

**Racial Animus, Police Corruption, and a Wrongful Conviction of Murder:  
Complex PTSD and the Vestiges of Anguish**

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*It is one thing to faithfully report and investigate police corruption; it is another thing to effectively punish abusive officers and the institutions that support them. A third, arguably the most fundamental concern of all, is to understand why these officers, and the infrastructures that protect them, rarely face repercussions for their crimes and the catastrophic psychological traumas that they inflict. The case described herein – a wrongful conviction of murder (1991) that was eventually overturned (2010) and then successfully litigated for restitution (2021) – provides a vivid narrative of prosecutorial misconduct, and the consequent psychological anguish of a survivor, as informed and articulated by participant-observers. Our hope is that by discussing this case, we can facilitate an understanding for, and empathy with, the trials and tribulations of victims of color who have suffered tremendously from police corruption and wrongful convictions.*

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## **I Introduction**

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protect them, rarely face repercussions for their crimes and the catastrophic psychological traumas that they inflict (Johnson & Engstrom, 2020; Ralph, 2020; Reinhardt, 2015). The case described herein – a wrongful conviction of murder (1991) that was eventually overturned (2010) and then successfully litigated for restitution (2021) – provides a vivid narrative of racial animus, police corruption, prosecutorial misconduct, and the consequent psychological anguish of a survivor, as informed and articulated by two participant-observers. Our hope is that this portrayal, which ultimately highlights the psychological sequelae of unremitting trauma, can facilitate a better understanding for, and empathy with, the trials and tribulations of victims of color who have suffered tremendously from a wrongful conviction.

### A. The Backstory

During the late 1980s and early 1990s, drive-by shootings were a foreseeable risk for residents living in the Alemany Housing Projects, a series of dilapidated apartment buildings in San Francisco, California. Young men who resided therein would occasionally take it upon themselves to eliminate nighttime visibility by shooting out the streetlights. That decision, in turn, increased the likelihood of police scrutiny and intervention.

On 24 January 1990 several police officers, one of whom was Sergeant Kitt Crenshaw, began chasing a group of young Black men who had allegedly been firing weapons at streetlights in the aforementioned housing project. One young man, Maurice Caldwell, was captured. Sergeant Crenshaw and a fellow officer then drove Mr. Caldwell to an isolated area, whereupon Sergeant Crenshaw put Mr. Caldwell in a chokehold, and subsequently threw him against a wall. When those tactics failed to yield a confession, Sergeant Crenshaw held Mr. Caldwell's head to the ground, and instructed his partner to drive over it. Fearing for his life, Mr. Caldwell conceded that he knew where the weapons used to fire at the streetlights were hidden.

Following that “confession”, the officers then brought Mr. Caldwell back to the Alemany Housing Projects. Upon arrival, Mr. Caldwell immediately bolted from the back seat of the police car and began screaming “*He is trying to kill me! He is trying to kill me!*” (Abramson, 2020a). The officers quickly vacated the scene.

Two days later, at the urging of his grandmother, Mr. Caldwell filed a civilian complaint against Sergeant Crenshaw. Though Sergeant Crenshaw denied the claims of brutality, he nonetheless admitted to threatening to kill Mr. Caldwell; acknowledging that he said, “*Sooner or later I'm going to catch you with a gun, and you and I are going to have it out. I'm going to kill you*” (Caldwell v. City of San Francisco, 2020).

Approximately five months later, on 30 June 1990, a murder was committed at 2:00 a.m. in Alemany Housing Projects. It happened slightly beyond the front of the apartment building where Mr. Caldwell periodically resided. A drug deal had evidently gone awry. A subsequent investigation, and related testimony, indicated that there were five sellers who were standing in the street and five buyers who entered the Projects by car. Two of the buyers got out of their car, and some form of negotiation ensued. Within minutes, however, a conflict emerged. One of the parties threw a punch, and one of the five sellers fired a handgun in response; hitting one of the buyers, Judy Acosta, who then collapsed in the street. The other armed seller fired a shotgun at the

buyers' car. Mr. Acosta was quickly dragged back into the vehicle, and the group of buyers made a hasty exit. Mr. Acosta died shortly thereafter.

The handgun shooter, Marritte Funches, eventually confessed to the crime. The shotgun shooter has never been definitively identified.

The photograph below was taken of Mr. Caldwell's apartment building in the Alemany Housing Projects on the morning after the 30 June 1990 murder. The murder, which happened in the street, was slightly beyond the closet apartment portrayed herein, purportedly under a streetlight.



*San Francisco Police Department crime scene photograph. San Francisco, California, 1990.*

An investigation immediately followed. Sergeant Crenshaw, who was not assigned to the homicide division, nonetheless volunteered to search the Alemany Projects for offenders. Unsurprisingly, Mr. Caldwell was his primary suspect. When Sergeant Crenshaw located Mr. Caldwell, approximately thirteen days after the murder was committed, he escorted Mr. Caldwell to the apartment of a potential eyewitness. When she opened her door, Sergeant Crenshaw spoke loudly enough so that the two homicide detectives, already inside her apartment, could hear him clearly announce, *"This is Maurice Caldwell... I need your keys to put him in the patrol car."* (*Caldwell v. City of San Francisco*, 2020). All of these proceedings were observed by this potential eyewitness.

