

National Parole Transformation Project (NPTP): Parole Teach-in Series

NATIONAL PAROLE TRANSFORMATION PROJECT

Mississippi: Understanding Parole and Prospects for Change

Join the MacArthur Justice Center's National Parole Transformation Project for its first virtual teach-in, focusing on key issues and challenges within the Mississippi parole system and how to advance parole reform in the state.

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PRESS AND HOLD

CONTEXT: The transcript below is from a recent webinar hosted by the MacArthur Justice Center's National Parole Transformation Project, a coordinated campaign of strategic impact litigation and community-based advocacy directly challenging the parole systems feeding mass incarceration. The Webinar focused on key issues and challenges within the Mississippi parole system and perspectives on how to advance parole reform in the state. Panelists included Jake Howard, Legal Director of MacArthur Justice Center's Mississippi office, Pauline Rogers, criminal justice advocate and founder of the R.E.C.H. Foundation, and Garrett Felber, organizer with Study and Struggle. The discussion was moderated by Timmy Chau, Community Outreach Lead of the National Parole Transformation Project.

Timmy Châu: Thank you to everybody joining us. Hello, and welcome everyone to today's panel discussion, titled *Mississippi: Understanding Parole and Prospects For Change*. I will be our moderator for today's discussion. My name is Timmy Châu. My pronouns are he/him/his, and I'm the community outreach lead of the National Parole Transformation Project, which is hosting this discussion today. For those who don't know the National Parole Transformation Project, NPTP, is a coordinated campaign of strategic impact, litigation and community-based advocacy directly challenging the parole systems that are feeding mass incarceration. We, like many others, likely on this webinar believe these systems of surveillance and control have expanded unchecked, and that they are functioning to expand the prison industrial complex by pushing and keeping hundreds of thousands of people into prisons. As a growing network of advocates, lawyers, and systems impacted individuals. NPTP develops and supports local and national efforts to end the expansion of carceral systems of post-conviction supervision across the country.

And, throughout the next several months, NPTP is going to host virtual teachings like this one, on parole reform efforts in various states and regions across the country. These Teach-Ins will include insights and perspectives from legal and directly impacted advocates working to advance parole reforms in their

respective states. Conversations will look to illuminate the existing challenges that folks are facing on the ground and how communities are responding to overcome these barriers.

Alright. With that, I'd like to transition and jump right into our discussion. So today, I'm honored to welcome three incredible advocates for social change: Jake Howard, legal director at the MacArthur Justice Center's Mississippi office; Pauline Rogers, a criminal justice advocate, executive director and co-founder of the R.E.C.H. Foundation; and Garrett Felber, an organizer with Study and Struggle.

So to start us off, I'd like to pass it to you, Garrett. I know you've been working alongside your collaborators at Study and Struggle, [and] have been doing critical work, building networks of care and support between the walls of Mississippi's prisons... and, that parole has been a topic and focus for you all recently. So can you tell us a bit about that, and if there's anything else you'd like to share about who you are and how you arrived at this work—feel free to start us out there.

Garrett Felber: Thanks, Timmy. As he said, my name is Garrett Felber. I'm an organizer with Study and Struggle. I use he/they pronouns. Study and Struggle is a grassroots organization, a collective concentrated in Mississippi that organizes “across prison walls,” around political education, mutual aid, and inside and outside organizing.

And, one of the things that was a growing concern for us over the last few years has been parole denials across the country and the mechanisms, as you mentioned, where parole boards are not transparent, unaccountable, and ultimately are a driver of mass imprisonment in the United States.

So, one of our comrades, Stevie Wilson, in Pennsylvania, initiated a participatory research project called “Mass Incarceration: What's Parole Got to Do With it?”

And, the promise of the project was really to listen to incarcerated people about their experiences with parole denials, because many of the solutions for criminal legal problems in this country often come from the outside in, rather than from folks who are being impacted by them.

So, we started with surveys of people who had been affected by parole denials. And, one of the things that we wanted to do today was share some of the voices from those surveys. So, about a year ago, in June of 2022, Loretta Pierre, who's a member of our collective inside, surveyed about 20 folks who were incarcerated with her then at CMCF. And, for folks who might not be familiar with Loretta she's serving a life sentence, 35 years in, and has been denied parole 14 times. At this point, the most recent of which was in January of 2022. So, this is about 6 months after her denial.

So, what we're gonna do today is I'm just gonna play the role of Loretta, and Ms. Pauline has generously offered to read the parts of some of her long-time comrades inside Lisa Council and Anita Crescent, as well as Loretta's statement about Evelyn Smith.

And I also should give a huge note of gratitude to Ms. Pauline, because many of the people that we are in touch with, and I've been organizing with, many, if not most of those folks, we were originally put in touch with through her. So, I feel like a lot of what we do is an extension of those deep relationships and care that she's extended for decades with folks. And we're really grateful to be part of that work.

