Cook County jail detainees cast their votes after a polling place in the facility was opened for early voting on October 17 in Chicago. NUCCIO DINUZZO/GETTY IMAGES
Letters to the Director

While we do not subscribe to the decidedly leftist slant of News Inside, and we laugh at the ridiculous contentions of “racism” that you have unfortunately perpetuated, your publication is otherwise excellent, with the potential to inspire meaningful change.

R. Gerson, New Jersey

I was recently referred to you by a close friend of mine; he suggested that I read your magazine to see what I could learn from it. Upon reading it, I’ve been truly inspired to try to at least give myself a chance at living a full and prosperous life. I am coming up for parole April 2021 and was leaning towards going home and continuing my current, or should I say former lifestyle and just accepting that jail is going to be an integral part of my life... If it is possible I would like to be placed in contact with reentry experts...

B. Williams, Pennsylvania

What’s up man? ... [Y]o son, I received Issue 5 of News Inside the other day and I began reading the letter from you and was tripping when I read the 2nd paragraph. Twenty-seven years! Bro, I’m turning 27 next month! That’s a stretch to do, no jive...Thank you for letting me express myself and if you’re still reading this, fa sho, fa sho, I appreciate the time that you took out of your day to read my letter man.

A. Iguado, Arizona

It’s funny how I was given an answer to a prayer so quickly. I went to sleep last night and woke up earlier than normal with a thought pressing on my heart and mind. ‘Dear God, is there anybody to hear my voice? Am I going to die from my suffering in here?’... My friend walked over to my cell. My heart was still reaching out, and he slid this news magazine under my door - News Inside, August 2020: Issue #5 and I saw your name, so I wrote...Peace my brother—stand strong. History is to be made. Let’s make it.

W. Brockman, Tennessee
As the holiday season approaches and the year comes to an end, I come bearing gifts. Reaching you can be difficult at times because different facilities have different rules, and COVID-19 has limited access to reading material for many. But I promise to continue to be creative in bringing you a different kind of magazine—a magazine tailored to you.

In this election year, as our country goes through the convulsions of shaping its identity, I want to remind you that you are included, despite being blocked off by walls and gates. You may be surprised to learn that most of the 745,000 people held in local jails have the right to vote, but not that few actually do because they assume they can’t and facilities aren’t good about getting them the necessary information (“Unlocking the Vote in Jails,” pg. 4).

For those who debate at recreation, freestyling about crime stats or making assumptions based on network news images, I give you, “Is Violent Crime Rising In Cities Like Trump Says? Well, It’s Complicated” (pg. 15). Nothing gives you more leverage in penitentiary debates than reputable facts. Besides, everyone learns something in the process, and you can’t beat that.

Another piece you can use as your Google is “RBG’s Mixed Record on Race and Criminal Justice” (pg. 6), which examines how the recently deceased Supreme Court Justice Ruth Bader Ginsberg handled these issues.

Since I received a letter from someone who believes their conviction was tainted by a false confession, I included “Your Zoom Interrogation is About to Start” (pg. 21). The information may be helpful for future legal writings.

To round out the issue there’s a personal essay, “I Wonder If They Know My Son Is Loved” (pg. 24), and a piece about formerly incarcerated people putting out California wildfires (“The Former Prisoners Fighting California’s Wildfires,” pg. 10).

Before I go, I want you to know that I realize there are some of you who can’t access the information in News Inside because you have trouble reading or struggle with the English language. To remedy that, I want to share “Inside Story,” a new television pilot from The Marshall Project that is broadcasting on tablets in prisons and jails across the country. As I write this letter, I am waiting for confirmation from at least two states that will play it on closed-circuit TV, independent of tablets. Either way, I am always looking for ways to enlighten you, regardless of the obstacles that separate us. So stay tuned...

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

The majority of the 745,000 people held in local jails can vote, but few do. Advocates say it’s voter suppression on a national scale.

By Nicole Lewis and Aviva Shen

In June, Tina Kingshill and a team of volunteers fanned out into Harris County Jail, a sprawling multi-building complex in downtown Houston. Clad in face masks, the team worked their way through the housing facilities, slipping vote-by-mail applications to detainees through a slot in the thick metal cell block doors.

The pandemic had shut visitors and other volunteers out of the jail in March. But in June, the sheriff invited Kingshill and her team back, so they could continue their work making sure people in the jail can vote. This year, they have registered more than 1,000 people in the jail and have passed out more than 580 absentee ballot applications.

Across the country, volunteers and community organizations are working around the clock to make sure people in jail will be able to vote in this election. They’ve built alliances with county sheriffs, county clerks and local election boards. When the pandemic barred outsiders from entering the jails, they came up with creative ways to continue their work. Organizers in Michigan, for example, persuaded some jail officials to play a PSA about voting on the jail’s closed-circuit televisions.

There’s been a groundswell of support for laws restoring voting rights to people coming out of prison. But the vast majority of the 745,000 people held in local jails never lost the right to vote, since they are awaiting trial or are convicted of misdemeanors. Still, voting from jail is rare. Felony disenfranchisement laws and misinformation lead many people in jail to believe they cannot vote. Most jails don’t actively provide the necessary information to get people registered, voting rights advocates say. Logistical challenges abound. And this year, with some courts closed because of COVID-19, many more people could find themselves sitting in jail on Election Day.

Many of the people working to unlock the vote in jails say the result amounts to voter suppression on a national scale. People in jail also disproportionately come from communities of color that are heavily policed. The overexposure to the criminal justice system weakens these communities’ political power and makes people less likely to vote, now and in the future, research shows.

“We do start to think about those neighborhoods losing more voters than others,” said Ariel White, a political science professor at the Massachusetts Institute of Technology. “And that concentration really starts to matter in, for example, local elections,” which can sometimes hinge on a few hundred votes.

Moreover, people in jail have first-hand knowledge of the inner workings of the criminal justice system, but many are unable to hold the system’s elected officials—sheriffs, judges and prosecutors—accountable on Election Day. Because jails are under local control, voter outreach efforts vary by county.

In Michigan, the Voting Access for All Coalition held a webinar for county clerks to find ways to register jailed voters across the state. They’re hoping to reach 5,000 people.

San Diego’s Pillars of the Community, a faith-based criminal justice advocacy group, started paying detainees an hourly wage to help get out the vote and report any barriers to voting after the sheriff denied access to the jail.

And in Chicago, detainees at the Cook County Jail have already be-
gun voting. In 2019, the Illinois state legislature passed a bill requiring the Cook County Jail to become a polling location. People booked into the jail and registered in Cook County or the city of Chicago can cast their ballots in person. In prior years, detainees have voted by absentee ballot. Turning the jail into a polling location has an added benefit of allowing detainees to register and vote on the same day.

Cook County is an outlier. For one thing, it is the only jail in the country with in-person voting. And more importantly, Sheriff Tom Dart, who oversees the jail, has been an ally from the start, according to the directors of Chicago Votes, which has been registering people at the jail since 2017. Dart says that bringing voting booths into the jail isn’t a matter of legislation as much as it is a matter of will.

“I cannot conceive of one legitimate reason why you can’t do this,” he said. “Security issues? Oh, come on. Give me a break. The vast majority of the people in my custody are charged with horribly violent offenses. So when people say, ‘Security this, security that,’ I say, ‘You walk me through the challenges you have that I don’t have.’ ”

But Dart’s attitude is not the norm. Statewide initiatives to measure the scope of jail-based disenfranchisement have found that many jail officials don’t provide detainees with any information about voting at all.

In July, the Arizona Coalition to End Jail-Based Disenfranchisement surveyed all 15 counties in the state to understand their procedures for jail-based voting. Only one county provided sufficient information for detainees to register and vote. The vast majority had no documented voter education or registration procedures at all. The coalition estimates that 8,400 of the roughly 14,000 people in jail are eligible to vote.

A similar pattern emerged in Wisconsin, where the ACLU and a voting rights nonprofit, All Voting Is Local, surveyed the state’s 72 county jails. Of the 68 counties that responded, only one offered people in jail detailed guidance on the voting process. The rest either provided vague guidance or no guidance at all, according to the report. Roughly 13,000 people are jailed in Wisconsin.

Misinformation and fear are potent barriers: Many in jail fear that if they vote they could be violating the law and end up with more jail time. Other barriers are logistical. Most states require proper identification and a home address in order to register to vote. But most jails confiscate driver’s licenses during the intake process. And some detainees don’t have a steady address or struggle with homelessness.

Those working to register people in jail have come up with some creative solutions. In Cook County, detainees can put down the jail’s address as their home address. And in Houston, detainees can use their jail-issued identification when filling out their voter registration. Homeless detainees can indicate the intersection or underpass where they sleep in lieu of a home address, and the clerk’s office will make sure they’re placed in the correct district.

Still other obstacles don’t have simple solutions, and enforcing voting rights in jail often requires legal intervention.

The legal landscape protecting voting rights for people in jail is well-established. In 1972, several people awaiting trial in a New York jail sued the county sheriff alleging that they were denied the ability to register and vote by mail. At the time, state law barred people in jail from requesting absentee ballots. Their case made its way to the U.S. Supreme Court, where the justices ultimately sided with the detainees, affirming the right of jailed citizens to vote absentee.

Yet protections for voters in jail aren’t reflected in most state laws. Many states make accommodations to ensure people temporarily confined to nursing homes or hospitals can vote, but few make the same adjustments for people in jails.

Detainees have filed numerous lawsuits to protect their voting rights. But these lawsuits are rarely proactive: Most are filed after they haven’t been able to vote. The detainees must also clear a high hurdle to get their cases in front of a judge, first exhausting all internal remedies or risk having their lawsuits thrown out.