After putting Mr. Caldwell in a police car, Sergeant Crenshaw then allegedly fabricated an interview with him; in which Mr. Caldwell purportedly admitted that he was also dealing drugs in this same housing project on the night of the murder. That fabricated interview was then relied upon by the homicide detectives as part of their ongoing investigation of the murder. When the potential eyewitness – the sole eyewitness at this point – eventually saw Mr. Caldwell in the line-up of suspects for the murder, she confirmed that Mr. Caldwell was indeed the shotgun shooter.

Based upon this sole eyewitness testimony, and the testimony of Sergeant Crenshaw and the two homicide detectives, the 22-year-old Mr. Caldwell was arrested on 20 September 1990 for murder and was incarcerated immediately thereafter. Represented by an incompetent attorney who was later disbarred (Gross, 2019), Mr. Caldwell was convicted on 20 March 1991 of second-degree murder and sentenced to 27 years to life in prison.

Mr. Caldwell, consequently, lost two pivotal decades of his life while incarcerated in manifestly dangerous California prisons (Garrison S. Johnson v California, 2005). On 28 March 2010, a Superior Court Judge overturned his conviction; therein formally exonerating him. Now freed from incarceration, Mr. Caldwell did not, however, experience a corresponding liberation from the catastrophic suffering he endured throughout his imprisonment. Compensatory restitution was not forthcoming, either. Mr. Caldwell's civil lawsuit, in fact, was dismissed on summary judgement in 2016 by United States Magistrate Judge Elizabeth Laporte. Judge Laporte ruled that although Mr. Caldwell's attorney, Monique Alonso, formally with the law firm of Gross, Belsky, and Alonso, provided strong evidence of Sergeant Crenshaw's motive to frame Mr. Caldwell for murder, the prosecutor in Mr. Caldwell's criminal trial *broke the chain of causation* by independently reviewing the evidence before charging Mr. Caldwell for murder. It wasn't, however, until 11 May 2018, that the United States Court of Appeals for the Ninth Circuit reversed the District Court's decision. Writing for the Appellate Court, Judge A. Wallace Tashima noted that:

a prosecutor's judgement cannot be said to be independent where the prosecutor considers potentially fabricated evidence without knowing that the evidence might be fundamentally comprised and misleading.

He further noted that:

in reversing the district court's grant of summary judgement in favor of the police sergeant [Kitt Crenshaw], [Mr. Caldwell did in fact establish] that the sergeant had a motive to retaliate against him. He further raised a genuine issue as to whether the sergeant arranged the show up, deliberately fabricated the statement and memorialized it in falsified notes. The panel further held that plaintiff rebutted any presumption of prosecutorial independence and established a triable issue as to whether the allegedly fabricated identification and falsified statements caused him harm (*Caldwell v. City of San Francisco et al.*, 2018).

Immediately following the Ninth Circuit Court of Appeal's decision, Mr. Caldwell's attorneys, Terry Gross of Gross & Belsky, P.C. and James Quadra of Quadra & Coll. LLP began actively preparing for an upcoming civil trial. Their claims included: Defendant Sergeant Kitt Crenshaw had ample motive to deliberately fabricate evidence to implicate Mr. Caldwell for the

murder of Judy Acosta; Sergeant Crenshaw conducted an illegal show-up with Mr. Caldwell at the door of a potential eyewitness; Sergeant Crenshaw's false report caused investigating homicide detectives to focus exclusively on Mr. Caldwell; and finally, the San Francisco Police Department maintained a system for citizens' complaints about police conduct that failed to comply with generally accepted police practices and procedures. They argued that this system was so ineffective that officers believed that they could act with impunity, whereby misconduct, including racial animus, would not be punished or condemned. The plaintiff's attorneys then retained experts to serve in this civil lawsuit.

Of particular interest was the decision to create a video reconstruction of the original crime scene. Paul Kayfetz, a high-definition video visibility expert, used drones to assess visual sightlines from the (now deceased) eyewitness' second story apartment window. Mr. Kayfetz's data, in the form of high-resolution images, clearly identified a protrusion from the first apartment that completely blocked all visibility for observing the proceedings of the crime that the eyewitness had claimed to have seen.

