

Making ends meet: please contribute to the 2009 Annual Appeal!



By Fred Schaeffer, JPC Board Chairperson; and Susan K. Porter, Coordinator

We need your help! For 37 years, JPC has worked to create a more just, nonviolent community in greater Monroe County. We have helped thousands of parolees and probationers re-integrate into society after sometimes decades of involvement in the criminal justice system. In the current financial climate, your help is more vital than ever for JPC to continue its critical services to “the least of these” among us. With the help of volunteers, small grants, and donations from churches and individuals, JPC has always operated on a shoestring. ***Now, with the decline in the economy***, foundations have been forced to cut back, promised state grants have vanished, and donors must carefully steward their own contributions. At the same time, the job market has worsened, and more prisoners are being released early in response to state budget cuts. The number of people seeking our services will only increase as the recent “Rockefeller drug law” reforms take effect.

In response to these challenges, ***we have tightened our already constricted belt and nearly depleted our reserve fund***. The Board raised \$15,000 in campaigns, and we actively pursue grants. Most recently, we have applied in collaboration with RIT for a \$300,000 Second Chance grant from the U.S. Department of Justice which would contribute to our overhead costs in 2010 and provide notable services for the first time to women ex-offenders. ***Still, we face a substantial budget shortfall in 2009, and must turn to you for assistance***. Can you send a donation of \$1000, \$100, \$10 or any amount toward this year’s Annual Campaign? To save money, we are relying on this newsletter (unfortunately, with fewer pages and smaller type by necessity) to get the word out.

Your gift will help people like:

- Jayson, who was released from 10 years in prison with no clothing of his own, and no money to buy them. He had to use someone else’s that were left behind.
- Barbara, who obtained a full-time nursing job, saved her home from foreclosure, and bought her daughter a car after we helped her with legal and other services.
- Owen, whose temporary housing was infested with rats and roaches.
- Estella, a Henrietta Sunday School teacher who took our mentoring training, has been assigned three mentees to date, and continues to volunteer despite setbacks, because she loves helping people.
- Waddell, who had burned all his bridges, and had no family or friends to turn to for support.

We know from experience, and research verifies, that support services like ours make the crucial difference for ex-offenders who want to get a clean start, better their lives, and stay on the right track. One recent study showed that such services reduced recidivism by 50% in the first year after release, with even greater results 3-5 years after that. Most people can hardly imagine trying to make it in the face of such obstacles as a criminal record, lack of education, no where to turn for legal or employment advice, and outright discrimination. I know you want a safer, more caring community for all. ***Please, even if you have already given this year, give what you can to continue JPC’s employment, housing, and other essential services, many of which are available no where else. Thanks!***

-----Cut here-----

Please send your gift in the enclosed envelope with the following:

Amount: \$1,000 \$500 \$100 \$50 \$25 Other \$ _____

Name _____

Address _____

City _____ Zip _____ Email _____

Comments _____

Prison Rapes Indicate Badly Broken Correctional Systems

By Joel Freedman

Sexual aggression in penal institutions is usually power-oriented or sadistic. In the prison environment, perpetrators are apt to brag of how they “turn out” weaker inmates, whose nightmares are just beginning.

The Angolite, Louisiana State Penitentiary’s inmate-edited newsmagazine, points out that while many women live in fear of rape, “The odds of it happening to the average woman are nothing like the odds facing the typical man walking into the average jail or prison in the nation, where rape and sexual violence is as much a part of their existence as are the walls holding them prisoner.”

Jailhouse sexual violence can leave permanent psychological scars on the victims and perpetuate a jungle-like institutional environment in which nobody is safe. It is also a factor in the spread of AIDS, hepatitis and herpes.

Far too many penal institutions fail to closely scrutinize security practices and staffing patterns or to, in other ways, take corrective measures to prevent sexual violence between inmates. The Justice Policy Institute and Prison Fellowship Ministries report that “according to extensive research in numerous prisons, nearly one-quarter of all prisoners fall victim to sexual pressuring, attempted sexual assaults or rapes during their incarceration. One in ten will be a victim of rape, and two-thirds of those have been victimized, on average, nine times during their incarceration.”

Kendall Spruce was infected with HIV in 1991 after he was raped at knifepoint in an Arkansas prison.