So, the first person who we're going to hear from is Lisa Council. And Lisa, when she did this survey, was 54 years old, serving a life sentence. [She was] 17 years into that sentence. So, I'm gonna ask the questions for Ms. Pauline's reading as **Lisa**.

Loretta - So, Lisa, have you met with the parole board yet?

Pauline Rogers: Lisa - No.

Garrett Felber: Loretta - Do you have any concerns about the process of parole?

Pauline Rogers: Lisa - I need a parole date. I was sentenced after July first, 1995, exempting me from a parole date.

Garrett Felber: Loretta - And what are your expectations of the Commissioner?

Pauline Rogers: Lisa - That he should be our voice. He knows who has done enough time, and he should speak on our behalf.

Garrett Felber: Loretta - Do you believe in the parole board process?

Pauline Rogers: Lisa – No... people are being denied who have served enough time.

Garrett Felber: Loretta - What would you change about any part of the parole board process if you could?

Pauline Rogers: Lisa - Yes, I'd change a lot about it. All for-lifers should be eligible for parole after 10 or 15 years.

Garrett Felber: Loretta - And what do you find to be the most difficult for you when you're preparing for the board?

Pauline Rogers: Lisa - Trying to get lawmakers to change laws... so I can have a parole date.

Garrett Felber: Loretta - What sorts of resources are not available to you?

Pauline Rogers: Lisa - Can't afford legal assistance, no law books to do research.

Garrett Felber: Loretta - And is there any other information you would like to share? That you feel is necessary?

Pauline Rogers: Lisa - Yes, I recognize prison as slavery.

Garrett Felber: So, the second person that we'll be hearing from is Anita Crescent. Anita is 63 years old and was sentenced to life with parole after 10 years, and she has now served 35 years.

Loretta - Anita, have you met with the parole board yet?

Pauline Rogers: Anita - Yes.

Garrett Felber: Loretta - And what was the outcome of that?

Pauline Rogers: Anita - 8 years set off.

Garrett Felber: Loretta - And how many times have you been up for parole now.

Pauline Rogers: Anita - 10 times.

Garrett Felber: Loretta - Did you have any concerns about the process of parole?

Pauline Rogers: Anita - Yeah, not fair, good records go unnoticed. Judged me by my crime I committed.

Garrett Felber: Loretta - And what expectations do you have for the Commissioner?

Pauline Rogers: Anita - To provide good housing, canteen, and food.

Garrett Felber: Loretta - Do you believe in the parole process?

Pauline Rogers: Anita - No! All State's should have a constitutionally protected, liberty interest concerning parole.

Garrett Felber: Loretta - What do you believe that the parole board is looking for?

Pauline Rogers: Anita - Looking to see if we've been punished long enough for our crimes.

Garrett Felber: Loretta - And what would you change about this process if you could?

Pauline Rogers: Anita - Yes, I determine whether or not the person is suitable for parole, and not be judged for crimes committed decades ago.

Garrett Felber: Loretta - What have you found to be most difficult when you're preparing for the parole board?

Pauline Rogers: Anita - Having to relive the crime and trying to persuade the parole board that I'm remorseful.

Garrett Felber: Loretta - What sorts of resources are not available to you?

Pauline Rogers: Anita - legal material and the Internet.

Garrett Felber: Loretta - And lastly, could you share any information that you feel is necessary?

Pauline Rogers: Anita - I feel like Mississippi should adopt laws from other States regarding parole and sentencing.

Garrett Felber: Thank you for that. So, this last piece that Ms. Pauline is going to read is less of a survey. It's actually something that Loretta Pierre wrote, concerning Evelyn Smith. And Evelyn Smith is now 81 years old. She went up to the board last year and was set off 5 years, which was her sixth denial. So, Ms. Pauline, if you'd be willing to read that piece that Loretta wrote.

Pauline Rogers: Loretta - Evelyn Smith, an 80-year-old great-grandmother, has been serving a life (plus 20 years) sentence in Mississippi since 1991. She has been considered for, but denied parole, approximately 5 times. The most recent denial, another 5 years was set out. It took place on January the sixth, 2022.

Results given by the Mississippi parole board, not only continuously hurt Evelyn, they senselessly shame her crime. The separation from family and her unending sentence is felt by all who love her, and they feel her pain. For Evelyn Aka, mama E. this has been critical. The essence of every day she shares with us enhances the lives of all those who know her. Every second she spares, and spends with us is precious.

Mama E is the oldest woman in the State of Mississippi, serving a life sentence with the eligibility parole. Those sentenced to life after July 1st, 1995, are required to be 65 years of age, and have served a minimum of 10 years, and only then can they file a petition to their sentencing judge, and request they be given the opportunity to be granted a hearing with the parole board.

Mama E is one of only several remaining women who was sentenced to life with the eligibility, after serving 10 years, and in her case a percentage of 25 plus years. She, along with millions of others, have not only gotten lost in the system, but they've also become entwined in the prison industrial complex taking place in the U.S.A. and in Mississippi.