More challenging however, was substantiating the issue of racial animus. There is certainly evidence of routine discriminatory police practices throughout the United States, but the question herein was more restricted. Is there evidence of racial animus among officers of the San Francisco Police Department (SFPD)? If so, are there data that are specific to the late 1980s and the early 1990s? Sienna Bland-Abramson, the second author of this article, was then hired as the Senior Research Analyst to answer those questions – alongside countless other queries – that arose throughout the litigation. Ms. Bland-Abramson discovered that there was unmistakable documentation of police corruption, racial enmity, and racial profiling by officers of the SFPD, some of which was evident in quite notorious cases; the “Fajitagate” scandal of 2002 being one of them. On 20 November 2002, three intoxicated off-duty SFPD officers attacked two innocent civilians when they refused to surrender their takeout food. One of those off-duty police officers, Alex Fagan, Jr., was the son of the Assistant Chief of Police, Alex Fagan. The then current Chief of Police, Prentice E. Hall, along with Alex Fagan and nine other officers, quickly covered up the incident. Eventually, however, all of the officers involved in the cover-up were indicted by the San Francisco's District Attorney office.

Perhaps even more reprehensible was the 2011 “Textgate” scandal. Fourteen SFPD officers exchanged a series of shockingly bigoted and overtly offensive text messages (e.g. “Question: *Do you celebrate [Kwanzaa] at your school?* Reply: *Yeah, we burn the cross on the field! Then we celebrate Whitemas*” (Mark, 2018)). In response to this scandal, an advisory panel to the San Francisco District Attorney's Office was assembled to evaluate the SFPD. This panel determined that the SFPD maintained a systemic, widespread culture of bias (The Blue Ribbon Panel, 2016). Various other reports and assessments of the SFPD produced similar findings (COPS, 2016; Schlosberg, 2002).

Where the specific timeframe was concerned (i.e., the late 1980s and 1990s), though the evidence was less robust, it was by no means inaccessible. The American Civil Liberties Union (ACLU) filings during this period also painted a very troubling picture of racial antipathy among officers of the SFPD. John M. Crew, a former ACLU attorney and Director of the Police Practices Project at the ACLU of Northern California during that timeframe, for example, led countless

efforts to identify bias, address racial profiling, and enforce accountability within the SFPD. In an impassioned plea to the Police Commission, he expressed grave concern over the longstanding (and largely unaddressed) practice of racial profiling and inadequate disciplinary systems to address such practices within the department spanning from the early 1990s to present day (Crew, 2016).

To augment the value of that data, Dr. Halford H. Fairchild – a Professor Emeritus in Psychology and Africana Studies at Pitzer College (Claremont, CA), and a former National President of the Association of Black Psychologists – was then retained to conduct an analysis of the relationship of the SFPD to the African American community in San Francisco during the corresponding time frame. Dr. Fairchild’s principal conclusion was that in the period around 1990, young Black men in inner city projects of San Francisco, even if not involved in any criminal activity, were subject to aggressive policing and harassment by officers of the San Francisco Police Department.

## I Assessing Psychological Harm

Since the ultimate goal for the plaintiff and his attorneys was to obtain restitution, the overriding objective of this litigation was to discover the basis of Maurice Caldwell’s profound distress, and then provide the reasoning and evidence to substantiate whatever conclusion had been drawn. Paul Abramson, a professor of psychology at UCLA and the first author of this article, was retained for that purpose. He speaks directly of his experiences in the first person for the remainder of this section, and then once again in a latter section titled *Maurice Caldwell and Complex Post-Traumatic Stress Disorder*.

Why, one might ask, would a psychological damages expert be needed for a case in which a man lost twenty years of his life while incarcerated in maximum security prisons as a result of a wrongful conviction of murder? Documenting his suffering, one might confidently insist, should be effortless. True, perhaps, except for the fact that civil litigation is by nature adversarial. Challenges to causation are pronounced, even in cases with fact patterns like those described herein. Additionally, plaintiffs who have a vested interest in the financial outcome of civil litigation are not uniformly trusted: the same could be said of their attorneys and experts, too. Although defense attorneys and their experts often fare worse, the general rule of thumb in civil litigation is that whatever argument the plaintiff sets forth, the defense argues to the contrary.

With that in mind, I viewed my role as being restricted, certainly at first, to constructing a scientifically tenable rationale for assessing psychological harm. To operationalize that rationale, I relied on repeated sampling, exhaustive interviews, corroborative data collection, scrutiny of archival records, and the review of existing literature. For example, beginning on 8 April 2015 and ending on 6 November 2020, I conducted over twenty extensive interviews with Maurice Caldwell. To supplement those interviews, I received consent from Mr. Caldwell to speak with his psychotherapist, Dr. Stephen Tuttle, and to gain access to Dr. Tuttle’s session notes. I also conducted an interview with Mr. Caldwell’s Northern California Innocence Project attorney, Paige Kaneb. Ms. Kaneb had interacted with Mr. Caldwell toward the end of his incarceration, and then remained in touch with him thereafter. For a short period of time, in fact, Mr. Caldwell also resided

with Ms. Kaneb. As a backdrop to all of these interviews, I carefully reviewed Mr. Caldwell's vast archival record, which included court hearings and decisions, depositions, psychological testing results, expert reports and declarations, and so on.