A prisoner serving two years for a drug offense in a Louisiana prison wrote me: “I was considered a fresh fish. By that, you’re supposed to be dumb to what goes on such as the rapes, punkology games, the pay for protection rackets. By my having no intentions of being a jailhouse woman or paying graft I learned in a hurry the only way to put down violent aggression is with violent aggression.”

Joseph Hallinan, for his book *Going Up The River: Travels in a Prison Nation* (2001), interviewed an Illinois inmate who had been gang-raped at the prison in Stateville. He was found unconscious and bloody the next morning, and he was eventually transferred to a medium security prison. As a result of the rape, he contracted herpes of the anus and he became a pariah among his fellow inmates. “No one wanted to be seen with him at all. An inmate who has been raped is an outcast among outcasts. To be seen with him is to invite insinuation,” Hallinan wrote.

Six years ago, Linda Bruntmyer told members of the U.S. Senate Judiciary Committee what happened to her son, Rodney Hulin. When Hulin was 16, he and his brother set a dumpster on fire in a neighborhood alley, causing \$500 in damages. He was sentenced to eight years in an adult prison. The 5 foot 2 inch tall teen was raped by other inmates within a week of his arrival at a Texas prison. Although medical examination substantiated serious injuries, prison authorities denied his plea not to be returned to the general prison population. When Bruntmyer phoned the prison warden, he told her, “This happens every day, learn to deal with it. It’s no big deal.” After writing a suicide note which was ignored by a correction officer, Hulin hanged himself in his cell. He was comatose until his death four months later, in 1996.

Hulin wrote a suicide note to his family the night he hanged himself and passed it to another inmate in an adjoining cell, who in turn gave it to an officer. The officer took no action. In his final letter to his parents, Hulin wrote: “I have found forgiveness for those who have hurt me in life, which has been a very short one, only 17 years. Since I was placed in prison, I have found myself to be more mentally and emotionally destroyed than I have ever been. I’m very sorry to end my life this way. But if I don’t do this, someone will. I’m saying I’d rather die of my own free will than be killed. I love you mom and dad.”

Sexual violence in Texas prisons was a major issue in *Ruiz v. Estelle*, which began in 1972 when David Ruiz, an inmate sentenced to life imprisonment for armed robbery, filed a handwritten federal suit alleging that Texas prison conditions violated the constitutional prohibition against “cruel and unusual punishment.” Federal Judge William Wayne Justice agreed and placed the entire Texas prison system under his supervision. In 1981, Justice wrote: “It is impossible for a written opinion to convey the pernicious conditions and the pain and degradation which ordinary inmates suffer within the Texas Department of Correction walls – the experiences of youthful first offenders forcibly raped; the justifiable fears of inmates, wondering when they will be called upon to defend the next violent assault.”

The Texas prison system had been under federal court supervision for two decades when Hulin hanged himself in his cell. Three years after Hulin’s death, Justice held another trial to rule on the state’s request to end his court’s supervision of Texas’ prison system. Justice found, among other findings of continued unconstitutional prison abuses, that sexual violence in Texas prisons remained commonplace. “The evidence before this court revealed a prison underworld in which rapes, beatings and servitude are the currency of power.”

Fast forward to 2009. The Texas prison system is no longer under the scrutiny of the federal courts. And sexual violence in Texas prisons remains commonplace. Citing information released by the Bureau of Justice Statistics (BJS), a report by Just Detention International (JDI, formerly named Stop Prison Rape) that was released last year indicated that in the twelve months preceding the report, five Texas prisons had rates of sexual abuse that ranged from 9.3 to nearly 16 percent. The national average for the same period was 4.5 percent. (Of the 2.4 million prisoners in the United States, 20 percent will experience some form of involuntary sexual abuse.)

The report cited the fact that age, stature and sexual orientation are not taken into account when housing prisoners together on some of the prison units in Texas. Many victims who contacted JDI claimed they reported being sexually abused to correction officers or to higher-up officials, but that their complaints were ignored. On the Clements Unit, almost 12 percent of prisoners reported being sexually abused by staff. Fearing retaliation, or fearing that filing grievances would be of no avail, formal complaints against the officers or administrators are rare. JDI also reports numerous letters from Texas prisoners who said they were denied mental health counseling for trauma related to sexual assaults.