In Mississippi, every April is considered by some to be Confederate Memorial Day. It's a State holiday, but [the state is] the largest former slaveholder State in the Union. The business of slavery is still in existence for every race today. In fact, it is larger now than it was before June of 1865.

For some of us, like Mama E, there is no freedom or independence. There's only work, worry, toil, and trouble. It does no one any good to have a parole date when the parole board refuses to grant parole for arbitrary reasons that [we] have no way of ever changing.

[For example] The "Serious nature of the crime." We understand. We've had many years to reflect on our mistakes. People learn and evolve. No one is the same way they were 30 years ago. Every experience, [including] educational and religious, make[s] us critical thinkers. We tend to use stronger rationalization skills and acts of compulsion decreased dramatically [with age].

One would think that the State of Mississippi has no faith in the rehabilitation programs the Department of Corrections receives funding for considering the fact that there are very few people who do actually participate, or rather, are granted parole.

At 80 years old, Evelyn Smith poses no threat to anyone so, other than profiting from it, there's really no beneficial reason or justification for keeping her locked up behind bars at the Mississippi Department of Corrections.

Timmy Châu: Thank you, Garrett and Pauline, I really appreciate you starting us off with those survey questions and quotes. And really for ensuring that the experience of folks inside and those who are directly feeling these harms of the Mississippi's brutal parole system are really centering this discussion. And I'm really struck by just the arbitrary nature of it all. And how these commissioners have such a... have such devastating power on decision making power, over, you know, deciding who gets to be [paroled]... [and over] those of our community who should be with us, and who is kept in prison.

And so, I think this is a fitting segue to our next speaker, Jake Howard. An incredibly experienced attorney who has worked tirelessly, effectively advocating for folks' freedom throughout the State of Mississippi. Jake, as a lawyer, an advocate working to represent clients just like Anita day in and day out. You have to know this system very intimately. How and why it functions the way it does. So can you briefly speak to this? About how parole actually works in the State. And then, if you could also speak to some of the major issues surrounding parole that are causing it to function the way it is, from your vantage point.

Jake Howard: Sure. You know one of the issues in Mississippi, and this was highlighted in Lisa Council's survey, is the question of eligibility. Whether or not you're eligible for parole. Historically, in Mississippi, almost everyone, except for people convicted under our 3 strikes law or habitual offender statute, was eligible for parole, after serving 25% of their sentence, or 10 years on a sentence of 30 years to life.

But in 1995, like many other States across the country in the mid-nineties, Mississippi abolished parole entirely. This had severe consequences; prior to 1995, the prison population was approximately 8,000 people. By 2000, it had skyrocketed to over 20,000 people in custody. And the Legislature realized that it couldn't afford to incarcerate people.

One of the primary drivers of reform in Mississippi is cost, and so they began to make some reforms to restore parole eligibility. And this is actually one of the areas where we've made the most significant progress, particularly over the last 10 years.

Starting in 2000, the Legislature initially gave parole eligibility back to first-time nonviolent offenders who were convicted after 1995. They then realized that that didn't really make much of a dent in the

prison population. And they gave parole eligibility back to ALL nonviolent offenders convicted after 1995, and they set it again at 25%. And then in in 2021, the most significant reform that we've had post-1995, the Legislature retroactively extended parole eligibility to most people convicted of violent offenses committed after June 30th of 1995.

So, the law, as it stands now is: if you're convicted before July 1st of 1995, that is, up until June 30th, 1995, (if your crime was committed before that), you're eligible for parole after 25%, or 10 years on a sentence of 30 years to life. If you're convicted after June 30th of 1995, (if your crime was committed after June 30th of 1995), [and] if you're convicted of a nonviolent crime, you're eligible for parole after 25% of your sentence or sentences, or 10 years, whichever is less.

So, if you have a bunch of stacked, nonviolent sentences, you should have a parole eligibility day of 10 years. If you were convicted of most violent crimes, you're eligible for parole after 20 years, or sorry after 50% or 20 years, whichever is less of your sentence or sentences. Unless you were convicted of armed robbery, drive by shooting, or arm carjacking, in which case you're eligible after 60% or 25 years, whichever is less. Still a very long time to serve in prison, but a substantial change from what the law was beforehand.

There are still a number of people a large number of people that are ineligible for parole. If you're convicted under our 3 strikes habitual offender statute, you're not eligible for parole. If you're convicted of any sex crime, which is a very broad group of crimes, you're not eligible for parole. If you're convicted of capital murder, this is after June 30th of 1995, you're not eligible for parole; first or second-degree murder you're not eligible for parole; human trafficking, drug trafficking, or possession of a controlled substance in a correctional facility.

But the reform that was put into place in 2021, extending parole eligibility... the most violent offenders provided parole eligibility dates to approximately 8,000 people that previously were ineligible for parole, which is significant, very significant for a prison population that's just below 20,000 right now.

