The Criminal Justice Conversations Podcast with David Onek


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DAVID ONEK: Welcome to the Criminal Justice Conversations Podcast, a coproduction of Berkeley Law School and the Berkeley School of Journalism. I’m your host, David Onek. Criminal Justice Conversations, recorded in the Berkeley School of Journalism studios, features in depth interviews with a wide range of criminal justice leaders: law enforcement officials, policymakers, advocates, service providers, academics and others. The program gets behind the sound bites that far too often dominate the public dialog about criminal justice to have detailed, nuanced conversations about criminal justice policy.

Today’s guest is Nancy Mullane, author of Life After Murder, Five Men in Search of Redemption. Mullane reports and produces radio features for National Public Radio, Public Radio’s This American Life and NPR affiliate KLV in San Francisco. Life After Murder is an unprecedented into the lives of five men at San Quentin prison convicted of murder and sentenced to life without the possibility of parole, their efforts to win their release
on parole and their return to society. Mullane was awarded a Soros Justice Media fellowship in 2009 and won a National Edward R. Murrow award in 2011. She is a member of the Society of Professional Journalists, the Association of Independents in Radio and International Women’s Media Foundation. And she joins us in the studio this morning. Nancy Mullane, welcome to the program.

NANCY MULLANE: Thank you, David.

ONEK: So, Nancy, this book tells the lives of five men who have been convicted of murder in San Quentin. I’d like you, the book tells the story of all five men. But for our listeners to give a flavor, I was wondering if you could choose one of the five and just give us the basics, who they are, what their crime was, what legal process they had to go through to get out and what it’s been like on the outside.

MULLANE: Thanks for the opportunity, David. I think I’m going to start with Jesse Reed. I met Jesse Reed in 2008 in San Quentin state prison, down on the yard, which is a massive yard. It’s called the lower yard. And the men are allowed to walk around o a track. And I was there for a Saturday afternoon, Indian
sweat, and to do a story about spirituality inside prison. And the prison information officer, public information officer, Sam Robinson said I want you to meet this guy. He’s been found suitable for parole. And he’s waiting the 150 days.

ONEK: Now, can you explain when you say waiting the 150 days, what that means.

MULLANE: In California, if you’ve been convicted of a first- or second-degree murder, and you have done your time, you have done for first-degree murder, 25 years to life, or for second-degree murder, 15 years to life. And you have become automatically eligible to go before the parole board to show them that you have done your time and you’ve changed. If at that point the parole board finds you suitable for parole, you then begin a process of waiting for the governor to decide within 150 days whether or not the governor is going to agree with the parole board’s decision or reverse it. If the governor reverses it, it’s as if you’d never been found suitable at all.

So Jesse Reed at that moment had been found suitable for the second time, and he was waiting to find out, he was about halfway in this 150 days, waiting to find out whether the
governor was going to release him. So I was down on the lower yard and I turned and there was this man, Jesse Reed, sitting at one of these metal tables with these fixed little stools. And I walked up and I sat down with my microphone and I said hi, I’m Nancy Mullane. Tell me what you did.

I just wanted to know right off the bat. Because at that point I had been reporting for about a year inside San Quentin on individuals who’d been convicted of murder and were going before the parole board, and were facing this process. And I really wanted to get to the heart of Jesse’s story right away to find out A, was he taking responsibility for his crime, B, what had he done, and C, what had he done to change.

And it was a very interesting moment because usually I gave myself and the prisoner a little time to get to know each other. But I thought all right, let’s just get right to it. And he looked at me and he told me his story. And Jesse Reed’s story began 24 years before. He lived in Oakland. He was both using and selling drugs. He was out one night to raise money to buy more drugs. And he and his brother approached a man in a car who was soliciting a prostitute. The man in the car looked at Jesse and his brother. Jesse opened the car door, pointed a gun at him
and the man in the reaching for the wallet and the door swinging open, Jesse shot the gun. He says it was not intentional, that he just wanted to scare this man. But the fact of the matter is, Jesse was carrying a gun. He shot the gun. He killed the man.

At that point he left the scene, went home. A few days later he was arrested and he was charged with first-degree murder and convicted. And he went to prison. He did not just do time at San Quentin, but he ended up in San Quentin for a good part of his time. And that’s where I met him, 24 years later.

ONEK: So at the time you met him he was waiting to get word from what the governor’s decision was. What was the governor’s decision at that point for Jesse?

