

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

NATIONAL PAROLE TRANSFORMATION PROJECT

Texas: Fighting for Parole Reform and Transformative Advocacy

Join the MacArthur Justice Center's National Parole Transformation Project for a virtual teach-in focused on key issues and challenges within the Texas parole system and how to advance parole reform in the state.

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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 Texas parole system and perspectives on how to advance parole reform in the state. Panelists included Justin Martinez, Policy Analyst at the Texas Center for Justice & Equity, Helen A. Gaebler, Senior Research Attorney & Lecturer at the University of Texas School of Law, and Jorge Renaud, National Criminal Justice Director & Director of the Southwest Region at Latino Justice.*

TIMMY CHAU: Thank you for joining us. We're gonna go ahead and get started. My name is Timmy Chau. And I wanna welcome everybody to today's panel which is titled, *Texas Fighting for Parole reform and transformative advocacy*. As I said, my name is Timmy Chau. I am the community outreach lead over at the National Parole Transformation Project (NPTP), which is part of the MacArthur Justice Center based here in Chicago. For those folks who don't know, the National Parole Transformation Project is a coordinated campaign of strategic impact litigation and community based advocacy, directly challenging parole systems feeding mass incarceration. We, like many of the folks like my folks on this webinar, believe these systems of surveillance and control have expanded unchecked and that they are functioning to really expand the prison industrial complex by pushing and keeping hundreds and thousands of folks in prisons. As a growing network of advocates, lawyers and, and systems impacted individuals, NPTP develops and supports both local and national efforts to end the expansion of carceral systems and post conviction supervision across the country.

So this is part three in a series of virtual teach-ins on parole reform efforts in various states across the country. You can, I'll drop a link later but our first session was actually highlighting parole issues and advocacy in Mississippi. And our second was connecting with advocates and folks in California doing

parole advocacy out west. These conversations look to really illustrate the existing challenges that criminal justice reform advocates are facing and how communities are responding to overcome those challenges. So with that as our context, I'll briefly introduce these amazing advocates we have in the room here today.

First, I'll introduce Justin Martinez. Justin is a policy analyst and Bexar County project director at the Texas Center for Justice and Equity. Helen Gabler is the senior research attorney at the William Wayne Justice Center for Public Interest at the University of Texas School of Law, and Jorge Renaud, National Criminal Justice Director and Director of the Southwest region at Latino Justice.

So, let's start with some big picture and context to give folks just a rough sense of the starting point of the actual parole system that we're talking about in Texas. So my first question is, is for you, Helen. Can you give us a brief breakdown of how parole operates in Texas and a bit about how you've seen it transform over time?

HELEN GAEBLER: So, hi, everyone. I'm really excited for this conversation. I love to talk parole anytime. I'm here mostly not because of the hat I wear at the Justice Center, but because part of what I do at the law school is I run our Pro Bono Parole Project where we represent women in Central Texas. They're incarcerated in the TDCJ facilities. I work with students who represent the women in their parole review hearings. We're in our sixth year this year. And so what I'm gonna talk about today is kind of the experiences that we've learned, through that project, about parole in Texas. The key things to keep in mind, **it is entirely discretionary**. Nobody has a right to parole. You are gonna serve your entire sentence in Texas, regardless of whether you are paroled or come out on discretionary mandatory supervision or some other form, you will serve the whole sentence on parole. So, if you have a life sentence, you will serve your parole for life, unless in very few circumstances, you can have it, you can get released early, but that's very unusual, and the third piece, I wanna point out is that the individual who's incarcerated in Texas has no opportunity, except in unique situations, to ever meet with the parole board. It is all done through third parties. So they have the right to submit written materials but no right to actually appear. Before 1996 there was something called *mandatory supervision*, which was when people would be automatically released at a time when they had reached their max release time on their calendar- good time, work time. They would come out and they would go on parole for however much time they had left. In 96 that changed to something called *discretionary mandatory supervision* which is like parole in every way. So, even though they are coming out under a different system, discretionary mandatory supervision, the review process, everything else looks exactly like parole.

