, based on monthly reports they submit. In the 2023 fiscal year, the state reimbursed the Cuyahoga County Public Defender’s office $14 million total for its representation of adult and child clients.
I’ve made the mistake of not slowing down and enjoying the connection. Our days here are mostly the same, and I overthought the relationship. Just remember that whoever has reached out to you did it because they wanted to. Enjoy the fact that someone cares enough to even be there for you and that you should be there for them in whatever capacity that is.

— FROM A READER IN NC

It can be hard for somebody who has never been to jail to understand somebody in jail and the things they are going through. No matter how well you think you understand, you most certainly do not unless you experience it firsthand. This fact can help to break down communication between the incarcerated and our loved ones. I try my very best to keep the inside issues inside of here and out of my conversations with my loved ones. During conversations and visits, I focus on the good and the positive. This place can destroy family ties if you let it. PLEASE DON’T LET IT. That’s how evil wins.

— FROM A READER IN PA

I find a handwritten letter goes a long way. When writing it, you can’t expect anything in return. They may not even write back. But the next time you see that person, they’ll remember that letter. To me, that’s more powerful than just calling a number over and over. People read a letter, even when not responding. It’s like playing the long game. A letter is physical evidence of a relationship. It’s hard to forget that, whether you’re the one sending it or receiving it.

— FROM A READER IN NE

Often it seems that we are out of sight, out of mind. Life goes on out there but I have managed to keep in touch with a core group of family and friends. Having tablets does help, but they often have problems with the network. Still, keeping in touch does help. Don’t give up and DEFINITELY don’t cut everyone off. You never know when they might need an encouraging word from you!

— FROM A READER IN NC

Your time slotted to call often conflicts with the availability of the person you call. I recommend prearranged call times and statutes of limitation. People should know that you’ll contact them X amount of times within X amount of days so that failure to be prompt indicates signs of distress. Keep connections going with good dialogue and healthy rapport.

— FROM A READER IN NC

I stay in touch by using good communication skills and always remembering that just because we are locked up and most of our time is idle, people beyond the wall have everyday lives. We shouldn’t just call or email for bread to put on our commissary accounts. We should listen and ask about their day. Be caring. Remember that the person can be gone tomorrow, so always save money in a rainy day fund.

— FROM A READER IN SC

It’s not very easy to stay connected, especially with anybody new. Where I’m incarcerated, only people on the outside can put money in your phone account so you may make phone calls. It’s that or it’s writing letters. Writing letters is also very rewarding, especially when they write back. It’s nice when they call your name. You got mail.

— FROM A READER IN ME
Staying in touch can be challenging for many reasons. When you’re incarcerated, everything costs: stamped envelopes, pens, paper, electronic messaging and phone calls. You first have to find a way to be able to afford correspondence.

It can also depend on whether you’re reaching out to family and friends or trying to create new contacts through programs or mutual friends. You always have to be mindful and respectful and know what to say to work around restrictions. Distance isn’t much of a problem to me because the messages or letters will make it there no matter where someone is. You can keep a connection going by being honest and also by accepting that life goes on while you’re incarcerated. Always remember that whoever you are corresponding with has a life on the outside, so be patient while waiting for a response.

— FROM A READER IN IL

The communication challenges are many. First, we are sent away to facilities that physically separate us from family and responsibilities. Oftentimes, the facility is very far away from home, and exorbitant prices for phone calls make a bad situation harder. A mobile phone call, text and data unlimited plan in the outside world will cost about $50 a month. In prison, phone calls are 7 cents a minute plus fees. That same $50 goes nowhere near as far and does not give us access to texting and data. Email services cost 5 cents a minute to access your account. It is nice to have the availability to video visit with family and friends, but at 20 cents a minute? The system is robbing those with the least. I keep going by knowing that after the completion of this nightmare, I hold the keys to changing my life, and I never have to return to this type of place.

— FROM A READER IN AZ

Some of the challenges we face are not having funds to call to the streets or simply not knowing a person’s number. Once I make the connection I keep it going by focusing on the positive aspects.