In 2004, the U.S. Justice Department reported at least 8210 incidents of sexual abuse and rape in U.S. prisons and jails. Most prisoners would agree this figure greatly underestimates actual incidences of sexual violence. Victims tend to be young, nonviolent, shy, gay, effeminate or in prison for the first time. In an August 2005 article in the *New York Times*, psychiatrist and prison rape expert Dr. Terry Kupers said that “predators looking to rape someone tend to pick people without close ties or a gang affiliation.” And one veteran corrections officer said, “Prison administrators use

inmate gangs to help manage the prison. Sex and human bodies become the coin of the realm - 'You and Willie and Hank work him over, but be sure you don't break any bones and send him to the hospital. If you do a good job, I'll see that you get the blondest boy in the next shipment'."

In 2003, Congress passed the Prison Rape Elimination Act to address such serious problems. The law requires extensive research into rapes at all prisons. Prison systems where rape occurrences are significantly higher than the national norm risk losing federal funds. Prison accreditation bodies that neglect to seriously address institutional rape and sodomy issues are subject to cuts in their federal grants. A commission was established to set standards for protecting vulnerable inmates from sexual violence. However, little has been done to strictly enforce this law, as evidenced by the current situation in Texas and elsewhere.

Evolving standards of decency should also require that alleged prison rapists be prosecuted in the same manner they would have been prosecuted had their offenses occurred in the free world.

"Rape has become such an integral part of prison life that it is hard to suggest ways of dealing with it without a wholesale cultural change within the system. Until corrections officers, prison wardens, legislators and the public start caring about what happens behind bars, not much is going to change," Alan Elsner writes in his book *Gates of Injustice: The Crisis In America's Prisons*.

Elsner adds that "short of that, there are some measures that might help. Keeping accurate statistics, as mandated in the congressional legislation passed in 2003, might help draw some public attention to the extent of the problem. Identifying potentially vulnerable inmates as they enter the system and making sure they are not housed alongside violent predators would certainly help. Taking their complaints seriously and addressing them swiftly would also be a step forward. Above all, indicting and punishing corrections authorities who allow rape to flourish would send a strong signal."

Under the Prison Rape Elimination Act, prison authorities are supposed to collect detailed information on both male and female rape. "All such cases need to be taken seriously and investigated. During such investigations, the victim has the right to be protected from the alleged rapist, whether he is a fellow inmate or a guard," Elsner suggests.

To prevent rape and other crimes in penal institutions, The Commission on Safety And Abuse In America's Prisons recommends making good use of recording surveillance cameras to monitor the correctional environment.

Creating a positive culture in jails and prisons grounded in an ethic of respectful behavior and interpersonal communication that benefits prisoners and staff, investing in programs that are proven to reduce violence and to change behavior over the long term, and reducing overcrowded institutional conditions, are other recommendations made by the Commission to help make all penal institutions safe places for those who are incarcerated or employed in them.

The Commission's 2006 report, *Confronting Confinement*, asserts that there are institutions in our country where "officers maintain safety for everyone – in part by directly engaging with prisoners and, in some cases, bridging race, culture, and class differences to make those connections." We need to closely examine prisons and jails that have successfully prevented rapes and other violence so that they can be models for less successful institutions.

Additionally, "the U.S. Department of Justice has the powers it needs to effectively investigate civil rights violations in correctional facilities; it must be given the resources and the

mandate to vigorously employ them." As a first step in the right direction, the Commission has called for congressional hearings to examine why there have been so few cases filed by the Special Litigation Section and what needs to be done to facilitate more investigating and prosecuting criminal behavior within penal institutions.

In *The House of the Dead*, Fyodor Dostoyevski wrote that "the degree of civilization in a society can be judged by entering its prisons."

Hopefully, prison reform will climb higher on America's agenda. After all, as Elsner reminds us, "We Americans cannot separate ourselves from the world of jails and prisons. Ten million people cycle through them every year. The abuses they endure, the diseases they contract, the traumas they suffer inevitably come back to haunt the rest of society. There is no Iron Curtain separating them from us. They are us."



Serious Shortcomings In Health Care Persist In New York's Prisons

By Joel Freedman

The Correctional Association of New York (CA) recently released its report, *Healthcare in New York Prisons*. The level of staffing, utilization of services and quality of patient care vary considerably from one prison to another, but at most prisons visited by the CA, healthcare accounted for more inmate grievances than any other issue.

The study was undertaken at the request of the New York State Assembly's Health and Correction Committees. CA investigators found serious shortcomings throughout the New York State prison system, including denials of and delays in access to healthcare; inadequate examinations by nurses and physicians; failures to treat chronic medical problems expeditiously; delays in access to specialists and inadequate follow-up by prison care providers to specialists' recommendations; and problems receiving medications and the health education needed to comply with complex medication regimens.

