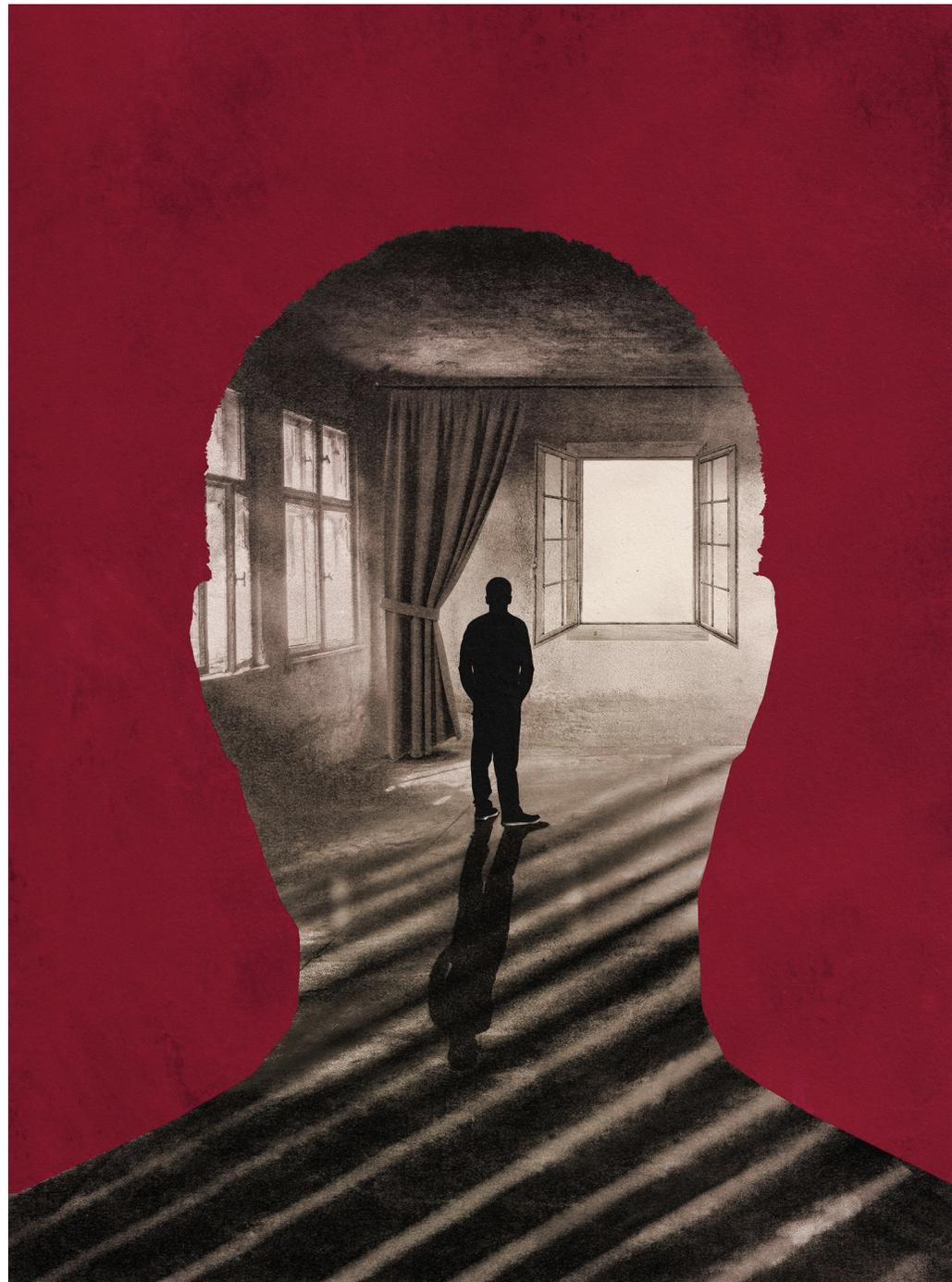


The Washington Post



The Endless Trap of American Parole

How can anyone rebuild their lives when they keep getting sent back to jail for the pettiest of reasons?

(Zach Meyer for The Washington Post)

By **Jennifer Miller**

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CORRECTION

Photo captions in an earlier version of this article incorrectly identified the theater troupe in the photographs and the location where the photographs were taken. They are members of the Returned Citizens Theatre Troupe, not the Shakespeare for Social Justice program. The photographs were taken at the Marin Shakespeare Company in San Rafael, Calif., not San Quentin State Prison.

When William Palmer was 17, he put on a ski mask and tried to rob a man — a crime that landed him in prison for three decades. Now 49, he stood in a San Rafael, Calif., rehearsal hall practicing his original one-man play. The scene took place in a drugstore, and it revisited the moment that changed his life.

“Why do you need to purchase a ski mask?” Palmer asked, staring at an imaginary version of his teenage self. “You’re in California.”

Then Palmer turned, embodying the boy. “Who are you, and why do you care?”

“I’m security,” said the older, wiser Palmer. “You haven’t done anything wrong, but I wanted to talk to you. I wanted you to think: When you put on that ski mask, what are some of the things you could lose?”

“You mean when I go skiing?” the boy asked.