— FROM A READER IN AL

I think the biggest challenge is that you’re out of sight out of mind. It’s hard, especially when it’s your significant other, for someone to choose to be lonely every night while you’re gone. The best way to work around it is to understand that while your life is on hold, their lives are still going. Lastly, just leave it in God’s hands; if it is meant to be, it will.

— FROM A READER IN OH
It takes mind power to get through incarceration. When you have distance between you and family members, sometimes you have to accommodate visits over the Internet or rely on phone calls. When you have connections, scheduling matters. You have to be reliable.

— FROM A READER IN CA

Consistency in writing to people in society can become a challenge. Sometimes you might not have the funds to send a letter. You may have a bad day on the rec yard, feel a lack of motivation because no one out there is returning your letters, or you may be depressed. I’ve learned to maneuver around such obstacles by reading and studying law, seeking out education and socializing with fellow prisoners. But mainly I pray and meditate.

— FROM A READER IN NC

The physical separation is one of the most excruciating experiences. None of my family lives in the state where I am serving time so seeing them is out of the question. That lack of contact can lead to an increase in emotional challenges like depression and anxiety. I frequently call my family and friends on the outside and write to them from time to time. I have been working on developing my drawing skills to make meaningful gifts for my niece and two nephews. I’m also trying to grow in my education and share what I learn with everyone I can.

— FROM A READER IN TX

People have their own lives at home. So you stay in contact as much as possible and make sure you let loved ones know it’s appreciated that they answer the phone, write or send money. And listen to them about their lives because it’s not just about you and your situation.

— FROM A READER IN WV

Poem by Osborne Association youth,
“Breath of Fresh Air”

Staying connected is something that has kept me occupied for the whole time that I’ve been locked up. It isn’t easy. The biggest hurdle is having the money to communicate. If you really stop and think about it, the first thing that you must consider is Maslow’s Hierarchy of Needs. The most important part of that hierarchy is basic necessities, including food, clothing and shelter. While these necessities are taken care of while we are incarcerated, communication is not.

— FROM A READER IN MT

Having access to contact information is key. There are not a lot of resources like directories out there. Once you do make contact, hold on for dear life. Be patient, and don’t push. Make a meaningful connection and don’t abuse people’s time and effort.

— FROM A READER IN AR

For myself, it was easy because I have my kids to talk to and lean on whenever necessary. At first, it was hard because being locked up causes great shame and hurt. But once you conquer those feelings, it’s best to keep moving forward. Embrace that support, talk openly and live one day at a time.

— FROM A READER IN SC

Challenges faced are the high cost of phone calls. You have to have money to video visit, you have to have money to read or send text messages, you have to have money to look at your photos, and your people also have to pay to send them. Each time you want to look at one of your pictures, it costs. I work around costs by taking advantage of my free Sunday call, my free once-a-week visit and my free call for being a laundry tender.

— FROM A READER IN IL

See Us, Support Us (SUSU) raises awareness about and increases support for children of incarcerated parents. SUSU was launched in 2015 by the Osborne Association’s New York Initiative for Children of Incarcerated Parents (NYCIP). Families can find supportive resources at the SUSU website: www.susu-osborne.org
The thought of seeing someone you care about after a long period of separation can be both exciting and overwhelming. While you’re incarcerated, anticipating a visit from a loved one for the first time can be a very challenging and nerve-wracking experience. Preparing yourself mentally, physically and emotionally is essential to making the most of this opportunity.

If you had to give advice to someone expecting a visit, what helpful tips or suggestions would you offer to help them prepare?

Photograph by ISADORA KOSOFSKY, from her series “Still My Mother, Still My Father”, which documents bonding meetings between children and their incarcerated mothers and fathers at twelve men’s and women’s prisons in the state of Florida. Pictured above is Jennissey putting eye makeup on Tashanika as they wait for their children to arrive at the Women’s Reception Center in Ocala, Florida.
PASSMORE & BARTLEY

THE PeepS

AY!
WE WERE WATCHING THAT!

CLICK

You KNOW we're supposed to watch the DEBATE.

Come on, Pedro, we have a schedule.

Schedule, schmedule!

Dawg we can't vote... AND I didn't agree to your schedule. Bring the big green dude back!

