

Cell Phones and “Excessive Contact”: The Contradictory Imperatives Facing California’s Parole-Eligible Lifers

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journals.sagepub.com/home/cjp**Nazgol Ghandnoosh¹****Abstract**

A growing literature emphasizes that U.S. correctional systems have remained committed to rehabilitative goals despite their turn toward incapacitation and punishment. Although past research has documented this commitment in prisons and parole supervision agencies, less is understood about how it is manifested in the discretionary parole release process. This article explores whether and how parole boards encourage people serving parole-eligible life sentences (“lifers”) to maintain ties to friends and family outside of prison, and the results of such encouragement. Interviews, ethnographic fieldwork, and parole-hearing transcripts reveal that California’s parole board encourages such rehabilitative ties through comments at parole hearings and through its parole-eligibility criteria. But to sustain these relationships, some lifers engage in misconduct to bypass restrictive prison policies by using contraband cell phones or engaging in physical contact with visitors that is deemed “excessive.” When detected, these disciplinary infractions become a stated cause of parole denials.

Keywords

life sentences, parole, cell phones, conjugal visits, misconduct

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Introduction

As the prison population began growing at an unprecedented rate in the 1970s, many policies strained incarcerated individuals' ties to their family members and friends outside of prison. Policymakers built prisons far from urban communities, mandated increases in sentence lengths, and approved costly phone service contracts, which continue to challenge the maintenance and creation of intimate relationships from prison (Christian, Mellow, & Thomas, 2006; Naser & Visser, 2006). These changes have occurred despite a vast body of research establishing that such relationships generally foster rehabilitation by promoting rule compliance during incarceration and criminal desistance afterward (for a review, see Visser & Travis, 2003). Despite this research, only half of incarcerated parents maintain contact with their children through calls and letters, while fewer than one quarter do so through visits, and these rates drop for those serving longer sentences (Connor & Tewksbury, 2015; J. P. Lynch & Sabol, 2001). Long sentences are especially damaging for romantic relationships (Massoglia, Remster, & King, 2011).

However, a growing literature emphasizes that correctional systems have remained at least partially committed to rehabilitative goals despite their turn toward incapacitation and punishment during the era of mass incarceration. Prisons continue to offer rehabilitative programs (Phelps, 2011), and parole supervision agencies continue to promote rehabilitative ideals (Goodman, 2012; M. Lynch, 2000)—though all in diminished form. Less is understood about whether and how parole boards support rehabilitative goals in the discretionary release process. This article examines how, to what extent, and with what consequences parole boards encourage incarcerated individuals to maintain ties to family members and friends outside of prison.

Past research on parole boards indicate that they are politicized entities (Kinnevy & Caplan, 2008) that have increased requirements for releasing people on parole (Ghandnoosh, 2017a). By their own account, in making release decisions, parole boards prioritize several immutable factors that incarcerated people can never change—such as the nature of the offense—over evidence of rehabilitation (Ruhland, Rhine, Robey, & Mitchell, 2016). Research is also mixed on whether rehabilitation positively affects parole decisions (Morgan & Smith, 2005; Tewksbury & Connor, 2012), although lack of rehabilitation—as measured by disciplinary violations or failure to complete programs that may not even be offered—has been found to delay parole (Huebner & Bynum, 2008; Morgan & Smith, 2005; Tewksbury & Connor, 2012). Overall, these studies suggest that parole boards expect applicants to demonstrate rehabilitation via means that prisons do not necessarily enable and that they are more likely to penalize failure to meet these expectations than to reward instances of success.

This article is based on 2 years of ethnographic fieldwork at Parole Lifers Now (PLN),¹ a southern California group whose members advocated for the parole release of family members or romantic partners who were serving parole-eligible life sentences (“lifers”). In addition to participant observation, the study includes interviews with 10 incarcerated individuals and 40 others affiliated with PLN, as well as an in-depth examination of dozens of parole-hearing transcripts and other official documents. These data

allow for a richly detailed account of how the California prison system promoted intimate relationships for a population for whom it has also erected unique barriers. The study reveals the risks that some lifers took to overcome the challenges of initiating and strengthening intimate ties with people outside of prison, and how the parole board reacted to their efforts. Ultimately, this analysis sheds light on how relationships that are expected to have a positive influence on incarcerated individuals can paradoxically promote their misconduct (Siennick, Mears, & Bales, 2013).

Rehabilitative Goals in the Punitive Era

At the cutting edge of the tough-on-crime era, California legislators declared in 1977 that punishment, and not rehabilitation, was the ultimate goal of incarceration (Petersilia, 2003). But although rehabilitation eventually lost its primacy around the country, researchers have begun to demonstrate that “punishment and reform have always braided together in modern liberal penalty, and that they continue to do so” (Hutchinson, 2006, p. 444). As described below, prisons and parole agencies remain at least nominally committed to aspects of rehabilitation. This study examines the extent to which this dynamic—of promoting rehabilitation within a generally punitive environment—applies to parole boards’ discretionary release decisions.

As Phelps (2011) has shown, prisons have maintained relatively stable rates of participation in rehabilitative programs. She notes, however, that program availability has long been limited, and program offerings shifted from educational to reentry-related in the 1990s. Other correctional settings have also maintained, while modifying, aspects of rehabilitation. Lynch (2000) shows that a California parole office endorsed rehabilitative ideals, which the agency conceptualized as parolees embracing individual responsibility, without investing in employment or educational programs (see also Werth, 2013). Similarly, Goodman’s (2012) study of incarcerated individuals fighting wildfires in California’s “fire camps” reveals that both incarcerated individuals and program staff defined rehabilitation as the cultivation of a strong work ethic and the assumption of individual responsibility, with neither group troubled by the lack of “programmatically designed to alter people’s material and social circumstances post-release” (p. 452; see also Comfort, 2008a).² Thus, during the era of mass incarceration, prisons and parole agencies have maintained some commitment to rehabilitative ideals while offering few targeted resources.