The older Palmer wasn’t indulging the lie. “We lose our mom and dad,” he said. “We never get married, we never have children.”

“Whoa,” the boy said, taking a step back. “Who’s ‘we’?”

“I am you,” Palmer replied. “Thirty-one years later. And I’m trying to get you to think, not emotionally but rationally. Because the decision you’re about to make is gonna cost you a large part of your life.”

Palmer continued the scene. He made some jokes about the future, telling his younger self that in a few decades there’d be a Black president. (The boy balked at this: “Are you on drugs?”) Then he looked up at the audience. “I want to tell my younger self that he needs to take a deep breath, to love himself,” Palmer explained. “I want to tell him about the injustice he’s going to face.”

The audience of seven — four actors, two acting coaches and a director — nodded their encouragement. They were all part of the Returned Citizens Theatre Troupe, a collective of former prisoners turned thespians. They'd come out on a Thursday evening in February 2020 for what was part therapy session, part creative outlet. Most of the people in the room could empathize with Palmer. They, too, had made a critical decision that cost them their freedom.

Palmer was working hard to rebuild his life. It's why he'd joined Returned Citizens. Like his fellow actors, Palmer had discovered theater during his incarceration and found it to be a powerful rehabilitative tool. Through a program called Shakespeare for Social Justice, he learned to collaborate, cultivate empathy and reflect deeply on his life choices. Returned Citizens was helping him continue this work on the outside.

Opening night wasn't until June; Palmer had plenty of time to complete his show. But a lot could happen in four months. He had barely been out of prison a year, and already he'd been back to jail three times for a total of 20 days. That's because, though Palmer was out of prison, he was now on parole. As such, he had to comply with a state-mandated list of supervisory conditions, along with 31 "special conditions" that had been imposed on him

specifically — or risk getting sent to prison again. The conditions affected where he could go, the activities he could join, with whom he could socialize and the amount of privacy he had.

Read more

[Prison: A Washington Post Magazine issue exploring incarceration in America](#)

[He served nearly 44 years in solitary confinement. He was innocent of the crime.](#)

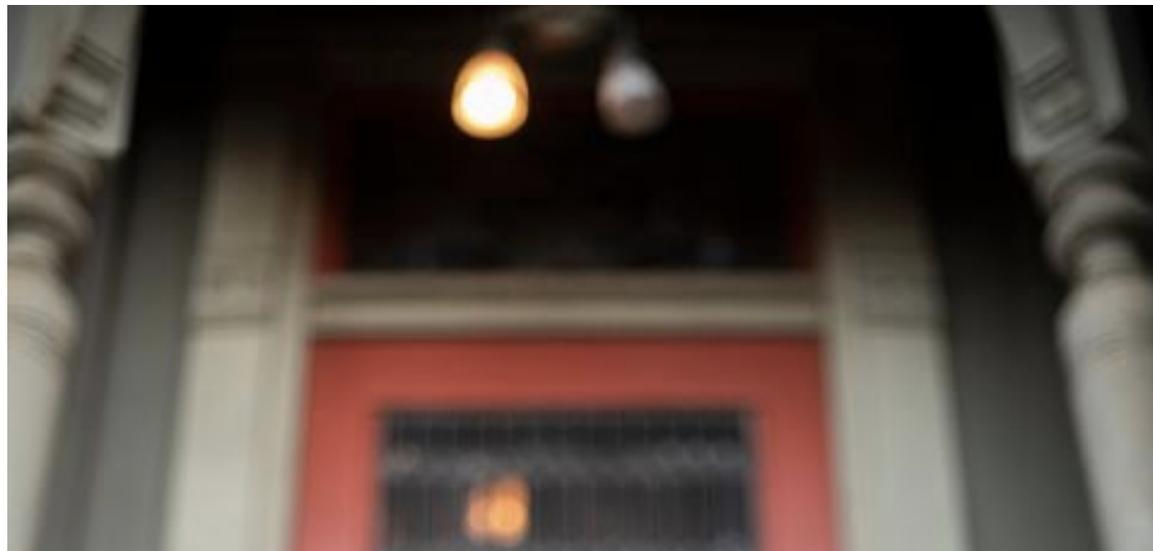
It seemed unfair to him, since he'd committed his crime as a juvenile and hadn't inflicted physical harm on his victim. Further, a California Court of Appeal

had found both the length of Palmer's incarceration and the requirement that he serve parole time constitutionally excessive. The very existence of Palmer's "conditions of parole demonstrates that Palmer is not free from restraint," the justices wrote, noting that "some of these [conditions] are patently punitive." But the state appealed to California's Supreme Court, which meant Palmer still had to follow his parole conditions. The state would maintain that this compliance was vital to his healing, necessary for him to successfully rejoin society.

In 2018, 1 out of every 58 American adults — roughly 4.4 million people — was under community supervision, the catchall term for probation and parole. The average supervisee must [follow 17 standard conditions](#). If they break any of these, they could be

reincarcerated. As Jake Horowitz, director of the Public Safety Performance Project at the Pew Charitable Trusts, explains, “The system is feeding on itself.”