MULLANE: Well, the governor had, he had already been found suitable, as I mentioned. He had been found suitable once before. Although that was not the first time he had gone before the parole board. Jesse had gone before the parole board a number of times. But he had been found suitable. And then he was reversed. After he was reversed, it was a very difficult experience, not just for Jesse. But one of the most interesting things about when an individual serving a life sentence with
the possibility of parole in California, is found suitable for parole by the Board of Parole Hearings to commissioners sitting across the table from them and their attorney, it’s quite an experience.

For many they say it’s as if they’re no longer a monster. And that they have been found suitable to return to society. That they’re no longer a public threat. And that’s, it’s an affirmation that they’ve done something really good and that they have changed. That society’s representatives, these parole board commissioners are so confident that they’re not going to commit another murder, that they become almost humanized. And then he was found suitable and then reversed. And he had to call his mother and tell her I’m not coming home. And his mother this huge party planned. They’d blocked off the street. They’d arranged for, his aunt makes amazing barbecue sauce. And they were going to have this huge party to celebrate. But he had to call her and tell her that the governor had reversed.

A year later he was found suitable again. And that’s when I met him at that halfway in the 150 days. Eventually on the 150th day, he received word that the governor again had reversed his parole. And I saw him a day after. And he, you know, it’s
interesting when you see someone going through that 150 days because when they first are found suitable, there’s this deep euphoria. Around the prison they’re kind of looked at as if they’ve won something. They’re the suitable guys. And they kind of get this almost, I don’t know, glow I guess about them within the prison. Everybody watches them. But everybody knows that as they get close to that 150th day, that everybody gets a little nervous because they know that when and if they’re found suitable and reversed, that devastation, receiving this fax is pretty harsh.

So when he got reversed the second time, I saw him and he just looked so deflated. After having watched him go through this process, it was kind of shocking to see the impact of that. And his shoulders had just kind of fallen in on themselves. And he was trying really hard to show that, you know, he still had hope. But it had taken its toll the second time.

He ended up filing writs in the court. And in the end, the Alameda County superior court Judge Goodman ordered the prison to release him. And the judge found that the parole board had in fact, did have a justified reason for finding him suitable and that the governor did not.
ONEK: So, you know, in telling that story you said so, I was in San Quentin. I saw, Sam Robinson brought me over to Jesse and I sat down with my microphone and started asking him questions. How in the world did you get that kind of access? That’s pretty unprecedented to have a reporter who’s allowed to just walk around with a microphone. How did you do it?

MULLANE: Well, the press does have access inside prisons. The trick is getting the public information officer at any prison to return your phone calls. You can call and leave a message. You can text. You can email. And if they don’t have an interest in bringing you in, they just don’t return your calls.

It all began back in 2007 when I was first asked to do a story about prisons. And I don’t like to do stories for radio where somebody tells me about somebody else’s experience. I like to get in and talk to the person that somebody’s talking about. So I felt that if I was going to do a story about prisons, I should get in. So I began this process of trying to figure out how to get inside a prison. And ultimately it resulted in a first visit inside San Quentin state prison in June of 2007. And at that time I by chance met the first person that I would ever meet who
had committed murder. His name was Don Cronk.

And that began this quest. Because both Don Cronk and the other men I met that day didn’t look the men in my mind would look who had committed a murder. And they were very articulate, reflective, seemed very steady. And I thought that’s, why don’t I know this? And so I began this professional journey to find out that answer. And wherever it required I go to get whoever it was who had the answer to tell me, that’s what I was going to do. And it didn’t start like right off the bat like that. But it grew. Because every, I kept thinking well, this person’s going to have the answer. And when I thought when that person, such as the warden at San Quentin didn’t answer the question the way I thought he would, oh yes, people who commit murder should never get out of prison. When he said oh no, people who commit a murder actually change. They have the capacity to change. I thought well, why don’t we know this? Well, nobody’s asked. So it began this asking everyone.

ONEK: But it’s not just asking, but getting folks to open up and answer, even once you have access there. You know, you just mentioned Don Cronk. I met him. You had a pre-release party for the book where I met Don and had a follow-up phone call with
him. And he said, you know, at first he had been burned several
times by reporters over the years. And he wasn’t eager to talk
to a reporter. And he said for your first story, that it wasn’t
about him, he would just talk to you without talking about
personal stuff. And that, but then he heard that story and was
like OK, she did exactly what she said she was going to. He said
it was a process, in other words, of building trust. Until by
the end, you had the complete trust of these five men who were
telling you in just complete brutal honesty everything about
their life, about their crime, about their struggles. How were
you able to build that kind of rapport with these five men when
you yourself just said you’d never a murderer before you went in
there the first time?