To Dana Paikowsky, who works with the Campaign Legal Center, a nonprofit organization dedicated to expanding voting rights nationwide, the exclusion of detainees raises larger questions about what it means to have a well-functioning democracy.

“People who are educated and have money disproportionately participate in elections,” Paikowsky said. “We should hope that our system doesn’t just want those voices. They should want other voices that may have more critical things to say about how our government is working.”

Marc Meredith, an associate professor of political science at the University of Pennsylvania who studies felony disenfranchisement, noted that it should be particularly worrying that the bulk of people being booked into jail are in their late teens or 20s and may well come out of the experience less likely to vote or be civically engaged.

“This is going to have some long-term consequences on voting over the rest of their lives,” he said.

MIT’s White has found that even a short stint in jail makes someone less likely to vote in the future. Many Black and low-income people primarily experience the government through the criminal justice system—through stops by police or incarceration—and can become cynical about their power and role in politics.

Clarifying requirements for who is and is not eligible to vote would make it easier for people to understand their rights. But there’s another solution, experts say: incarcerate fewer people.

“One big possible change we could make would be to use jail a whole lot less, both when people are awaiting trial and in sentencing,” White said. “We might think about changing things like the structure of our bail system and how often we really sentence people to jail for misdemeanors.”

Christopher Jackson had no idea he was allowed to vote while he was incarcerated at the San Diego County Jail. Until an organizer from Pillars of the Community reached out and asked him if he’d like to get paid $17 an hour to register voters inside the jail, he had just assumed he and those around him couldn’t vote.

Though he was forbidden from advocating for one candidate or another, Jackson explained to the other prisoners why local races mattered. They could vote for the new mayor, City Council members and, particularly relevant to the people he
was recruiting, new judges. “Once we broke it down to them, they understood how, not only it affected them, but it also affected their families,” he said.

Laila Aziz, operations director of Pillars of the Community, estimated Jackson registered 200 voters over the few months he was incarcerated. Like him, a lot of people were surprised to find they were eligible to vote. But it wasn’t hard to convince them to register.

“They don’t know that their voice counts,” Jackson said. “But once you tell them, it’s all: Yeah? OK, well count me in.”

### RBG’s Mixed Record on Race and Criminal Justice

Ruth Bader Ginsburg was a revered feminist icon. Her legacy on issues such as prisoners’ rights, capital punishment, racial justice and tribal sovereignty has been less examined.

**By Marshall Project Staff**

In the days since Supreme Court Justice Ruth Bader Ginsburg died at the age of 87, tributes have tended to focus on her work championing gender equity and reproductive rights. Her record on issues of criminal justice and race is less examined—and less consistent. The Marshall Project reached out to a range of court-watchers, scholars and prisoners’ rights advocates to ask about Ginsburg’s legacy in these areas.

Most criminal justice reform proponents we spoke to praised Ginsburg for her record, in which she was typically skeptical about the government wielding its power unfairly against defendants and prisoners. But there were times she sided with law enforcement and the Trump administration, and she was outspokenly pragmatic on her approach to the death penalty, frustrating its opponents. Here’s a look at Ginsburg’s record on policing, fair trials, sentencing, prison conditions, racial justice, Native rights and more.

### RBG on the rights of the incarcerated

When it came to prison conditions and the rights of incarcerated people, Justice Ginsburg simply wasn’t as visible. She wasn’t the primary author on any of our blockbuster human-rights-in-prison cases.

When she did author a decision on these issues, it was generally when the court was unanimous or near unanimous. Meanwhile, in split decisions, she generally sided with the more liberal justices, but she was not the primary author. In other words, she just wasn’t a leader in this particular area of jurisprudence—but that doesn’t negate her tremendous influence in other areas of law.

—Andrea Armstrong, law professor at Loyola University New Orleans

On prisoners’ rights, Justice Ginsburg was an inconstant ally. She authored Cutter v. Wilkinson, which enhanced protection for prisoners’ religious rights. But she also wrote Porter v. Nussle, which erected new barriers for prisoners seeking to vindicate their rights in federal courts. She dissented in Beard v. Banks, when the court upheld 23-hour solitary confinement without newspapers, radio, television or telephone calls. But she also joined the court’s opinion in Overton v. Bazzetta, which upheld draconian visiting restrictions in Michigan prisons, including a potential lifetime ban on visits for prisoners found guilty of substance-abuse violations.

The reality, of course, is that no Supreme Court justice in recent memory has been a consistent champion of the rights of incarcerated people. Justice Ginsburg recognized prisoners as rights-bearing individuals and was willing, more frequently than most of her colleagues, to uphold those rights against government challenges.

—David Fathi, director of the American Civil Liberties Union National Prison Project

Justice Ginsburg developed a deep interest in prison conditions and prisoner rights long before she was a justice. In the 1990s, her husband, Marty Ginsburg, told me (rolling his eyes a bit at forgone golf games) that before she was appointed to the Supreme Court, they frequently toured prisons when they were in Europe on vacation. Similarly, before she was on the Supreme Court, she ensured that each year’s Court of Appeals law clerks visited a federal prison, so they understood the stakes of the criminal cases they helped her with.

—Margo Schlanger, former law clerk for Ginsburg, University of Michigan law professor and an expert on prisoners’ rights litigation

### RBG on solitary confinement

I don’t think that solitary confinement was really her issue. She did find it constitutionally problematic enough to vote that a certain amount of process needs to attend a decision to put people in solitary. She did sign onto a couple of statements or dissents by other justices where the issue of solitary was raised saying either, we need to review this because it’s constitutionally problematic, or this is a backdrop that makes the deprivation of another constitutional right all the more significant.

But in Davis v. Ayala, a 2015 case that wasn’t about solitary confinement but where the petitioner had been held in solitary for decades, Justice Anthony M. Kennedy writes separately to condemn the practice of solitary confinement and she doesn’t join that concurrence. So this is not to say that I think she endorsed solitary confinement. But this is not one of the causes she was a real champion for.

—Laura Rovner, professor of law and director of the civil rights clinic at the University of Denver College of Law

### RBG on race and racial justice

I have a mixed take. She was willing to, for example, credit a Black queer civil rights attorney on Reed v. Reed, which is the case where the court said that the equal protection clause in the 14th Amendment prohibits discrimination based on sex. She built her argument off of the scholarship of Pauli Murray, and I think that’s something a lot of White people don’t generally do, credit arguments to people of color. I think her understanding of racism as a problem in this country was sound, and I think that’s clear from Shelby...
County v. Holder—but I think when it comes to more modern issues of racial justice including police brutality and Black Lives Matter, I think she failed in that regard. And I’m talking specifically about her comments about Colin Kaepernick. I do credit her with pretty quickly saying she shouldn’t have said that. But I would rather her have said nothing. And also I would have liked to see her back up Justice Sonia Sotomayor more when it came to her more scathing dissents on equal protection in cases like the DACA case.

Ginsburg wrote a biting dissent in a decision that counties with a legacy of discriminatory voting practices no longer had to get special permission to change their voting rules.

The only section of Sotomayor’s dissent that Ginsburg didn’t sign onto stated that the majority’s decision “implies that you are not a citizen of a democracy but the subject of a carceral state, just waiting to be catalogued.” —Imani Gandy, senior editor of law and policy at Rewire News

RBG on Indigenous rights
Tribes have done really well in the last six or eight years, and Ginsburg voted with the majority. In 2016, she wrote the opinion in U.S. v. Bryant about the use of tribal court convictions to enhance federal sentences for domestic violence repeat offenders. It was very much a question of issues of gender and violence against women.

But before that she wrote several opinions that were really awful for tribal interests. She struck down a $600 million judgment that favored the Navajo Nation that was the result of overt, obvious corruption in the Department of Interior. She wrote the opinion in City of Sherrill v. Oneida Indian Nation of New York that was incredibly dismissive of tribal prerogatives. Some of the language in that opinion is considered some of the more overtly racist language in its challenge and skepticism of tribal interests. She also wrote an opinion in the 90s—Strate v. A1 Contractors—that gets a lot of criticism for demeaning tribal interests in accidents that occur on the reservation that should be adjudicated in tribal court.

In 2005, Ginsburg wrote a decision that said land belonging to members of the Oneida Indian Nation was not technically part of their reservation, and thus not tax-exempt, because it had been sold in 1807 and then later reacquired.

Most of these are unanimous opinions, so it’s not like she’s the only one. I think she used incredibly broad language that she would later regret. She later tried to limit the scope of the Sherrill opinion, but the damage was already done.

I think it’s a function of the Supreme Court not having any real knowledge of Indian country and not having any pushback among the justices themselves. It’s hard to say it’s RBG’s fault for screwing these other cases up. It is, but it’s also the fact that the court, well into the 2010s, was super-skeptical of everything tribes were doing. Tribes won almost none of their cases during that time. And that’s turned around since Justice Sotomayor has come on the court.
The civil rights framework that informed her gender discrimination work left little or no room for collective interests like tribal sovereignty. The testimony she gave at her confirmation hearing demonstrated a meager understanding of Native American history and present day circumstances, and very small acquaintance with federal Indian law. Not surprisingly the decisions she wrote in the early part of her tenure demonstrated her lack of understanding and respect for tribal sovereignty. Scholars commented on this, and their criticisms were pretty blistering. Maybe because she took those criticisms to heart, maybe because she had more experience, her later decisions reflected much greater appreciation for the value of tribal sovereignty and the realities of tribal governments and economies. I think it’s worth noting that she joined the majority in her final Indian law case, McGirt v. Oklahoma, which was a very consequential affirmation of reservation existence and tribal sovereignty in Oklahoma. This 2020 case found that much of eastern Oklahoma is Indian Country.