How have parole boards juggled the goal of promoting and rewarding rehabilitation amid the push for retribution and incapacitation? “If you let someone out and it’s going to draw media attention, you’re not going to be re-appointed,” Robert Dennison, New York’s former parole board chairman and commissioner, told a reporter in 2014 (Hughes, 2014). Dennison’s view stems from parole board membership typically being a function of a state’s political process. A 2007 survey conducted by the Association of Paroling Authorities International (APAI) found that governors appoint the members of 85% of parole boards and that membership on most boards (72%) also requires legislative confirmation (Kinnevy & Caplan, 2008; see also Ruhland et al., 2016). Legislatures and governors have used this power to create parole boards that

grant parole at low rates. In a particularly notable example, Massachusetts's former Governor Deval Patrick overhauled the state's parole board and its procedures to significantly reduce parole grants following a high-profile killing of a police officer in December 2010 and a *Boston Globe* analysis of parolee recidivism rates. More generally, as shown by Ghandnoosh (2017a), although lawmakers have required lifers to serve longer sentences before their first parole hearing, parole boards have not increased—and have sometimes even reduced—their parole grant rates.

Parole boards react inconsistently to evidence of rehabilitation, as revealed by surveys of self-reported behavior and research on parole-hearing outcomes. Parole boards appear underwhelmed by evidence of rehabilitation yet deem its absence to be consequential. When parole board chairs were asked in 2015 to rank the significance of 17 factors affecting parole decisions, they prioritized three static factors—nature and severity of the offense and prior criminal record—followed by disciplinary record and prison program participation (Ruhland et al., 2016). However, research on parole-hearing outcomes has shown that while the presence of disciplinary infractions reduces the likelihood of parole (Huebner & Bynum, 2008; Morgan & Smith, 2005; Tewksbury & Connor, 2012), evidence of rehabilitation (as measured by the number of completed programs and the quality of a reentry plan) does not consistently have a positive impact (Morgan & Smith, 2005; Tewksbury & Connor, 2012). And while completion of rehabilitative programs does not clearly improve parole prospects, nearly all state parole board chairs stated that this was a condition of release, though only two reported having what they considered to be enough programs (Kinnevy & Caplan, 2008). In fact, boards reported “delay in program completion” as the most common reason for delaying parole release (Kinnevy & Caplan, 2008, p. 2). Finally, studies have also revealed that in-person victim opposition to parole has a strong influence on parole board decision making, even though victims are unlikely to have had enough contact with the parole applicant to help boards assess risk of future violence, especially in cases involving long sentences (Rhine, Petersilia, & Reitz, 2015; Ruhland et al., 2016).

These studies, therefore, indicate that parole boards frown on the absence of rehabilitation, which is sometimes caused by prison conditions such as the unavailability of rehabilitative programs. But conversely, they are not as likely to reward evidence of successful rehabilitation. This study assesses and adds nuance to these findings through a qualitative account of a parole board's attitude toward lifers' intimate ties with non-incarcerated friends and family.

Intimate Ties and Rehabilitation

Scholars and correctional experts often describe incarcerated individuals' ties to friends and family outside of prison as rehabilitative, because they promote rule compliance during incarceration and criminal desistance afterward. Intimate ties impose informal social control, provide support to overcome the strains of incarceration and postincarceration, and facilitate identity transformation (Visher & Travis, 2003). Accordingly, amid policy debates about limiting family visitation (including conjugal visits) in the 1990s, the California Department of Corrections defended this policy as

“a valuable tool for inmate management, as well as a proven rehabilitative program that provides our inmates the ability to maintain strong relationships with their families prior to eventual release from prison” (Davidson, 1996).

Yet many features of mass incarceration—such as the California Department of Corrections’ defeat on the question of family visitations in the 1990s, as described later—create obstacles to family and romantic relationships. These policies include longer sentences, distant prisons, and the increasing cost of phone contact (Christian et al., 2006; Naser & Visser, 2006). Some incarcerated individuals overcome extreme odds to maintain—and even initiate—intimate relationships with people outside of prison. For example, Comfort (2008b) documented how one group of women began romantic relationships with incarcerated individuals after their prolonged incarceration. But most incarcerated individuals grow isolated from people outside of prison: imprisonment, particularly for long periods, is a strong predictor of marital dissolution (Massoglia et al., 2011). Long prison terms also weaken bonds with children, decreasing the likelihood of contact through visits, phone calls, and letters (Connor & Tewksbury, 2015; J. P. Lynch & Sabol, 2001).

Curiously, some studies have reached conflicting conclusions about the rehabilitative effects of the intimate relationships that people maintain from prison for reasons that are unclear. Thus, phone conversations with children (Jiang & Winfree, 2006) and with family and friends (Celinska & Sung, 2014) appear to reduce the likelihood that an incarcerated person is written up for a rule violation, but in-person visits from children do not have this effect (Jiang & Winfree, 2006). The timing of contact also appears to matter: Siennick et al. (2013) identify a decline in disciplinary infractions before visits from family and friends, but a spike afterward, and then an eventual return to average levels. Researchers have found similarly conflicting evidence about whether contact with family and friends during incarceration reduces recidivism after release (Bales & Mears, 2008; Barrick, Lattimore, & Visser, 2014; Duwe & Clark, 2013). This study follows the call of several of these scholars to investigate the mechanisms underlying family and friends’ impact on the behavior of incarcerated individuals during their confinement. It does so through a historical overview revealing how the California legislature restricted the means by which people in prison could sustain intimate relationships. The ethnographic analysis that follows, along with an analysis of interviews and parole-hearing transcripts, reveals how a parole board’s expectations of intimate ties encouraged lifers to bypass these restrictions.

Method

Setting

This study is part of a larger research project on resistance to mass incarceration using the case of a California-based advocacy group, PLN, who called for the expedited release of people serving parole-eligible life sentences. With more than 34,000 lifers in 2016, California imprisons one third of the country’s parole-eligible lifer population (Nellis, 2017). To be released on parole, these individuals must complete

their minimum sentence, be approved by the Board of Parole Hearings (BPH), and—for the half who have murder convictions—have this decision approved by the governor (Ghandnoosh, 2017a).³ Legislative, gubernatorial, and parole board decisions have doubled time served for paroled lifers with murder convictions between 1984 and 2013 (Ghandnoosh, 2017a), with most lifers not paroled until they pose a “minuscule”—rather than reasonable—risk to public safety (Weisberg, Mukamal, & Segall, 2011, p. 17).