MULLANE: Well, I think, it was a lot of determination. I refused
to give up. And in the book I call it a mix of Irish luck and
persistence. But I think it really was some luck, but most was
persistence. I just, if Sam Robinson, the public information
officer didn’t return my phone calls, I would drive to the
prison at six o’clock in the morning, where I knew he had to
pass by the gate. And I would be sitting there at six o’clock in
the morning. And he would pull up and look and say, Nancy. What
are you doing here? I need to come in today. I’m doing a story
and I need to get access. And he would say come on. But if I just sat at home and said oh, why isn't Sam answering my calls?

There’s another thing that was actually kind of unique in that, and Sam and I were just talking about Sam Robinson. I spoke to him a couple of days ago. I’m still doing stories on prisons and going to San Quentin. And so we were talking the other day and I said, you know what it was, Sam, that enabled me to get so much access? It’s that I’m an independent reporter. So I am reporting for National Public Radio, national, I’m reporting for KALW. At the time I was reporting for Weekend America, Day to Day, Latino USA, just a number of programs. So the trick with getting inside prison as a member of the press is you have to have a story. You can’t just call and say I would like to come in and look around. You have to have a story that has been assigned or accepted by a radio program. So that was what it was.

Because if I had just been working for National Public Radio or KALW or Weekend America, and I had done a prison story about something happening inside San Quentin, and there are so many things happening inside San Quentin that are worthy of news stories, news coverage, the editor could say well, you know, you did that story a month ago. We’re going to take a pass. I
would call another editor and say OK, I’ve got this great story about prison. And they’d say oh, OK, we’ll take it. And I could call Sam and say I’ve got a story. And he’d say oh, come on in then. So I would keep doing stories for different agencies and if I had been a reporter that was exclusively working for one news program, I don’t think they would have been as accepting of taking the number of stories that I was doing. But because I was doing them for everyone, and Sam would say OK, well, you’ve got a story, come on in, I just kept getting in. And that gave me access to the men. And when the men kept seeing me over and over they all, oh, Nancy’s here. And I would say hey, so where are you in that 150 days?

ONEK: Right. You’re in on an unrelated story, but you’re still checking in with them about other stuff.

MULLANE: Yeah. I always pushed Sam. Say come on, Sam, can we just go check him over at the chapel to see if Don’s available or. And Sam would always, and Sam I think actually, and I think the wardens, and I’ve now interviewed four wardens at San Quentin. They’ve always given me access. I think they know that the stories that I’m telling are in fact stories that need to be told.
ONEK: Um-hm.

MULLANE: So they want me to get in because they listen. And in fact in Sacramento they all know me. And that involved also filing so many public act requests to get information that had never been compiled about people who had committed murder.

ONEK: OK. Well, let’s zoom out for a minute and talk about the broader policies governing parole in California. You went into it a little bit in discussing Jesse’s story. But can you just describe how the system works, what is the process and how has it changed over the years?

MULLANE: Well, I’m going to go all the way back to 1919 when indeterminate sentencing was the policy for all felons in the state. So every one who did any kind of felony from 1919 through 1976, everyone did an indeterminate sentence, meaning they would do one to life, one year to life, five years to life, which meant that they had to go before a parole board and show that they had been changed by their prison experience. That the purpose of prison was to rehabilitate and return people to society improved, no longer with a criminal mind or element.
And then in 1976, a large segment of that felon population changed from being given an indeterminate sentence to a determinate sentence. And that was under Governor Jerry Brown in his first term as governor. So only individuals that were convicted of murder one and murder two, first- and second-degree murder continued to serve an indeterminate sentence, meaning they had to go before the parole board. Everyone else did a set term. So if they were doing, if it was for rape, first rape was probably two years. But they could get out on one year good time. So they would do one year. And no matter what they’d done in prison, whether they’d done any rehabilitation work at all, they would be put in a van, driven to the bus station and released, expected to meet up with their parole agent.