—Carole Goldberg, distinguished research professor at UCLA Law

**RBG on creating legislation**

Justice Ginsburg was protective of the rights of criminal suspects and defendants and was very protective of trial rights. The one area where she was not protective of criminal suspects and defendants was the scope of federal power over criminal legislation. One of the significant cases here was Gonzales v. Raich—on the question of whether Congress had the authority to prohibit the consumption of marijuana that was produced and consumed within a single state. The argument was that it couldn’t possibly be interstate commerce, and yet the Supreme Court ruled that it could be regulated under the Commerce Clause. That decision signaled that Congress could legislate basically anything it wanted. Justice John Paul Stevens wrote the majority opinion that Ginsburg joined in a 6-3 judgment.

—Jay Schweikert, policy analyst with the Cato Institute’s project on criminal justice

**RBG on sentencing**

She wasn’t as much a quote-unquote liberal on criminal justice issues, but she did a lot of good things like on sentencing—with Apprendi v. New Jersey, Blakely v. Washington, and United States v. Booker—getting us regarding the “nondelegation doctrine,” the basic rule that Congress has to legislate, it can’t delegate its legislative power to another branch. This was about the sex offender registry, regarding offenders who had committed their offenses before the law passed and had to register. The law basically said it was up to the attorney general whether they had to register, and the problem was that that was basically delegating legislative authority to the attorney general on the scope of criminal liability. And she joined Justice Elena Kagan’s majority opinion in a 5-3 decision.

So if you look at things on an individual rights basis, she was very protective of criminal suspects and defendants but less so when you look at things from a structural, separation-of-powers perspective.

—Jay Schweikert, policy analyst with the Cato Institute’s project on criminal justice

Supreme Court Justice Ruth Bader Ginsburg in Washington, in 2006. BRENDAN SMIALOWSKI/GETTY IMAGES
away from some of the worst aspects of sentencing from the 80s and 90s. Basically, those three Supreme Court cases determined that the Sixth Amendment right to trial prohibited a sentence beyond statutory maximums unless it was heard by a jury. She was a believer in letting the jury make the decision instead of giving it to a judge in a jury trial.

In these cases, decided in 2000, 2004 and 2005, respectively, the court held that any fact a judge might use to make a sentence longer than a statute calls for must first be proved to a jury. In Booker, the court also made the federal sentencing guidelines—which gave judges strict rules about what sentences to hand down in what circumstances—advisory rather than mandatory.

And she was obviously a protector of the right to counsel. She was pro-defense on a number of different issues, but she was also faced with a majority that was much more conservative.

—Mark Holden, Americans for Prosperity board member and former general counsel and senior vice president of Koch Industries

Justice Ginsburg's most significant sentencing legacy emerged from her role in a series of cases concerning constitutionally required sentencing procedures (and here she often voted alongside Justice Antonin Scalia, who was her close friend but also, in other areas of the law, her ideological opposite). She was the key swing vote in the landmark ruling in United States v. Booker: She was the sole justice who both supported finding the mandatory federal sentencing guidelines unconstitutional, but then allowed those guidelines to continue to operate as advice to federal judges at sentencing.

Over 1 million federal defendants have been sentenced since 2005 under the advisory federal sentencing guideline system that Justice Ginsburg is most responsible for giving us. And in 2007 she authored a critically important opinion in Kimbrough v. United States, which allowed a judge to be more merciful than the harsh federal sentencing guidelines for crack cocaine offenses. Many thousands of defendants continue to cite Kimbrough at sentencing every year as they urge judges to take full advantage of the sentencing discretion that Justice Ginsburg helped give them.

—Douglas Berman, professor at The Ohio State University Moritz College of Law, founder of Sentencing Law and Policy

RBG on extreme sentences for youth

The Supreme Court has ruled multiple times that youth accused of crimes should be treated differently than adults, because they are uniquely able to grow and change and deserve a second chance. We attribute these decisions most directly to retired Justice Anthony M. Kennedy. But Ginsburg was a pivotal voice in advancing the constitutional rights of children.

In the 2005 case Roper v. Simmons, for example, the court ruled that putting children to death is unconstitutional. In the oral argument, Ginsburg pointed out that teenagers can’t vote, can’t sit on juries, can’t serve in the military and are typically wards of their parents. “Why should it be that someone is death-eligible under the age of 18 but not eligible to be an adult member of the community?” she asked. And in a 2012 case, she famously said of the idea of sending a child to prison for life without a chance at parole, “Essentially, you're making a 14-year-old a throw-away person.”

In this case, Jackson v. Hobbs, and its companion case Miller v. Alabama, the court held that a juvenile should only be sentenced to life without parole in the rarest of circumstances, when the child is deemed beyond rehabilitation.

To date, more than 650 people originally sentenced as children to die behind bars have been released as a result of these decisions.

—Heather Renwick, legal director, Campaign for the Fair Sentencing of Youth

RBG on the death penalty

RBG's earliest engagement of the death penalty was as a litigator writing an amicus brief on behalf of the leading women's rights and civil rights groups. The case was Coker v. Georgia, and the question was whether the death penalty amounts to excessive punishment for rape when life is not taken. RBG detailed the way in which capital punishment for rape in the South was used almost exclusively to punish African-Americans convicted of raping White women. She drew a straight line connecting the death penalty for rape to regressive patriarchal views about women and racially discriminatory attitudes and practices. She argued that the belief that rape justifies capital punishment is rooted in a view of rape as a crime against the victim's father or husband, who were deemed to have a property interest in women's chastity.

RBG wrote that “chivalric” protection in this context had the effect of putting women “not on a pedestal, but in a cage.” This brief was distinctive and enduring because it rejected a rigid dichotomy between sexism and racial discrimination; rather she saw them as reenforcing systemic problems that amplified each other in the death penalty context. As she wrote, “[T]he death penalty for rape is an outgrowth of both male patriarchal views of women no longer seriously maintained by society, and gross racial injustice created in part out of that patriarchal foundation.”

—Jordan Steiker and Carol Steiker, law professors and authors of “Courting Death: The Supreme Court and Capital Punishment”

Justice Ginsburg was as anti-death as she could be without, I think, ever expressly saying that. She wrote the majority opinion in the Bobby Moore case, saying that whether or not someone is intellectually disabled had to be decided differently. I know of several cases where defendants' sentences have been commuted from death to life on the basis of that decision.

I was on the Texas Court of Criminal Appeals at the time, and for me personally it meant the world that she took the time to cite me—to mention me by name—in her majority opinion, quoting my dissent. It's kind of like she was saying 'atta girl' to me for speaking out.

—Elsa Alcala, former Texas Court of Criminal Appeals judge

In Maples v. Thomas in 2012, Justice Ginsburg wrote that Maples had been abandoned by his lawyers, and therefore could fight his death sentence in federal court. She devoted part of her opinion to a discussion of the inadequacies of Alabama's system for providing lawyers for people facing the death penalty. She sent a message to states that failing to provide competent lawyers in capital
cases runs the risk of the conviction and sentence being thrown out.

In 2015, she also joined Justice Stephen Breyer’s dissent in Glossip v. Gross in which he suggested the court should consider whether the death penalty as currently carried out violates the Eighth Amendment ban on cruel and unusual punishment. It was seen as an encouraging indication that the steep decline in death sentences, and the obvious arbitrariness and lack of reliability in capital sentencing, would lead the court to declare it unconstitutional. Unfortunately, the change in the composition of the court has ended that possibility for now.

—Stephen Bright, law professor and founder of the Southern Center for Human Rights

In Buck v. Davis, I argued that Duane Buck’s death sentence was unconstitutional because it was imposed after his own attorneys presented expert testimony that Mr. Buck was more likely to commit criminal acts of violence in the future because he is Black. Justice Ginsburg agreed and joined Chief Justice John Roberts and the majority of the court in reversing the lower court decisions denying relief to Mr. Buck. The alleged link between race and criminality at the heart of Mr. Buck’s case echoed a false and racist trope which is deeply rooted in our country’s history, and which animates much of the racial inequity and disproportionality that continue to characterize the administration of criminal justice.

—Christina Swarns, executive director of the Innocence Project

RBG on defendants’ rights
Justice Ginsburg protected defendants’ rights more often than not, and she evolved over time—particularly on issues like qualified immunity and prosecutorial misconduct that are salient right now. In Connick v. Thompson, Justice Clarence Thomas allowed New Orleans prosecutors to avoid liability for convicting an innocent man and made civil rights lawsuits infinitely harder in the process. Her dissent painstakingly catalogued the misconduct in the case, placed blame where it belonged—on the men at the top—and stood up for the constitutional right to a fair trial.

—Somil Trivedi, ACLU Criminal Law Reform Project senior staff attorney

Law Reform Project senior staff attorney

Justice Ginsburg was a champion of protecting the rights of the individual against the tyranny of government overreach. This is best exemplified in Alabama v. Shelton in 2002, where Ginsburg addressed the issue of whether the Sixth Amendment right to an effective lawyer applies to certain misdemeanor cases, in which a jail term is suspended in lieu of probation.

In practice, poor defendants in misdemeanor courts often were denied lawyers and then asked to negotiate plea deals for probation directly with prosecutors. They usually agreed to rules that were difficult to meet, and then were jailed for violating them. In Shelton, the U.S. Supreme Court determined such practices to be unconstitutional because these defendants couldn’t go back and challenge the government’s original accusations against them. Ginsburg wrote the majority opinion.

Unfortunately, the unconstitutional practices highlighted in Shelton persist to this day for a variety of reasons. But here too, Ginsburg points the way to how best to rectify these practices. Shelton suggests allowing defendants, without admitting guilt, to enter rehabilitation programs before facing prosecutors in court. If the defendant successfully completes the program, the original charges are dismissed.