As far as how the parole process works... most people in Mississippi do not have a parole hearing, they never have a chance to interact directly with the board. The rare exception to that tends to be people serving life sentences who were convicted of crimes that were committed prior to June 30th of 1995, those individuals, generally, have a video hearing with the parole board.

The vast majority of those people are not represented. There's no right to counsel for a parole hearing in Mississippi, no right to appointed counsel. You can hire one if you can afford one.

Those hearings are generally very short, usually somewhere from 5 to 10 minutes.

The vast majority of folks get what's called a file or review, which means that when they're approximately one month ahead of their parole eligibility date, the parole board will review their file, which may or may not be complete. In most cases, it's not complete. And they'll make a decision about whether or not to grant or deny parole. They have almost unlimited discretion.

In order to grant parole in a capital murder case or for a case involving a sex offense (and this would just be people before 1995), you need 4 out of 5 members to vote in favor of parole. In order to grant parole in a murder case, (and again, this would just be for people before 1995), you need 3 out of 5 members, and for everybody else, you just need a majority of a quorum. A quorum is 3 members, and so, you would need 2 out of 3, or 3 out of 4, or 3 out of 5.

In terms of the challenges... there's a lot of them. I think the biggest challenge with parole in Mississippi, as in just about every other State that has discretionary parole, is you're trying to convince a group of people to do something that they don't have to do. It's a lot like a sentencing hearing in a criminal case... you're begging the judge, you know, if you're in a state that doesn't have guidelines or legal, you know, factors that are set for a judge to examine in setting a sentence, they can impose what they want within the range. And our parole board can pretty much deny parole for any reason they want, grant parole for any reason they want.

And you're just begging them to do the right thing. There's no right to counsel, as I mentioned earlier, which is a challenge, especially because, like I said, most people just get a file review. And so, unless you have someone who is putting together a packet of information for you to provide to the parole board, you're depending upon your Case Manager. Your generally overworked, and sometimes, underqualified Case Manager at the prison, to make sure that the parole board has information about (that's accurate) about the things that you've done and the programs you've completed.

It's almost impossible in Mississippi to get a correctional officer to write a letter of support on your behalf. So, you're not getting information, generally speaking, the board is not getting information from people that have the most contact with incarcerated people. And for the people that have file reviews, even if you put together your own packet of information, and you send it into the board, there's no guarantee that they're actually going to review that material before they make a decision.

I've seen the mail that the that the board gets... they're literally getting hundreds of packets of mail every month, and they sort through some of it. It's a very small staff there. I generally recommend to people that if they're able to, if they don't have a lawyer, and they're putting together a packet on their own... that if they have a friend or a family member in the community that can hand deliver material to the Parole Board to do that... because things just get lost in the shuffle.

And then, of course, along with the broad discretion that the board has, there is no right to appeal a denial of parole in circuit courts in Mississippi. Our trial courts don't have jurisdiction to consider a denial of parole unless there's a constitutional violation.

So, for example, if the parole board expressly told someone that they were denying them parole because of their race or religion, or gender, for example, that... that's one way you get into court. But, generally speaking, you're not going to get those sorts of obvious constitutional violations in a hearing... and there's no record made of hearings... there's no transcript made. Although, it's a video hearing for those people that do have a video. [Here in Mississippi], it's not recorded. And again, the vast majority of people don't have a hearing at all.

There's also no official mechanism for reconsideration. A lot of times the problem is that the board didn't get complete information.

So, they'll get, you know... a person in prison will get a... what they call "an action sheet" from the parole board that says they've been denied parole. And it may say something like... you know, "complete anger management before your next hearing," and the person has already taken anger management. And so, they can send a letter to the parole board that says, look, here's my certificate. I completed anger management, which is all you've asked me to do before my next hearing. But the Board's not obligated to reconsider. And again, there's no official mechanism for submitting that request for a reconciliation.

Timmy Châu: Thank you, Jake. I feel like I learned so much, and just in like 10 min. So, thank you for the very clear and concise map of the parole system.

I do want to follow up quickly and say... you know, I know, because we're [working together]...

I know that you've... there's been moments of success and wins, and that, generally, this is an uphill battle. But, I did want to give you the chance to speak to... If there's been any moments of hopefulness, or wins that you wanna... that you'd care to share about?

Jake Howard: Yeah, I mean, there's been, you know, we... we... we've managed to convince the parole board to parole a significant number of people over the last few years... mostly... we mostly represent lifers.

It's really about developing relationships with the parole board members, developing trust with the parole board members. So that they know that you're not trying to mislead them about your client.

And you know... things vary in Mississippi. Two years ago, the parole grant rate was over 70%. Which I think is... was probably one of the higher grant rates nationally at the time. It's now at about 40%. Some of that is probably attributed to the fact that people convicted of violent crimes are eligible for parole now and weren't before, and they are less likely to be granted parole than (at least at a first hearing) than people convicted of nonviolent crimes. But a lot of it is attributed to a change in the board membership.