Don't you want to see the country built back to its old glory?

We have families that could benefit from the right leader.

Does he mean the right leader or a Right leader?

That doesn't even make sense. Trump isn't even IN the debates... SMARTASS!

You just don't like him 'cause he shakes things up?

HA!

“Shaking things up” got me five to ten!

Trump's lies hide the truth like your hat hides your hairline... IT DON'T!
If you just sit around watching the tube and not caring about politics your VOTER AVERSION muscle will be big as a HORSE! Then you'll REALLY be a lowlife!

I KNOW YOU'RE NOT CALLING ME A LOWLIFE!

Brothers!

I'm sure we can rap about the issues without getting aggressive.

Aight Aaron, what issues matter to us in here?

Well... when I'm released, I'm voting for good judges. I don't want anyone else dealing with "hang-em-high" courts.

I could see voting for good district attorneys that wouldn't railroad you.

Ok... maybe I'll vote for judges, too.

AND I'll vote for merit time to get an early prison release for good behavior.

The people on TV make federal, not state, laws. Merit time is a state bill that could impact us if voted into law.

Where can we vote to make sure Aaron don't say made-up stuff like "voter AVERSION muscle"?

Don't hate me 'cause I'm muy inteligente!

Voting for Judges and DAs are state election matters too.
Thinking Inside the Box

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

1. T or F: Short staffing makes the prison system run better.
2. T or F: Fetal personhood is the idea that legally, a fetus should be treated the same as a child.
3. T or F: Diamonds Ford was convicted of shooting a police officer who was serving a warrant on her home.
4. T or F: Lia McKeown is an officer with the California Department of Corrections and Rehabilitation who reflects on the unique challenges and indignities of working in a prison while pregnant.
5. T or F: Lisette B. Hughes has committed to doing three things: Educating people about the issue, modeling the use of people-first language and gently correcting those who use dehumanizing language.
6. T or F: Roughly 173,000 women are incarcerated in the United States, with Black and Latino women held at roughly twice the rate of White women. Nearly 60% of women in prison are parents.
7. T or F: Jon Henry’s photography project seeks to convey the impact of police violence on Black families.
8. T or F: According to the U.S. Census Bureau, in 2022, the number of people working for state prisons hit its highest mark in over two decades.
9. T or F: A high-ranking leader in the Cuyahoga County Jail raised alarms in October 2023 about the lack of help offered to people before they are released.
10. T or F: In 1963, the U.S. Supreme Court decided in Gideon vs. Wainwright that the right to legal counsel was fundamental to ensuring a fair trial. Four years later, the court extended that right to children and ruled that police who picked up a child had to contact their parents.

In The Spotlight

Lisette B. Hughes is the curriculum director for the Racial Justice and Abolition Democracy project at Columbia University. She taught in New York City schools for nearly a decade, but after an involvement with the legal system, she found a new purpose in supporting and advocating for people in carceral spaces. Lisette joined Hudson Link for Higher Education in Prison, which provides college programming and reentry services to incarcerated people in New York State. Lisette cherishes this Nelson Mandela quote, “Education is the most powerful weapon which you can use to change the world.”

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

Last Issue’s Answers

1. In an Ohio state prison, incarcerated people and correctional staff played a role reversal simulator game. FALSE
2. 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. TRUE
3. A man entered the Arizona prison system healthy, but stopped being able to walk, couldn’t tolerate light, and became confused and incontinent. TRUE
4. Most barriers after prison are housing-related. FALSE
5. In 2005, the Supreme Court banned capital punishment for crimes committed by people under 18, saying that “evolving standards of decency” forbade it TRUE
6. 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. TRUE
7. Bobby Bostic is a Chicago native who was released on parole on November 1, 2023. FALSE
8. In 2022, the number of people working for state prisons hit its highest mark in over two decades. TRUE
9. Nearly 60% of women in prison are parents. TRUE
10. 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. TRUE
The Marshall Project
is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system. We achieve this through award-winning journalism, partnerships with other news outlets and public forums. In all of our work we strive to educate and enlarge the audience of people who care about the state of criminal justice.

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