The other thing to keep in mind with Texas, the way it's set up is that the board has twenty-one (21) members. Seven (7) of them are board members that are appointed by the governor. Fourteen (14) of them are hired or appointed by the board commissioner or by the board chair to act as commissioners on the board. So there's a total of twenty-one (21) individuals who have the responsibility of review, not just all the parole reviews, but they review, they do parole revocation hearings, they do clemency, they do compassionate medical release. We think they hear about or they review about 90,000 cases a year, for 21 people. **So that means we are talking about people who have minutes to spend on a parole review case.** These are not in depth reviews by any stretch the way it works in practice. There are kind of multiple steps in the process. Once an individual goes into parole review, they will at some point meet

with an institutional parole officer who is assigned to the TDCJ unit that they sit in. And that person does what's called an *interview*. It is often five minutes, it is not really an interview. These are very short, cursory meetings really to just check the facts. And those are the facts that TDCJ has, right? Like these are the classes you've taken. Where are you releasing? What's the address? Right? Very basic information. The, so the IPO as they're called, takes that information, takes whatever other information they find in the TDCJ records, court records, whatever they have in their file, they create a summary. We never get to see that. We believe that they are the ones who also calculate a metric and they go through the TDCJ, the board calculation. I'll talk about that in a minute. Once the IPO has completed their summary in that process, it goes to the board itself. Once it pings in the board system, the board will call if there's been a request for an interview. As attorneys, we don't technically have a right but they always grant attorneys interviews with the board but not family members. It's quite rare that a family member will be granted a request to speak to the board. The people who have an automatic right to speak with the board would include victims or victims' families, the DA, anybody on that side of the aisle. So, we always put in a request asking to speak with the board. We are always granted that opportunity.

These are not adversarial or like courtroom hearings. There's no evidentiary rules. They are administrative in nature. We meet for about 30 minutes, we do it on Zoom. It is not recorded. We meet with just the lead voter and then the lead voter will listen to us, take our information into account and vote. We never see the vote. It votes electronically. It then goes to the second voter in that panel in that office. And so, the second voter votes and if there's a split between those two votes, it goes to the third voter in that office. The way the 21 members of the board, whether they're board members or commissioners works is they are divided up amongst seven regional offices. So there's a board member and two commissioners in each of the seven regional offices. And they round robin who's on the panel, who's gonna be the lead voter, the second voter, the third voter. So at no time, are they in a room together talking through a case, thinking about the complexities. What we know is when we've had clients who are denied, it's always on two votes. We've always, we always get the minute entries from those votes. And we can see that they were voted down once, they were voted down twice and that was it, it didn't have a third vote. And so that's interesting. I think in and of itself really, there's never a split at the board and my best guess is that the board, the lead voter will very closely follow what is the recommendation from the IPO - remember they have minutes per case and so they are just processing these very, very quickly.

TIMMY CHAU: Thank you for that, Helen. I'm gonna come back to you in a second. But you know, what's sticking out to me is how the stacks are just so clearly stacked against folks for parole. So with that kind of context, I kind of wanna move over to you Jorge in terms of, well, one just more broadly, if you could tell us just a bit more about who you are and a bit about the kind of a specific advocacy that you've done on this issue of parole, right? Because I know you've also intimately navigated this and have a lot to contribute.

JORGE RENAUD: Yeah. I'm on parole until 2051. I was released from my last time in prison here in Texas in 2008. And I had a 60 year sentence and like Ellen said, it takes, you do all your sentence, whether it's on the street or whether it's, you know, in the, in a cage and I did 17 years in prison. from 60 I do the rest of it. So, I'm trying to amend some of the parole prosecutions in Texas through the legislature. I filed a bill trying to deal with what they call *blue warrants* here in Texas, right? A blue warrant is issued against