—David Carroll, executive director of the Sixth Amendment Center
RBG on guns and the Second Amendment
Justice Ginsburg joined the dissents in District of Columbia v. Heller and McDonald v. Chicago, two major cases which expanded an individual's right to keep and bear arms unconnected with militia service. She said publicly that the Second Amendment was outdated and had long since served its function, which was controlling state militias during the early years of the republic. She believed the Second Amendment had no relation to the issues of guns in modern society, issues like background checks or assault weapon bans.

Today, courts evaluating Second Amendment claims overwhelmingly consider the effectiveness of gun laws on public safety. But there is a rising number of judges and justices who think that gun laws should be evaluated by history and tradition. It's possible that a Justice Ginsburg replacement will tip the scales to this second group. The likely outcome, if the Supreme Court mandates a more strictly originalist approach, is that more gun control laws will be struck down.

—Joseph Blocher, professor of constitutional law at the Duke School of Law

These interviews and essays were condensed and edited for clarity.
Keri Blakinger, Maurice Chammah, Andrew Cohen, Eli Hager, Joseph Neff, Beth Schwartzapfel, and Christie Thompson contributed to this report.

The Former Prisoners Fighting California’s Wildfires

“When people are in need, they don’t give a shit where you’re from or what your history is.”

By Christie Thompson

California firefighters have been battling unprecedented blazes and staffing shortages this wildfire season. Before the pandemic, thousands of the state's wildfire crews came from state prisons—incarcerated people can make around $1 an hour containing fires, clearing brush and doing other dangerous labor. But since COVID, many incarcerated firefighters have been released early.

That shortage has called attention to the state's reliance on prison labor to fight fires, and to a longstanding critique of the program: how hard it is for those same people to become professional firefighters once they're free. Jobs in city fire departments often require a stringent background check. Getting hired in wildland firefighting, while not off-limits, is a challenge for people navigating re-entry on top of probation or parole. Recent efforts by the state and by groups like the Forestry and Fire Recruitment Program, created by formerly incarcerated firefighters, are working to change that. In September, the state assembly passed a bill making it easier for some people who served on prison fire crews to clear their record and get an emergency medical technician license; the proposal is now awaiting the governor's signature.

Despite the obstacles, many have found a way to use their fire skills post-prison, even if as a volunteer.
Several people who have been battling California’s wildfires this summer shared their stories with The Marshall Project:

Brandon Smith
Co-founder and executive director of the Forestry and Fire Recruitment Program
A counselor came to my cell door and asked, “Do you want to be a wild-land firefighter?” My initial response was no. I remember watching “Backdraft” as a child and telling my mom, “I know I don’t want to do that.” I started talking to folks and realized it was the best-case scenario: highest-paying job, access to better food, closer to my family and I’d be out in the community. So I decided to go do it. I grew to love the job so much that when I was about to be paroled, I asked the corrections staff and fire chief, “How can I do this once I get home?” All of us were perplexed—we didn’t know how.

You typically see the same type of people in these jobs: white men from rural communities. I did a round of calling hella fire agencies, hella stations, turned in so many applications. I didn’t realize most of those things I wasn’t qualified for. I got hired when [then-California Gov.] Jerry Brown declared a state of emergency in 2015. The battalion chief for the forest service in Big Bear, a Black woman, gave me a chance. Because of the state of emergency she had her discretion to hire me. On my first fire working professionally, I looked over and saw my same crew from prison on the fire. They were doing double takes. Everyone was like, “What?! I thought this couldn’t happen.” Now we go to all the fire camps and training centers in California. We say, “Look bro, you can actually do it. Here’s how.”

We’re launching four crews of mostly formerly incarcerated people doing fire prevention and post-fire clean up work. They’re going to receive $15 an hour and get on-the-job training. They’ll be with us for six to 16 months depending on parole or probation. And then they’ll transfer to a professional job. We partner with homeowners associations, local fire safe councils. We’ve been running since 2015, and we’ve helped over 80 people get jobs.

Gov. Gavin Newsom comes out here and says, “We don’t have enough staff to attack this.” But we received the same training that a firefighter would get. We’re equally eligible to go do the job. Just normalize a pathway. You already use these people.

Soledad Espinoza
Wildland firefighter and Corpsmember with the California Conservation Corps
I’m at California Conservation Corps in Camarillo. It’s a paid training program that can help younger people get certification. We were on quarantine for the beginning of the season. As soon as we were cleared, the next day we were going to a fire, a 2,800-acre fire from a lightning strike. It was pretty gnarly. I’m on a hand crew. When [the fire is] reduced to being able to have human bodies in there, the hand crews go to the fire’s edge and construct a “fire line,” using chainsaws and other hand tools to cut the brush and trees back. It is extreme physical labor.

I got out in November of 2018. While [on a prison fire crew] they don’t give you certification, they just use you. I went through the exact same training you would get if you were free. Yes, I made a choice that sent me to prison, but I still did all this work for Californians. When I went to fires I made $1 an hour, but I owed restitution so I was making 45 cents an hour.

I didn’t think I could do it after I got out. [I think] I am the first person at my center to be on parole. And I [think] I’m the only female on a wildfire crew [here]. There’s a training center right next to where I’m at [in Ventura] that houses parolees and works them on fire crews. But I’m not allowed to go to that program because I’m a woman. So I have to work with my parole
officer to actually do this. If I ever leave the county, there’s someone here that sends my parole officer how long I’ll be out, where we’ll be, who my direct supervisors are, then there’s a travel pass that’s created for me. It’s a whole, long list of things that I have to do.

I remember my first fire. It was a small one, an acre and a half behind a house in San Diego County. We get to the house, and you just see black everywhere. Smoke traveling up the slope of the hill right into your face. You’re trying to hike down, trying not to eat the smoke, snot running down your face, eyes burning. The adrenaline is rushing, you can’t breathe. That was my first realization that this is a job. This is real.

Matthew Hahn
Former prison wildland firefighter who has worked with community volunteers

I’m not a firefighter. I’m an electrician. This is not what I do. But I spent a few years in fire camp while incarcerated. I was driving home from work around the mountains on Aug. 20 when I got close to the fire, and I heard the saws of the hand crews going. It just brought back some somatic memories for me. Thinking, “Man, I know what they’re doing out there.” So I drove home, I got on Twitter and said, “I am an able-bodied former wildland firefighter looking to pitch in where I can.” A couple hours later I got contacted by someone in Bonny Doon. A handful of people who were formerly incarcerated reached out who wanted to help, but they couldn’t get in at that point because of barricades. A Twitter friend up in Solano County was willing to come, but he’s still on parole so he couldn’t drive more than 50 miles.

We’re getting help from all these other states and countries, which is great, we need it. But leaving aside all the politics, taxpayers paid to have thousands of people [in prison] train to be firefighters, to show up to disasters exactly like what’s happening right now. And they’re sitting at home. Fire season is lasting longer. Fires are getting bigger. We need more people.

I think there’s a ton of people who are already paroled who would love to become a firefighter. I saw it in the enthusiasm I got from people offering to come out—they had the little itch I had when I heard the saws. If there was ever a time in which the public and the legislature and the governors and the fire departments themselves would be amenable to loosening the restrictions, it would be now.

It reminds me of the first big fire I went on, in Santa Barbara in 2009. I remember coming down the mountain when we were leaving, and all the residents were piled on the side of the road cheering. They had signs that said, “Thank you firefighters!” When you look in the mirror when you’re incarcerated, you see the words written on your shirt that say CDCR prisoner. You get treated a certain way by guards. It’s easy to believe it. There’s an element of starting to assimilate the notion of being less than, that I deserve the distrust I’m regarded with. It generates a lot of self-loathing and a sense of worthless-
Is Violent Crime Rising In Cities Like Trump Says? Well, It’s Complicated.

Trump speaks of "anarchy and mayhem" in cities. Here’s what the data really shows.

By Weihua Li

In September, President Donald Trump and former Vice President Joe Biden faced each other for the first time on the debate stage. Some of the most pressing problems of our time were front and center: the coronavirus pandemic, the Supreme Court vacancy and the fight for racial justice. The candidates’ discussion of justice issues focused less on how to address America’s longstanding inequity and more on how cities are facing a violent crime surge in a time of unrest—and who is to blame.

Trump and his supporters have repeatedly spoken of bringing “law and order” to Democrat-run cities that are full of “anarchy and mayhem,” even though racial justice protests around the country this summer have been mostly peaceful. Biden, on the other hand, has mostly skirted talk of unrest, emphasizing that the crime rate dropped while he was the vice president and that a surge of murders happened under Trump’s watch.

Wading through these mixed messages of what's happening in cities, it's hard to tell just what the data says. Most types of crime decreased this summer, while serious violent crimes—such as aggravated assault and murder—increased, according to an analysis of crimes in 27 major U.S. cities by the Council on Criminal Justice, a criminal justice think tank. A preliminary crime report published by the FBI earlier this month shows similar trends nationwide.

To make sense of what this all means, The Marshall Project and Vox have parsed findings from January to June, as well as decades prior for comparison, of not just crime data but media reports, public opinion polls and stats on policing and jail populations. Politicians and pundits are pointing fingers at what they believe caused the increase in violent crime rates: the protests against police violence, movements to defund the police and efforts to release people from overcrowded jails and prisons ravaged by the coronavirus. But the data available thus far does not support that these are the culprits.

Understanding what drives crime rates is tricky because there's no single cause or answer. This is especially true in the pandemic, which has introduced unfamiliar patterns. What is known, however, is that sensational media reports and misleading statements from politicians can blow the degree of violence out of proportion and make the public believe that crime is increasing, even when it isn't.

As the country gears up for the presidential election—and the messaging of politicians and the media that comes with it—here are data visualizations, along with analysis, that can help think through what the summer’s crime trends mean and how to move forward.