Or look to Hamlet, who famously quipped, “There’s the rub”: A supervision system meant to encourage rehabilitation outside of [prison](#) often stands in the way of its own goal. And so, people like Palmer end up living in limbo, no longer incarcerated but trapped by a government that doesn’t trust them to be free. “I’m not breaking laws,” Palmer told me. “I’m not hurting people. I’m doing life the best way I can. ... You begin to wonder, ‘Is this what I got out for?’ I thought parole was supposed to help me, and all it’s doing is preventing me from doing the things I was prepared to do.”





William Palmer spent 31 years in prison before being paroled. Now he must follow a long list of conditions — including 31 “special conditions” imposed on him specifically — or risk getting sent to prison again. (Brian L. Frank for The Washington Post)

Twenty-five years ago, there was a common saying among community supervision officers: “Trail ’em, nail

'em, jail 'em.” In other words, surveillance and apprehension. This has started to evolve, with an increased focus on behavioral change, treatment and services. “Parole has two objectives,” says Rita Shah, an associate professor of criminology at Eastern Michigan University. “To assist in the transition back to society and to ensure that you are no longer committing crimes.” In other words, reentry and supervision.

Community supervision rates fell by nearly a fifth over the past decade. Horowitz is clear: “I don’t want to paint a picture of a system that’s failing.” But America’s approach to parole is still plagued by problems. Horowitz says the number of people on supervision per capita remains historically high, up several hundred percent from 1980. National data also shows that between 30 and 40 percent of state prison admissions are for “technical violations,” i.e., failing to observe the conditions of supervision. In the 2018-2019 fiscal year, 58.8 percent of California’s parole population went to prison for a technical violation. This could be a misdemeanor, like petty theft or a minor drug offense. But it could also include traveling more than 50 miles from one’s home without permission or entering a bar. Parolees have been sanctioned for infractions such as forgetting to return a steak knife to the kitchen after eating dinner in front of the living room TV; outside the kitchen, the knife is considered

a weapon.

Horowitz says concerns about the [parole system](#) have largely “flown under the radar” but are gaining attention. It’s partly financial: Probation and parole revocations cost states over \$9.3 billion annually; technical violations account for a third of that. Reformers are also pushing for change. Since 2010, 35 states have adopted recommendations of the Justice Reinvestment Initiative, a public-private partnership among Pew, the U.S. Department of Justice and state governments. JRI takes a data-driven approach to reforming sentencing policies; its recommendations have helped to lower both prison populations and supervision revocations in at least a handful of states.

But these changes fail to address a fundamental tension of parole: Can supervision — at least in its current incarnation — and reentry really coexist? “Rehabilitation is a process, with likely failures on the road to success,” Shah explains. “But in a correctional setting, one mistake and you’re still that screw-up who committed the crime.” Supervision isn’t supposed to be punishment, but it often feels that way to supervisees.

“Until they pin down what rehabilitation looks like, they have wide latitude to do as they please,” William Palmer says of the parole system.

“The predominant view of parole is that people are supposed to be in prison, and they received a break to be released early,” says Brian Lovins, president-elect of the American Probation and Parole Association. “The agents think, ‘Rules first, not rehabilitation first. If [parolees] follow the rules, they’ll become compliant.’ I’d say there’s not much evidence that compliance gives long-term behavioral change.”

The California Department of Corrections and Rehabilitation says it strives to balance public safety with reentry. “CDCR begins rehabilitative efforts from the time an offender enters prison and endeavors to have a continuum of care based on needs upon transition to the community,” Marvin Speed, assistant deputy director for the Division of Adult Parole Operations, wrote in an email. (He also said supervising “agents must adhere to all

applicable law, regulation, policy and procedure when determining the proper course of action in relation to a parole violation.”)

Rehabilitation, of course, can take many forms. The federal government and 34 states, including California, have policies that allow some prisoners to receive early release for “earned time” — completing vocational, self-improvement or educational programming. Some states actively help inmates tailor this programming to their individual needs. Utah implemented one such law in 2015, amid a host of other reforms. Indiana enacted a statute in March 2020. Minnesota is considering similar legislation.

Among these activities, theatrical performance has an especially strong impact on prisoner psychology and behavior. In 2014, Larry Brewster, a professor at the University of San Francisco, published a study about three prison arts programs, including Shakespeare for Social Justice. He found that participating prisoners gained greater emotional control, the ability to communicate with others and intellectual flexibility. They had fewer disciplinary infractions and were more likely to pursue additional vocational and educational programming.

These successes have paved the way for tangible reform. In 2016, California passed Proposition 57, a measure that encourages “incarcerated people to take responsibility for their own rehabilitation.” As a result, a growing number of prisoners are now eligible for release. And in 2017, the California Department of Corrections and Rehabilitation required all 35 state prisons to offer arts programming, in part due to Brewster’s study.