The study makes concrete recommendations on how the governor, the legislature and the Department of Correctional Services can improve prison healthcare, including

requiring Department of Health oversight of prison healthcare, and enhancing quality improvement programs.

Jack Beck, Director of the CA's Prison Visiting Project, said "The study represents the most comprehensive analysis of medical services in a single state's prison system ever prepared." The importance of good prison healthcare should be recognized by all of us, Beck said, because "providing quality medical care in prison is good public health policy. Prisons provide an ideal opportunity to diagnose and treat inmates with chronic medical conditions that often go untreated. Inmates will return to communities throughout the state, and educating them about proper healthcare and enrolling them in a care system benefits not only inmates themselves, but their families and communities as well."

Each of the 70 DOCS facilities has a medical department. DOCS also runs 45 prison infirmaries and five Regional Medical Units and provides tens of thousands of in-house and external care consultations annually. DOCS will spend about \$366 million in fiscal year 2009-10 on health services and will employ nearly 2000 healthcare staff.

Beck observed, "It is essential to view healthcare in the Department not only from a system-wide perspective but at the level of individual facilities, because each prison operates, to a substantial degree, independently. Consequently the level of staffing, utilization of services and quality of patient care vary greatly from one prison to another."

At some prisons, the barrier to quality care is at least in part a question of resources – inadequate staffing or insufficient access to specialists – where the remedy necessitates additional funding by the state. At other prisons, some care providers are unable or unwilling to respond fully to inmates' medical needs or to promptly follow up on their patients' medical problems. At the majority of prisons surveyed in this report, there is evidence that both of these barriers exist to some extent.

According to Robert Gangi, Executive Director of the CA: "Overall, our report describes breakdowns in service that can seriously endanger the lives of inmates housed in these facilities. Better scrutiny of care and an effective system of accountability will help identify where changes in policies, practices or staff are needed at a system-wide or facility level."

Much of the report is based upon responses to inmate surveys. A frequent complaint by inmates is that many nurses and doctors are disrespectful and dismissive of their medical problems, fail to conduct thorough assessments or examinations, or to follow-up on the recommendations of medical specialists. Inmates report delays of several weeks or several months to be seen for routine care.

CA investigators found that at Coxsackie Correctional Facility the sick call nurse averages only two minutes per patient – insufficient time to adequately assess and document a patient's condition. When the CA visited Attica, CA staff saw an 11 page list of inmates waiting to be seen in the clinic. Great Meadow Correctional Facility is missing 40 percent of its physicians, 50 percent of its physician assistants and nearly 30 percent of its nurses. Auburn, where 60 percent of inmates rated health care as poor and where nursing shortages are particularly problematic, has the second highest rate of medical grievances of all the prisons the CA visited (Upstate Correctional Facility, with 3,531 medical grievances in 2005 alone, has the highest rate).

The CA ascertained that prisons do not routinely monitor whether their care providers adequately follow up on specialists' recommendations and/or schedule follow-up appointments in a timely manner. CA investigators substantiated other inmate complaints, including complaints they don't receive their medications in a timely manner, either

because of delays in filling prescriptions or running out of essential medications. The CA report calls for better protocols for prison HIV and hepatitis C care. There is a need for prisons to be more accountable to the DOC's guidelines. Case in point: A 2007 audit of asthma care revealed that state prisons had several areas of noncompliance with the audit indicators and that more should be done to implement the new asthma guidelines.

A U.S. Department of Justice report concludes that inmates 45 years or older are four times more likely to have cancer, three times more likely to have diabetes, and two times more likely to have cardiac problems, high blood pressure and liver problems than younger inmates. The percentage of state inmates who are 50 years or older has increased from 4.8 percent to 10.3 percent in the ten-year period from 1996 to 2006. Accordingly, the CA report urges the DOCS to "assess its medical staff and medical facilities to ensure that it can meet the needs of its increasingly aged population."

The report commends DOCS for opening a 30-bed unit in 2006 for the Cognitively Impaired, which houses inmates suffering from AIDS, Alzheimer's, Parkinson's, and Huntington's diseases at Fishkill. The CA is now asking DOCS to periodically evaluate its entire prison population in order to provide adequate care for all cognitively impaired inmates. The CA also calls for expanding the Medical Parole Law.