someone who, when the parole officer, the parole officer believes that they have done something that warrants a hearing that would decide whether or not they should return to prison on a parole revocation. They'll issue a blue warrant and with a blue warrant there is no bail, there's no bond of getting out. You go to jail here in the county jail and you sit there until they give you a hearing. I tried to amend that process and I did amend it slightly. Right. To give a judge discretion whether or not to release someone pending the hearing. I've also tried to amend the individuals who sit on the parole board. The parole board members themselves right now, the only criteria that they have to meet is, pretty much, well living and breathing and two tests: 1) you have to be a citizen of Texas for two years. That's it. And 2) the other is *representative of the people of Texas*. What the hell that means? I have no idea. But that's it. And, you know, there are some states that require people to have at least a bachelor's degree, a master's degree. And I think that if you are voting on individuals who maybe a quarter of them have mental health issues, maybe half of them have some use cases, that you should at least have to have a working knowledge of those. So I filed legislation on that. I tried to file legislation where you would limit the numbers of former police officers you could have on a board. That's a hard sell here in Texas.

I have fought nationwide against what's called the Association clause. The association clause says that if Justin went to prison or Justin even has a criminal record, and if I went to prison and if I have a criminal record, in some states and if I'm on parole and if I associate with Justin, some states will revoke you just for that, just for that, right. Forget the fact that most people who leave prison are sent to a substance program and a good percentage of individuals in there are in fact affected by or have a criminal history, right? But that idea, it's perverted. It's a perversion of a sociological theory based on criminal genetic theory, right? That says that Justin should not hang out with people who are engaged in antisocial activities. Well, ok, cool. Right. But policymakers have perverted that into anybody who has a criminal record must be engaged in criminal activity. So therefore they will revoke you. The last time I looked, I wanna say about five years ago, there were 64,000 people sent back to prison across the country on, on parole, revocation for technical violations.

So anyway, I ended up getting a pretty good working knowledge on parole all across the country and I was working at the Prison Policy initiative in Massachusetts and Peter Wagner talked me into responding to the questions: what are the best principles that a parole board should have? Right? I haven't really thought about it that much because I'm an abolitionist and my big thing is, you know, to do away with it in general. But when we went ahead and did that and some of the things that we suggested are that **the process by which someone is seeking release should be able to challenge incorrect information on the board**. In Texas, you can't challenge anything. You can't look at anything that they use against you. Some states are more lenient but some states are like Texas.

I don't think that prosecutors or survivors of violent crimes should be allowed to, to weigh on, to weigh in on the parole process. Both of both of those groups are still living back or still making decisions back on what happened 1015, 20 years ago. I think supportive testimony should be encouraged. **I think that every individual should be eligible for parole and each state should have *presumptive parole***. And if you're not sure what presumptive parole is, that's it. It's where the parole board will tell you, you do XY and Z, and if you do that by this date, you will be released on parole. There's, I want to say, I think there's three states that have it. Michigan has it the best. But I wanna say Hawaii, Connecticut also do that, and there may be a few of the states that, that, that have a, a working basis of that.

Parole board members should not use subjective criteria to deny parole. By that. I mean, you know, we're not, we're not letting you go because you don't speak English. And quite a few states will deny you on the *seriousness and nature of the offense*, which of course you can never change and was taken into account when you were sentenced back whenever you were sentenced. **I don't think that any more than a year should go by between the parole denial and subsequent review.** Those are some of the factors that, that me and Peter decided and we looked at all the parole system across the country. There's, I wanna say there's 16 states that do not have parole in general at all. And we graded them and we, and we wrote a pretty good article and it's in the prison policy initiatives and it is called getting the parole releases of all 50 states. It kind of made me an expert in this arena which I don't think I am. I know a lot more than most people. The real experts are the people at the Rubina Institute of Criminal Law and Criminal Justice at the University of Minnesota, and maybe the Executives Transforming Probation and Parole which is based out of Columbia Justice Lab.

TIMMY CHAU: I know you were involved with creating a guide. Could you say a bit about that?