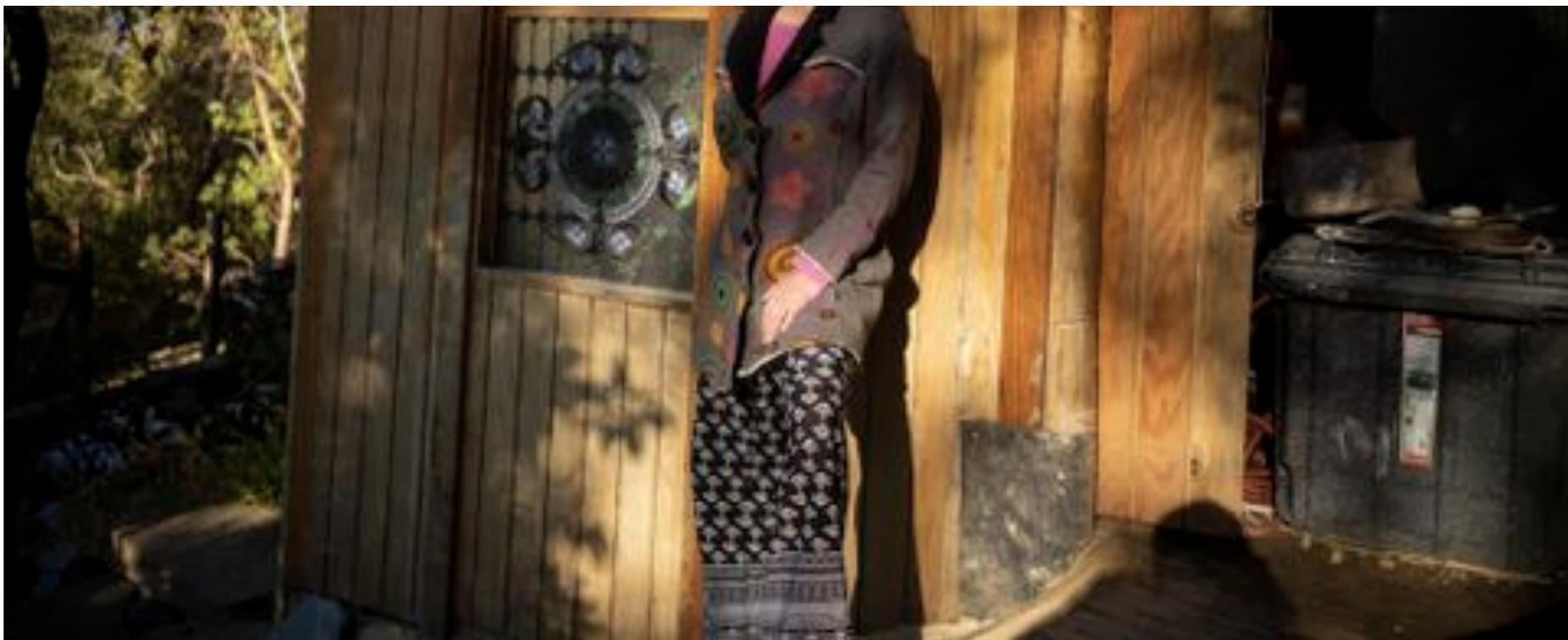
“If we give somebody a high school diploma, they earn a high school diploma,” says Brant Choate, director of the Division of Rehabilitative Programs at CDCR. “But if they don’t have the other stuff filled in — the self-esteem, the ability to start and finish something, communicate, perform in front of someone else — they’re more likely to recidivate.”

Shakespeare for Social Justice taught Palmer to interrogate the thoughts that popped into his head and to hold space for empathy. It gave him a sense of control over his own rehabilitation — precisely what Proposition 57 was supposed to do — by helping him “to see something on the other side of the fence.” For the first time in nearly three decades, he could envision a life in which his primary identity was no longer “criminal” or “prisoner.”

“Performance has helped us rethink what it means to rehabilitate,” says Lesley Schisgall Currier, the co-founder and managing director of the Marin Shakespeare Company. Currier launched Shakespeare for Social Justice in 2003 and the Returned Citizens Theatre Troupe in 2015. “Theater teaches emotional intelligence. You have to self-reflect as an actor. You have to step into new roles.”

When Palmer was released from prison in 2019, there were so many parts he wanted to try on: student, mentor, social justice advocate, thespian, independent human being. He did not realize the state-run reentry system had different expectations for him — in fact, an entirely different view of what rehabilitation looked like. Palmer was frequently typecast as a dangerous parolee. And if he went off-script, there would be consequences.





Lesley Schisgall Currier, who launched Shakespeare for Social Justice in 2003 and the Returned Citizens Theatre Troupe in 2015. (Brian L. Frank for The Washington Post)

I first met Palmer in San Francisco, about a month before the city was put on lockdown because of the [coronavirus pandemic](#). I was hoping to see his apartment on Central Avenue. Instead, I found him waiting for me on the street. His parole officer had just called, which meant a command appearance for Palmer. He hopped in my car, and we set off across the city. “Most of the time they want to surprise you,” he said. “The officer I have now is pretty good. He’ll give me a urine test, and if he ain’t heard nothing about me, then so far, so good.”

Little about Palmer's appearance indicated a three-decade prison sentence. His face had few deep lines, his tightly coiled hair was mostly black. His reading glasses aged him, but they also fit his soft-spoken studiousness. Some mornings he woke up and still felt 17, on the cusp of everything.