Timmy Châu: Yeah.

Jake Howard: And, you know, part of it is that we have members of the parole board now who are all still relatively new to service on the parole board. The prior parole board chairman, who, I think, played a large role in raising the parole grant rate. [He himself]... was not someone who was [originally] granting parole at a high rate when he first became a member of the Board.

I think one of the challenges for new parole board members is seeing past the crime to the individual. And that's especially hard in file review cases. I think it's hard in a video hearing too. It's hard to really hard to get a feel for another human being through a video. So even those lifers that are getting those video hearings... it's [still] very hard, and in 5 or 10 min to, you know, to make your case and get to know someone.

But, you know, for people that are getting a file review, and they're just reviewing, you know, a police report about a crime and some documents about, you know, a person's behavior in prison, and some programs that they may have completed. That's really not a lot of information to make a decision about whether or not a person needs to stay incarcerated or get released on parole.

But yeah, what? To the extent that we've had success... I think it's you know... doing the work to put together comprehensive packets of information about people, humanizing our clients, helping the Board to see the person behind the crime, and then developing a relationship (and some measure of trust) with the parole board members.

Timmy Châu: Thank you for sharing that Jake. I appreciate that. And I think...you know... I think one thing that sticks out to me is how much power this board... these commissioners have!

And I think that's a good segue to... I want to talk... pass over to you, Pauline. Now.

You know, with the context that Jake has provided for us. I wanted to then, well, before we, before I jump into question, Pauline, is there anything? I wanted to give you another chance, also to say a little bit about yourself, and about your work. if you wanted to start with that and....

Pauline Rogers: Well, like you've already said, I'm Pauline Rogers. I operate the Reaching and Educating for a Community to Hope Foundation, acronym R.E.A.C.H. We use a pronounced REACH.

I'm formally incarcerated; I've been out over 3 decades; started the organization while I was on the book in prison, to do something about what I saw in prison, [a problem] that still exists 3 plus decades later.

So it's very personal. I don't need a book. I lived it. And so all of what I've heard you, Jake, and Garrett say is just so on point.

And so, it is very concerning, like the parole board would say, "that they keep communities safe." And, that they're making their decisions based on, regarding, "keeping the community safe," they're reinforcing *the safety*, by who they "parole" or "not parole," which in most cases are "not paroling."

Because the numbers have gone significantly down...

And the current parole board now, is 100% appointed by our sitting governor, who is Republican... and I find that very problematic.... regardless of what political party it would be. That it's 100% of anybody. Because the people that they are meeting before them to grant a decision about are not 100% murderers, not 100% rapist. They're not 100% dope addicts, dope fiends, or whatever. Nobody is 100% anything that's coming before them. Whether that's on paper, video, or in person... and to have a board 100% appointed by a "100% same thing Governor," is very problematic.

This year... a few months ago... one of the appointees at the parole board likes to meet with district attorneys and judges to weigh in on their decision, which is very concerning... that they would have somebody on the parole board [who] think[s] that.

And then, they make their decisions based on if *they* determine the person has served enough time, and that shouldn't be.

Oh, and oh, what's his name?

Corrections Committee Vice Chair Daniel Sparks addressed that parole board. And he called it very "troubling" that people were appearing before the parole board and getting denied. And he's Republican as well, and he was talking to this Republican parole board. So, it's a lot of concerns with this parole board.

They feel like people have to serve a sufficient amount of time. One board member said that she would like to see "sufficient time served." And what's concerning to me is, how do you define or measure sufficient time?

Because all over the country, Mississippi at the top, we have... there's such thing as "indeterminate sentencing." So how do you get sufficiency out of "I was sentenced 45 to life?" Or what are you determining on? The 45, or the life? And then, what is life? So, it's questions like that that you can't answer that are "indeterminate." But, they are making definitive decisions of an "indeterminate," undefinable situation.

So [for] violent crime, you get a short senator of the parole board, say that they would like to see people "finish their sentence off, for violent crime." I don't... In the eyes and ears and interpretation of an incarcerated person, "finishing your sentence off" means "you stay here until you die."

That's how incarcerated people interpret "finishing your sentence off." And according to the parole board members, people are being sent back to prison. I don't know if they're calling it a "technical

violation,” but to complete treatment and programs deemed necessary for “successful re-entry.” That is very problematic to me.

Because you can't say, on one hand, you're doing rehabilitation, and you let them out... but now you send them back in to get rehabilitated for something that should have taken place while they were in prison.

And in Mississippi, as in all prisons, those programs may exist. Some of them may be ineffectively run, or some of them may not exist at all. But yet people are being sent back to prison to complete a “necessary program” that may or may not even exist.