Violent crime was up in early summer; nonviolent and property crime was down

Beginning in late March, cities across the country saw a decrease in most types of crime, including burglary, theft, robbery and drug crimes, according to the Council on Criminal Justice report.

Richard Rosenfeld, a criminology professor at the University of Missouri-St. Louis who authored the report, said that cities’ shutdowns beginning in March largely drove the decreases this summer. More people staying at home meant fewer houses were broken into; fewer people going out at night meant fewer opportunities for theft and robbery, for example.

But for some of the most violent crimes, such as shootings, aggravated assault and murders, the number of incidents in the cities we examined have increased in the pandemic. Compared with a three-year average between 2017 and 2019, homicides increased 25 percent between April and June.

Data included in the Coun-
council on Criminal Justice’s report stops at the end of June and doesn’t include cities like Portland, Oregon, and Kenosha, Wisconsin, where protest tensions rose and shootings occurred, by a counterprotester and a vigilante, respectively, in August. Nor does it include Louisville, Kentucky, where two police officers were shot following a grand jury’s decision not to charge any officers for killing Breonna Taylor. That said, some reports show violent crime continued at elevated rates in July and August, and property crime rates have gone down.

David Abrams, a law and public policy professor at the University of Pennsylvania, has examined major cities’ public crime data since the beginning of the pandemic. He publishes real-time crime trends on an online data portal that allows viewers to explore how specific types of crime changed in each city.

While the data portal shows similar trends in upticks of murder and decreases in other crimes, pinpointing the exact factors that drive up murders is much more complicated than understanding what caused the decrease in crimes like burglaries, Abrams said.

One of the main reasons: The motivation behind burglaries or larceny is often money, whereas the motivation behind murders and shootings is more varied, he said.

Many factors might play into these increases: A 60 percent surge in gun purchases can be followed by more shootings; trapping domestic violence survivors and abusers under the same roof during the quarantine may cause more assaults and murders; and COVID-19 has made police outreach work even more difficult. The pandemic has also turned families and support systems upside down—unemployment is high, schools and many summer programs have closed and people, especially from low-income communities and communities of color, have faced illness and death in their families from COVID-19, making routines and structures impossible to maintain.

Dorothy Johnson-Speight, a community organizer in Philadelphia, said she is especially troubled by how many shootings and violent crimes involved young people this summer.

She noted that not only have schools closed, but so have most youth programs that can give young people a sense of structure and belonging. Johnson-Speight, who founded the violence prevention group Mothers in Charge after her son was killed in 2001 over a parking dispute, believes many of the shootings in Philadelphia this year involved people who are under the age of 18, though official police figures are not available. A recent example was a 16-year-old shot dead on Sept. 21, with an 18-year-old and a 12-year-old shot on the same day.

“‘The anxiety and pain and grief are on steroids because of what’s happening with COVID,” Johnson-Speight said. “People have no way of seeing things getting better, and there is nothing at the end of the tunnel. What I hear from parents that lost one or two or three children is, ‘What’s going to happen next? Will my other children suffer the same thing?’”

While the pandemic brings much uncertainty, there is one thing that may lead to a drop in crime: the weather. Historical trends show that the violent crime rate often increases in the summer, reaches its peak in the fall, and drops to the lowest point in winter—as temperatures decrease and people retreat indoors again.

Crime increased after protests against police violence ... briefly

Following the police killing of George Floyd, a 46-year-old Black man, in Minneapolis in May, protests against police violence and systemic racism quickly spread across the country, from major cities to historically conservative, majority-white towns—more so perhaps than any civil rights protests in the nation’s history. However, with the protests came news coverage focused on riots, lootings and scenes of chaos, despite an estimated 93 percent of protests being peaceful.

President Donald Trump has said little about the police violence against George Floyd, Breonna Taylor, Jacob Blake and other Black Americans, but has spoken consistently of “law and order.” In July, with Black Lives Matter protests still happening in major cities, Trump sent in federal law enforcement agents to nine cities led by Democratic mayors to stop what the president called “shootings, killings, murders and heinous crimes of violence,” whether or not any of those things were happening in those places.

“This bloodshed must end,” Trump said during official remarks in July. “This bloodshed will end.”

The implication was that the protests had caused the rise in violence, or “bloodshed”—but was that true?

The nationwide protests kicked off in late May, when homicides remained low. There was an increase in mid-June, but the Council on Criminal Justice’s data does not break down where the murders happened in each city, which makes it difficult to analyze protests’ direct impact on violent crime.

What is known is that Black Lives Matter demonstrations have been mostly peaceful. Researchers at the Armed Conflict Location and Event Data Project analyzed more than 7,750 demonstrations from 2,400 locations between May and August and found that less than 7 percent of the protest were violent, which the researchers define as where “demonstrators themselves engage in violently disruptive and/or destructive acts targeting other individuals, property, businesses, other rioting groups or armed actors.” This can range from vandalism and looting to clashing with the police, a much wider net than police’s definition of “violent crime,” which include rape and sexual assault, robbery, assault and murder.

If anything, aggressive and militarized government response has made demonstrations more violent, researchers concluded. For example, before Trump deployed the federal task force to Portland, Oregon, 17 percent of the demonstrations were violent; after federal law enforcement agents entered Portland, the share of violent demonstrations more than doubled, to 42 percent. Criminologists have warned that sending in federal law enforcement officers, like border patrol agents or Bureau of Prisons guards, with no training or knowledge on local issues can do more harm than good.

Another unintended consequence of escalating federal involvement in policing protests is that it hinders people’s trust in the police. Even before this summer, victims of violent crime said some of the most common reasons that stopped them from going to the police were they “dealt with it another way,” “fear of reprisal or getting offender in trouble” and “police would not or could not help.” An increasing distrust of police may lead to more vigilantism and more unreported crimes.
Also, violent crimes are rare enough that small changes in absolute numbers can lead to large statistical swings, and that's especially true for the most serious kind of violent crimes like murders.

For example, homicides in 20 cities tracked in Rosenfeld’s report increased by more than half around the last week of June, which is an alarming trend compared to the past three years. However, looking at the raw numbers, homicides increased from roughly 70 homicides per week to 101 per week, or fewer than one additional death in each city every day. Most of the increase took place in Chicago.

And then there is another historical trend: While the trauma and loss that accompany each murder cannot be measured by numbers, the level of violence in American cities does not come close to the level of violence during the 1990s, where nearly every 30 in 100,000 people were killed. In recent years, it’s been about 10 in 100,000.

In all, criminologists say it’s difficult to draw any conclusive links between protests and violent crimes—especially during a time when the U.S. coronavirus death toll surpassed 100,000, the country was experiencing an unprecedented level of unemployment and coronavirus-related precautions restricted police’s ability to solve crimes.

That said, some more common crimes associated with protests, such as burglary, can perhaps shed more insight on the impact of protests on crime. Commercial burglary—or breaking into a business establishment—is typically associated with what is commonly called looting. Among all types of crimes tracked in the Council on Criminal Justice report, commercial burglary had the most significant spike in the beginning of June, when police violence protests began to spread.

Within one week, the number of commercial burglaries in major U.S. cities jumped from nearly 5,000 to almost 10,000. But the number of incidents dropped just as quickly in the following week, back to below-normal levels.

The evidence suggests that significant looting was confined to the first wave of protests. But there could be another explanation: Active police enforcement—or an emphasis on enforcing specific crimes—can swing crime rates up and down.

**Crime trends are affected by police enforcement**

Something to know about crime trends: They are shaped by police action and inaction. Crime trends reflect crime reports collected by law enforcement agencies. Crime reports are created when law enforcement responds to calls or uses tactics such as traffic stops or stop-and-frisk.

While the Supreme Court ruled that it’s illegal to stop and frisk someone simply for living in a “high crime area,” research still shows people in predominantly Black and Hispanic neighborhoods are searched a lot more frequently. Even though most people who are stopped are innocent, their interactions with the police can have lasting effects, including feeling discouraged to report a crime to the police themselves.

New York City is a good example of the power of police-initiated actions. When the city began to shut down in April, the number of drug crimes plummeted. Then it began to steadily increase through April and May, as people emerged from lockdown and police officers began patrolling again, getting close to pre-pandemic levels. And when the

**Most Kinds of Crime Decreased in 2020 through June**

In 27 major cities across the United States, reports of most types of offenses — burglary, larceny, robbery and drug crimes — dropped significantly through June, compared to the cities’ combined average crime rate of the past three years.
protests sparked by Floyd’s death spread across the city in late May and early June, the number of drug crimes again dropped overnight.

It’s unlikely that drug crime data represents how the number of people consuming and selling drugs changed over this summer, said Alice Fontier, managing director of the Neighborhood Defender Service of Harlem, a public defender’s office.

What the data shows, Fontier said, is how the NYPD deployed its officers throughout the summer. When the pandemic first hit, the department was pulling back on drug searches, partially because many officers were under quarantine. Their practice began to return to normal until protests against police violence broke out, when many of the department’s officers shifted to crowd control instead, Fontier said.

NYPD did not respond to multiple inquiries by The Marshall Project, but during an interview with the Police Executive Research Forum, NYPD Commissioner Dermot Shea said he found the narrative of police pulling back because of protests “offensive.”

New York’s trend in drug crimes is similar to what the data shows in many other cities, including Chicago, Philadelphia and Memphis.

When a significant number of officers are under quarantine for COVID-19, or when police departments shift resources from making drug busts to responding to protests in riot gear, crime trends change accordingly.

“What we see and experience over time is that the number of drug arrests is directly correlated to the amount of focus and resources the NYPD puts into these cases,” Fontier told The Marshall Project.