Palmer grew up with a loving single mother. But when he approached high school, his life grew chaotic. After moving from a predominantly Black community to a White and wealthy one, he felt simultaneously ostracized and punished at school. His mom operated a day care out of their home and fostered troubled youths. In 1986, when Palmer was 15, three of those boys accused him of molesting them. As a result, Palmer was put on probation for committing a 288 felony violation, "lewd or lascivious acts" with a minor.

Palmer denied touching the boys. He alleges he was manipulated into confessing by the detective who questioned him without a lawyer or his mother present. (A 2020 study from the National Registry of Exonerations found that juveniles are more likely to give false confessions than adults, especially when their parents are not present.) Still, authorities told Palmer's mother that she could no longer run her day care with her son in the house. Palmer says his mother eventually found work as the live-in

supervisor at a group home, but she couldn't bring him with her. At 16, he was suddenly on his own. He dropped out of school and worked a hodgepodge of jobs to make ends meet. When he came up short, he would burgle. In 1988, after another steady gig fell through, he decided to try a stickup. He bought a ski mask and, after a day of smoking marijuana and playing Monopoly with a friend, took an unloaded pistol to a nearby apartment complex. In Palmer's stoned 17-year-old brain, the plan was foolproof: He would get his money, and nobody would get hurt.

When Palmer emerged from the shadows, his victim, a man named Randy Compton, said he had no money; Palmer ordered Compton to drive them to an ATM. But Compton was an off-duty police officer with a service weapon. When they reached the ATM, Compton pulled out his weapon and fired 15 rounds at Palmer. Palmer was hit in the knee, but he ran away. He was soon caught. (Randy Compton declined to comment for this story.)





Palmer at the computer at his home. (Brian L. Frank for The Washington Post)

Palmer took a plea bargain and was given a life sentence with the possibility of parole. Years later, he learned this was the maximum sentence he would have received had he gone to trial and lost. (Palmer's public defender at the time was later disbarred for misconduct unrelated to his case; his current lawyer would not have recommended that plea.) Meanwhile, during his incarceration, many states started to rethink severe sentences for youths. Had Palmer been convicted of a similar crime today, his lawyer told me, he would likely not have been sentenced as an adult or served more than seven years.

Apart from a single fight in 1990, Palmer committed no violent infractions over his 31 years in prison. His worst offense was the possession of a cellphone, which he used to speak with his family after his mother died. In 2006, a forensic psychologist at

California State Prison Solano found Palmer to have made “the most appropriate personal, social, educational, and behavioral adjustments in this institutional setting,” through religious, educational and vocational pursuits. He called Palmer a “reliable historian” of the crime that sent him to prison and emphasized Palmer’s adamant denial of committing the 288 felony. He argued that Palmer “is in fact a mature, 35 year old, articulate adult who has a great deal of understanding and insight into his commitment offense and the factors which led up to it.” In conclusion, the psychologist said, “the gains that [Palmer] has acquired through and since his incarceration have contributed significantly to his ability to be a productive member in the wider society.” The parole board did not agree. It would be 13 years before he was set free.

Palmer says he became a new — and much wiser — person in prison. But civilian life offered no shortage of challenges. He was sent to a transitional housing facility in the chaotic Tenderloin neighborhood of San Francisco. There he felt overwhelmed, riddled with anxiety whenever he stepped onto the street. Walking to his job at a community housing nonprofit, he’d vibrate with nerves, equally intimidated by the police station and the drug dealers. He couldn’t sleep for fear he’d be sent back to prison.

In addition, Palmer felt the [parole system](#) did not support his reentry. A legal document his attorneys submitted to the California Supreme Court enumerates various frustrations. He says he asked the parole office to enroll him in a life skills program and was told he should have done so on his own before his release. He says he asked for help obtaining a Social Security card and a driver's license but was told to figure it out on his own. He says when he asked one officer for assistance with getting a subsidized bus pass for the Bay Area Rapid Transit system, the officer wrote "BART" on a piece of paper and stuck it to Palmer's bicycle.

He also felt constrained by his parole conditions. He was found to be in violation of his parole for performing spoken word at a restaurant where alcohol was served, even though he was a devout Muslim and did not drink. He couldn't travel outside a 50-mile radius of his home, so he was found to be in violation after leaving the zone without permission to visit his girlfriend, who, Palmer says, was scared she might be pregnant. His special conditions prohibited him from having any contact with minors, so he went to jail for two days after his parole officer learned that he was involved with United Playaz, a youth violence prevention nonprofit. He found work at a second-hand store, but his parole officer made him quit the job when he learned that the store

provided services to single mothers. And yet Palmer's officer said nothing when Palmer was hired as an undercover security guard at the retailer H&M, a position in which he frequently interacted with teenage shoplifters. Palmer found this inconsistency confusing.

Palmer was later fired from H&M for getting into an altercation with two customers who became aggressive with him. When I asked Palmer's boss about the incident, he said the job, known as loss prevention, is high-stress and unpredictable. It is not for people who are prone to anxiety or triggered by confrontation. After three decades in prison, Palmer was both. Parole officials say the system is supposed to understand parolees' limitations and help them make informed decisions — for their own success and for public safety. In this case, that didn't happen.