So beginning in 1976, the only individuals remaining in California prisons that had to still go before a parole board, are people serving for first- and second-degree murder. So that’s how it works today. People who are convicted of first- and second-degree murder, for first-degree murder you do 25 years. For second-degree murder you do 15 years. And then you’ve met what’s called the minimum eligible parole date, or MEPD. And that means you automatically become eligible to appear
before commissioners appointed by the governor and confirmed by
the state Senate to determine whether or not you have met the
requirements for parole. And that’s kind of the first step.

ONEK: Now, before 1988 if they said you’re suitable, you moved
on. But something changed dramatically in 1988 with Prop 89. Can
you tell us about that?

MULLANE: In 1988, a bill was put before the voters. And it was
called proposition 89. And what this initiative would do, it
would allow the governor to insert himself in this parole review
process. If someone who was serving a murder offense went before
the parole board prior to 1988 and was found suitable, in two
days, they were released. That was the end of the process, with
a very low recidivism rate. In fact, the lowest recidivism rate
of any category of crime, based on documentation that you can
actually find on the CDRC’s website. Back from 1945, the CDRC
actually reported that individuals convicted of a homicide have
the lowest recidivism rate of any category of crime.

So prior to 1988, if you were found suitable for parole, that
was it. You were released. You went out. You did a parole.
You were on parole. And then the parole ended and you were in
society. In 1988, the voters by over a 50% majority, I think it was 53%, passed this law that says that the governor would be given the authority after someone was found suitable, for 150 days, the governor would have the opportunity to review and reverse the parole board’s decision. And at the time, the legislative analyst’s office put out a voter booklet, the Pros and Cons. And they actually said that in the voter booklet that no one really expected the governors to use this law. So there probably wouldn’t be any cost because the governors were supposed to use the same criteria to evaluate as the parole board commissioners.

In fact that has not been the case. So when I began looking at these individuals serving murder offenses in San Quentin, I kept hearing oh, he’s been found suitable. But the governor’s probably going to take his date. And that was the language they used. And I thought, take his date, what are you talking about? And that’s when I found out and that’s when I started doing a lot of the deep research about well, oh, there’s this law that was passed in 1988. [LAUGHTER] And everybody’s getting their dates reversed, for 20 years, everyone’s getting their dates reversed.
And so I started looking into the numbers. And in fact, from 1988 through 2007, governors, first Duekmejian and then Wilson and then Davis and then Schwarzenegger in fact had been reversing between 75 and 99.9%, depending on which governor.

ONEK: That’s Governor Davis, yes. He didn’t let anyone out.

MULLANE: Yeah. He let eight out in six years. Prior to 1988, somewhere between 100 and 300 individuals who’d been convicted of a murder offense were released on parole every year, with the lowest recidivism rate. And not for murders, but for maybe other kinds of crimes. So this set this whole new motion, this whole new process into the parole. So remember, we now have these two populations in California prisons. We have the vast majority who are doing, 80% that are doing determinate sentences and no one’s asking any questions. And then we have this population that is doing life term that have to go before the parole board who are doing everything they can to change. And if they’re found suitable, which was only 3% of the thousands that were going every year, the chance of them actually getting out at the end of the 150 days was around 1 to 5%. And over the 20 years. So there was this sense inside the prison that no one was going to go home. And if someone did go home, it was seen as a miracle.
ONEK: And, you know, when you think about how unique California is in this respect, if I’m correct, Maryland and Oklahoma are the only other states that have something like this with the governor having control in terms of reversing. And in California you have a governor who is already appointing the folks sitting on the parole board. So the governor does have some responsibility. But it just seems, you know, you want to de-politicize a decision like this as much as possible. And who is the most political person on statewide matters in the state? It’s the governor. And it just boggles the mind, all especially during the Davis administration, all the time and effort that went into these hearings and the money. And every single one, save eight, were overturned. It becomes a sham, doesn’t it?

MULLANE: Well, I think there was a, I think people who passed the law were afraid, A, because they don’t, when you see, you go to the voting booth. And you’re looking at something you’re going to vote on. And it says this is for public safety. The instinct is to check yes, I want to be safe. I want my children to be safe. But what we don’t know and what isn't put in that initiative is that these individuals have been found suitable by a very conservative parole board, made up of former district
attorneys, former correctional officers, probation officers, parole agents. These are people who know the criminal justice system from the inside. So when they find someone suitable for parole, it is a rigorous experience. And it’s never on their first hearing. It’s always on maybe their third, fourth, fifth, sixth hearing.