Releasing low-risk people from jails and prisons didn’t drive up crime rates

As COVID-19 began to spread across the country in April, jails and prison soon became hot spots for the outbreak. It didn’t come as a surprise. Overcrowding in prison and jails means some facilities have people sleeping on the ground, and in most facilities, even basic Centers for Disease Control and Prevention guidelines such as hand-washing with soap or covering your mouth when you sneeze are virtually impossible to follow.

At the beginning of the pandemic, some jails moved to cut down their populations, releasing people who were incarcerated for pretrial detention or who were almost finished with their misdemeanor sentences. And some prisons, which incarcerate people who are convicted, followed suit.

Public backlash came just as quickly. Some victims of crimes were upset about the early releases, and police departments claimed that coronavirus-related jail releases drove the spike in violent crime.

Data contradicts this narrative. A recent study by the American Civil Liberties Union shows that in 28 major U.S. cities that saw a decrease in jail population between March and May, all but one (Denver) also saw decreases in the most serious type of crimes this summer.

At the beginning of the pandemic, San Francisco District Attorney Chesa Boudin said he heard warnings that releasing people from jail, or arresting fewer people, would lead to more crimes, and that the price of keeping jail inmates safe from COVID-19 is too high.

Yet there was no crime surge. Between March and May, San Francisco’s jail population dropped by more than 40 percent. Its crime rate also dropped sharply compared to the same period in 2019. Both trends, Boudin said, were “unprecedented.”

“If fewer people are incarcerated, then more people will be able to keep steady jobs, safe housing and get the mental health help they need,” Boudin said. “That all leads to fewer crimes.”
In Denver, the only city that saw an increase in crime and the largest decrease in jail population (by almost 800 people), the trend is short term, and it’s hard to read too much into the numbers, Denver Police Chief Paul Pazen told The Marshall Project.

While virtually all types of crimes have gone down in Denver, Pazen said commercial burglaries drove up the crime rates—as businesses closed during the pandemic, his department saw commercial burglaries more than double this summer. More than 60 percent of the stores were broken into by people who are homeless, Pazen said.

It’s too early to tell if “defund” efforts have impacted crime rates

After the death of George Floyd, “defunding” the police, or moving money from police spending to social services, became central to the police reform conversation.

A few cities have started the defunding process, but it’s too early to affect recent trends. For example, Minneapolis City Council members vowed to disband the police department following Floyd’s death, but their effort is facing major setbacks. In New York City, the nearly $1 billion cut to its police budget took effect on July 1, after murders and shootings were already rising in the city.

How “defund” policies affect crime remains to be seen.

What is clear is the coronavirus is likely to cause the first major drop in police spending in decades, spending that has increased from $220 to $280 per resident from 2000 to 2017, even when violent crime decreased by more than 20 percent during the same time.

Nearly half of 258 police chiefs and sheriffs who responded to a recent survey said they are expecting or already receiving budget cuts in the coming year, according to the Police Executive Research Forum. Most of the cuts range between 5 and 10 percent.

Many police chiefs who responded to the survey warn that unintended consequences may come out of the budget cuts. Hiring freezes, for example, will mean fewer patrols, longer response time and less proactive actions from the police department. The domino effect, they warn, will eventually lead to a spike in the crime rate.

Richard Auxier, a senior policy associate in the Urban-Brookings Tax Policy Center, said payroll costs often take up 60 to 70 percent of the police budget, meaning that things like hiring freezes, pay cuts and layoffs are likely first steps.

But it’s too early to say how those budget cuts will affect crime rates. And even if more policing leads to less crime, activists warn that it carries collateral consequences, such as more arrests and the general harassment of minority communities, that other approaches don’t have. The more important part of the “defund the police” conversation should be about how we should spend the money instead, Auxier said.

For example, a 2018 study shows that one-quarter of people who died in police shootings showed signs of mental illness, and the recent police suffocation of Daniel Prude has reignited talk about how mental health professionals are better suited to handle these interactions than police.

Alternative programs are not new, and they’ve been proven to create a safer community. In Eugene, Oregon, a
30-year-old program has been successful at reducing police interactions with people who are in crisis, dispatching medics and mental health professionals to respond to 911 calls that are not about crime—like mental illness, homelessness, or addiction. In 2019, they responded to 20 percent of all 911 calls in the town, costing a fraction of the price of traditional police interventions. Cities like Olympia, Washington, and Denver have also adopted similar programs.

The way we see crime is politicized and influenced by news sources

So is violent crime out of control? That can depend on whom you ask—and which cable news station they watch.

For example, this summer, Fox News has spent more time covering violent crime than CNN and MSNBC combined, according to an analysis of data compiled by the Stanford Cable TV News Analyzer.

Since the police killing of George Floyd, Fox News has leaned into a narrative of looting and property destruction, filling its segments with headlines like “Portland Plagued by Violent Clashes, Riots” and “Businesses Experience Worst Looting in Decades.”

While CNN and MSNBC’s coverage of violence and crime also spiked after the Floyd protests took off in May, it has dropped significantly since then.

In the 2000s, cable and local TV news became more popular, contributing to a shift in public opinion on crime. Before the early 2000s, more and more people believed there were fewer crimes in the United States, according to Gallup polling data, which matched the truth—that crime rates were decreasing. However, that trend was completely reversed in 2001, and not much has changed since: As crime continues to decrease, more people believe the opposite is true—that crime is up.

Dan Romer, research director of the Annenberg Public Policy Center, said the rise of police television shows, like NCIS and CSI, and how much airtime local TV news gives to violent crime have fed the discrepancy.

Romer, who studies media and its social impact, said producers at local TV news stations face daily pressure to fill the evening report with different beats, like sports, local government, news and crime—and the idea is to capture viewers’ attention.

“No matter what is going on, there’s going to be a crime in the news region of the news station,” Romer said. “It can be hit-and-run, it can be shooting—the crime news hole stays consistent over time. Stations get that’s an attention-getter. The crime rates could be changing dramatically, but they wouldn’t know it.”

Bias in reporting and story selection can also plague how crime is portrayed in local TV news, Romer said. For example, there has historically been emphasis on stories where the suspect is Black and the victim is White, even though Black men are more likely to be victims of violent crimes. This sways public opinion, too.

“People talked about media literacy and teaching it to children,” Romer said. “People need to know even though they see a lot of violence on local news or hero movies, it’s not necessarily what the world is like.”

This extends to how politicians paint America. Americans disagree on a lot of things, but a recent poll by Monmouth University shows that Republicans, Democrats and independent voters all agree that maintaining law and order is a major problem in the country right now. What they disagree about is the root cause of the problem, let alone who is best positioned to solve the problem.

For example, while 24 percent of people believe the actions of protesters are fully justified, just as many people believe they are not justified at all. The split on whether Trump or Biden can solve the problem is similarly even. The disagreements often fall along party lines, which may also be influenced by where people get their news.

Abrams says the news—as well as politicians—won’t give you the full story when it comes to crime, though. Parsing data is more than just reporting the numbers.

“If there is a bad weekend with a lot of shootings, people want to know what happened, and rightfully so,” Abrams said. “But to really understand how crime has changed, let’s look at the week, the month, the year, the decade. Crime has gone way down from the peaks in the ’80s and ’90s. Even the highest spikes in a few cities over the summer are small blips in comparison.”

At the first presidential debate in September, moderator Chris Wallace selected six topics, including “Race and Violence in Our Cities.” This framing, that the two are interlinked, is the problematic narrative that Romer warned about. Understanding the nuance and context of crime rates is crucial for evaluating each candidate’s story of what the unrest and division in this country is really about.

Your Zoom Interrogation Is About To Start

COVID-19 is changing how police question suspects and witnesses—for the better, some argue.

By Eli Hager

It’s the way that detectives have extracted confessions from people forever: in a confined interrogation room, getting right up in the suspect’s face. But during a pandemic, being within six feet of a stranger—especially for a prolonged period of time in a small, underventilated space—can be deadly.

That’s why police departments are rapidly changing how they conduct interrogations these days, according to a Marshall Project survey of police chiefs and investigators across the nation. Detectives in Philadelphia, Miami and elsewhere said they are increasingly conducting interviews of suspects, witnesses and victims out in the street and six feet apart, instead of indoors. In Clearwater, Florida, for instance, they’re often doing so in the parking lot outside their station.

And when officers do bring people back to the precinct, many have started questioning people from another room, via Zoom or Skype—or at least from the other end of a large conference table.
This is frustrating to some police who say they rely on physical proximity to intimidate suspects into telling the truth, or to read their facial expressions and eye contact for clues as to whether they are lying. The fact that masks are now largely required during interrogations, some say, is also obstructing this sort of nonverbal information-gathering.

“We're social animals. We're not wired to communicate at a distance, especially not about sensitive things,” said Chuck Wexler, executive director of the Police Executive Research Forum, a national organization of law enforcement officials. “That’s why we don’t just send suspects a list of written questions; no serious investigator would operate that way."

Yet at a time when, in the wake of the killing of George Floyd, many Americans are calling for an end to the kind of policing that’s predicated on force and coercion—especially of Black people—many policing experts say that the social distancing of interrogations could be a blessing in disguise.

Once, beatings were a legally acceptable interrogation method. More recently, the Reid technique of interviewing has become prevalent, in which detectives start with the assumption of a suspect’s guilt and work to corner them, physically and psychologically.

Now, more outdoor interrogations could mean more bystanders’ eyes on what the interrogators are saying and doing—in other words, more civilian oversight of police. Similarly, more interviews conducted by videoconference between the rooms of a police station should leave little legal excuse for cops not to record the footage, in turn allowing judges and juries to see for themselves whether a confession was fairly obtained. It also allows a department’s best interviewer to conduct the interrogation even if he or she can’t be there in person.

And more reliance on verbal communication rather than on physical cues like eye contact—which studies have shown police are not as good at reading as they think they are—could actually make detectives better interviewers.