I did not, however, want to rely solely on Mr. Caldwell's descriptions and disclosures, particularly in terms of the sustained and repetitive traumas he purportedly experienced while incarcerated. I thus reviewed the contemporary research literature on maximum-security prison environments, particularly the evidence on the psychological impact those environments had on both inmates and correctional officers (e.g., Anderson, Benjamin, & Bartholow, 1998; Benjamin & Bushman, 2016; Craik, 1973; Flanagan, 1995; Garland, Hogan & Lambert, 2012; Goffman, 1961; Gordon & Baker, 2017; Lyon, 2020; Sykes 2007; Walsh, Craik, & Price, 2001.). The literature on correctional officers was particularly important to me because I considered these officers to be observers and participants in the same environments where Mr. Caldwell was incarcerated; though of course, the most obvious difference between the two is that correctional officers can go home at night. That notwithstanding, a correctional officer is still, I believe, a reasonable barometer, and potentially a corroborating witness, for gauging the level of danger and mortal risk of residing therein.

As fate would have it, I also discovered a retired correctional officer, Chris Buckley, who knew and had supervised Mr. Caldwell while he was incarcerated in a Northern California Maximum-Security Prison. Officer Buckley, in fact, had written a laudatory appraisal of Mr. Caldwell a few years before Mr. Caldwell's conviction was overturned. After Officer Buckley retired, he was then re-hired to serve as an expert in prison classification for the Strategic Offender Management System (SOMS); a project that digitalized all prisoner records for the State of California.

Obtaining participant observer data from repeated interviews with Officer Buckley was important because it would allow me to explore the probative value of potentially corroborative evidence, particularly in the form of independent expert knowledge that might yield further insight into the physical and psychological dangers of the prisons in which Mr. Caldwell had been incarcerated. Those interviews, twelve in all, began on 27 June 2020 and continued until 27 September 2020.

Finally, I interviewed a second correctional officer, Robert Klingelhoets, who served in a Northern California Maximum-Security Prison during the same time frame in which Maurice Caldwell had been incarcerated. Besides confirming the mortal risks of residing therein, Mr. Klingelhoets had also taken countless, admittedly gruesome, photographs that I reviewed of prisoners who had been brutally stabbed (one of whom was almost decapitated) or had committed suicide. Those photographs were compiled by Officer Klingelhoets to serve as a forewarning to other prisoners, as well as at-risk adolescents, according to the rationale of the *scared-straight* ethos.

### **A. Severe Psychological Trauma**

Severe psychological trauma is generally formulated according to the diagnosis of Post-Traumatic Stress Disorder (PTSD). The signature symptom of PTSD is the involuntary re-

experiencing of the anguish that accompanied the original trauma. The second identifying symptom is the avoidance of reminders, or cues, that might elicit the re-experiencing of the anguish of the original trauma. The last identifying symptom is the experience of increased psychological arousal, such as hypervigilance and sleeplessness. These three distinctive symptoms then build on chronic manifestations like depression and anxiety (Lewis, et al., 2019, Ozer, Best, & Lipsey, 2003; Ozer & Weiss, 2004).

This particular diagnostic conceptualization of PTSD is largely about depicting a psychological syndrome that resulted from a relatively circumscribed severely traumatic event: for example, a life-threatening car accident, or a particularly gruesome battle during war. The inability of PTSD to accurately describe the psychological impact to victims of *countless* severely traumatic experiences has been regularly expressed in the scientific literature for decades (Herman, 1992). Holocaust survivors, for example, do not easily fit into the PTSD framework, nor do prisoners of war (Krystal, 1968; Ursano, 2003); which for many reasons isn't surprising, given that relentless traumas accrued from years of enduring brutalized captivity are not easily encapsulated into the boundaries of a demarcated disorder. For that matter, the psychological repercussions of exposure to sustained, repeated, or multiple agonizing events that don't fit squarely within the diagnosis of PTSD are no less true for other victims; such as those who have experienced genocide campaigns, as well as victims of childhood abuse (sexual or otherwise), wrongful imprisonment, child soldiering, religious cults, pronounced domestic violence, torture, and slavery (Campbell & Denow, 2020; Cook, 2005; Gelinas, 1983; Goodwin, 1988; Grounds, 2014; Kroll, et al, 1989; Lubin, 2014; Newman, et al. 2020; Weigand, 2009; Williams & Merwe, 2013).

To signify the diagnostic differences between these two categories – individual versus manifold exposure to severely traumatic events – researchers and clinicians began using the terms *complex trauma* or *complex PTSD* to describe the psychological sequelae to victims who had experienced endless traumas. That diagnostic nomenclature was ultimately codified as *complex PTSD* in the World Health Organization's 2019 *International Classification of Diseases-11* (ICD-11) (World Health Organization, 2019). Unlike its American counterpart, the *Diagnostic and Statistical Manual for Mental Disorders* (DSM-V) (American Psychiatric Association, 2013), the ICD-11 emphasizes a public health perspective, which is then organized around maximizing clinical utility for relevance to diagnostic categories and treatment worldwide (Brewin, 2017; Jowett et al, 2020).