So I think what people didn’t know when they passed proposition 89 in 1988 was that we already have a system in place that is really effective. And we also were not looking at what’s the upside for a governor to say yes, I’m going to let this person off on my watch. If you’re looking at a potential, politicizing any kind of a process, I can’t imagine that there’s any process that you could politicize more than giving the governor the responsibility of taking that position. So after 150 days, I interviewed Peter [Seegins?] who was Governor Schwarzenegger’s first legal affairs secretary. And he said, you know, they would do the extensive reviews of the file and then they would take a recommendation to the governor. They didn’t always agree. But just about every one who’s involved in this process has said it has become politicized.
ONEK: Yeah, absolutely, including one of the retired lieutenants you talked to, Lieutenant Reed, I believe his name was.

MULLANE: Oh.

ONEK: He said, you know, it’s all political.

MULLANE: And in fact when I asked Lieutenant Reed, who was on North Block in San Quentin for most of his career, I think it was 25 years, inside San Quentin state prison, and he did his time as a captain on North Block, which is the lifer population. And I asked him, well, you’ve had so much experience working with the lifer population, would you consider being a member of the parole board commission, because you could really read these men? And he said it would be so devastating for him to find a man or a woman suitable for parole and then have the governor reverse his decision, that he said he just couldn’t live with himself. He could not do that and live with himself. So he said no, he would never accept a commission on the parole board. I thought that was kind of interesting.

ONEK: Now, let’s talk about what has changed with Jerry Brown becoming governor. Things haven’t changed structurally, but
in terms of the governor’s decision making. I think the stats you show in the book say Governor Deukmejian affirmed about 5%, which means he reversed about 95% of the time. Pete Wilson affirmed about 1%, so he reversed 99% of the time. He let 31 people out in eight years. We’ve already talked about Gray Davis, who for a time didn’t let anyone out and let a total of eight people out over six years. So over 99% reverse. Schwarzenegger, some improvement. People had high hopes, but I think it was still about a quarter that he affirmed?

MULLANE: Exactly.

ONEK: And about three-quarters that he overturned. What has Jerry Brown’s percentage been since he came into office?

MULLANE: Jerry Brown has been a surprise. I think Jerry Brown, and I’ve spoken with Steve [Aquisto?], his legal affairs secretary, assistant legal affairs secretary in Sacramento. And he’s been keeping me apprised of the numbers. And it’s been very shocking. Jerry Brown came in and right off the bat, January of 2011, he came in and he has begun. The way Jerry Brown sees a parole board decision. See, when I first started reporting on this, the CDCR said, Nancy, the parole board is making a
recommendation.

ONEK: To the governor, who is the final decision maker. Because in effect that was what was happening.

MULLANE: Exactly. And so every time I would report the parole board made a recommendation or I started to say decision, they would correct me and say no, no. The parole board only makes a recommendation. The governor makes the decision. When Jerry Brown came in, Steve Acquisto, the legal affairs secretary said, Governor Brown sees the parole board as making a decision. And if he’s going to reverse the decision, he feels that he’s interfering with the parole board’s process. And he trusts, he says we have, I’ve appointed these individuals. We are paying them to go around the state in these prisons and to make that decision. And so he, Governor Brown’s perspective from what Steve Acquisto’s told me is that he feels that if the parole board finds someone suitable, that he wants to honor the parole board’s decision. So he, in effect, since he took office, now a year and a half ago, he has been reversing only 17%. So he’s allowing 83% of those found suitable to go home. Which, I spoke to a man in San Quentin when the numbers began to pile up so that people saw this wasn’t just a month or two months. And he
said, you know, the way men inside prison see this is that Jerry Brown is following the law. And because he’s following the law, they are beginning to trust. And there’s this sense of hope that if they actually do everything they can and they go before the parole board, and they’re found suitable, that the law that said if you do these things and you’re found suitable, you’ll go home works.

ONEK: Now, that is the good news for hope. There is also some bad news from lifers’ perspective in some of the implications of Marcy’s Law that was passed that had to do with a lot of things regarding victim’s rights. But one of the things it did is it dramatically increased the time a prisoner has to wait if they’re denied by the board before they have a subsequent hearing. And as your book documents, often in the past it would be a year or two where a prisoner would wait before they’d be able to go back to the board. The minimum denial is now three years. And the maximum, which used to be five years, is now 15 years. So it seems to me that parole hearing now is even more crucial than it was before because if you are found suitable, then there’s an 83% chance that you’re going to be home. If you’re not found suitable, then instead of being able to try again next year, you’re waiting a minimum of three years and
often more than that before you even get a chance to go before
them. Oh, and by the way, who knows who the governor will be
by the time that comes around and what their policy will be.
So, how do you, I mean, do you think there’s more hope or more
despair with those two competing things, having Governor Brown
in, but also with the implications of Marcy’s Law.