JORGE RENAUD: Yes. In most states that you have parole, they recommend that you do what's called a parole pat, right? When the board votes on your case, the only thing they have is what's given to them in the prison files, most or maybe pretrial stuff, right? They, they follow you around. Most of that stuff is negative, right? I mean, there's nothing in there that maybe explains why you did certain things, there's nothing in there that talks about, that shows the holistic beauty, right? Shows a good piece of it. And there are parole lawyers out there, some that I don't recommend folks use and that's just my personal stuff. I think that people should write their own. I knew that if I were a member, I would want to hear the voice of the individual who was incarcerated. So I wrote this, this maybe 64 page guide on how to write a parole packet. There's no real, there's no official way to do it, right? But there are certain things here that I think the parole members want to know. Have you educated yourself here in prison? What's your educated history before you came to prison? Same thing with employment. Tell us about your criminal history, about your substance abuse history. What are your religious beliefs or spiritual beliefs, so to speak? And I, I encourage people to do ghost statements, right? You know, first week, first month, first year, stuff like that. So that, so that the parole board can see that you're actually thinking in realistic terms. And I, I like to do a penance statement. I think that again, as an abolitionist, I don't believe in incarceration, but I do believe that we owe penance and some sort of accountability to those of the heart. So, I encourage that and yeah, and I, I give it away. it's on the website here if, if someone was to look at it.

TIMMY CHAU: Thank you for that. I wanna kind of now jump over to you Justin and maybe if you could zoom us out a little bit and give us a sense of kind of what's happening at the, at the kind of systemic level in terms of some of the challenges you're seeing a a at that level and, and then if you want to speak to any of the kind of ongoing contemporary policy fights that folks are kind of pushing for on this wing.

JUSTIN MARTINEZ: Yeah, of course. So maybe to kind of help provide some context, right? So, so last year, in Texas there were nearly 122,007 people in prisons all across the state, right? And you had tens of thousands of those go through a highly subjective, dehumanizing sort of parole process that doesn't offer any means of opportunity for incarcerated individuals to participate in, right? You have a board that

sort of functions and uses its discretion and its power to act more like a quasi resentencing sort of judicial body that focuses most, if not all, of its attention on rehashing and reexamining the details surrounding the sentencing or on the crime or conviction and re-punishing that person rather than putting their focus on everything that happens post sentence, on who the person is now in front of you and at least try and recognize and honor that growth and transformation happens despite the fact that these folks are in a violent environment and in death making institutions, right? And so I think, one of the ways that you can kind of sort of really see the systemic and structural issues that are really baked into this process we have here is by looking at parole denials and approval rates, right? So in 2022 parole approval in Texas was 39% which, which is, is, is awful, right? Because that means that, you have 61%, nearly 38,000 people or so who were denied release, many mainly because of subjective standards and on things that the person has no control over, right?

And then when you look at our parole guidelines, which our parole guides here in Texas have seven different levels, one through seven, one being an individual with the “poorest probability of success” is how they word it. And then to seven, which is an individual with the greatest probability of success. And so you can break down that 39% approval rate. And when you look at the recommended approval rates that the board has set for themselves in each of those categories versus the actual approval rate, the board in a lot of cases, underperforms even when it comes to their own standards. For example, if you look at those folks who have the greatest probability of success-those who fall in that seven category-I think the board's [target] approval rate is like 65 to 100%. But yet in 2022 I think the only parole like 63% was their actual approval rate. And arguably these are the folks that shouldn't have a hearing. I mean, they should just, they should just be going home, know what I mean? And so these types of outcomes are what happens when you have a process that is clearly focused more on punishment and retribution. When you have a process that doesn't want to acknowledge that, when a person reaches their parole eligibility date, punishment has been met, and state you right now have the burden or should have the burden to then demonstrate if you're going to deny parole, that this person represents some type of clear and articulable threat to public safety that somehow can't be mitigated by either parole supervision or by resources and supports that might be available to that person upon release.

I think another way in which the problems with our parole process become even more glaringly clear is how many people who are approved for parole only to have their release delayed due to prior programming that the person could not access until they were approved for parole. And this isn't like a drop in the bucket y'all like this isn't just like a handful of people. I mean, last year there were, I think there were like 14,000, 14,000 people we're able to meet one of the nation's harshest pro approval standards, to kind of get to that summit of the mountain, and here comes the board moving this finish line and saying “we need you to complete this class first and then we'll release you.” Mind you, these folks have been incarcerated for years, if not decades, like this whole backend rehabilitation stuff just does not make sense at all to me.