It has also been evident that a very distinctive etiological characteristic stood out in each of these categories of repetitive trauma victims: they all suffered under complete coercive control. While potentially applicable to Mr. Caldwell, given his long-term incarceration, this determinative characteristic was true regardless of whether victims had been held captive by physical or institutional constraints or by a combination of physical, psychological, social, and economic factors. Coercive control, and the diversity and intensity of the psychological manifestations that emerged as a result of repetitive agony, was the common feature among survivors with *complex traumas* (Herman, 1992, 2015; Lawson & Akay-Sullivan, 2020; Hyland, et al, 2020; and Lubin, 2014).

The symptoms of complex trauma generally fall into six loosely formulated categories, three that bear some similarity to PTSD (re-experiencing of the traumas, avoidance and

hypervigilance) and three that are unique to complex trauma (e.g., disturbances in self-identity, emotions, and relationships) (Brewin, 2017; Herman, 1992; Jowett, et al. 2020; Lawson & Akay-Sullivan, 2020). Nevertheless, the differences between the two diagnoses are pronounced. In PTSD, as noted above, there is a circumscribed severely traumatic event in which the psychological sequelae has some prospect of abating. In complex trauma, however, it is an ongoing and deeply entrenched condition. The repetitive severely traumatic events in complex trauma markedly amplify, and then radiate, the psychological and physical consequences of those experiences. Though hypervigilance to one's internal and external environments is certainly evident in PTSD, in complex trauma hypervigilance is accompanied by chronic agitation and anxiety without any accompanying times of tranquility. Complaints about physical symptoms are also pronounced, such as insomnia, headaches, back pain, and a chronically upset stomach. Even tremors, choking sensations, and nausea can be present, and in some cases, complex trauma victims describe *all* of their symptoms in terms of somatic complaints (Herman, 1992, 2015).

Dissociation, the disconnecting within one's mental processes, is also very common in both PTSD and complex trauma; driven largely by the need to remove oneself, at least cognitively, from the traumas and their after-effects. More common among sufferers of complex trauma is the rupture in the continuity between the present and the past, as evidenced in disturbances in memory and concentration (Herman, 1992; Lawson & Akay-Sullivan, 2020). Emotional changes also dominate complex trauma: presumably the result of believing that one has been forsaken by all, for time immemorial. The indomitable psychological losses that these sufferers experience then result in an unyielding depression. The rage over having been imprisoned (psychologically or otherwise) for such a long period of time further heightens the torment of depression. Carrying that burden of unexpressed rage, for what may be decades, has many adverse psychological effects. Self-hatred is also a possible outcome when rage turns inward, as are suicidal feelings, too (Herman, 1992, 2015).

Lastly, prolonged captivity has the effect of undermining or destroying one's ordinary sense of safety, and worse yet, can make victims feel that the perpetrator is still ever-present, again alienating the survivor's relationship to the world (Campbell & Denov, 2020; Goffman, 1961; Herman, 1992, 2015; Flanagan, 1995; Newman, et al., 2020; Sykes, 2007; Ursano, 2003; Williams & Merwe, 2013).

### **B. Maurice Caldwell and Complex Post-Traumatic Stress Disorder**

Based on the many interviews that I had conducted, plus the vast archives, records, and literatures that I had reviewed, I concluded that Mr. Caldwell could very well be an archetype for complex PTSD. As a wrongly convicted man, he spent over 20 years in captivity in coercively controlled environments where the threat of violence, and the realistic fear of death, were ever-present. Maximum-security prisons, by definition, are extremely dangerous institutions that maintain complete coercive control through 24-hour armed surveillance, locked cell blocks, 24 hour visibility of every aspect of a prisoner's life, routine strip searches, the elimination of discretionary choices, and thoroughly structured daily routines; all of which is encompassed within a fortress that is distinguished by outside perimeter barriers, and surrounded by razor wire with lethal electric fences designed to eliminate the possibility of escape. Maximum-security prisons are, in fact, exemplars of coercively controlled environments.

Beyond the physical structure, the armed surveillance, and the monotonous and humiliating routines, yet another form of duress to inmates in maximum-security prisons is the prospect of extraordinarily violent and perfidious individuals with little expectation to ever leave the confines of the surrounding walls. Consumed with rage and bereft of hope, the value of life can have little meaning to some, which in turn, can result in an environment that is constantly threatening to the safety of everyone; correctional officers, no less than other inmates (Garland, Hogan & Lambert, 2012; Gordon & Baker, 2017; Lincoln, et al, 2006). In combination, these elements make maximum-security prisons an intensely destructive world. The presence of countless weapons among inmates (e.g., bone crushers, shanks, etc.) is however what ultimately creates the tangible mortal danger therein: coupled of course with the 24-hour armed surveillance, whose officers have been trained to shoot to kill (Anderson, Benjamin & Bartholow, 1998; Benjamin & Bushman, 2016). Is it any wonder that maximum-security prisons are notorious for their riots, stabbings, murders, and suicides?