PLN was a South Los Angeles–based group of lifers’ family members and romantic partners striving to increase rates of parole. Johnisha Whitman (now deceased), an African American woman who had served more than 20 years on a term-to-life sentence for killing her abusive boyfriend, launched PLN in 2008. In April 2010, she began leading the group full-time, after receiving an 18-month grant with the help of criminal justice reform advocates. To advocate for their partners and family members, at least 200 people joined PLN’s mailing lists, about 25 regularly attended events, and 10 became regular volunteers. The group met monthly to share information, learn from experts, and prepare letters supporting the parole release of people serving parole-eligible life sentences and to advocate for parole eligibility for people sentenced to life without parole or serving long, “virtual life,” sentences. The group also organized trips to Sacramento for members to speak at the parole board’s public events.

Data Collection

This analysis is based on 2 years of ethnographic research at PLN beginning in May 2010, interviews with 50 people affiliated with the group, and an examination of parole-hearing transcripts for 31 lifers supported by the organization. Having learned of PLN from informational interviews with leaders of other community-based organizations, I entered the field site as a participant observer seeking to gain insights into the efforts of the organization’s staff, volunteers, and members by working alongside them. Stepping into the shoes of a previous volunteer, I assisted Johnisha and worked alongside other PLN volunteers—some of whom, like me, were not affiliated with a particular lifer—to conduct research, coordinate events, and prepare written materials. My presence at PLN’s office, during meetings, and in immersive experiences, such as two overnight road trips to Sacramento, provided a window into both front and backstage conversations. I also cultivated close bonds with six members and communicated with them regularly in person, by phone and e-mail, and through social networking sites. This increased intimacy and trust led to disclosures of information that had initially been guarded or about which I had not thought to ask. Conducting 3 to 4 days of participant observation each week for 1 year, followed by monthly visits the following year, I generated more than 400 single-spaced pages of field notes on observed interactions.

During my second and third years of research, I conducted in-depth semistructured interviews with 50 people affiliated with PLN. This included 25 members: 17 relatives and eight romantic partners of lifers—a snowball sample that began with those most

active with the organization and then reaching their network within PLN.⁴ While this study's small and distinct sample was essential to building enough trust to identify its key findings, it also skewed the results toward lifers with active—and interconnected—outside support. The open-ended interview guide inquired about the evolution of relationships with the incarcerated individual and accounts of the incarcerated individual's biography before and during incarceration.

I also conducted five in-person interviews with incarcerated individuals who were affiliated with PLN's most active members during approximately 6-hr visits at their prisons, focusing on biography, criminal histories, release struggles, and support from friends and family. As a prison visitor during these interviews, I was not permitted to audio record, and in some cases, I could not take notes. I interviewed an additional five incarcerated individuals affiliated with PLN through multiple written exchanges.⁵

I also interviewed six released lifers, five volunteers who were not advocating for a specific individual, and four staff members of organizations affiliated with PLN, asking questions about their biographies and experiences with advocacy. Finally, I interviewed a deputy parole commissioner about his perspective on the parole process. Most interviews were conducted at respondents' homes or workplaces, lasted approximately 2 hr, were audio recorded, and then fully or partly transcribed. In the text below, statements that were recorded verbatim are presented using double quotes, and those that were drawn from jottings are paraphrased or presented using single quotes.

The final major data source was the most recent parole-hearing transcripts of 31 lifers—including nearly all who received support letters from PLN and the 10 currently incarcerated individuals who I interviewed. I also reviewed transcripts from two previous parole hearings (when available) for those who were interviewed. These records helped assess supporters' impact on the parole process. The study also draws on public documents from the corrections department and its telephone services vendor, and media coverage about recent and historical legislative developments regarding prison phone services and visitation policies.

Analytical Strategy

The theme of misconduct relating to lifers' intimate ties emerged over the course of data collection. I encountered PLN members' discussions about lifers' illicit cell phone use during my first week of fieldwork, but it was not until months later that I learned how even some of those who publicly disavowed this practice still accepted cell phone calls from their incarcerated loved ones. Similarly, as I grew closer to them, PLN members began to confide about lifers' disciplinary infractions resulting from shared physical intimacy during visits. Fieldnotes, interviews, and parole-hearing transcripts were initially coded to identify recurrent themes. They were then re-coded to develop a systematic understanding of how PLN members both positively and negatively affected lifers' parole prospects—based on the author's assessment of their impact on the parole criteria on which commissioners focused, parole commissioners' comments during hearings, and hearing outcomes. This theme was also further developed through follow-up interviews.

Lawmakers Limiting Phone Calls and Ending Conjugal Visits

The origins of California's policies on prison phone calls and conjugal visits reveals a contested history. In the 1990s, California legislators, following national trends, contracted with high-cost private vendors for calls from prison, and ended conjugal visits for lifers. These changes were motivated by financial incentives—to generate revenue for the prison system—and a retributive logic—to strip incarcerated individuals of rights and privileges. Combined with protracted sentences, overcrowding, and the remote locations of prisons, these policies shaped the context in which California lifers would later struggle to sustain intimate relationships with people outside of prison.

California privatized its prison phone services in the mid-90s, and the state's current vendor is one of the sector's two giants, Global Tel-Link (GTL). Whereas, historically, people in prison could make phone calls at similar rates to those on the outside (Williams, 2015), private contracts led to a period of exorbitant rates, which state legislators and federal regulators have more recently begun to reduce. During the period in which California collected commissions on phone revenues, as many states still do, 15-min intrastate calls cost more than US\$5.00, while interstate calls cost more than US\$17.00 (Dannenberg, 2011). Rates remained high even after commissions began to be phased out in 2007 (Kukorowski, 2012).⁶ Following legislatively mandated rate reductions in 2010, 15-min in-state calls cost US\$2.03 plus taxes and fees, and interstate calls cost US\$6.65 (GTL, 2010, 2013). In addition to the high cost, incarcerated individuals also struggle with limited access to phones in overcrowded prisons.