As an example of variability in care from prison to prison, the report indicates that in Northern New York prisons, HIV-infected inmates see infectious disease specialists at one-tenth the rate of prisons in the southern region of the state. The report also indicates the care provided to hepatitis C infected inmates in different prisons varies significantly.

The report expresses dissatisfaction with the role of the State Commission of Correction (SCOC), supposedly a prison watchdog agency. "SCOC has an inmate mortality review panel, but in recent years this panel's reviews of DOCS inmate deaths due to natural causes have generally been pro forma statements, and the panel's efforts have never included any assessment of the overall quality of healthcare in DOCS. Moreover, these reviews are often delayed and generally do not require any response from DOCS. The SCOC is not monitoring DOCS medical care and would not be an effective agency to be assigned this task due to its limited resources and lack of relevant expertise." Nevertheless, the report recommends improved prison healthcare monitoring by the SCOC and more rigorous reviews of state inmate deaths by SCOC's mortality review committee.

The report proposes numerous recommendations on how DOCS and the state can upgrade prison healthcare. The recommendations include:

- The State should enact legislation to require the Department of Health to monitor and evaluate prison medical care. Alternately, the governor should order DOH to act pursuant to its authority under Public Health Law, Article 28, to monitor medical care in the prisons.
- State officials should take steps to promptly fill medical vacancies, enhance salaries for positions that are not competitive with community rates, and perform a staffing analysis to identify the prisons most in need of increased staff.
- State officials should ensure that: (1) inmates have timely access to providers, (2) medical staff provide adequate evaluation and timely and respectful treatment, and (3) medical exams occur in locations that permit confidential conversations between medical staff and inmates.

- State officials should implement a more effective chronic care system and assign patients with chronic illnesses to a specific provider. For HIV-infected inmates, prison medical personnel should be more aggressive in identifying these patients and ensure that the system provides care consistent with community standards.
- State officials should ensure that inmates with chronic hepatitis C (HCV) infections are appropriately diagnosed and that treatment is offered to all patients who would benefit from HCV therapy.
- State officials should improve access to specialists and ensure that prison providers promptly follow up on specialists' recommendations.

The CA has released its report to DOCS, the New York State Department of Health and to key policymakers in the state legislature. Considering the fact that the study was undertaken at the request of two State Assembly committees, it is particularly important that these committees – the Health Committee and the Correction Committee – promptly address the CA's findings.

The Judicial Process Commission appreciates the efforts of the CA to improve healthcare and overall conditions in New York's prisons. As former U.S. District Court Judge Morris E. Lasker said, "Because the dangers of abuse inherent in the penitentiary are always present, the work of the Correctional Association – an organization of knowledgeable experts unaffected by political forces – is so important."

Healthcare in New York Prisons, 2004-2007 and other prison reports prepared by the CA's Prison Visiting Project since 2004 are available on the CA's web page, www.correctionalassociation.org.



Picking Cotton: Our Memoir of Injustice and Redemption, **by Jennifer Thompson-Cannino and Ronald Cotton**

A Review by Joel Freedman

This book will break your heart and then lift it up again, a touching and beautiful example of the power of faith and forgiveness. Its message of hope should reverberate far beyond the halls of justice.

- Sister Helen Prejean, CSJ
 Author of *Dead Man Walking*

What happened in this book will change what you think of the criminal justice system in this country, and challenge you to help fix it...An extraordinary story about crime, punishment, and exoneration, but it's their shared spiritual journey toward reconciliation and forgiveness that is even more compelling and profound.

- Barry C. Scheck
 Cofounder of the Innocence Project

Few have done more to put a human face on issues involving wrongful convictions than Jennifer Thompson-Cannino and Ronald Cotton. Yet through their shared pain, they have been able to forge a friendship that most of us search our lives for.

- Janet Reno
 Former U.S. Attorney General

Jennifer Thompson-Cannino, who is white, and Ronald Cotton, who is black, are both happily married to their respective spouses. But Jennifer and Ron also love one another in a deeply spiritual way, somewhat like a close sister-brother relationship. Such a friendship is unusual in the North Carolina community in which Jennifer and Ron reside, particularly when you consider that in 1984, when Jennifer was a 22 year-old college student, she identified Ron as the man who broke into her apartment and raped her at knifepoint.