Protesters have been focused on the issue of police use of force out in the community, “but we’ve got to recognize that that same police culture is inside, in the interrogation room, too,” said James L. Trainum, a former longtime homicide detective in Washington, D.C., and an expert and consultant on interrogations and confessions. “It's that same mindset of using physicality instead of really listening to and respecting citizens, and it doesn’t build the rapport with people that’s needed to actually solve crimes.”

But between the pandemic and the protests, some law enforcement agencies are already adjusting these practices. As early as mid-March, officers in Miami were weighing the health risks of every potential interrogation, according to Armando R. Aguilar, assistant chief of the Miami Police Department. They are now only bringing suspects inside—into their squad cars and offices—in the most serious cases, including murders, rapes and armed robberies.

“If it’s something like a single auto theft, and we already have the evidence we need, we’re forgoing a formal interview,” Aguilar said.

In Philadelphia, Chief Inspector Frank Vanore says the department’s practice now is to conduct many interviews in the field with a body camera recording, in order to preserve people’s statements. “We’ll probably continue this practice even after the pandemic is over, because we’re getting to question people on the scene when their memory is fresh and before they clam up about coming in to talk to us,” he said.

The main exception, Vanore noted, is in the most sensitive cases such as those handled by the department’s special victims unit, in which interviewees are so vulnerable that they need to come inside to be sure what they are saying is confidential.

Meanwhile, one of the nation’s leading interrogation-consulting firms, Wicklander-Zulawski & Associates, which has trained hundreds of thousands of local police and federal agents in interview techniques, says it is accelerating its ongoing transition to teaching more non-confrontational methods of questioning suspects.

Cops were historically trained to invade someone’s physical space to increase their anxiety,
said Dave Thompson, vice president of operations at Wicklander. "That style was hopefully already beginning to be eradicated, but what’s happening with COVID is accelerating that," he said.

Thompson noted that manipulative tactics meant to make interviewees feel physically vulnerable and therefore dependent on their interrogator’s mercy are more likely to make them feel they need to make a false confession.

To be sure, there are downsides to the dramatic shift in interview practices going on nationwide. Trying to convince a witness to a traumatizing crime to speak up is clearly more difficult in public than in private. And with victims, being in-person with a detective “shows them that we care—they can see it in our face, hear it in our voice—that we’re engaged with what they went through,” said Sgt. Reggie Williams of the Hampton Police Division in Virginia.

For suspects, it may become harder to have an attorney present if police are conducting interrogations immediately at a crime scene, or by phone.

What’s more, you might think that being interrogated outside the confines of a closed room would give people a greater sense of their right to just walk away. But research by Fabiana Alceste, a psychology professor at Butler University, suggests that many suspects will still feel the “perception of custody” even in the current circumstances.

Alceste has conducted experiments in which people in these seemingly “free” situations—talking to police openly, not behind locked doors, not handcuffed—still struggle to say no to an authority figure. They don’t want to look guilty, and they often don’t know their rights.

“The pandemic may actually heighten the legal tension between what is objectively versus subjectively a situation of officially being in custody,” she said.

As for the quality of information being gathered in interrogations during the pandemic many police officials said it’s too soon to know. Some, including Lt. Michael Walek of the Clearwater Police Department in Florida, point out that detectives are taught to present known facts—to tell the suspect that it is known that they were at a certain place at a certain time—and then to see if the person reacts by finger-tapping, toe-tapping, looking away or getting evasive or angry.

Without those signals, Walek said, it can be more difficult to know where to go with the next question.

As states unevenly begin to reopen, researchers are scrambling to learn more about the coronavirus and “herd immunity”—when a large enough portion of the public has contracted the disease and developed antibodies so that it restrains the spread of the virus.

Prisons, it turns out, may be a key place to study the nature of this virus—including how it transmits and how immunity to it works. While antibody rates for the general public, estimated between 1 and 20 percent in most places, remain far too low for herd immunity to kick in, it’s an entirely different story in a number of prisons. At the Marion Correctional Institution in Ohio, nearly 80 percent of prisoners have tested positive for the disease. At the Lompoc federal prison in Santa Barbara, California, that number is around 74 percent. At one dorm in the Elayn Hunt Correctional facility in Louisiana 192 out of roughly 195 women tested positive.

“Police have a confirmation bias going on: They’re looking at a suspect as a suspect,” said Trainum, the expert on interrogation techniques. “A person could be experiencing anxiety for a completely different reason, like the fact that they are being interrogated by the police.”

Trainum added that the pandemic may actually offer an opportunity for greater rapport-building in the interrogation setting. Police, he said, could just openly say to suspects, “Isn’t this a pain in the ass that we’re trying to have this conversation through masks?” in order to get a laugh, start a dialogue and, ultimately, elicit information.

What COVID-19 Prison Outbreaks Could Teach Us About Herd Immunity

Prisons turn out to be a key place to study how coronavirus spreads and how immunity to it works.

By Jamiles Lartey

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in Ohio to get data from the Marion outbreak to model how coronavirus transmission there happened. He and other researchers said as valuable as studying prisons could be, they are also paying close attention to the fraught nature and barbarous history of medical research on incarcerated people.

Marion prison, an hour north of Columbus, has seen one of the nation’s most dramatic COVID-19 outbreaks. More than 2,000 prisoners tested positive, and at least 13 died. In a letter published in The New York Times, a man incarcerated at Marion described tending to an infected friend with weakness, fatigue, vertigo and difficulty breathing. “With the symptoms seeming to linger and even reoccur, I am eager to be retested. It has been over 14 days since the tests. We should be negative by now. I am concerned that we are reinfecting each other,” the man wrote.

That is the type of question Tien’s team hopes to answer, armed with the testing results. “There’s a moral obligation to use this data if it can help us figure out how to slow the spread in other prisons or intervene once an outbreak has begun,” Tien said.

There may be lessons for other similar spaces too. “Here’s a population where it’s enclosed and there’s difficulties with social distancing. So, the data that have already been collected can offer insights into what actually is the transmissibility of the disease in close quarters,” Tien said.

The Marion outbreak may also offer Tien’s team and others an early anecdotal look at what could happen in the general public as social distancing measures are relaxed. It might also help answer how many people need to be infected and recover to trigger herd immunity.

“It might have pretty big implications for what your odds are of actually stopping the disease down the road, if we’re fortunate enough to be able to develop a vaccine,” Tien said. “It could help establish an estimate of say, 80 percent coverage needed to stop the virus, versus 95 percent or 99 percent coverage.”

Although new scientific studies on COVID-19 are being published at a breakneck pace, there is still no consensus on how immunity works with coronavirus, said Jay Bhattacharya, a professor of medicine at Stanford University. “If it behaves like other coronaviruses, infection will generate some immunity, that will last for awhile and give you at least partial protection—and that will eventually fade over time,” he said.

How long that protection might last is, to this point, impossible to know for a virus that was only discovered 11 months ago, experts said. But the crowded conditions and lack of protection equipment that made prisons disproportionately vulnerable to outbreaks mean they are a good bet to be the places where we find out, said Susan Hassig, an epidemiologist at the Tulane School of Public Health and Tropical Medicine.

“If most of them stay in place, and there’s another outbreak in three months, we know that immunity doesn’t exist, whether it’s a formal study or not,” she said of the prisoners at Elayn Hunt, where at least two people have died after contracting COVID-19.

Whether research inside prisons produces results that help decide broader public health measures remains to be seen, said Fefferman, the Tennessee researcher who has spent much of the last 15 years modeling infectious disease. She said the intuition to look into prison outbreaks is “absolutely correct,” but cautioned that there are many caveats that make it challenging or even impossible to apply those findings to the general public. Prisoners, for example, are disproportionately men, non-white and have weaker immune systems than the broader U.S. population.

“Prisons are going to be the most controlled data, early on, for populations being exposed, but there are so many confounding factors that we don’t understand yet about what coronavirus does in the body, that it’s not as clear cut how to figure out how that translates beyond the prison system,” she said.

Fefferman is hopeful that observing the outbreaks in prisons could lead to more effective treatments for incarcerated people who may get COVID-19 in the future. For example, some early studies in the general population have suggested vitamin D may help the immune system fight the in-
fection, but many prisoners don’t have enough vitamin D.

“If we’re seeing much more severe cases, but only in the people who’ve been incarcerated for more than six months, then we can start considering: ‘Maybe some of this is stress or vitamin D or nutrition’ in ways that may suggest slightly different medical interventions,” Fefferman said.

In a recent study, Fefferman found that because of the nature of infectious disease like COVID-19, and the near impossibility of social distancing in local jails, “large scale reductions in arrest and speeding of releases are likely to save the lives of incarcerated people, staff and the community at large.”

The Marion analysis would only use data that has already been collected—fairly similar to data being compiled by The Marshall Project—in an effort to work in the “least intrusive way possible,” Tien said. He noted the ethical challenges of working with prison populations in any capacity, a concern that all the researchers who spoke to The Marshall Project shared. Even when studies are voluntary, it is highly likely that prisoners would fear coercion or retribution for nonparticipation, experts said. U.S. prisons have been the site of ghastly experiments such as Pennsylvania’s Holmesburg prison, where inmates in the 1950s and ‘60s were exposed to chemicals, cosmetics, untested drugs and bacteria in order to allow medical researchers to study their effects. At Stateville prison in Illinois—the site of another coronavirus hotspot—prisoners were intentionally infected with malaria over three decades, so scientists could gauge the effectiveness of medical treatments for the disease.