On 19 December 1993, approximately two and a half years after Mr. Caldwell entered the Northern California prison system, he was brutally stabbed in the head, shoulder, and chest by another inmate who used an improvised 6-inch-long knife made from a metal rod filed to a sharp point. That stabbing occurred while Mr. Caldwell was an inmate at California State Prison, Sacramento, which is also known as New Folsom's Level 4 Prison. Mr. Caldwell described his reaction to this stabbing as having "*changed my whole life. I knew at that very moment I could be killed at any time, on any day – without me even knowing it*" (Abramson, 2020a).

The events that preceded the stabbing are perhaps the best context for understanding and appreciating Mr. Caldwell's terrifying dismay, as his assailant was his co-worker in a dining facility. A month or so prior to the incident, the co-worker and Mr. Caldwell had an argument, though they eventually resolved their differences and continued to work effectively together. On the day of the stabbing, in fact, they had just engaged in a pleasant conversation. That notwithstanding, when Mr. Caldwell turned his back to walk away, he was brutally stabbed in the head, shoulder, and chest – the force and target of which could easily have proved fatal. It was that chronology of events, particularly the pleasant conversation, and then turning his back to his co-worker, that provided the indisputable evidence to Mr. Caldwell that he "*could be killed at any time, on any day – without me even knowing it*" (Abramson, 2020a).

On its surface, it certainly seemed understandable that a victim of a brutal stabbing, who resided in a very dangerous environment, would then continue to fear for his life as long as he remained confined within; particularly given the details underlying the interpersonal dynamics that preceded this vicious stabbing, and the fact that it could easily have been a lethal one. Nevertheless, I then asked Correctional Officer Buckley to comment on Mr. Caldwell's psychological reaction to this felony assault. As part of his extended commentary, which continued over several months, Officer Buckley also talked more generally about the risks and dangers in California's maximum-security prisons. Excerpts from those interviews are presented below.

*A level 4 prison is like the worst neighborhood you could imagine. [It's] an awful place. A very bad neighborhood. You always have to watch what is going on. Something terrible always might happen. Besides all of the stabbings, there are so many sexual assaults. The sexual assaults rarely get reported. Level 4 prisons are extremely stressful. Just like Mr.*

*Caldwell, I was always scared of dying in prison. Fear of dying in prison is a legitimate concern...*

[With regard to Mr. Caldwell] *“you get stabbed early on it’s going to have a profound effect on your mental health. He is going to worry about it during his entire time in the joint. And you think about it all the time because it already happened to you. And then you think about it again after you get out of prison. You can’t escape it. [But] once you’ve been stabbed, you never let your guard down. You become hypervigilant outside of your cell. Constantly looking, because assaults, and stabbings, happen so fast, like in a flash. [Also keep in mind that] entering the prison system [itself] is a major shock to the system. You are handcuffed behind, stripped naked, searched. It’s demeaning right out of the gate. It’s a shock, a complete shock”* (Abramson, 2020b).

Besides being stabbed in the head, shoulder, and chest on 19 December 1993, Mr. Caldwell routinely observed countless violent struggles and riots throughout his incarceration, and he repeatedly witnessed lethal weapons being in the possession of both correctional staff and inmates; each of which made him feel that lethal assaults were an inescapable danger. Mr. Caldwell thus never felt safe anytime he walked outside of his cell, always fearing for his life, believing that anything could happen at any time, including being killed. In many respects, his entire experience in captivity can be reduced to two words; terror and uncertainty – the realistic fear of death, and the unpredictability of when it might happen to him again.

Mr. Caldwell also described the stress in prison as overwhelming, and correspondingly, he felt that there was never a moment when he could relax, certainly outside of his cell. His closest family members – his grandmother, mother, and brother – all died while he was in prison. He was prohibited from attending their funerals. Their deaths were particularly hard for him, and his immediate reaction to his grandmother’s death was that he should kill himself; as he felt that he had nothing, and no one, left to live for. Though he was always terrified that he would be killed in prison, the only times he actually felt suicidal were when a family member died.

Rage was also bottled up inside of Maurice Caldwell. He was raging largely about the wrongful conviction, and the dangerous world he was sentenced to. But there was never a safe opportunity to express any of his all-consuming rage while incarcerated. Raging in prison, in fact, would have been extremely hazardous to this health and safety. Mr. Caldwell said:

*Being in prison was like going to war every day. It’s only when I was in my cell at night that I felt I was safe. [I also] felt so unstable in prison. I had to fight it, that feeling of defeat, all the way through prison. There is no end to it. There are no boundaries, no structure to [that] life. You have to create structure to survive. You just never give up.*

[That said] *I was depressed every day in prison. What made it even worse [was] when I was talking on the phone with someone [and I’d realize that] I can’t be there with them. [I also] felt so ashamed in prison [and] so afraid. Always dreaming about being saved. My life didn’t mean nothing when I was there.*

*In prison, people act real quick. They get bullied. They get raped. Or they feel guilty – not being able to live any more. That’s where suicide [in prison] comes from. Even taking a shit in prison, like while you are on the yard, you still need protection. You need your people there. In prison, it’s just a toilet sitting there – no bathroom with a door. When you take a shit in prison, it’s a time of weakness. Guys were [even] shitting out knives (kee-su (sic), shanks, bone crushers) or drugs [right next to me] ...You never know what is going to happen.* (Abramson, 2020a).