Illicit cell phone use has proliferated in this context, causing a security problem for the prison system. The California Department of Corrections and Rehabilitation (CDCR; 2014) reported that it confiscated more than 12,000 cell phones in 2013, compared with 1,400 in 2007. Because these calls evade surveillance, the CDCR (2009) emphasizes that they can be used to “coordinate escapes, communicate with inmates in other prisons, and direct illegal activities on the streets.” But the institution has struggled to curb their availability, in part because of resistance from the powerful guards' union—the California Correctional Peace Officers Association. In a 2010 analysis, the California Senate Committee on Public Safety concluded that prison staff was “the primary source” for contraband cell phones in prisons (California Senate Bill 525, 2010).⁷ Legislators have faced resistance in passing legislation that would increase penalties both for incarcerated individuals caught with cell phones and for guards caught smuggling them (Dolan, 2011). After the defeat of an earlier bill that would have made cell phone possession or smuggling a felony offense, Governor Jerry Brown signed a law in 2011 that made these acts a misdemeanor. Brown also signed an executive order to develop a “managed access” technology to block unauthorized cell phone signals from prisons, and the state later awarded this contract to GTL (Office of Governor, 2011; Prison Legal News, 2013). But as one PLN member told me, people in prison identified ways to “block the blocker.”

Restrictions on overnight visiting privileges followed a parallel, but distinct, course. California is one of only four states that continues to allow some people in prison to receive conjugal visits (Goldstein, 2015), a program initiated by Governor Ronald Reagan in 1968 with approval from then-Assemblyman Pete Wilson. But in the mid-90s, the state joined a nationwide wave of “takeaway” measures that reduced incarcerated individuals’ privileges (Applegate, 2001; Tepperman, 2014). “There is no reason why taxpayers should pay millions of dollars on prisoner perks when jobs are being lost and difficult budgetary cuts are being made,” Assemblyman Dean Andal said about his 1993 bill to abolish overnight family visiting—first for the entire prison population and, in a later draft of the bill, just for those with particular convictions (Gillam, 1993). Andal argued that the bill, which also levied a US\$120-per-night fee for permitted visits, would be tougher on crime, reduce costs, and increase security. Incarcerated individuals’ families flooded hearings to protest. As previously noted, the Department of Corrections defended the family visitation program as a tool for promoting rule compliance in prisons and rehabilitation on release (Davidson, 1996). Although Andal’s bill never left the committee, he successfully added these restrictions to the Budget Act of 1994, and in the following year, one of Governor Pete Wilson’s appointees extended the restriction to nearly half of the prison population that were previously involved in the program (Davidson, 1996). Noting that California law already recognizes the “value of visiting as a means to improve the safety of prisons for both staff and inmates,” in 2016, the California legislature again enabled lifers to receive family visits from immediate family members (California Senate Bill 843, 2016).

The Parole Board’s Explicit Endorsement of Lifers’ Intimate Ties

The CDCR and its parole board encourage lifers to maintain relationships with friends and family outside of prison through their written guidance on visitations, in discussions during parole hearings, and in their criteria for determining parole eligibility. The agencies communicate this goal both explicitly and implicitly, sometimes noting its tension with other goals.

In its prison visitation handbook, the CDCR endorses visits as a means of maintaining incarcerated individuals’ intimate ties, which it notes are beneficial during and after incarceration:

Visiting a family member or friend who is in prison is an important way to maintain connections during incarceration and enhances the prisoner’s success both while in prison and after release. . . . [CDCR] recognizes the importance of visitation and encourages families and friends to visit as often as their circumstances allow. (CDCR, 2011, p. 1)

The CDCR dedicates the subsequent 18 pages of the handbook to clarifying the “complicated and confusing” rules of prison visits.

The parole board endorses lifers' intimate ties during parole hearings when parole commissioners evaluate the applicant's suitability for parole. Although lifers' family members cannot be present at these hearings—in contrast to those of victims—they and other supporters can submit letters to the board. During all parole hearings, commissioners read or summarize these support letters into the record, looking in particular for offers of housing and employment. These offers, in addition to assistance from organizations that support this population's transition to life outside of prison, help lifers demonstrate that they have strong "parole plans"—one of the factors that the board considers in making parole determinations (CDCR, 2010, p. 2).

The experiences of two men serving life sentences, O'Dell and Terrance, illustrate how commissioners encourage lifers to mobilize intimate relationships to strengthen parole plans, and how they commend them when they have done so. By the time of their hearings—O'Dell's in 2006 and Terrance's in 2009—the men had been incarcerated for 26 and 14 years, respectively. Both were denied parole at these hearings. However, commissioners emphasized to both that their future release depended on strengthening, in the case of O'Dell, or maintaining, in the case of Terrance, strong intimate ties.

O'Dell was convicted of second-degree murder with a weapon in Los Angeles County in 1979. He was sentenced to 16 years to life at age 20, and had been eligible for parole consideration since 1990. He explained to me, and stated on the record, that his crime resulted from a struggle to turn away an unwelcome visitor high on phencyclidine (PCP) at his sister Mary's door. When a commissioner asked him at his 2006 hearing whether this was his ninth hearing, O'Dell responded, "I lose count. Twelve, nine—I don't even know." At the end of this hearing, the commissioners explained that while their earlier parole denials were due to O'Dell's disciplinary infractions in prison, this one was largely because of weaknesses in his parole plans. In particular, he needed to update his support letters. O'Dell had resubmitted the letters that his sister Mary, brother Earl, and others had written for his 2003 hearing. But the commissioners urged him to renew and strengthen these commitments:

You've got three sisters and four brothers . . . Ask them again for another letter . . . Just say "I'm his brother and I love him, and I'm going to give him all the support I can," or "I'm his sister and he can stay with me. . . ." Give me a plan. . . . Have your sister send you something out of the newspaper or through the EDD, Employment Development Department. . . . From the looks of it on paper, you have lots of resources. Use them. And you say to them, if you're interested in me getting out, I need your help. . . . If they love you, they'll take care of you and load us up.

It would be no small feat for O'Dell to follow this advice and request updated letters that included housing offers and leads on jobs and training programs. Not only had O'Dell been locked up for over two decades—often in distant prisons—but for many of these years, Mary and Earl had struggled with their own hardships: economic instability, substance abuse, and their own bouts of incarceration. During my visit with O'Dell in the summer of 2012 at a prison located 300 miles from Earl and Mary's

homes, I was surprised by his unfamiliarity with the visitation rules. He later told me that it had been more than 30 years since he had seen his siblings.