So, it's just too much power and too much control for a parole board to have, and for me, when it comes to parole.... the purpose of a parole board is to grant parole.

And, to grant parole from *my* perspective, there are 3 basic rights: rehabilitation, reintegration, and restoration, that entails everybody being involved. Rehabilitation is the system doing something. Reintegration, for me, is the service provider doing something. And, the Restoration is the person themselves doing something.

So, you've got the system, you've got the service provider, and you've got the self of the person. And those 3 go hand-in-hand in order to get something done with the parole board. So, the parole board thinks that they are “keeping communities safe,” but they are not.

Oh, they think that letting out “non-violent offenders” is better. And I've been in this work over 3 decades, and over 95% of the people that we serve have had violent crimes and 0 recidivism. So, I think it needs to be revisited, the narrative of how we do it. Because the people that are recidivating are the nonviolent offenders. And I'm not selling the narrative that they shouldn't be [paroled]. I'm just saying that there needs to be balance on the parole board.

And [the process needs to be] revisited and advocated in better ways to move forward, advocating and responding to the challenges of the parole board.

Timmy Châu: Right? Thank you so much, Pauline.

I'm just having.... a lot of thoughts based on what you just shared.

One thing I wanted to point out [is] that, based on what you shared... and also what Jake was talking about, in terms of the reduced rights and liberty interest for folks trying to, you know, trying to get released on parole is how a lot of these hearings (and I had the opportunity recently to go sit in on some parole hearings in Alabama right next door)... is how so often these hearings... they almost.... they function like resentencing hearings right?

Where, you know, and I think the point connected to this is how, you know, regardless of the policy on record, or the particular iteration or structure of these parole boards, and parole laws... how folks, at the end of the day, are being held hostage to the political environment, political beliefs, the dominant politics of that state or area.

And then, the third point in your last comment about non-violent offenses. How, useless that framework is in terms of actually getting folks' support.

I remember for me, a lot of criminal justice spaces, even in so-called “progressive states,” the whole non-violent versus violent binary was used.... was being pushed in progressive spaces, as like a “solution” to mass incarceration.

Right? And so, I think your story here, you know, hits that point home about how we, even within the progressive criminal justice movement, need to be very clear about the kind of stances, lines, and frameworks we're pushing. Because that's also shaping, you know, the moral environment around what *is* justice all across the country. So, thank you for that.

I had one follow-up question to kind of round us out. And we're actually, you know, closing near an end of our conversation today.

But, I want to. you know.... obviously, this is..... we're talking about an uphill battle here. But I'm curious as an advocate, you know. You said you've been out for 3 decades advocating for so many different people.

What is the way forward in terms of advocacy? You know, what do you think we need to be doing more of as advocates? And are there any specific examples that you'd like to share on that?

Before we wrap up.

Pauline Rogers: For me, I would like to see the parole board appointees out of the hands of the Governor, any governor. [And] Placed into the hands of the Department of Corrections, who live with the people, know the people, and can validate for them. That's one way.

Oh, that is not 100% in a “Governor” appointee,

And the other would be that if we are going to use a parole board, it should be merited based on percentage. Now, if you want, give the largest percent, 30% of the decision [could] come from the parole board. Let's say another 25% comes from the employer where the incarcerated person works. The smaller percent would come from the victim, and another smaller percentage, (an even smaller percent; the smallest one), would come from their peers who live with them every day.

And tally those numbers up. Because right now, you got total control. These are the people that interact with them every day. It should be a 10 by 20 by 5 by whatever.... nobody gets the majority of whatever [decision], [this way] it takes [into account] all of it. And do it that way, rather than the large percentage being put on the parole board.

But if it's going to be 100% of anybody, I would say it would be MDOC, with where they live, eat, and sleep.

Jake Howard: I don't know if I trust MDOC any more than I trust the parole board, Ms. Pauline.

Pauline Rogers: I don't either! I'm just saying the total appointment by any Governor, regardless to party, shouldn't be. But right, I 100% agree Jake it shouldn't be MDOC.

But some percentage guidelines should be put in place because parole reduces the cost to the state, the system, and service providers. And if it's not, then it's either some self-interest groups or self-interested groups of individuals. They're getting paid and kickbacks, and we have seen that on the Commissioner's level here in the State of Mississippi.

So, I would say, that would be a way going forward for me to have... and then even for the clause to be taken out for every Governor.... that if you're not going to use the power of your pen to grant clemencies or pardons, that you shouldn't use your power to keep people in. If you're going to play the field, play it both ways, but not play one way.

If you're not going to grant parole, then don't be so vocal in keeping people inside, those are things that I would say.

Then the last one would be, which goes back to the violent offenders, if a person is that kind of killer, murderer, they've got a plentiful field on the inside that they could kill 24/7. And if they're not doing it, then it needs to be considered... that if they are *that* kind of killer, and they've got that kind of access and close proximity to anybody.... that they should be looked at. Because here in the quote on quote "free world," we've got cameras in our homes, cameras on the doors, alarms in the cars, cameras on every pole, and just about some streets. But yet, we got high crime, we can't solve crime. But we're afraid of these people who are under security in the Prison?