Jennifer's positive identification of Ron put Ron in prison for 11 years before he was freed from a life imprisonment sentence after DNA testing proved that the rapist was actually Bobby Poole, who, once confronted with this evidence, admitted his guilt of the rape of Jennifer and another woman whose rape Ron had also been convicted of. During Ron's second year of imprisonment, Poole, convicted of rapes in Burlington, North Carolina, arrived in Central Prison where Ron was incarcerated. Fellow inmates alerted Ron to admissions made by Poole that he (Poole) was the person who raped Jennifer. Ron sent his attorney a photograph of himself and Poole. They look like twin brothers. Ron wrote his attorney, Phil Moseley, "There is no doubt in my mind that Bobby Poole did the crime I'm serving time for. I work in the kitchen here with him. As I've said before, Poole is the one."

Ron's initial conviction was reversed, but at his second trial, the judge would not allow the jury to learn about any evidence that Poole committed the rapes for which Ron was on trial. A lab report showed that Poole had an A blood type and was an A secretor, just like the spatter of blood found on the door frame of the apartment of Mary Reynolds (the other rape victim), which did not belong to her or her husband or to Ron, whose blood type is O positive. Inmates were willing to testify about Poole's confessions to them. Poole fit the description of the attacker given by both Jennifer and Mary, and he resembled the composite drawing. Poole's modus operandi in the rapes he had previously committed was the same as that of the two rapes Ron was charged with. The judge's ruling meant that the jury would learn nothing about evidence linking Poole to the crimes in question, or his commission of crimes similar to the ones Ron was accused of, or that Poole had bragged in prison about getting away with the crimes the state of North Carolina was trying to pin on Ron.

At Ron's second trial, Jennifer once again identified Ron as her rapist. So did Mary Reynolds – a curious twist in the case considering the fact that Ron's first conviction was reversed because the trial judge had refused to allow the jury to learn that Reynolds had not been able to identify Ron as the rapist. Apparently, the police were able to persuade Reynolds to reconsider her initial inability, and so, at the second trial, Ron was charged with and convicted of both rapes, and he

returned to prison with another life sentence. Interestingly, out of the presence of the jury, Poole had been in the courtroom. Jennifer and Mary Reynolds observed him testify that he had not raped them. Neither one of the women recognized him.

Many years later, when DNA testing confirmed Poole's guilt in the rape of Reynolds, there was no DNA left to test in Jennifer's rape kit. But the state knew that whoever raped Reynolds also raped Jennifer. Confronted by police with the DNA testing results, Poole confessed to both rapes, revealing to police details about the crimes only the person who had raped Jennifer would know.

An assistant district attorney and the lead detective in Jennifer's case broke the news to Jennifer. "I can only imagine how difficult this must be for you - This is not your fault - We all made this mistake," they told a speechless Jennifer. "Blood roared in my ears, an ocean of confusion crashing down on me, muffling their voices. It meant I had screwed up. They had brought Bobby Poole into the courtroom during the second trial. How could I have been in the same room as my rapist and not recoil? I didn't even recognize him. Mike Gauldin was a first-rate cop who had risen through the ranks to captain from the young detective I met that awful night in the hospital, someone who had always treated me with dignity and respect. I had brought disgrace upon his investigation, and the whole Burlington Police Department. What did he think of me now?"

Recovering from her initial shock, Jennifer soon became overwhelmed by a sense of shame and guilt for her role in sending an innocent man to prison. After Ron's release, the news media were always calling him up, asking him questions. A detective who had helped to put Ron in prison told Ron, "I just wanted to tell you I'm sorry about everything. Everyone is. Jennifer, too." Ron wondered, if Jennifer was really sorry, why didn't she tell him so directly?

In 1996, a television producer phoned Jennifer about doing a story for *Frontline* on PBS. The story would be about how eyewitnesses can make mistakes. Jennifer's first instinct was to say no. Why should she go on national TV and admit she had identified the wrong man not once, but at two separate trials? But she saw the face of Ron Cotton in her memories. The producer told Jennifer that the TV program would enable her to better understand why she had made mistakes in identifying her rapist. Jennifer finally agreed to participate – on the condition that she would have no contact with Ron, who would also be participating in the documentary. During the filming of the program, the crew often told Jennifer that Ron was a decent person who did not hate her.