Nevertheless, O'Dell successfully recruited his siblings to help strengthen his parole plans. Earl especially rose to the occasion by working with numerous advocacy organizations, including PLN. At his next two hearings in 2008 and 2009, O'Dell presented the commissioners with updated family support letters and letters from several organizations offering him job training and housing. Consequently, the commissioners based their parole denials on other shortcomings in his application: They doubted his account of the crime and, therefore, his remorse. They also expressed concern about Mary's limited financial resources and Earl's criminal record. O'Dell was finally paroled in December 2012. At that hearing, the commissioners dismissed the community support letters that Earl had collected from PLN members but praised him for the letters from organizations offering postrelease services and for having his family members demonstrate that they could back up this support.⁸ Most importantly, they concluded that he had finally served enough time in prison: 33 years.

Terrance's 2009 parole hearing was his first. Convicted of attempted murder and causing great bodily injury with a weapon in Los Angeles County in 1996, Terrance was sentenced to life plus 8 years at age 26. Deeply affected by his mother's crack addiction and his older brother's murder, Terrance had joined a gang and was selling drugs prior to his incarceration. Terrance had told his wife, Tiffany, and later me, that the crime was the result of a friend outside of the gang asking him to shoot someone who had attempted to rape his girlfriend. At his 2009 hearing, Tiffany—a schoolteacher who had accepted Terrance's invitation from prison to rekindle their childhood ties—had submitted a cover letter to accompany letters of support from herself and 11 others in her network of family, friends, and staff of service organizations. These letter-writers offered Terrance emotional, spiritual, and financial support on his release—including several job offers. The commissioners were impressed, and judging from his words, so was the Deputy District Attorney, who acknowledged that factors other than Terrance's parole plans would serve as a basis for his recommendation to deny parole:

This Tiffany Isaacs is quite a lady. Judging from all the people who've written about Terrance have mentioned about her. And she has done an incredible job, one of the best I've seen, in putting these people and these letters together to provide this tremendous package of support.

Finding nothing wanting in Terrance's parole plans, the commissioners based their parole denial on his crime, criminal record, and recent disciplinary infractions. Tiffany renewed and built on Terrance's parole plans at his next hearing in 2011, but again he was rejected. Terrance was finally granted parole in 2014 after having served 18 years in prison.

Through its written material on visitations and through its evaluation of lifers' parole plans during parole hearings, the California prison system explicitly encourages lifers to cultivate and maintain intimate ties. Parole commissioners suggest to lifers that they are unfit for parole until they have recruited family members to help them

create strong parole plans. Offers of family support are expected to supplement those of organizations providing temporary transitional housing and other services for released lifers. As a commissioner told one parole applicant, “The fact that you have redundancy in both residential and employment plans was significant in this panel’s evaluation of your parole plans.” Lifers can develop parole plans without the support of friends and family, such as by directly contacting and securing a space in transitional housing or work offers from past or felon-friendly employers. But family and romantic partners can strengthen plans for re-integration for people who have served decades-long sentences.

The CDCR, therefore, lets lifers know that support from friends and family is *necessary* for parole qualification, although not *sufficient*. A strong parole plan cannot overcome the most common cause of parole denial from this board and others nationwide: Of the 31 hearings examined here, the board cited the severity of the offense (or lack of insight into the offense) as its primary reason for denying parole in 11 of 17 cases.⁹ But a strong parole plan can help the board decide that the positive aspects of a lifer’s case outweigh the negatives ones, and that he or she no longer poses an “unreasonable risk of danger to society.” As shown next, outside support also helped lifers in their quest to meet the board’s other parole-eligibility criteria.

Broader Benefits of Intimate Ties for Parole Eligibility

California lifers generally face multiple setbacks in their efforts to secure parole: repeated parole denials, sometimes with long waits between hearings, and even if granted parole, the governor can “take their date.” Their supporters play a crucial role in helping lifers stay hopeful and motivated. In a letter, Terrance described the spiritual and emotional guidance that he received from Tiffany and her children: “They are my strength and keep me going even when I find it reasonably easy to end it all.” Life before her, he added, was both “hopeless” and “helpless.” During near-daily letters and twice-monthly visits, she conveyed her relentless optimism. When the board denied Terrance parole in 2011 and set his next hearing for 3 years later, Tiffany wrote an e-mail to their supporters highlighting the “awesome” news that he was given the shortest possible wait, was commended by the District Attorney’s office, and was encouraged by commissioners to petition for an earlier hearing. “I’m telling you God is great all the time!” When his petition for an earlier hearing was denied 2 years later, Tiffany quickly brushed off the disappointment and emphasized how little they had left to wait. She spoke with such confidence and hope about this hearing at a funeral service for Johnisha—PLN’s founder who died unexpectedly at age 44—that another PLN member later e-mailed me with the mistaken impression that Terrance was being released.

But lifers’ supporters do more than provide emotional and spiritual support: They also help them meet the parole-eligibility criteria beyond parole plans. In a handbook for victims and their families, the board distills these criteria, drawn from Title 15 of the California Code of Regulations. In addition to “the gravity of the crime (offense), or the timing and gravity of current or past convictions,” the board’s parole suitability criteria also include vocational and educational accomplishments

in prison, involvement in self-help therapy programs, counseling reports and psychological evaluations, and behavior in prison (CDCR, 2010, p. 2). Although they are generally not explicitly referenced, lifers' intimate relationships sometimes improve their performance on these criteria. Through their social networks, financial resources, and mix of encouragement and pressure, lifers' supporters supplement the prison's limited programming and help improve their psychological evaluations and behavioral record. These impacts are illustrated below with a closer look at Terrance's experience, and by introducing those of David and Winston.

Vocational and Self-Help Therapy Programs

To further strengthen Terrance's parole prospects, Tiffany expanded her network and helped him financially to supplement the prison's rehabilitative programs. In an e-mail, Tiffany explained, "Unfortunately CDCR no longer offers vocational training, so T did a correspondence course from Stratford College. I paid approximately \$600. He's a certified Drug and Alcohol Counselor."