So, I just think we need to revisit a lot of things in Mississippi, as it relates to the parole board. And I will pass this on back to you Timmy, because I can go on.

Timmy Châu: Thank you, Pauline.

Well, what's really sticking out to me about what you shared is how there's just so much decision-making power within this parole board... and there needs to be a way to democratize, or at least, you know, change the way in which accountability and decisions are made for folks (whether or not folks should be released or not).

And I think, even outside of that, I think something that we hope to explore more at NTPT is how... even if you had the most democratic setup decision making process, right, and a board made up of peers from very different institutions and organizations and spaces, at the very end of the day, though, you could still be in a in a State or a place where the political and moral compass is dominated by a certain kind of.... you know where it's a tough on crime kind of mentality. A very, you know, punitive culture, and how that will *still* necessarily impact those decisions, and the ways that these systems operate.

So, you know, we're coming up on 10 minutes left.

I did want to, before we close out, open it up to Garrett and Jake, did you have any follow up or comments that you wanted to share before we start to wrap-up?

Garrett Felber: I mean. I'll briefly share my answer to the question about "what's to be done?"

Mostly, just as a *not* "prescriptive," [reforms] but more cautionary [considerations]... I think there's a lot of parole reforms that wind up reinstating a similar system. I think that's the danger with parole... and, sort of like a lesson of where we are today, is that [parole] is already a system that's been re-angled several times and wound up like [problematic].

The thing that we need to do is strip the power away from the State.

So, like this question between Ms. Pauline and Jake about should it be MDOC or, you know, a litany of political appointees... either one of them, with vast discretion and arbitrary power, is gonna wind us up with a big system of people who are being punished indefinitely.

So I mean, I think this is like, you know, where our work is coming in, and it's slow and arduous... is that we have to build grassroots power amongst communities to actually be able to hold any of these people accountable.

We have a completely unaccountable, not transparent system. Where people, whether or not they're politically appointed, or, you know, taking jobs with MDOC, if they have fast discretion and are essentially acting as vigilante judges... they're [just] resentencing people again and again for the same crime that they've served time for.

So, I mean for me, the thing that comes up in these stories so much is that if people are in front of the board, they are parole-able. They have served enough time. This question of "What is enough time?" If you are seeing the Board, in the eyes of the State, you have served enough time to be going home.

So, you have people like Ms. Evelyn, right? Who's going up... and a parole board literally said she's "un-parole-able." And that's just, even by its definition, untrue. She is parole-able. She's in front of a board that is able to parole her.

And so, I think just this idea that people, no matter what they do, and that's what's so demoralizing to people inside, is that, no matter what they do with their time... and we're talking about 20, 30, and almost 40 years for some of these folks... no matter *what* they do with that time, they get asked the same question that they were already tried and sentenced for, AND have done that time for, AND are able to be paroled for.

So I just think that's the thing that we have to come back to, and that that at least one strategy, (baseline), among legal and other strategies, has to be about building community power to actually hold people accountable and make this a more transparent process.

Jake, I'll pass it to you.

Jake Howard: Yeah, you know, I notice there's a question in the in the Q&A about "electing Parole Board members rather than appointing in them?" Which is, you know, an alternative way to do things.

You know, as an advocate, I don't know if I prefer appointments to elections, it depends on who gets elected or who gets appointed.

You know, there.... there's a lot to like about the federal judicial system where judges are appointed and have lifetime appointments, because they're immune from public pressure in cases.

Most Mississippi judges are elected. They're not immune to public pressure... and most of them (to the extent that they talk about criminal justice), talk about being tough on crime when they're running for election, and most of them are, in fact, tough on crime once they get elected.

So you know, one of the problems with moving away from an appointment system is the sort of pressure that you get through elections... which isn't always helpful in terms of helping people to get out of prison, because it's much easier in the sound-bytes to scare people, than it is to convince someone that a person who did a bad thing a long time ago deserves another chance. So there's that.

You know, there's other avenues too, in terms of not just who's on the board, but how their decision making is made, and one way to do that is to make it driven by objective factors. Right? You'd have a set of factors or goals that a person has to meet... and again, I don't know if I *love* objective factors over discretion. It depends, again, on who's exercising the discretion.

And again, I'll point at the Federal system. They instituted sentencing reform in the Federal system years ago... and now there are sentencing guidelines that bind judges; they don't officially, constitutionally, bind them anymore, but the vast majority of sentences in the federal system are guideline sentences. And there's a lot of cases where I would want a judge to have the discretion to give a lesser sentence rather than to be driven by the objective factors that were put together by a sentencing commission. It's a very, very complicated question.

I do think one way to do it is one of the things Pauline mentioned earlier.

