

TiFA CONTACT

THE OFFICIAL NEWSLETTER OF TEXAS INMATE FAMILIES ASSOCIATION Vol. 22 No. 2 April



We Rallied in Austin For Our Loved Ones

On February 13th hundreds of Texas families gathered on the south steps of the State Capitol building calling for meaningful reform to the criminal justice system. Texas Families for Justice once again brought together families with a loved one in prison, formerly incarcerated individuals and concerned members of the community to demand that legislators fix serious issues in the Texas Criminal Justice system.

Texas Families for Justice is a coalition of groups working together to improve the criminal justice system in Texas. Some of the groups represented included TIFA and Texas Voices for Reason and Justice, the Texas Criminal Justice Coalition, ACLU and the Texas Advocates for Justice.



Rep. Senfronia Thompson who accepted our work time credit petitions, Doug Smith & Lauren Johnson



Families and concerned citizens worked to bring attention to issues that included unfair sentences, deplorable prison conditions, prison staffing issues, health care issues, parole reform, and the need to eliminate barriers to housing, jobs and education once a person is released from prison or jail.

TIFA presented almost 8,000 petitions to Rep. Senfronia Thompson for work and rehabilitation time credit at the rally as a step that can be taken towards meaningful reform, incentivizing rehabilitation and bringing hope to those who are affected by incarceration. Since the rally TIFA has collected over 2,000 more signatures on the work time credit petition. This petition gives our organization the opportunity to mobilize those who signed the petition to contact their Senator and Representative to support both work time credit and independent oversight of TDCJ.

There was great music, an enthusiastic atmosphere and after the rally everyone was encouraged to visit their legislator's office to discuss their concerns and ask for their support. n

What's Next for HB 2120

A Message from Jennifer Erschabek, TIFA Executive Director

There have been so many questions about HB 2120 and new people joining our cause that I wanted to take this opportunity to explain what has happened and what TIFA will be doing next.

TIFA started working on work time credit almost two years ago. We started a petition, made visits to the Governor's office, the Board of Pardons and Paroles, and various Senator's and Representative's offices. We have placed op-eds, attended meetings and met with other advocacy groups about work time credit. Then we had a rally in February of this year. We submitted language to the Legislative Council who converted our request into bill language and we found a sponsor, Representative Senfronia Thompson, for the bill. We even got a hearing in the House Corrections Committee. And since the hearing, TIFA has continued to visit with the members of the committee and many have written letters and emails in support of HB 2120.

During the Corrections Committee hearing I was so proud of the support and the testimonies that families and advocates provided. Unfortunately, there were crime survivor stories and District Attorneys who chose to testify with the most heartbreaking stories. Even without these testimonies it was going to be an uphill battle because of the conservatives who sit on the committee. And this was not a small thing that we were asking for. Asking for consideration of those who have been labeled as 'violent' is not a politically easy ask, especially in our divided society. Bottom line, we could not get enough 'yes' votes to get the bill out of committee and it died in committee.

To address the rumor about HB 2120 taking effect in September, the bill

HB 2120 (Cont. on page 2)

TIFA Contact

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And you can find us on Facebook.

Note: We read all mail that is received but cannot answer every letter. Our mission is strengthening families through support, education and advocacy.



language that comes out of Legislative Council always includes an effective date for the bill as part of the proposal. For HB 2120 the bill language stated "This Act takes effect September 1, 2017." This only matters if the bill is passed by the House, the Senate and then signed (or allowed to become law) by the Governor.

But this is how things work. Here's an example taken from a story in April in the Texas Tribune on how the system works:

Rep. Dutton and Rep. Jessica Farrar filed House Bills 64 and 1537 to abolish the death penalty. Both lawmakers have repeatedly filed abolition bills in past legislative sessions, and they acknowledged their main goal was to keep up a discussion on the death penalty. In a Republican-led legislature, it is almost certain that the bills will not pass. Dutton clarified to committee members he was asking for them not to vote against the death penalty but "to vote to let the House have a debate on this. This bill might not pass this time, but if it doesn't pass this time, we'll be right back here next time, fighting the same fight."

So what's next in our fight? What we need to do is convince people about the true purpose of incarceration. Are we trying to seek retribution, protect society or rehabilitate people. Serious crimes deserve serious punishment but we should not ignore or excuse irrational overpunishment simply because an offender has done something violent.

People are driven by their fears and it will only be by telling our stories that people will be able relate to our different circumstances and not use labels. What we need to do is tap into their capacity for compassion with our stories because it will be compassion that will help alleviate some of the fear and see that people are capable of change. Yes, punishment is important and so is protecting society. But, we must balance it with reason and the ability to look at each other as individuals capable of change and rehabilitation.