In addition to joining PLN's steering committee and other secular and religious advocacy and support organizations, Tiffany made connections with self-help therapy programs in which Terrance could participate remotely. Terrance, therefore, participated not only in several of the prison's self-help programs, including Alcoholics Anonymous, Narcotics Anonymous, and Criminal and Gangmembers Anonymous, but also in correspondence programs on reentry and anger management. Consequently, Terrance's parole file included vocational training and self-help therapy that he completed thanks to Tiffany's financial support and network.

Psychological Evaluations

David's (Dave's) parents, William (Bill) and Catherine (Cathie), financially supported him to ameliorate the weak point in his application: his psychological evaluation. Dave's sentence of 25 years to life stemmed from his guilty plea to first-degree murder in 1987, at age 17.¹⁰ When Dave was a teenager, his family moved from Compton to a higher income and lower crime neighborhood in Los Angeles. However, Dave carried with him his gang affiliation, involvement in the drug trade, and—as he put it at a parole hearing—his "bad boy image." In the process of trying to steal a car that his neighbor was driving, Dave shot and killed the young man.

Right before his 2011 hearing, Dave met with a CDCR forensic psychologist. In contrast to the organization's nonforensic psychologists—whose generally positive evaluations are ignored or disparaged at parole hearings—its forensic psychologists provide harsher evaluations that are given greater weight. "She figured you out," a commissioner told Dave at his parole hearing. As Dave had recounted, when the psychologist asked him whether he still considered himself a criminal, he responded, "No." Perhaps to establish credibility, he went on to explain that he did break small rules, but only when they served a purpose, rather than for the thrill. For example, he had said, he might sneak fruit out of the chow hall—in violation of prison rules—to eat

later if that evening's dinner was not good. This admission contributed to the psychologist elevating his risk classification from "low to moderate" to "moderate." The commissioners combined this with Dave's inadequate insight into his crime and limited expressions of remorse during testimony from the victim's family to conclude that his "mental state currently doesn't lend itself to [parole] suitability." Dave was required to wait 10 years before his next parole hearing.

When I saw Bill and Cathie shortly afterward, their usual cheerful expressions were instead solemn and depleted. But they regrouped quickly and drew on their PLN network to devise a plan. They hired an outside psychologist whose independent evaluation of Dave would be submitted to his file. The psychologist would also prepare Dave for his next CDCR-sponsored evaluation. Finally, they hired an attorney who would request an earlier hearing, help him prepare, and represent him there when the time came.

Behavior in Prison

Winston's experience with Sophia shows how supporters can steer incarcerated individuals away from prohibited behavior. In 1992, at the age of 18, Winston was sentenced to life without parole plus 4 years for murder in commission of a robbery in Los Angeles County. Winston sought to gain parole eligibility by proving that he was falsely identified as the shooter among his group of gang-affiliated friends who killed a rival gang's gun dealer amid a robbery. He and Sophia married in 2010 after having rekindled their friendship during his incarceration.

During our interview, Sophia explained that Winston had once been stabbed dozens of times for refusing to give up his cell phone to a prison gang. After the attack, Winston faced two choices: either retaliate against his assailants or inform on them. If he chose retaliation, he would be transferred to a distant and more secure prison. If he informed, he would remain at his current prison—and remain closer to Sophia—but he would be transferred from its "mainline" section where most people in prison are held to "protective custody" (PC; now known as the Sensitive Needs Yard), which holds vulnerable individuals. Sophia gave Winston an ultimatum: "If you go back to mainline and you stab this guy, I am not doing Pelican Bay. . . . It's either me or mainline."

Winston informed on his assailants and entered PC to preserve his relationship with Sophia. PC carried a stigma for him. He described it to Sophia as "the land of child molesters, rapists. . . . It's like the garbage of garbage." It also weighed heavily on Sophia: She always carried his paperwork to prove to others that he was there for having informed, rather than for a sex crime. But thanks to Sophia's influence, Winston avoided retaliatory violence and a negative behavioral record. This would improve his parole prospects, were he to become eligible.

Misconduct Related to Intimate Relationships

Intimate relationships, however, do not always help lifers avoid disciplinary violations; in some cases, they can also encourage them. Except for O'Dell, all of the lifers

mentioned above were caught violating prison rules for actions related to these relationships. Some received disciplinary write-ups for using contraband cell phones and others for engaging in “excessive” physical intimacy during visits. Referred to by their form numbers, “115” or “128,” these infractions affected their security-level assignments and were used as reasons to deny some parole. Among the 17 parole denials whose transcripts were examined in this study, the parole board cited misconduct during incarceration as the primary reason in four cases and as a contributing factor in seven others. Although parole hearings provided incomplete information as to the nature of these disciplinary violations, they ranged from violence and disobedience toward staff to sexual contact with visitors, staff, or other incarcerated individuals.

Parole commissioners sometimes recognize a gap between how lifers are expected to demonstrate their rehabilitation and the resources available to them. “We can’t ask you to do something you can’t do,” a commissioner told O’Dell at his hearing, after O’Dell explained that he could not update his vocational skills because of the limited opportunities available at his prison. The deputy parole commissioner that I interviewed also described how the parole board helped lifers overcome the scarcity of vocational programs, such as by encouraging independent study of self-help books. But there was no evidence that they recognized this tension with respect to intimate ties.

Cell Phones

It was during my visit with Dave that I realized how common it was for lifers’ supporters to jeopardize their loved ones’ parole eligibility. Sitting together in the visitation room of a prison located about 200 miles from his family’s home, Dave revealed that he had been using a cell phone for several years. I was shocked and asked how he could risk so much, especially given his parents’ efforts. He leaned forward, smiled, and explained that his parents were some of the most common recipients of his calls.

The cell phone gave Dave the freedom to call at any time and to speak for extended periods. Through these long conversations, his family had resolved its lingering tensions. For years after his sentence, he had felt resentful about their parenting and they about his conduct. Now, he explained, he could finally make them laugh like he used to. His smartphone also helped him start and sustain a relationship with Shantie, a woman he had met on a social networking site. He was excited that although he may never have children of his own, he might one day help raise Shantie’s kids. Without a cell phone, Dave explained, prison life was too bleak.