What Jennifer Saw aired in February 1997. The morning after it aired, Jennifer watched a tape of the documentary, at the end of which Ron told the interviewer that he wondered why he had never heard from her. "I would like to hear what she has to say – in her own words – to me," Ron said. Recalling her reaction to Ron's wish, Jennifer tells us: "I looked around the den, at the photos of my three children smiling back at me from the walls, and a picture of my husband Vinny and me on our wedding day. Eleven years. How do eleven years pass when you are locked up for a crime you didn't commit? I couldn't begin to imagine. For me, they were eleven years measured in birthdays, first days of school, Christmas mornings. Ronald Cotton and I were exactly the same age, and he had none of those things because I'd picked him. He'd lost eleven years of time with his family, eleven years of falling in love, getting married, having kids. He looked forlorn on the television, hurt and bewildered. The guilt suffocated me."

And so, two years after Ron's release, his attorney called him to let him know Jennifer wanted a meeting with him. Robbin, Ron's wife, objected. "She went on with her life, and

now you're trying to go on with yours and what is she trying to do? Mess with it again? It's not fair. You don't owe her anything," Robbin said. Ron told his wife, "Robbin, I'm going with or without you." Robbin decided to come with him. "It's not fair for me to not want you to go. You're the one who needs to be able to put this stuff to rest, to find peace if you can."

At the meeting, Ron tells us, "Someone introduced Jennifer Thompson and me, which was kind of funny when you think about it. We had known each other's names for a long time. Even if we had never met again, or never saw each other, I would have remembered Jennifer Thompson's name for the rest of my life, just as I'm sure she would have remembered mine."

"Mr. Cotton. I don't even know what to call you. Ron? Ronald? Mr. Cotton? If I spent the rest of my life telling you how sorry I am, it wouldn't come close to how I feel," Jennifer said. "Can you ever forgive me?"

Recalling this memorable occasion, Ron wrote that "sometimes people don't have to say a thing. If you look directly into their eyes, it's all there. People's eyes talk. I learned to read people like that when I was in prison. So it was good to be there, to hear her and see the expression on her face. I could see that she was truly sorry. It was plain as day: If she could have gone back and turned the hands of time to change what happened, she would have."

Ron told Jennifer: "I forgive you. I'm not angry at you. I don't want you to spend the rest of your life looking over your shoulder, thinking I'm out to get you, or harm your family. If you look, I'm not going to be there. All I want is for all of us to go on and have a happy life."

"Jennifer looked at me, speechless. Her whole face trembled and she got tears in her brown eyes. I could see there was pain, a lot of pain that she was trying to let go. For the first time, in so many years, I didn't see the hate in her eyes. She didn't look at me and see the man who hurt her, the man she wanted dead, she saw me. I didn't think about it until after the fact, but I reached for her hands and all of a sudden, we were standing there, hugging. The next thing I knew, Robbin, Mrs. Ball Breaker herself, was bawling, too. And before I even realized it, tears fell from my eyes."

That was the beginning of a lifelong friendship between Ron, Jennifer, and their families. They see one another frequently, sharing their experiences, strengths and hopes, and forging the kind of friendship that is priceless. They go to one another's homes, chat regularly on the telephone, attend their children's athletic events together, and are always there for one another. That such a friendship can thrive in a southern community where not so long ago racial segregation was the norm calls to mind Reverend Martin Luther King's "I have a dream" speech and King's prayer that the day would come that we would judge others not by the color of their skins but by the content of their characters.

An inscription on the Confederate Soldier statue outside the Alamance County Courthouse where Ronald Cotton was convicted reads, "Conquered they can never be whose spirits and whose souls are free." Ron was the first post conviction DNA exoneree in North Carolina. His case helped to establish measures for the five others in North Carolina who have been exonerated since Ron's release. Richard Rosen, the law professor who helped Ron win his freedom, was so deluged with requests from people seeking help with their cases that he started an Innocence Project with his students. One of these students, Christine Mumma, helped to establish the North Carolina Actual Innocence Commission (now called the North Carolina Chief Justice's Study Commission), which, in turn, inspired North Carolina lawmakers in 2006 to establish the Innocence Inquiry Commission, America's first formal state

agency designed to be an independent truth-seeking forum for justice in innocence cases. Jennifer has become an advocate for judicial reform, and is a member of the North Carolina Chief Justice's Study Commission. Under the leadership of Michael Gaudin, the lead detective on Jennifer's case who later was promoted to Burlington's chief of police position, the Burlington Police Department became the first in North Carolina to require sequential lineups, when witnesses are shown suspects or suspect's photos one at a time, instead of simultaneously, and double-blind procedures, where the lineup administrator is not the investigating officer and therefore is unaware of which picture, or individual in a lineup, is a suspect and thus he is unable to provide the witness with any leading suggestions or clues.