But even if most researchers never lay a finger on prison-specific data about COVID-19, Hassig said there are already important public health lessons to be learned from prison outbreaks. One of the most confounding aspects of the high coronavirus rates in prisons is that most people testing positive haven’t shown symptoms. At Marion, 95 percent of those testing positive were asymptomatic. At Elayn Hunt prison in Louisiana, that was true for more than two-thirds. That data has led some Louisiana researchers to believe that the actual infection rate in the general community may be much higher than official numbers indicate.

“From a public health perspective it’s critical to be using any information we can garner from whatever population, in this case, to drive home the fact that you could be feeling just fine yet shedding virus,” Hassig said.

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I Wonder If They Know My Son Is Loved

Visiting my son in jail for the first time, I know that I cannot protect him. Although he is too young to drink, the criminal justice system regards him as an adult.

By Ymilil Bates

I ease into a narrow parking space at the West County Detention Center in Richmond, California, turn off the ignition and lean back in my seat. I draw three steady breaths and watch my exhaled air cloud the rearview mirror.

I jam my purse under the seat knowing that a jail parking lot packed with police cars is one of the least likely places to be the victim of a break-in.

Clutching my single car key and my California ID (the only two belongings allowed inside, per jailhouse policy), I step onto the pavement to visit with my son for the first time since he’s been incarcerated.

As I approach the gray cement building, I recall my son and I having driven past it years ago. It was a sunny summer day, and we were taking our dog on a hike along the beachfront. Back then the jail was an immigration detention center; we saw a crowd of irate demonstrators gathered outside.

“What’s happening, mama? What’s wrong?”

I had to explain to my inquisitive 10-year-old that people were angry because their loved ones were locked up. It was a brief conversation that I navigated with caution, not yet comfortable with exposing my son’s tender psyche to the ugliness of the world.

Afterwards, we plunged down the sandbank toward the water. Laughing, we watched our dog sink up to his shoulders into the warm sand, with startled eyes. As the dog sped off to find respite in the cool waters of the San Francisco Bay, my son and I began our customary search for ideal skipping stones. Smooth and dark, they shot through the air and skidded across the surface. One, two, three, four rings of energy rippled outward, working themselves back toward the shore where my boy stood, inflated with pride.

In the jail holding my son, the waiting room is sparse. There is little furniture and few people. Two correctional officers with flat affects sit behind the front desk. One takes my ID and my completed visiting form—an inquisition of impertinent personal information that I dutifully offer up. Without attempting pleasantries, one tells me to have a seat. The clock reads 1:30, but I know that it’s 12:30. The maintenance crew simply hasn’t gotten around to adjusting it for daylight saving time, which occurred a week prior. There is little need, I suppose, as time moves begrudgingly inside.

I am, as required, half an hour early for visitation. I will later learn this to be a non-negotiable: Even 29 minutes early means you are denied your half-hour visit. The earliest another visit can be approved is three days in the future.

On that first visit, 30 minutes of waiting means I have sufficient time to survey my surroundings. It is midday on a Friday, so the waiting room is vacant. In the following weeks, I will find out that the crowds come on weekends.

On those Saturdays and Sundays, weary grandmothers, anxious wives and distressed sisters will look on as ever-observant children manifest their trauma in fidgeting. Sometimes there will be men, too, but they are generally on the other side of the bars.

Visitors will be mostly Latinas and African-American women. Many will come with colorfully manicured nails and well-groomed tresses, but they will not be so dolled up as to break the jailhouse rules of appropriate attire.

My jeans, T-shirt and short, unpainted nails will make me stand out. And my whiteness. Although it will be apparent that some of the others know
one another, most will keep to themselves. No one will strike up conversation with me, nor will I be subjected to ill will. Mainly, I will sense that people are focused on getting the visit over and done with and then beelining their way out of the building.

I will bring blueberry muffins to share with those in the waiting room in an attempt at building community: a gentle reminder that we are deserving of sweetness.

I will learn that many of the women double up their two permitted weekly half-hour visits and stay for a full hour on a Saturday or Sunday. It makes the commute less costly and time-consuming. Of course, in between the two half-hours, the visitors will be shepherded back out into the waiting room and their loved ones back into their cells. The entrance procedures, which take nearly as long as the visit itself, will be enacted all over again. Jail policy.

On that day of my first visit, though, I am alone. I spend the rest of my 30-minute wait staring at the walls as the two officers chat in low tones. Finally, one belts out into the completely empty room, “Vargas!”

I rise to the sound of my son’s surname, pass through a metal detector and make my way down a long corridor. Without acknowledging me, the officer strides ahead of me. I take her haste to be a power play and choose to walk at a respectable pace with my chin up.

My son walks into the room in an orange jumpsuit and sits down on the other side of the glass. His long hair, normally picked out to spherical perfection, hangs stringy and limp. He plucks the phone from its cradle and his lower lip begins to quiver.

Before he can bring the handset to his mouth, he erupts into sobs.

“I’m sorry, mama, I’m so sorry.”

“I. Love. You. I. Love. You.” The words escape me before I realize they are mine.

While I do not yet know all of the particulars of what my son did to be in jail, the why stares back at me. Our conversation is limited both by the fact that his grief impairs his capacity to speak and by the knowledge that every word we utter is under surveillance. But words are unnecessary.

I see him through motherly eyes—a well-intentioned, gentle-natured teen who got caught up in the moment and, with the impaired impulse control of a 19-year-old brain, committed an act he already regrets. I hear him with motherly ears—the raspy, gasping voice begging for the forgiveness that I’ve already given him. I feel his pain with motherly perception, disembozled by the realization that, for once, I cannot protect him because, although he is still too young to drink and nearly too young to vote, the criminal justice system regards him as an adult.

After spending nearly two months in custody, my son is currently out on bail. We are among the fortunate. I was able to cash in my retirement savings (I’m a teacher) to buy him some time to heal and to prepare for prison. He is back in college, finally receiving therapy, working, going to church and attending Narcotics Anonymous. But he likely faces years behind bars.

I know my son to be an ethical, gentle human who temporarily lost his way, and yet we are preparing to lock him up later this year, depending on what happens with the courts and the coronavirus pandemic. I think back to those grandmothers, those wives, those girlfriends, those children and all the men who belong to them. The odds are against them all.

Many will remain incarcerated without counseling, education or job training. Without human touch by those who love them. Without anything to support their eventual release and transition back into society but a pair of flimsy jail-issue flip-flops. I wonder if those aloof correctional officers are aware of these facts. I wonder if they are trained to be apathetic, or if the empathy is drained out of them through their years of service. I wonder if they know that my son is loved.

On the beach that day, I sprinted over to my 10-year-old’s side and tousled his soft brown hair. He stared up at me, his large chocolate eyes beaming with exhilaration, and then scrambled off to find another stone.

“Good arm, baby!” I shouted after him, “You’re gonna be a winner one day!”

One day.

Ymilul Bates lives in the Bay Area. She has taught in the San Francisco Unified School District for 22 years. The West County Detention Facility declined to answer questions about their visitation policy.
The World Outside

In 2019, Orion and The Marshall Project put out a call to prisoners to describe what they saw through their windows. What is the outside world in the eyes of a person who’s been hidden from it? From what exactly have we removed these bodies? We received hundreds of responses, from which the following is a small selection.

I see a world that I do not know anything about.
—Rick L.

I see a pond that is usually surrounded by geese. It looks very nice from a distance. However, on closer examination, you will notice trash. Not just any trash, but stuff that was flushed down the toilet that isn’t biodegradable. You definitely would not want to swim in it.
—Steven M.

Outside my window is the wall of the clinic where the old men who aren’t fortunate enough to ever leave this place go for their last breath. Every week I see the ambulance pull up outside the clinic, and I wonder if another old soul left this world.
—James S.

Days when I would get up early before dawn and commute to work in the grape fields. I remember the cold breeze in the morning.
—Vicente R.

There is a wood line of tall pines wrapped in snag wire and charged with electricity. In between I catch a glimpse of a buck in the distance.
—Casey C.

I see a very hard life being released of prison with only one hundred dollars, and no place to go.
—Thomas C.

I see what you see.
—Shaine B.

I can’t really tell. It's kinda foggy still yet.
—Howard W.

Themoonthesstarsthetreeslooksobeautifulinthefallthebirdsarespecialtoo
—Anonymous
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. Approximately, how many people did Christopher Jackson register to vote?

2. True or false: Formerly incarcerated people are roughly 10 times more likely than the general public to be homeless.

3. What case upheld the draconian visiting restrictions in Michigan prisons, including a potential lifetime ban on visits for prisoners found guilty of substance-abuse violations?

4. True or false: Antibody rates for the general public remains far too low for herd immunity to kick in.

5. Following the killing of George Floyd, what percentage of protests were peaceful?

6. What is the interrogation technique where detectives start with the assumption of a suspect's guilt and work to corner them, physically and psychologically?

7. True or false: At Ohio's Marion Prison, 95 percent of the people who tested positive for COVID-19 were asymptomatic.

8. According to Ymilul Bates, most of the visitors to the West County Detention Center will be Latinas, and what kind of women?

9. Jerry Brown declared a state of emergency in 2015, which gave the battalion chief for the forest service in Big Bear the discretion to do what?

Last Issue's Answers

1. Uganda. (Shining a Light on Life Behind Bars) 
2. Severe Acute Respiratory Syndrome or SARS. (Jails Turn to UVC Robots To Fight Coronavirus) 
3. Teaching over email or on conference calls. (Can College Programs in Prison Survive COVID-19?) 
4. Three (Which States Are Taking on Police Reform After George Floyd?) 
5. Kidney disease. (No, Your Coronavirus Quarantine Is Not Just Like Being in Prison) 
6. Whether racism played a role in them being sentenced to death. (New Hope for People Who Claim Racism Tainted Their Death Sentence) 
7. Connecticut. (Prison Populations Drop by 100,000 During Pandemic) 
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.