Having mended his family relationships and begun a romantic one, Dave said that he had grown more serious about his release and was cutting back on his cell phone use, from up to 6 hr to just 1 hr per day, and by only using a borrowed phone. But a few months after our visit, Dave was caught with a cell phone and sent to solitary confinement for 30 days.

Gerald’s experience also illustrates how much this infraction can harm parole eligibility. I learned of Gerald and his wife, Martina, by reviewing the parole-hearing transcripts of PLN-affiliated lifers. Convicted of first-degree murder in 1983, Gerald was

sentenced to 25 years to life, plus 2 years for using a gun. In 2010, the board granted him parole, but Governor Arnold Schwarzenegger reversed this decision in his last month in office. Soon after, guards caught Gerald using a cell phone. At his next hearing, he explained that he had used the phone to contact Martina: She had blocked his calls from prison and wanted a divorce after hearing of the governor's decision. After some questioning, the commissioners accepted Gerald's account. But one added the following:

Can you imagine what if myself and the Deputy Commissioner sent this forward? "Governor, we'd like for you to set Gerald free today." "Well, what did he do?" "He intentionally 2 months after he was denied his grant utilized a cell phone on the prison grounds . . ." "Mr. Anderson, what were you thinking? There's plenty of inmates out there not breaking the rules and not getting cell phone violations and doing their best to rehabilitate."

Gerald was denied parole at this hearing and was not released until 2014, after nearly 32 years in prison.

"Excessive" Physical Contact

Two couples described earlier—Terrance and Tiffany, and Winston and Sophia—experienced another harmful impact of intimate relationships on parole prospects: write-ups for "excessive" physical contact during visits. Most lifers are permitted "contact visits," during which CDCR guards allow incarcerated individuals and their guests to briefly embrace at the beginning and conclusion of the visit, and to hold hands throughout.¹¹ Anything beyond this can be considered a rule violation.

During one of our advocacy road trips to Sacramento, the all-women group began to share stories of sexual exploits. The younger women described their secretive physical intimacy with their incarcerated partners during visits, and how they used cell phones to talk or share pictures and videos. During this discussion, Tiffany recounted how she and Terrence had consummated their marriage in the back of the visitation room while the guard slept. They went undetected, she said. But after reading Terrance's hearing transcripts, I learned that he had two "excessive contact" disciplinary write-ups from 2006. These, Tiffany explained, were for engaging in much smaller acts of physical intimacy: "When I visited there, I used to sleep on the side of the road in my car—I slept wrong and my neck was hurting. I told him, so he rubbed my neck." Asked why she took these risks, she explained that she worked hard to help him come home, but it wasn't always easy, "because you want to be with this person."

At Terrance's parole hearings, the commissioners considered these violations within the context of others he had received in recent years—for drug possession and for verbal disputes with staff—and in the distant past—such as for weapon possession. At his 2011 hearing, the Deputy District Attorney argued that these disciplinary violations suggested that Terrance might be "pulling a con on the board and myself and is not really sincere" about rehabilitation. The board told Terrance that he needed to remain discipline-free for a longer amount of time before qualifying for parole.

Similarly, even after Sophia convinced Winston to not retaliate and to enter protective custody, she contributed to his violating a visitation rule. Incorrectly believing that one of the cameras in the visitation room was broken and that guards would be focused on nearby drug transactions, Sophia and Winston had sex. While they had gone undetected in the past, guards discovered the act later when reviewing surveillance camera footage. Winston received a “115” for excessive contact. Sophia was barred from visiting him for 1 year. “It’s rough: no cell phone, no visits. He calls me collect, writes me letters. But it’s really rough,” she said. While Sophia focused on the visitation ban, the infraction’s long-term consequences on Winston’s parole eligibility would likely be more severe. By 2014, Sophia and Winston’s relationship had dissolved. He had developed a heroin addiction, and she did not believe that he was serious about fighting for his freedom.

Individual or Institutional Failure?

Several lifers in this study emphasized that they assumed responsibility for their actions. “It was a mistake of my own decision,” Dave wrote to me about being caught with a cell phone. Having reviewed a draft of this article, he cautioned me against justifying lifers’ misconduct. “We’re still breaking rules and regulations, feel me?” he wrote, then added, “I’m starting to sound like a board commissioner!” Terrance’s reaction was similar. “At the end of the day, I got a choice to make,” he wrote, reflecting on his decision to not use cell phones and about the challenges of balancing prison rule compliance with wanting to express his love for Tiffany. “I don’t want her to ever feel unattractive.” Douglas, another lifer who had tried repeatedly to reach me by cell phone, wrote, “Rules are rules.” But to preserve his sanity, by his account, he had to break them and develop intimate relationships. “It is like telling one to ‘stop breathing so much!’ That is not gonna happen—period! We just have to find a way.” In any case, he added, he doubted that the parole board rewarded rehabilitation: “Their performance is designed to find us unsuitable, and that’s it.”

Conclusion

This article examines the extent to which parole boards promote and reward rehabilitation, focusing specifically on how the California parole board has responded to lifers’ intimate relationships with people outside of prison. As scholars have found for prisons and parole supervision agencies (Goodman, 2012; M. Lynch, 2000; Phelps, 2011; Werth, 2013), California’s parole board has taken steps to promote incarcerated individuals’ rehabilitation. Parole commissioners’ comments at parole hearings and the board’s parole-eligibility criteria encourage lifers to maintain strong intimate relationships and to use these ties to supplement the scarce educational and employment programs in prisons. But the parole board’s promotion of intimate ties conflicts with prison policies that have reduced visitation privileges and telephone contact. Consequently, lifers who won praise for mobilizing the support of friends and family outside of prison had also sometimes engaged in misconduct to sustain these ties by

using contraband cell phones or engaging in physical contact with visitors that was deemed “excessive.” When detected, these disciplinary infractions sometimes became a stated cause of parole denials.

When it comes to maintaining intimate ties, lifers, therefore, find themselves in a double bind (see Bateson, Jackson, Haley, & Weakland, 1956): They are punished not only for weak or absent intimate ties but also for circumventing prison policies that impede these ties. Moreover, like past research has found, the California parole board appears reluctant to reward the parole-related benefits of intimate relationships with a parole grant (Huebner & Bynum, 2008; Morgan & Smith, 2005; Tewksbury & Connor, 2012). And ultimately, although lifers found their misconduct necessary to sustain relationships that improved their well-being (see Werth, 2012), they generally echoed the parole board’s emphasis on individual responsibility when caught (see Goodman, 2012).