Palmer knew he was testing — at times disobeying — his conditions. He says the romantic relationship was especially ill-considered and admits he didn't ask permission to see the woman. But before this, he says his parole officer prohibited him from attending a family reunion in Southern California. Palmer was crushed. He hadn't seen his family in decades, hadn't been able to sort through any of his deceased mother's things. He didn't ask permission to visit his girlfriend, he says, because he

knew what the answer would be. After he was caught, he spent 12 days in jail. He was then offered a chance to attend parole revocation court, a program designed to help supervisees avoid serious jail time for breaking their conditions. Through this process, Palmer agreed to spend six months working with a social worker, wear an ankle bracelet and abide by a curfew.

“Should someone take responsibility and be with their partner [in need]? Most probation departments would say 100 percent,” says Brian Lovins of the probation and parole group. “It’s part of being human and having a life and reintegrating.” But the parole system, he says, “is set up to be risk averse. ‘Parole agent sends offender to prison for 10 more years’ won’t upset anyone. ‘Offender kidnaps another cop’ is a headline.”

On the day I drove Palmer to the parole office, we found an auspicious parking space: directly in front of the entrance. The anteroom looked like a dingy rental-car office. Palmer slipped on his reading glasses and signed some paperwork. His agent — his third in a year and not the one who jailed him — was friendly and polite. He wouldn’t let me observe the meeting, but he seemed unconcerned to find Palmer talking to a reporter.

In under 15 minutes, Palmer returned. He was grinning. “He

agreed to lower my custody level,” Palmer said. “Less supervision, less reporting. That’s a long ways from where I’ve been.”





Members of the Returned Citizens Theatre Troupe at Marin Shakespeare Company in San Rafael, Calif. (Photos by Peter Merts)

Palmer was 27 years into his sentence when he joined Shakespeare for Social Justice at Solano State Prison. By then, he had received his associate's degree in business management and participated in programs for entrepreneurship, leadership and therapeutic gardening. He'd converted to Islam.

Shakespeare's savvy brilliance appealed to him. "He was able to talk about politics, spirituality, social injustices, family dynamics without being so offensive that they'd come after him and take his head," Palmer says. "I wanted to use my art to showcase injustice without saying, 'Woe is me, I'm a victim.' "

To understand Palmer's experience, I went to San Quentin State

Prison to watch a group of inmate-actors rehearse “Othello.” Perched on a cliff above San Francisco Bay, San Quentin is a seaside fortress with an oddly Disney-esque visitor entrance: all turrets and faux medieval gates. Shakespeare for Social Justice runs in 14 California prisons and a juvenile hall, but it started here. The prison has been something of a reformers’ sandbox. “If you have to be incarcerated in California, you want to be at San Quentin,” Currier says. “It has more programs than any other prison, more visitors coming in.” This included a prisoner-run newspaper and a film program. It was the only prison Currier knew of with a tennis court.

Upon our arrival, Currier stopped to chat with a prisoner named Juan Carlos. He’d been in the Shakespeare program for eight years and had just gone before the parole board.

“Split decision,” Juan Carlos reported. “As far as I’m concerned, it’s a grant.” He laughed. So did Currier.

“Thank you for your letter and your support,” he said to her.

Shakespeare participants often ask Currier to write letters to the parole board on their behalf. Her full-time team of seven can manage one letter per Shakespeare member each year. But she

isn't sure how much they help. According to one incarcerated performer, a parole commissioner asked, "If you're learning how to act, are you acting right now about being contrite for your crime?"

Rehearsal for "Othello" was in the art room, a dim space decorated with prisoners' paintings. The men walked in and pulled chairs into a circle. There were a dozen or so of various ages and ethnicities. What they had in common, of course, was the uniform — baby blue tunic shirts that might have passed for hospital scrubs and dark blue jeans flashing school-bus-colored letters: "CDCR Prisoner." Some had been incarcerated for months, others for decades.

"Let's talk about complex and complementary emotions," Currier said after everyone had settled in. At 58, with a cloud of frizzy hair, Currier has the air of a maternal, middle-aged flower child. "It's pretty rare in life that any of us are ever just feeling one thing," she continued. "At the end of 'Othello,' Desdemona is equally in love with and afraid of Othello. Can you think of a time when your character is feeling that way?"

A prisoner named Billy raised his hand. His character, Lodovico, had the closing lines of the play. "It's easy for me to portray his

anger,” Billy said. “But the sadness in the last line, ‘with a heavy heart’ — I don’t know how to do the emotion there.”

Currier asked Billy to stand and recite the monologue. He was in his 70s, with a stringy ponytail and a slight stoop. He spoke the final lines: “Myself will straight aboard: and to the state / This heavy act with heavy heart relate.” When he was finished, he looked discouraged. “The sadness isn’t coming through,” he said.

“Might I suggest that you start that feeling earlier, with ‘aboard,’ to give yourself more time to get there?” Currier said, reminding him to visualize all the dead bodies onstage.

Billy repeated the lines, his eyes closed.

“Beautiful,” Currier said.

Billy opened his eyes. He looked more confident.