Northern California’s Maximum-Security Prisons are clearly coercively controlled environments dominated by appalling and unquestionably formidable traumatic events, each of which often contains either a realistic threat of death, or a tangible risk to one’s safety. Like every other survivor of sustained and repetitive traumas, that world thoroughly undermined Mr. Caldwell’s sense of safety, even to this day. In fact, Mr. Caldwell still spontaneously re-experiences the anguish of being in prison (e.g., *All the time it makes me feel I’m in prison – in solitary confinement. Always feeling – in my mind that I’m back in prison*) and hyperarousal is a continuous problem (e.g., *I’m paranoid about being charged with another crime I didn’t do...I don’t sleep. Ever since I came home from prison, I can’t go to sleep. Maybe I go to sleep 4 or 5am – and then only for 4-5 hours. And I can no longer focus on one thing.*). Chronic agitation and anxiety are evident (e.g., *I’m so stressed. I just keep to myself. So stressed about everything*) without any accompanying times of tranquility (e.g., *It’s really hard here. I hurt every day. I can’t relate to anything – they took that from me. I suffer every day. I can’t do things because of all of the pain I experienced. My mind. My body.*) (Abramson, 2020a).

One of the most notable symptoms in Mr. Caldwell’s psychological profile was the manifestation of rage. Besides his debilitating anxiety, it is rage that rules supreme in Mr. Caldwell’s emotional life; a common fate, not surprisingly, of captives who have suffered repetitive traumas (e.g., *They took those years of my life. It all consumes me. I’m shut down so much. I don’t trust people...Rage is bottled up in me. I can’t accept this. I can understand how someone would go postal. I wouldn’t do something like that, for my kids, for all kinds of reasons. But I can understand* (Abramson, 2020a)).

People who survive brutality and inhumanity often describe their experiences in highly emotional and fragmented ways. That manner of expression, however, certainly when combined with an incessant but essential need to recall those experiences and their psychological repercussions, can be understandably overwhelming to listeners. Sadly enough, this creates even more isolation for survivors. For Mr. Caldwell, it has been a no-win situation that characterizes his life. Reliving his trauma and the ceaseless symptoms that accrued therein have left Maurice Caldwell with few options for emotional escape, and little reason to hope for resolution. Rage and anxiety, certainly at this time in his life – as a 53-year-old man – are largely the factors that propel him forward.

As a wrongly convicted young man, there was no such thing as *getting used to* a maximum-security prison, especially after having been ruthlessly stabbed in his head, shoulder, and chest, as well as having been a witness to riots, stabbings, murders, and other terrifying events. The aggregate of countless traumas Mr. Caldwell experienced while in captivity inevitably imposed such an emotional burden on him that it would be unreasonable to expect him not to disintegrate

psychologically – as he most certainly has – under the intensity and duration of that level of disaster. To further suppose that his psychological disintegration would eventually resolve itself, even with psychotherapy, is illusory, too. Psychotherapeutic interventions for complex PTSD are hardly auspicious (Karatzias, et al, 2019, Liddell, et al, 2019), which comes as no surprise given the prodigious assortment of psychological symptoms of survivors who have experienced sustained and repetitive traumas, as well as the fact that the hypervigilance and terror routinely manifested in coercively controlled environments also inevitably becomes a dominant force in the survivor’s psychological infrastructure long after release (Herman, 1992). Tragically, not even restitution obtained through civil litigation will ever rectify this dreadful captivity, nor magically remove the enduring psychological sequelae from it.

### **C. Institutional Racism**

The egregious harms and interminable agonies described herein ultimately speak for themselves. There are, however, other forms of racial animus that Mr. Caldwell endured that are more subtle, but no less insidious: his incompetent legal representation being a case in point. Though we are primed, for good reason, to think of racial disparities in terms of arrests, sentencing, and imprisonment – which indeed took their toll on Mr. Caldwell – it would serve justice equally well to scrutinize the court proceedings themselves, and the client-attorney relationship in particular. Race and class drive those connections too; not simply in how they influence verdicts and sentences, but more notably, how such outcomes profoundly affect poor, Black individuals. Assertive defendants who are disadvantaged and of color are often perceived as problematic and disrespectful by their attorneys. If they have useful insights into criminal proceedings, such intuitions are usually dismissed as byproducts of repeat offending (Clair, 2020). Mr. Caldwell, regrettably, experienced each of those repercussions as well.