There's a very clear fiscal and human cost associated with this type of practice. If you look at the fiscal costs, I think in Texas, I think just detention costs alone, I think one of the last figures I saw was, \$77 per day. I don't do math, but I would venture to guess that that's not pocket change, right? That's sizable. And more importantly though, there are real human costs of this and this was highlighted in June 2021 when researchers at UT had published this, this really great report where part of what they were looking

at was, was at this very issue. **One of the shocking things that they found in that report was that, from 2020 to 2021, 42 parole approved people who had their release delayed until they met a specific date or upon program completion requirement, died.** I mean, again, these are people who should have been released, who should have been, at the very least, afforded the dignity to live out their last days with their family and their loved ones in their community and not dying in a cage. They also looked at the year prior to see if this was a COVID phenomenon. And **when they looked at 2019 to 2020 there were 26 people who were parole approved but had their release delayed and then ended up dying in prison.**

The last thing I wanted to mention was about Texas's *Medically Recommended Intensive Supervision* program, which is kind of like our compassionate release law. So besides staffing, the Texas Department of Criminal Justice will say one of the major challenges and issues that it is facing is the rate at which the prison population is getting older, that our prisons are essentially becoming nursing homes. And we know this is a major issue. When you look at historical population and demographic information you see, from 2005 to 2022, that those incarcerated 50 years old and over grew by 66%. And then when you looked at those 60 years old and over that same time period, that grew 187%. So this is clearly a major issue. **Last year, there were roughly around 800 incarcerated folks that required 24 hour nursing care.** There were hundreds who were bound in wheelchairs and many more who have serious health conditions including terminal illness. **But yet, last year, only 58 people were approved for this program.** Part of the reason why I think that's happening, which can be applied to the overall parole process and criminal legal reform in general, is the deadly and harmful sort of consequences that come from carving out and leaving folks behind.

After digging into the MRIS we found, in 2018 and 2022, there were about 13,000 MRIS referrals that came in. And when we dug into those numbers, we found that a majority of those, 50% of those referrals were denied purely because of restrictions and barriers that were particular to their offense. And this is also something the system will very clearly say too. There were some great articles that the Texas Tribune did. I think it was in 2019 or something like that where they had, Doctor Owen Murray had this really powerful quote in there. Doctor Murray sort of, I think he's at the University of Texas Medical Branch, but he's in charge of a large portion of folks who are incarcerated with their health care needs. And he was quoted as saying, essentially, *it's not like we don't have a lot of people who meet this clinical criteria, it's just that most of them have offenses in which they just won't qualify, they just can't be considered.*

Another thing I want to point out before I'll be quiet is that, similar to the amount of people who get approved for parole who get, who get delayed because the programming, when it comes to MRIS, when you look at those who manage to get through that process and get approved, a large chunk of these folks, 26% of those people ended up dying before they were released. I think that's important because it goes to show one just how violent these systems are at their very core. But I think there are obviously issues within the MRIS process and within the overall parole process that are creating conditions where people who should be either able to live out whatever time they have left or people who've met your standard and should be let go are just simply not. And then you're having these deadly consequences of people literally dying in a cage. So, I think there's obviously a lot more right that we can get into. But those are some of the things that are kind of near and dear to me, those are some of the things that

we're working on. I hope that kind of provides a nuanced as well as sort of general sort of framing of this parole process in Texas.

TIMMY CHAU: Thank you, Justin. I think you've just painted such a vivid picture of how this system is utterly failing communities, and how it is getting worse and worse. There's this addiction to prison as a catch-all solution by essentially disappearing people in our communities, as opposed to actually having solutions. They claim it to be this rehabilitative process but it's creating all these kinds of layers of bureaucracy that are trapping folks within a complex of incarceration, including the parole system as a part of it. I wanna come back to you Helen in terms of what it means to be an advocate in that context. When it comes to navigating a system that is designed to fail people and trap folks, can you speak to some of the advocacy, the direct and legal advocacy that you're working on and what it means to have a transformative approach to that work?