These findings can elucidate why incarcerated individuals’ contact with family and friends sometimes fails to lower, and can even increase, overall rates of in-prison misconduct (Jiang & Winfree, 2006; Siennick et al., 2013). Disciplinary infractions for in-prison misconduct cover a wide range of behaviors—from disobeying orders to drug use, assault, and escape. Understanding the nature of the infraction is key to assessing how family and friends affect incarcerated individuals. Especially because of their advanced age and dedication to the lifers’ freedom, the nonincarcerated individuals in this study generally discouraged lifers from using drugs or engaging in violence, and they supported both their rehabilitation and their efforts to demonstrate it. But they also contributed to lifers breaking a certain set of prison rules: those that impeded their relationships.

The design of the present study, which involved building trusting relationships with a small number of individuals affiliated with an advocacy organization, was critical to uncovering its findings. But this nonrandom sample may have skewed the results, particularly regarding the prevalence and nature of contraband cell phone use and “excessive contact” among incarcerated people. The lifers in this study were unusual in having intimate relationships with nonincarcerated people despite their prolonged imprisonment (Connor & Tewksbury, 2015; J. P. Lynch & Sabol, 2001; Massoglia et al., 2011). Whereas lifers’ goal of sustaining these relationships might have led them to violate prison rules, their loved ones’ determination to support their parole release may have worked in the opposite direction. Overall, four of the five men who I knew best, through my intimacy with their supporters, faced disciplinary violations for cell phone use or “excessive contact” during visits. The PLN members associated with these men were guarded about this information: Those who eventually disclosed this information with me did not share it with other members. Parole-hearing transcripts often did not specify the nature of the disciplinary infraction (although four other individuals among the 31 whose transcripts I examined had violations that could be traced back to their intimate relationships with people outside of prison). Future research can assess the generalizability of these findings by delving more deeply into the content of a random sample of disciplinary violations to determine their prevalence and nature—whether quotidian, as described here, or criminal, as emphasized by the CDCR. Past research revealing that “criminal careers are of a short duration (typically under 10

years)” (Piquero, Hawkins, & Kazemian, 2012), and that paroled California lifers have had a “minuscule” recidivism rate (Weisberg et al., 2011), suggests that lifers who have experienced prolonged incarceration are unlikely to be security threats. It is possible to develop a better understanding of the frequency and nature of in-prison misconduct without downplaying the security threat that these acts can pose.

Policy makers and the parole board can remove parole-eligible lifers from this double bind, in which the parole process punishes both people with few or weak intimate ties and those who circumvent prison policies to expand and strengthen their support networks. First, California’s legislature, parole board, and governor should question the continued incarceration of many lifers who have “aged out of” crime, given research showing that long prison sentences do little to deter crime and potentially displace more effective public safety investments (see Ghandnoosh, 2017b). It is promising that since entering office in 2011, Governor Jerry Brown has reversed a smaller share of the parole board’s increasing number of parole grants for lifers (Ghandnoosh, 2017a). But California should end its anomalous requirement that governors review parole board decisions, and the state should expedite parole hearings and de-politicize the parole board.

Second, policy makers should continue to revise policies that impede rehabilitation. In 2005, the California Department of Corrections added “and Rehabilitation” to its name, after having disavowed the goal in the 1970s. Making this change more meaningful requires further investing in rehabilitative programs and continuing to strengthen incarcerated individuals’ beneficial relationships—by ensuring the full implementation of 2016’s Senate Bill 843, which reinstated family visits for lifers, and by continuing to lower the cost of, and increase access to, phone calls. Ending excessive incarceration and improving access to sanctioned forms of physical contact and telecommunication can help reduce the need for unsanctioned forms. In the absence of these reforms, paroling authorities should recognize that some lifers’ rule infractions may be a result of their efforts to meet expectations of rehabilitation and consider weighing such infractions less severely.

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Notes

1. Names of all people and nonstate entities have been changed to maintain anonymity.
2. Werth (2012) finds that although individuals under parole supervision in California had internalized the agency's goal of their reformation, they redefined this goal so that it did not require compliance with all laws, and rejected some parole conditions as counterproductive to their success.
3. The Board of Parole Hearings (BPH) is nested under the California Department of Corrections and Rehabilitation (CDCR), which is part of the executive branch. Two commissioners run parole board hearings: one is among 15 governor-appointed BPH commissioners and another is from a larger pool of CDCR deputy commissioners who are civil servants.
4. Twenty-one respondents were women; 14 identified as African American, eight as Mexican American, two as white, and one as other. Twenty-four of the incarcerated individuals associated with them were men, which is representative of the California lifer population (CDCR, 2013). Probably due to PLN's (Parole Lifers Now) location in an almost exclusively black and Latino neighborhood, this incarcerated population was disproportionately Latino and African American (84%) compared with the California lifer population (69%; Weisberg, Mukamal, & Segall, 2011).
5. All incarcerated individuals invited to participate did so. One PLN member declined to be interviewed, and three did not follow through with plans for the interview. Respondents were not remunerated.
6. Legislators preserved commissions in county jails and private detention facilities (Kukorowski, Wagner, & Sakala, 2013).
7. Indeed, one PLN member told me that she had sent a guard over a dozen phones for distribution to incarcerated individuals, along with a cash payment.
8. Commissioners frequently dismissed uniform "form letters" from supporters of lifers or victims for not indicating personal familiarity with the lifer and for being one-sided.
9. The board granted parole in 11 of the 31 hearings reviewed. Lifers themselves stipulated unsuitability for parole in three hearings. Note that since 2008, the crime itself could not serve as the basis of a parole denial (see Ghandnoosh, 2017a).
10. Bill and Cathie remain perplexed by Dave's guilty plea and doubt his culpability.
11. By contrast, "family visits" allow incarcerated individuals to spend 30 to 40 hr in "private, apartment-like facilities," whereas "non-contact visits" are across a glass partition (CDCR, 2011, p. 3).

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