Complicating this picture is the fact that racism and police corruption are not topical constructs that influence a narrow band of victims of color, but instead, have been cultivated for centuries, and are thus built into our entire social fabric. Segregation and discrimination emanate primarily from historical ideologies bound up with race and class. Perhaps these longstanding problems will never be fully redressed, but these ideologies have nonetheless contributed greatly to the anguish Mr. Caldwell experienced, particularly in terms of the absence of equal justice and the debasement of his constitutional guarantees (Fairchild, 2021). Framed within this broader sociological context – which includes factors like segregation, immigration policy, inadequate schools and healthcare, limited employment opportunities, and so on – it is assuredly the combination of all of these elements that have led to the pernicious subjugation of people of color, Mr. Caldwell included (Alang et al, 2017; Gee & Ford, 2011; Fairchild, 2021; Obermeyer, et al, 2019; Serchen et al, 2020; and Tuckson, 2020).

## **III The Rocky Road to Restitution**

We began this article with three concerns. The third of which, we noted, was the most fundamental of all. Why do police officers, and the infrastructures that protect them, rarely face repercussions for their crimes and the catastrophic psychological traumas they inflict?

The standard answer is the doctrine of qualified immunity. Qualified immunity shields government officials from constitutional claims for financial remedies as long as those officials did not clearly violate established law. The United States Supreme Court, in *Mullenix v Luna* (2015), simplified this principle by stating that qualified immunity protects all but plainly incompetent [government officials] or those who knowingly violate the law.

At first glance, that sounds reasonable enough, until one is faced with the prospect of proving that a police officer is incompetent or knowingly violated the law. As Ninth Circuit Judge Stephen Reinhardt (2015) recently wrote, the Supreme Court's qualified immunity decisions have "created such powerful shields for law enforcement that people whose rights are violated, even in egregious ways, often lack any means of enforcing those rights." That finding seems especially relevant to the case described herein, principally in terms of Mr. Caldwell's deprivations of justice and the tragic harms he endured.

Yet curiously enough, when Schwartz (2017) examined the data in 1,183 cases filed against state and local law enforcement defendants in five federal district courts over a two-year period, she discovered a very striking finding. The frequency of qualified immunity motions brought by law enforcement defendants and granted by courts prior to discovery and trial was just 3.9% of all of the cases she reviewed. Qualified immunity, despite constitutional claims to the contrary, apparently does little to provide protection for government officials. What it does, instead, is create a chilling effect on proposed litigation involving law enforcement defendants. The *threat* of qualified immunity motions, Schwartz reasoned, is likely to dissuade plaintiffs from even filing lawsuits, or alternatively, to settle them quickly, or even withdraw them entirely before discovery and trial. It may also dissuade plaintiff attorneys from representing such plaintiffs in the first place (Schwartz, 2017, 2020).

Qualified immunity was not, however, at the forefront of the civil litigation described herein. What ultimately made the difference in this particular case was the civilian complaint Mr. Caldwell made against Sergeant Crenshaw in January 1990. That complaint provided tangible evidence for the Court of Appeals to rule that Maurice Caldwell had definitively established that [Sergeant Crenshaw] had a motive to retaliate against him (*Caldwell v. City of San Francisco*, 2020). That ruling also undermined any possibility that Sergeant Crenshaw could hope to evade responsibility under the qualified immunity doctrine. Nevertheless, apropos to our fundamental concern raised above, Sergeant Crenshaw, like so many other police officers, never faced repercussions for an unscrupulous act: purportedly fabricating his notes to frame Mr. Caldwell for murder. When Sergeant Crenshaw finally retired from the San Francisco Police Department in 2011, he had risen to the level of Commander of Operations. That Sergeant Crenshaw had sixty-seven civilian complaints against him did not, apparently, jeopardize his career path.

On 4 April 2021, the case described herein (*Caldwell v. City of San Francisco*, 2020) settled approximately two weeks before the start of trial. That settlement included substantial compensation for Mr. Caldwell. Obtaining restitution, however, was by no means a happy resolution for this catastrophe. It was, at best, a reasonable outcome for the dreadful harm that was done to Maurice Caldwell. This case also does not provide a template for winning restitution for other wrongfully convicted victims. What it does instead, is confirm the *potential* of obtaining restitution, but perhaps only if enough facts can be brought to the foreground by attorneys with the

requisite skills to succeed. Since the civilian complaint made a difference herein, it is a strategy worth emphasizing.

#### IV Conclusion

The objective of this case study was to describe the circumstances that underscored Mr. Caldwell's fate, and then provide a comprehensive overview of his subjective experiences and the horrific psychological ramifications that manifested. Our hope is that by presenting this material, we can facilitate an understanding for, and empathy with, the trials and tribulations of victims of color who have suffered tremendously from police corruption and wrongful convictions. If, indeed, empathic engagement is crucial to effective care (Halpern, 2003; Hirsch, 2007) case examples like this can go a long way towards facilitating support and treatment for victims of appalling injustice.

Though racial animus and police corruption are overwhelmingly destructive, their elimination primarily depends upon a fundamental transformation within society itself. Until equal protection under the law is sustained unequivocally, restorative justice for people of color will be grievously foreshortened.

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