Later, I checked Billy’s sentence in the CDCR prisoner database; he wasn’t eligible for parole for another decade. He’d be in his 80s by then. But Currier treated every man in the room as if he might be getting out tomorrow. And if so, what would he need to thrive? I’d think of this moment after talking with Brian Lovins.

“To change the system, we must make the parole agent a coach, not a referee,” he would tell me. “As people are coming out of the facility, your job as a coach is to prepare them to win, to be their best self in a game. If they make mistakes, you train them a new way, give them pats on the back and encouragement. And if they really screw up and you gotta bench ’em, you bench ’em.” Currier was coaching a different kind of player, but the idea was the same.





An actor in the Returned Citizens Theatre Troupe. (Peter Merts)

Here's something that could get you benched. In May 2020, Palmer got into a fender bender. In the parole violation report, he is accused of sideswiping a white Mercedes-Benz in a drugstore parking lot, backing his car into the owner and then leaving the scene. As a result, Palmer was booked for assault with a deadly weapon (the car) and for fleeing the scene of an accident. For the fourth time since his release, he was back in jail.

But interviews with both Palmer and Zhang Qu, the Mercedes owner, as well as a bystander video, reveal a more complicated story. Both men agree that Palmer barely tapped Qu's car. Both agree that Qu grew angry when he emerged from the drugstore

and saw what had happened. As Qu told me, “In that moment, when you feel angry, you cannot control your voice, you speak really loud, because we are human.”

Standing face-to-face with Qu, Palmer had his own human response: His three decades in prison had left him triggered by this kind of confrontation. The last time it happened, at the H&M store, he’d let his anxiety and fear get the best of him. This time, he’d be smart and remove himself from the situation. He retreated to the car. But Qu only saw a man trying to avoid responsibility. So he planted himself behind Palmer’s trunk in an attempt make him stay. The bystander video appears to show Qu pushing against Palmer’s car, shouting. Palmer creeps backward at a snail’s pace, which Qu interprets as Palmer trying to hit him.

Palmer pulls forward as soon as he has the room. But when he turns into the street, Qu runs after him. At this point, the video goes partly out of focus, but it suggests what Qu himself told me: “After that, I try whatever I can to stop him,” Qu said. “I grab him.” By Palmer’s account, Qu struck him through the window, though Qu says he was merely trying to grab him.

Finally, Palmer pulled away, parked around the corner and called 911. He told the dispatcher he’d been assaulted. The dispatcher

asked if Palmer was hurt. Palmer said he was fine, that he just wanted to go home. Shortly thereafter, the police arrived at his apartment and arrested him. The parole violation report does not include the transcript of the 911 call or even mention it. It does not contain Palmer's version of events. And it omits Qu's admission that he pursued and attempted to grab Palmer.

Qu told me he wished the two men could have resolved the conflict peacefully. "I don't want him to go to jail," Qu said. "I just want him to be a good person." Palmer said he was trying. But he also knew he was under a different set of expectations. As a civilian, Qu had been permitted any number of "human" responses to a highly stressful situation, including anger, loss of control, even aggression. As a parolee, Palmer didn't have that privilege. Nobody gave him the benefit of the doubt.

“Rehabilitation is so amorphous that [in practice] it doesn't necessarily connect with what folks involved in the system want

or need,” says Rita Shah, an associate professor of criminology at Eastern Michigan University.

While Palmer sat in jail, he was demoted from his position as a financial specialist at Legal Services for Prisoners With Children. He missed a Zoom taping of “Romeo and Juliet,” for which Currier had hired him to act. And he missed critical rehearsals for the Returned Citizens Theatre Troupe, just weeks before opening night. Not long before his arrest, Palmer had teamed up with the troupe’s newest member, a young Vietnamese American man named Trung. Palmer and Trung had performed Shakespeare together at Solano. Now, just two months out of prison, Trung had volunteered to play the role of 17-year-old William in Palmer’s show. Palmer was deeply moved by this — and by the fact that they’d be performing together for the first time as free men.

But when he was arrested, Palmer had no way of reaching Trung to explain his absence. He imagined how Trung must have felt, just eight weeks out of prison, thinking Palmer had ditched him. His friends and castmates were counting on him, and he was

nowhere to be found.

After 13 days, Palmer was released with no charges filed against him, but the CDCR's Division of Adult Parole Operations filed a petition to revoke his parole. "Part of what's wrong with our world right now are these deep-seated mistrusts that are born out of centuries of discrimination and abuse, and so trust takes a long time to build," Carrier said after Palmer's latest setback. "Being thrown in jail for two weeks for a minor car accident certainly breaks any trust that you might have that the criminal system is there to help support your rehabilitation and success."

The California Court of Appeal's 1st District had seemed to acknowledge as much in April 2019, when it ruled that the length of Palmer's prison sentence and subsequent parole were unconstitutional. "It is difficult to comprehend how [Palmer's] release under such [supervisory] conditions can be seen as anything other than continued restraint and punishment for his crime," the justices wrote. But when the state Supreme Court weighed in this past January, it reversed the lower court's decision regarding parole. Yes, parole was punishment, the justices argued, but parole served a fundamentally different purpose from incarceration. Its goal was to use "supervision and counseling" to help the former prisoner reintegrate. "At least

when parole works as intended, it is a sufficiently vital part of the rehabilitation process,” the justices wrote.