HELEN GAEBLER: Yeah, absolutely. I wanna circle back a little bit. I think so much of what Jorge and Justin have talked about goes to this idea that the board, let alone the people of Texas, they don't understand what parole is and they don't understand why we have it. And, or maybe they understand it and just don't like it. We represent only women and only in central Texas. So we're only in front of the Austin and the Gatesville boards but their offenses are from all over the state. **What's very frustrating is running into instances where we have seen women undergo unbelievable transformation and done incredible amounts of meaningful hard work in confronting their own lives, and yet, it is completely disregarded by the board because there is a victim or an objector involved.** And they say, well, the community, we have to sort of like the community standards, it's gonna be, and, and, and it is Justin pointed out sort of so much of the scoring is static. And so for these individuals, regardless of how much work and transformation they've gone through, they are gonna keep popping up with the same scores over and over and over. Those scores don't change. And they punish people for very, the very specific things that we know should not be considered. For example, the age at the time of your offense and if you've been involved in the juvenile system *counts against you in that scoring* and, and *we know that in many states and many jurisdictions that is now recognized as factors that actually should be in their favor* in terms of helping them find new ways forward, that youth shouldn't be counted against them. And so our system is so completely broken in terms of how it takes into account the reality of people's lives and the reality of the trauma, and all of our clients have been through a lifetime of trauma, almost without exception. And I can only think that's true for the men as well who are incarcerated. There's no way to acknowledge that trauma front and forward when we are stuck with these systems where the "objective" criteria that's being considered really doesn't allow for any of this growth and development.

I tell our students this every time, and we have about 60 students working on these cases and they wanna get the person approved, and it's always hard to, well, I think the likelihood in this instance, for all the reasons that have been discussed, it's gonna be hard, and to help them understand that the work they're doing is important nonetheless. I think the cards and the letters we get from our clients after we have represented them, regardless of the outcome, shows the extent to which we work with them for the whole academic year. These women have all pled, almost none have ever gone to trial. They've never told their story, they've never been able to really process the whole context of their life in connection with the offense because they're incarcerated. So, I think part of what we can do for our clients in the representation is help empower them to tell their story and to understand the context and the

background to what is happening to them, help empower them to be stronger advocates and self advocate on their own behalf around what they need to be successful going forward and trying to have a successful journey home. And, they're just incredibly grateful for having been listened to and believed and given a voice in the process because the system does not give them a meaningful avenue to really be heard. For all those reasons, one of the things I wanted to say earlier is I really see there's three levers when individuals can have real impact in their case. **Here, one is when they're talking to the institutional parole officer which goes into that summary, the second is the the packet that goes to the board, if, if the family has put together a packet or if they've submitted letters, whether it's in a packet or just individual letters and certificates. And the third is the opportunity to appear in front of the board. I think for us as lawyers being able to appear in front of the board is by far the most impactful piece we can have we get 30 minutes of their undivided attention. And I think that makes all the difference in the world, but very few people have a right to that or will have an opportunity for that hearing because of the way parole is structured.** We have many, many people seeking assistance who we cannot help. We adjust our capacity, we get 30 letters a month of people asking for help just for women. And I really try, I recommend Jorge's packet and talk about how they can self advocate at the IPO level and really try to bring some of their story to the IPO and, and really try to get some of that into that summary so that the IPO will adjust their thinking around how to interpret things if there's a stack of criminal records or if there's a whole pile of disciplinary record, like they gives them more information to understand that other material that they have and, and the hope is that they will put some of that humanity into their summary. And the board, I don't think the board is completely immune to the humanity piece, but they don't hear it. They don't, they don't see it. It's not brought to their attention.

TIMMY CHAU: In spite of this massively complex system which is designed to take away folks age agency, I appreciate and I think it's really important what you've shared as a reminder of when we're doing advocacy, whether it's as, as advocates, allies, what have you, is finding ways to make sure that folks' agency and humanity is also centered throughout that process. We're not losing sight of that. Kind of on that note, I'm gonna pitch it back to you both, Justin and Jorge, you can tag team this if you want. But just thinking again about what needs to change. What are some of the strategic opportunities that y'all are seeing around the issue of parole and reforming parole in the state?