MULLANE: I think there’s competing emotions inside the prison
right now. And the hope is so high. When someone’s going to the
parole board now. Because they know if they, you’re right. It
used to be before Marcy’s Law was passed in 2009 by the voters
of California, in the name of public safety, that someone would
go before the parole board. If they were denied parole at that
moment, the parole board would decide how long they should wait.
So how long their denial would be. So they would normally be
given between one and three years. It was rare that they were
given a five-year denial.

And that gave them an opportunity to focus on what the parole
board’s recommendation was. So, you know, we don’t think you’re
ready right now. We want you to work on your education. We
want you to do more programming. We’d like to see you. So they
would focus on those specific recommendations by the board.
And then they would have an opportunity to show the board, see, I’ve worked on that. And there was kind of a relationship between the parole board and the inmates as they came up before the board. Beginning in 2009 when Marcy’s Law was passed, no longer was there a one-year opportunity for the board to give an inmate. They were denying. The board now have to justify why they’re only going to give us three-year denial. And in fact the standard is five. So unless the board can say well, the reason we’re only going to give you a three-year denial, if they can really find a reason, kind of a liberal reason, you might say, not a conservative reason why they would give a three-year denial, they’re able to do that. But mostly they’re giving five-year denials and they are also giving 15-year denials.

So imagine, you were sentenced to 15 years to life for a second-degree murder. You have now done 20 or 25 years. You’ve gone before the parole board. The parole board has found you suitable. But the governor reversed. Now you’re going back before the parole board again. You haven’t done anything wrong. There’s been no disciplinary actions. But you’re now facing a different commissioner on the parole board. And every commissioner has their own perspectives. This commissioner might say well, I don’t think you’re ready. And that commissioner can
now give a 15-year denial. And you have to wait 15 years to go before the parole board again. It’s like another sentence. So that means you would have to do 35 years before you can go before the parole board again. So that’s one impact of Marcy’s Law are these potentially extremely long denials.

The other impact is if you’re going before the parole board now and if you’re found suitable, you know that it’s going to be Jerry Brown who’s going to be considering that suitability in 150 days. And he’s got at least another two years to go. So it’s looking good. So there’s hope there that this is the moment. Get in now. But if you’re denied and you’ve got a minimum three years, there’s a very slim chance you’ll face Governor Brown the next time. And no one knows who that governor is going to be, because the politics of this process haven’t changed. Just the person sitting in the office has changed.

ONEK: Now, one thing you don’t do in the book is speak to the victim’s families. And I know you’ve received some criticism for this. You obviously go into great detail about the lives of these five men. But their victims are, you talk about it a little in the preface about the victims, but you don’t go into it. Can you please explain why you made the decision not to
include the victim’s families in this?

MULLANE: I think it was a difficult decision. And I now believe it was the right decision. And the reason I think it was really the only way I could this book was to focus on this huge population in America. There’s 140,000 individuals serving life sentences in America. And no one has really done a book telling the stories of their crimes and who they really become on the outside. And I felt that if I, and this wasn’t like I’ve said before, this is not, this was not a decision in 2007 to write a book about men and women who had committed murder.

This was something that evolved over the years into a fellowship and then working on a documentary. And then it became evident that I had so much material. I had a story that I never heard before that I really felt that story had to be told. And at that point if I had gone back and, you know, said well, I think I need to go talk to the individuals who have been most hurt by these crimes, I felt that the story that I was telling would not have been as straightforward and complete. And that was the stories of these five men. It’s not to say that their crimes have not resulted in tremendous loss and pain by individuals in the community. But I felt that by focusing on these five men, we
would understand a population in America that we just don’t know at all. And that’s what this book is about.

ONEK: So let’s talk about what happens when these men get out and the challenges they face. I want to start by saying the statistics here are pretty phenomenal that you talk about in the book. There have been around 1,000 lifers since 1990 who have been paroled, for murder. And zero of them have been convicted of a new murder. And only 13 of them out of 1,000 have been reincarcerated for any kind of new offense, and only six of those, six out of a 1,000 have been reincarcerated for a violent or serious crime. What do you attribute that to?