A lot of time we set up these task forces in Mississippi to do investigations... and we'll require one person appointed by the Public Defender's Office, one person appointed by the AG's office, you know, one person who's affected by whatever it is... like the criminal Justice task force has one person who is previously incarcerated who's set to serve on it. I think, getting a diversity of viewpoints through the appointment process that way might be one way to address the issue.

But it's a complicated issue, you know, when the parole board was paroling people at the 70% clip, I loved the board, you know.

Timmy Châu: Well, interesting. Well, thank you for that Garrett and Jake.

I'm gonna go ahead and read a few of these. We've got a few different things in our Q&A, but a few comments that I just wanted to share out:

"Agreed, we need more ethics and parole board transparency."

"Fair and timely pool statewide, clean slate initiative needs to be implemented into law."

"Parole boards should have someone 'justice impacted' on the board, and they should be duly elected like State judges."

"#death penalty action; #women against REG,"

"Decriminalize marijuana.... Communities, not cages."

"Need to get a lot of these Jim Crow laws removed off the law codes."

I think [from] Andre, a question about, you know, "What about staggering terms?" I think Jake, kind of addressed that for us. Organizations and communities need to put pressure on judges, need to get the attention on it nationwide, just like Jackson Mississippi's water crisis.

Jake Howard: There has been a lot of pressure on the board, publicly, but the primary pressure that's been exerted on this board over the last year and a half has been to rescind decisions that granted parole.

Two of the most highly publicized parole board decisions in the last year, Freddy Bell and James Williams; Freddie Bell, who was originally convicted of capital murder and sentenced to death, was later re-sentenced to life with parole... spectacular candidate for parole, and the parole board understood that, and they granted him parole.

But after there was a media campaign launched by the victims' family... the parole board changed their mind, which is something they have the power to do constitutionally, up until the minute you step out the door.

James Williams was an abused 17-year-old child, who killed his father, and also, his stepmother. And again, AFTER he was granted parole, there was a campaign to convince the parole board to change their mind. And in that case, the parole board didn't. Despite a tremendous amount of pressure both from the victims' family, from legislators, and from law enforcement to change their mind. They stood strong and James was paroled.

And I think part of that was that they learned some things from the Freddy Bell experience. You know, when they've made a decision, and they know it's the right decision, to stand by that despite the public pressure. But, I do agree that we need to have more public pressure from people who believe in second chances.

You know, my colleague, Cliff Johnson at the MacArthur Justice Center often talks about how Mississippi sells itself as the most Christian State in the country... but it's a State that doesn't appear to believe in redemption, and second chances. We have the highest incarceration rate in the country.

Pauline Rogers: That's why I don't think victims.... victims have gotten somewhat.... You can't "bring back" a *life*. I don't make light of it by any means, but there is a measure of relief in [the fact that] the person has been incarcerated. So, at what point do you keep going back to the person that's been granted some [form] of relief, to put back on the table when [they're] getting ready to give the person parole.

It's a different type of court system. It's court by parole, "parole in power," power, and control.

Timmy Châu: Thank you, Pauline.

And I want to throw it out there, we're coming up on 2 minutes left. So, I'm gonna go ahead and wrap this up.

I'm sorry to folks, that we weren't able to get to your questions, but many of the questions that I'm seeing here... like Leanna I'm seeing.

"Is there a parole system in the nation that you feel like is at least moving in the right direction. Or do you feel like almost all are all are afflicted by similar struggles?"

I think that's a great question. And I think that's something that is actually grounding these conversations moving forward, but I do want to go ahead and move us to a close.

And first, I'll just start by, you know, thanking our panelists.

Well, first, quickly, Pauline, you're gonna want to check the Q&A notes, because it sounds like somebody wants to hire you based on what you shared today.

But I wanna ask those tuning in to join me in thanking our incredible panelists for their insights, experiences, and lessons that they've offered us.

So, if you... I don't know if it could be possible to do a little reaction, or whatever. Thank you so much. I feel like each of you had such incredible, insightful comments. And [this was] exactly the kind of conversation and information we're hop[ing] to spread.

Yeah, so, the information that you all shared today, is the [kind of] information that we hope to share during upcoming Teach-ins. Which will lay the groundwork for deepening our organizational

relationships across the country, but also build shared strategies that help us challenge these oppressive parole systems in existence across the country.

So, you can follow our work, (the MacArthur Justice Center) on our social media accounts as well as our national Parole Transformation Project landing page, which is also on the (MacArthur Justice Center) website, which I will drop in the chat before I hop off.

But check us out... and yeah, join me in thanking our panelists for today, for all the information they shared.

Yes, Matthew, if you don't mind.

All right. Thank you. Everybody.

Pauline Rogers: Thank you.

For more information and how to get connected with the National Parole Transformation Project (NPTP), reach out to Timmy Chau by email: timmy.chau@macarthurjustice.org or by mail at:

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