JORGE RENAUD: I can go first, Justin because I'm gonna leave the rest basically with you because I don't think we can change the parole board enough in this state to make it worth whatever, I just don't. One of the things that I don't think neither of Justin or Helen have spoken to is that you can have three people with pretty well, the same exact history, the same accomplishments while they're in prison, the same charge one goes, one doesn't and maybe the other one doesn't go, but it's given a five year set off and one is given a one year and there's no rationale behind it. None whatsoever. Having said that, and people ask me, how do I help my son? You don't, you can't. You could help him or her or whatever individual who's incarcerated, prepare themselves, use self insight and look at maybe personal deficiency or whatever they have, whatever may be dropped in there, right? That he was to improve himself. Focus on yourself. Eventually they're gonna let you go. And the thing is not to come back but trying to persuade, trying to figure out what it is that this group of individuals wants from you when the person down the road has the same charge as you, went home 33 hearings ago, and you've been denied three times with the same charge and same history, right? There's no rhyme or reason to ignore it. Does it drive you crazy? It makes you focus on things that maybe aren't going to help you when you get out,

right? And I have a hard time persuading people of that unfortunately, but, I'll throw my case out. I did 16.5 years. The last time with 60 aggravated 60 for aggravated robbery was my third time in prison. I thought I was gonna die in prison. They let me go after 16.5 years. People have a theory that the board just kicked me out because they got tired of dealing with me in prison and some of the stuff I was doing. I don't know. But, yeah, anyway, that's what I wanted to focus on.

JUSTIN MARTINEZ: I have been having a hard time with the policy side of things. I wish we weren't having this conversation because I wish we wouldn't keep putting all our resources into the system. We don't need to have people caged, period. Right? That's, that's what I believe. And because of that, I'm always someone, when I hear someone come up with some reform that's gonna make the process more effective, I roll my eyes and I'm like, that's not where I want to spend my time. I wanna spend my time figuring out how we can get rid of these systems. And so, when it comes to parole, it's what we have ... it's what we have and unfortunately today we have people who need to be home, every single one of them. Right? And I feel like because I've chosen to work in this arena, I need to deal with the contradictions that come with that and that's just life. **But I think when we're talking about parole, one of the things that I want to see is I do want to see parole flipped on its head. I do want to see a presumption of parole.** Now, I think we have to be very careful about how we go about that because as was alluded to presumptive parole is not new. States like New Jersey have it, I think since the seventies. And they are having problems with California having presumptive parole. They are having problems. Right. And I think it points to the fact that the system is functioning exactly the way it was meant to because that's just what's baked into it. **But when you have discretion, I found any time where there is discretion in anything, it can totally undermine the intent of what you're trying to do.** So, as someone who is working in this arena, I mean, what I would love to see and work with folks on is, **how can we build out a presumptive parole release in Texas? How can we deal with the way in which the parole board goes about making its determinations?** It's a complicated thing to do, especially here in Texas and, and I know the first go around even if we were to get that is probably going to be some weak watered down version. But I'm hoping that it will at least maybe create the conditions in which maybe we can build off of. I also think people like me need to stop looking at the legislature as the solution to everything y'all. We need to get out of that place and we need to move on to other things, right? The legislature is part of it. Policy and legal solutions are part of it, right? But we need to be thinking about what else we can do to help support these people and move this world we're living in now closer to where we want to be instead of dealing with the lawmakers in policy, we need to be making critical connections with folks like us and people in who are watching this and other folks are doing this work on the ground. Doing a bottom up approach as opposed to this top down sort of traditional organizing that tends to happen. So, I don't have answers to much of that, but those are the things that I sometimes stay up at night trying to figure out.

TIMMY CHAU: I'm feeling motivated and fired up just from what you shared, Justin, because I think that's what I'm hearing too. What was also a theme in the California panel was how any elements, any elements of discretion, whenever and wherever those are built in, it's going to be subjected to bias including all of the kind of cultural and political norms of the current environment. **We know what makes legislation possible, even what makes reforms possible, is also the kind of broader political context and environment that y'all are sitting and swimming in. So that speaks to the necessity of being able to kind of change both [policy and ideas] through applying as much pressure to even the**

ideas around crime and the logics that are grounding all of these things to begin with. Helen, I know you wanted to follow up on this piece.