In a concurring opinion, Justice Goodwin Liu made a few clarifications. He argued that Palmer should never be reincarcerated for breaking his parole conditions, since further time behind bars would compound his already excessive imprisonment. He also argued that Palmer’s parole conditions should be geared toward his rehabilitation, not punishment. Conditions should be “careful to avoid incremental incursions on [his] liberty,” Liu wrote, and “may be backed up only by incentives, sanctions, or alternatives.” The concurrence wasn’t the same as the majority opinion, but at least it was now in the legal record.

Palmer’s attorney worried that many standard incentives and sanctions of parole would be incursions on Palmer’s liberty, such as travel restrictions, ankle bracelets and curfews. But Liu did not specify what enforcement mechanisms were appropriate, what rehabilitation meant or who got to decide.

“We don’t all agree on what rehabilitation is,” says Rita Shah, the Eastern Michigan professor. “Even if we operate under the assumption that rehabilitation is to stop committing crimes, what

it takes to get to that point, how strict to be, or whether one mistake [sets you back] all depends on the person. Rehabilitation is so amorphous that [in practice] it doesn't necessarily connect with what folks involved in the system want or need.”

The ruling seemed unaware of Palmer's personal rehabilitative strides, both inside prison and out. There was nothing about his faith observance, his associate's degree and his performance work. There was no mention that he'd been appointed to the San Francisco Sentencing Commission, a reform-oriented arm of the district attorney's office, or that Legal Services for Prisoners With Children appointed him their 2021 Communications Fellow. There was nothing about the paperwork he filed to establish Life After Next, a nonprofit to help prisoners transition to civilian life. There was nothing about his year-long committed romantic relationship with a woman who supported all these endeavors. Palmer's attorney said there was no opportunity to formally submit this information to the court.

In an email, Marvin Speed of the Division of Adult Parole Operations wrote that accountability tools, including reincarceration, were highly personalized to the offender and employed only “after a robust process of supervisory review.” He added that parole agents were extensively trained to facilitate

“successful reentry” and conducted themselves as part “social worker, counselor and peace officer.”

That is the ideal, but it often falls short in practice. First, officers supervising people deemed “high risk” have an average caseload of 40 to 60 people, according to Kelly Mitchell, executive director of the Robina Institute of Criminal Law and Criminal Justice. Second, even the officers become frustrated by the conditions set by the parole board. “Our research is finding there’s not a lot of variation or thought in the number and type of conditions,” Mitchell says. “Conditions are often set by the parole board based on what the board thinks is appropriate, but without research to back up that intuition, or based on what makes people feel that public safety is being served.” It is the exception, rather than the rule, she says, that conditions are tailored to a person’s rehabilitative needs. (Speed wrote that special conditions of parole specifically “must meet legal and policy standards to be considered valid and enforceable.” They cannot be arbitrary or one-size-fits-all.)

Palmer has mixed feelings about the ruling for precisely this reason. “Until they pin down what rehabilitation looks like, they have wide latitude to do as they please,” he says. Still, he finds hope in Justice Liu’s concurrence. To him, it acknowledges that

reintegration could happen “through kindness or supportive actions rather than the pressure of reincarceration. That’s a win right there.”



Palmer at home in his apartment in San Francisco. (Brian L. Frank for The Washington Post)

The Returned Citizens show, “[Stories From the Deep](#),” was scheduled to premiere on Zoom in June 2020, and

Palmer was let out of jail in time to attend the troupe's final rehearsal. The Bay Area was under lockdown because of covid, so the meeting was happening via Zoom as well. Palmer attended from an Oakland train station. He'd been stripped of his driver's license after the fender bender. And since he'd been demoted at work, he didn't want to ask his boss to leave early. His only option was rehearsal-on-the-go.

In an attempt to block out the commotion of the station, he switched his Zoom background to the Golden Gate Bridge; suddenly, he seemed to be hovering among the clouds. To warm up, the performers had been asked to share their recent accomplishments. During his latest jail stint, Palmer had ample time to reflect on this question. There were so many antagonists in life: his parole conditions, the negative thoughts in his own head, systemic racism, a global pandemic. He'd recently learned that Trung had contracted the [coronavirus](#) when it swept through his court-mandated transitional housing facility. He was going to be okay, but he wouldn't be able to perform in Palmer's show.

All of this was calling Palmer to respond emotionally, erratically. But he was trying to confront his antagonists as though they were sharing a scene. "I understand this is your job, but we're on the same side," he had told me, as if speaking directly to the various

factors that were bedeviling him. “We’re in this play together.”

Palmer told the group that whenever life threw him lemons, he’d toss them back and ask for oranges to make fresh-squeezed juice. What other option did he have? “I’m so used to the harshness,” he said, raising his voice above the traffic and wind. “It’s kind of scary how the injustices, they come at me, but I’m better than cracking under pressure and falling apart. I’m proud of the person I’ve become.”

Jennifer Miller is the author of four books. Her next, about first-generation college students, will be published by Farrar, Straus & Giroux Books for Young Readers.

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