



My Parole Eligibility: An Update on my Parole Status

By Michael G. Santos

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As an old-law prisoner I have a sliver of parole eligibility on a portion of my lengthy sentence.

The primary reason that I transferred from the Taft Federal Prison Camp to the Atwater Federal Prison Camp concerned my parole eligibility. Few federal prisoners have any parole eligibility at all. In the federal system, parole only exists for people who were convicted under the sentencing laws that were in place prior to 1 November 1987. Sentencing laws that exist today, sometimes referred to as "new law" or "sentencing reform law," do not provide for parole eligibility.

One consequence of my having been convicted under the law that existed in 1987 provides that I have a sliver of parole eligibility. My sentence in total was 45 years, but only the final two years of that entire sentence qualified for parole. The convictions for which I serve time relate to bad decisions I made during my early 20s. I regret having played a leadership role in a criminal organization that existed for the purpose of distributing cocaine. Despite my not having a history of violence, weapons, or previous incarceration, because of my leadership role in the criminal organization, I was convicted of statutes that rendered me ineligible for parole for a considerable portion of my sentence. Of the 45-year aggregate sentence, I am only eligible for parole during the final two years.

When I transferred from the Taft Federal Prison Camp to the Atwater Federal Prison Camp, I did not know how my parole eligibility would play out. I had been under the impression that I would complete the 43-year nonparole-eligible portion of my sentence in November of 2011. Although I'm only in my 25th calendar year of confinement, I have accumulated a substantial amount of credits for what is called *good time*. I recently learned, however, that I had misinterpreted exactly how much "good time" I had absorbed.

My case manager at Atwater impressed me with her interest in my case and her competence in moving it forward. On my first evening of being processed into the Atwater camp she paged me to her office. She wanted to discuss my parole situation. It's unusual for staff members to encounter old-law prisoners in federal prison camps. Most prisoners who were convicted under the old law have already been released. Those who have not would ordinarily have served their sentences in much higher security. I began serving my sentence in high-security prisons, but a combination of calendar pages turning, my lack of a violent criminal history, and my avoidance of disciplinary infractions resulted in my transfers to lower security-level prisons over the years.

My case manager expressed surprise that during all of the years that I had served, I had never sat before the parole board for an initial parole hearing. She worked diligently and quickly in an effort to arrange a parole hearing for me. By my third day at Atwater, she told me she was rushing with hopes of arranging an initial parole hearing for me during the week of 31 October. Her enthusiasm gave rise to optimism in my mind.



I contacted one of my mentors, Dr. Sam Torres, with a request that he serve as a representative for me at my initial parole hearing. I have known Dr. Torres for several years. He was a professor of criminal justice at California State University in Long Beach, and prior to that career, Dr. Torres had retired as a Senior United States Probation Officer. Our relationship developed as a consequence of Dr. Torres' assigning *About Prison*, a book I wrote about my experiences, as required reading for courses he taught in criminal justice at Cal State University. I considered Dr. Torres' friendship and support a real honor; I would have been proud to have his representation during a meeting with the parole board.

With my case manager's assistance, I began to contemplate possibilities. In my mind I began to see different scenarios that could result in decisions from the parole board, and then halfway house, that would result in my walking out of prison before Christmas of this year. As events turned out, however, my irrational optimism was nothing more than fantasy, a fantasy that soon cleared with the hard reality of denial that I have come to know so well as a long-term federal prisoner.

Whereas my case manager wanted to help bring some clarity to my release date by coordinating a meeting for me with the parole board, representatives of the parole board declined to consider my case until the summer of 2012. Whereas I had thought that I would complete the portion of my sentence that was not eligible for parole by November of 2011, officials determined that I would not complete the 43-year nonparole portion of my sentence until June of 2012. The parole board would not consider my case until then.

I received that disturbing news on Thursday, 13 October 2011. I shrugged it off then as just another disappointment that I should have expected. The next day, Friday, the news hit me a little harder, depleting me of energy.

I should not have allowed myself to fall into the delusion of release. But I did. All day Friday I tried to focus on my work—unsuccessfully. Suddenly it became difficult to think about another year in prison when I had allowed those fantasies of spending this next Christmas season with my wife, Carole, to creep in. The idea of climbing through one more year of imprisonment felt as if it were going to be harder than climbing through the previous quarter century.

On Saturday I woke with renewed determination. The clarity returned to me as I began a 15-mile run. While running laps around the small track, I began to think about how much I could accomplish during the remaining time that I would have to serve. I realized that regardless of what the parole board or the Bureau of Prisons decided, I was scheduled for a mandatory release in August of 2013. It would be unlikely that I would remain in prison until that date, but even if I did, it was only 22 months away. I could handle 22 more months if it came to that. And if I were to serve 22 more full months, I would walk out of prison with significantly more amounts of writing that would help me launch my career upon release. Such thoughts empowered me through the run.

In reality, I will not serve 22 more months. Recent legislation (the Second Chance Act) qualified prisoners for up to one year of halfway house placement. The Bureau of Prisons does not grant the full year of halfway house authorized by Congress to many prisoners, but the length of time that I have in custody might advance my candidacy for the possibility of a full year in a halfway



house. My case manager did not reject the idea of submitting me for one year of halfway house placement, but she told me she could not submit me until I advanced to within 19 months of my mandatory release date. That would mean that she could submit me in January of 2012, but only on condition that I formally waived my parole eligibility.

While running around the track on Saturday morning, I made the decision to waive my parole eligibility and to put all of my efforts toward persuading the Bureau of Prisons to grant my one year of placement in a halfway house. If I were to receive the full year, the Bureau of Prisons would release me from prison to a halfway house in August of 2012. That is only ten months from now. More importantly, the release date would bring clarity, a sense of certainty about when I would begin my life in society. I need that clarity. My wife needs that clarity. We cannot make effective plans for the start of our family life without that clarity.

I do not know whether the Bureau of Prisons will authorize a full year of halfway house for me. Ironically, the Bureau of Prisons may consider my educational achievement, the support network I have built, and the resources I have accumulated as a reason to reject me a full year of halfway house placement. They could say that I have prepared myself well for success upon release, and because I have prepared myself well for success upon release, I do not need a full year of halfway house placement. I am going to advance the argument that although I have prepared myself well, I have served longer than 25 full calendar years in prison. I need the full year in the halfway house to acclimate myself to the changed society. My hopes are that I can coordinate influential support that will persuade the Bureau of Prisons to grant me one year of halfway house placement, enabling me to make plans for a quasi-return to society via halfway house in August of 2012.

If the Bureau of Prisons chooses to deny me a full year of halfway house placement, I think it realistic that it will authorize me six months of halfway house placement. That would place me in a halfway house in February of 2013. That is only 16 months away from now. I could even live with that possibility.

What all of this means is that I still do not know when the Bureau of Prisons will release me. It disappoints me to report that I should not expect to have any clarity on this subject until the summer of 2012. My wife and I will continue making preparations, continuing our climb through an unforeseen amount of darkness. Rather than dwelling on the uncertainty that lies ahead, we will focus on work we can do to prepare for my successful reentry into society.