HELEN GAEBLER: Yeah, I wanted to say one of the thoughts that folks have kicked around is the idea of maybe not calling it presumptive parole, but calling it something like administrative parole. So it's the streamlining of the paperwork, it is the streamlining of the board's responsibilities. And so it is an automatic release unless, and the unless is a *very clear unless*, it's not *unless the board determines that they don't think you're safe*. But it's unless there's been a major disciplinary infraction six months prior or unless they haven't completed whatever the one required thing is on their treatment program. It could be something that is very objective and could be tracked. It may just, I suppose, create other problems elsewhere, but, we don't want people to be picking up major disciplinary infractions within six months of their date if people know that they're coming up. I think there are ways to do it that could potentially, I mean, what if we did administrative parole, some sort of a streamlined parole for people who are, five, six or seven, which are considered the three most safe, least risky [categories], which is half of the people who come up for parole. As I think Justin had said, we're not even close to hitting the proposed rates. I mean, for sevens, for somebody who's ranked seven, these are people who all, it's up to 100%. We should be releasing all of these people and we're releasing a fraction. So I do think there's a way that we could at least get a lot of people out of the review process pretty quickly. If we could find some way to, to understand what a streamlined process could look like.

The other piece that I think is really important is that there is no knowledge about the system. People don't understand the system inside and people don't understand the system who are on the outside. When I talk to the students about doing these cases, they are horrified to hear how the system works. I mean, or doesn't work. It doesn't fit any of their expectations or understanding of what's supposed to be happening in a parole proceeding. And so I think that having general education for the public and, and educating the legislators about the realities, educating the public about the realities of how this works, and showing them how successful people are when they come out, if they are given adequate support and meaningful opportunities to succeed. The fears are just unfounded. So those are the two things that I think really need to happen.

TIMMY CHAU: Thank you for that, Helen. Wow, I'm surprised at how quick time flew by. I wanted to give a chance to all of our panelists. If you had any final comments or reflections you wanted to share on this piece around looking forward -- we've heard a lot about the need for possible ideas for how reform could be shaped to get as many folks out as possible, but did y'all wanna share any kind of final comments before we close this conversation out?

JUSTIN MARTINEZ: Yeah, I'll go. I'll throw this out there more as an invitation. Incarceration is not necessarily where I experienced the system, but I have a lot of folks who I love and care about who I consider my chosen family that have gone through this. So, this is extremely important to me. I would love to connect with as many folks as I can who may be on here, or who may be watching in the future, because I think we're living in apocalyptic times. I don't think that's an overstatement. And I think we need to figure out how we can build relationships with each other and connections because, I feel like part of the issue is that we silo ourselves so much. And we also don't know how to deal with conflict, but that's a whole another panel. So I would just please send an invitation to anyone who wants to just chat

and talk about parole or what they may be doing or things that they're having issues with and hopefully, we can try to create a space in which we can be real intentional about that and bring folks in to do this.

TIMMY CHAU: Amazing. Yes. That's been a vision for the National Parole Transformation Project, as a convenor of that exact space that you're talking about, Justin. So, yes we will send a follow up to all folks that registered to share a recording of this. We'll also be turning this into a transcript, a written transcript that can also be sent around and also shared and mailed with folks, including any of our Texas networks inside to get to this piece about education, right? I know Robert asked, actually sent a specific question around how we can share that knowledge. And I also want to let folks know that we are actually gonna just gonna do a part two to this conversation in Texas featuring the folks here in conversation with a couple additional advocates and dive a little deeper into this piece around advocacy, mobilization and applying pressure. So be on the lookout for that. I've learned so much just from this one. Big appreciations to our panelists for breaking this down for us. For folks who don't know, you can find the recording once it's up at our youtube playlist where we're compiling all of these teach-ins state by state. So, that's where you can go find other teach-ins. Thank you everybody so much for tuning in and thank you to our panelists.

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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