Ron and Jennifer have made joint appearances in support of reforms in our criminal justice system. In October 2007 they traveled to Savannah, Georgia, where there was a march in support of death row inmate Troy Anthony Davis. Hundreds of people gathered in the parking lot of the Bolton Street Baptist Church, where civil rights mass meetings were held in the sixties. The marchers chanted: *Innocence Matters! Equal Justice!*

Ron and Jennifer shared their experiences with a cheering crowd. Later, Ron, Jennifer, Robbin, Jennifer's daughter Brittany, and Ron and Robbin's daughter Raven walked to a restaurant for dinner. Ron and Jennifer were thinking about how, out of the tragedy of Ron's wrongful conviction, many wonderful things had happened. So, when Jennifer told Ron, "thank God I picked you," Ron could smile and reply, "I know what you mean."

Picking Cotton is a powerful reminder to me that our system of justice that results in the imprisonment of innocent people needs to be improved. This book also reminds me that life is an adventure, and as we travel along our individual pathways who can predict the way the road will twist and turn?

In my own life, I have dealt with many experiences in which my life journeys have brought me into places and situations in which I initially wished I could be elsewhere. God, why is this happening? Why me? I don't want to be here. I then try to convince myself that this is where I am, that I should make the most of it, and that I should accept the fact that God has a plan for me that does not require me to always understand why things are the way they are. Sometimes life's trials and tribulations seem like living nightmares. So I continue to travel on the road I don't choose to be on and, lo and behold, I'll eventually arrive at an intersection that will put me on a road I do want to be on. That is when I realize I would not have found this good road if I had not traveled the previous bad road.

Picking Cotton is a mesmerizing, inspirational book that is filled with high doses of drama and passion that one can expect from reading such an unusual and compelling memoir. Here is a book that is, indeed, a must-read.

(*Picking Cotton: Our Memoir of Injustice and Redemption* is published by St. Martin's Press, New York, 2009. 298 pages. \$25.95 hard cover. ISBN-13:978-0-312-37653-6)

The JUDICIAL PROCESS COMMISSION

285 Ormond Street
Rochester, NY 14605
585-325-7727; www.rocjpc.org; email:
info@rocjpc.org

We welcome your letters and Justicia article submissions by e-mail or postal mail.

VISION

The Judicial Process Commission envisions a society with true justice and equality for all. We understand that in a just society, all institutions will be based on reconciliation and restoration, instead of retribution and violence.

MISSION

The JPC is a grassroots, nonprofit organization that challenges society to create a just, nonviolent community which supports the right of all people to reach their fullest potential. We do this by:

- Providing support services for those involved in the criminal justice system
- Educating the public
- Advocating for changes in public policy.

Board Members

Mary Boite, Vice-Chairperson
Jack Bradigan Spula, Editor, *Justicia*
Helen Cheves
Jane Coons, Treasurer
John M. Klofas
Venessa M. Mitchell
Isabel Morrison
Gail Mott, Secretary
John Mourning
Harry Murray
Clare Regan (1927-2006), Editor emerita,
Justicia

Fred Schaeffer, Chairperson
Suzanne Schnittman
John Perry Smith
Mary Sullivan

Louise Wu Richards

Staff

Mavis Egan, Client Navigator/Project
Evaluator
Susan K. Porter, Coordinator
Kamilah Richardson, Case Manager
Valerie White-Whittick, Mentor Coordinator

Judicial Process Commission
285 Ormond Street
Rochester, New York 14605
585-325-7727
info@rocjpc.org
www.rocjpc.org

NON-PROFIT-ORGANIZATION
US-POSTAGE
PAID
ROCHESTER, NY
PERMIT No. 1501

Address Service Requested

Help us help ex-prisoners re-enter community life – Give to the 2009 *Annual Appeal* (see p. 1).



JPC can no longer afford to print and mail Justicia. Please provide your name and email address so that we can email it to you in the future. Prisoners and others do not have PC's. Please make a contribution so that we can continue to send Justicia to them too. Thank you!

Name _____

Email _____

Contribution for Justicia to Prisoners and Others \$ _____