MULLANE: Well, I think one of the most interesting things about the statistic or all of these statistics is that we didn’t know them. I didn’t know them. The California Department of Corrections and Rehabilitation didn’t know them. The governor’s office didn’t know them. The legislature didn’t know them. Nobody was taking a look at who are people who have committed a murder offense after they get out of prison.

It was almost as if we’d turned a blind eye. They became an invisible population. And nobody seemed interested in actually
finding out. So the only way I could get these statistics to file not just one set of public records act requests with the California Department of Corrections and Rehabilitation. It required numerous email follow-ups, resubmitting public record, contacting the information services branch within the CDCR and making a verbal contact with the person who actually compiles the statistics. And having him tell me how I could write another public records act request so that it would be accepted and he could actually formulate the numbers for me.

It was kind of mind boggling that nobody knew what happens to people. So that’s one aspect of this that I think is really fascinating is that nobody was asking what happens to this population. They didn’t know the recidivism rate. They didn’t know if 10% went back or zero went back. So when I got these numbers in May of 2011, they came in an email in the morning. I opened them up and there they were. And I stared at them. I thought did they make a mistake? And in fact they hadn’t.

And they were just as surprised as I was. And so I started sending these around to the governor’s office, to legislators. And everybody was writing back saying, do you have any more? This is fascinating. We didn’t know. We didn’t know. And what
it tells us is that when we send in California, when we send an individual, when we convict someone and we send them to prison for a conviction of murder and we lock them up in a cell that is extremely small and very confining, and often under lockdown conditions for months at a time and years and decades pass. Something happens to this population of people that is really remarkable. But we don’t know it. Because they’re locked behind these prison walls. And one of the things that I’m most fortunate in this work is that the men, because I was able to get access to these men inside prison, that meant, and they trusted me inside prison, when they got out, I asked them, do you want to stop now? If you want to walk away from me and never give me another interview, I understand. But these men trusted me. And so they said no, I’ll keep telling my story. Because if I tell my story, then maybe people will know who we really are. And the men that I’ve left behind in prison who can’t get out because of governor review or parole board review, that they’ll have a chance.

And so there was kind of this interesting moment that I had this access. And not just access to these statistics. Because I didn’t get the statistics until I’d been following the men on the outside for two years. So I kept seeing this anecdotal
evidence that these men were different. That they had this reserve of change and redemption. And they wanted to talk about it. It was scary for them, because they thought if raise their heads up, well, I actually committed a murder, you know, 20 years ago. But let me tell you who I am. It was so scary for them to do that because people would look at them and turn them down for jobs, walk away from them, reject them in the most not devastating way for them, because they were willing to be open. But people really don’t want to hear about it.

And so I kept seeing this. And a couple of the men that I profile now work for the California Department of Corrections and Rehabilitation. They’re paid by the very prison system that kept them incarcerated for 24, 28 years. And now they’re paid to go inside the Stockton Juvenile facility, which is a prison for juveniles, and mentor them. And they’re finding that the impact of their work with these young men in Stockton is having some of the deepest and most impressive results. Because these young men see them, see themselves. And Jesse and Eddy, who go in, they see themselves as well. So there’s this exchange of identity. I can see where you are.
In fact Eddy tells me this story. When he was inside and one of the first times talking to this group of young men, who are very reluctant to accept at first. And he said, you know, I bet I know where you hide your weapons, because I was here 30 years ago. And they all look at him like no. OK, this is where you hide them. And they all realized that they, Eddy was sitting there. He’s them. But now he’s standing in front of them with these nice clothes, articulate, composed. And he becomes, they become role models for change. And that’s pretty powerful stuff. You know, I’ve witnessed it myself.

When I’ve gone inside the Stockton Youth facility to watch and to document it. And it’s quite remarkable. But I do feel that the statistics are an indication that. And it just validated what I was seeing. But getting those statistics that people who commit a murder offense go before the parole bound, are found suitable and then are released from prison, have something to share with us. And that’s the power of their redemption.

ONEK: That’s a great place to stop. Nancy Mullane, thanks so much for joining us.

MULLANE: It’s a pleasure.
ONEK: Please tune in next time when we’ll be joined by actress Sonja Sohn, star of The Wire to talk about the show and the non-profit she founded to work with at-risk youth in Baltimore.

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