TIFA will not give up! We will continue to work in the communities around the state until the next session in 2019. We will continue to visit offices, to ask legislators to visit chapter meetings, write op-eds and look for more advocacy partners. But we will need everyone's support, we will need YOU to stay involved with TIFA, we will

need YOU to continue to encourage other families to join. And most importantly, we need YOU to become informed about who represents you and remember to VOTE during the next elections. [n](#)



L-R Elizabeth Boyd, Brandon Warren, Jennifer Erschabek, Pastor William Fortune at the Capitol supporting HB 2120

From Board
Chair
Patti Kassel



Help is Here!

Asking for help can sometimes be hard to do for many of us. It can be our pride getting in the way or we are used to being the one to help and not the one asking for it. Whatever the case, there are times in our lives we must take a seat and reach out to those that are willing to help or who might have more influence than we do.

Recently I was in a position where I had tried all my avenues to help our situation, but to no avail. I did all the right steps and even waited for change to occur, but nothing happened. Then I found out that a person with influence would be speaking at one of our TIFA meetings. I made a point to be there in person to have a one on one talk with them. They were caring, understanding and willing to act on my request. It worked. We got action!

With this experience, I can't express enough how important it is to make the time to attend our chapter meetings to learn how to navigate through the system and meet people that can help you and your loved one. It pays for you to learn more and be less anxious about the unknowns; and it pays for your loved one to know they have an "active" advocate in the free world working for their good. Take the time, ask for help and make it happen.

TIFA opens the doors, but you must walk through. [n](#)

TIFA 2017 Parole Packet Workshops

TIFA has scheduled our Parole Packet Workshops for 2017. For registration and more information visit our website at TIFA.org/events or you can call the TIFA phone line at 512-371-0900 and leave a message. The cost to attend is \$50 for members and \$85 for nonmembers (which includes a membership).

Sat June 3, 2017 Ft Worth 12-4 pm
St. Christopher Episcopal Church
3550 S.W. Loop 820
Ft. Worth 76133

August 19th, 2017 Nacogdoches
First Baptist Church Christian Life Center

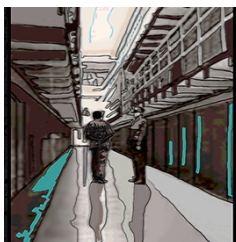
October, 2017 McAllen
Calvary Baptist Church-Slayton Building

At these workshops TIFA will provide a workbook that includes information on:

- Good Time, Work Time and Flat Time
- Parole and Mandatory Supervision Eligibility Timeframes
- The Parole Timeline
- The Risk Assessment Instrument and the Offender Severity Class
- Voting Options
- Parole Board, Prison Units and Contact Information
- Helpful Phone Numbers and Web Sites
- A sample parole packet [n](#)

The Frustration of Writing Grievances

By Terri
LeClercq,
Ph.D.



You send me 15-20 letters about failed grievances for every letter asking new advice or (ha!) stories of successful grievances. What is the difference between the routinely stamped “denied” grievances and the ones that have

succeeded? Is there anything you can control?

First, as you know, you cannot control the shifting TDC rules. If you could find and read the TDC manual, you might have a chance. But I’m reading that all the old guidance manuals have been pulled from unit libraries, and librarians are awaiting the revised versions. A-hem. We cannot control that timeline. We can ask the librarians. We can file I 60s requesting the updated manual. We can write the new Ombudsman—who promised she was going to step up investigations (though she may have to begin with egregious, life-threatening ones before library requests, right?) Currently the legislature is in sessions, and experienced advocates know not much gets done while everyone is over there lobbying.

Second, as you know, you cannot control the grievance officer and make him/her act upon your grievance. You can politely ask. When your Step 1 is denied, you can use your calendar to make sure you are within the TDC time limit to file a Step 2. If the delay is the fault of the unit officers, then you must, imperatively must, begin your Step 2 reminding them about the justified delay. This month I read two Step 2 denials based on timing out—but were legitimate Step 2 proceedings; the reader just plain missed seeing the justification. So right up front, explain that the system kept you from meeting the timeline, and by law and by TDC rules, you are allowed to file after that time.

Third, your Step 1 has to make administrative sense. At the top where you briefly state your point, your grievance has to relate to a broken TDC rule or Constitutional protection: “Although I showed Officer Clarey the broken shower head, he walked away instead of filing a maintenance report as TDC rules require.” Then in the larger space “who, what, when, where, and Disciplinary case number,” remember to follow IRAC:

Issue: Officer Clarey ignored shower safety on 9/15 when he ignored evidence of a broken and overheating shower in Tier 3.

Rule: Both the Constitution and TDC rules require prison staff to protect inmates from cruel and unusual punishment, and scalding water shooting

only heavy spray is dangerous punishment.

Application: (here’s your spot to be more specific but ON POINT) On 9/15 I pointed out the scalding shower head on Tier 3 to Officer Cleary. Instead of writing a maintenance report, he told me “Live with it!” Nothing has been done for the last 3 months, and we continue to have only options of no shower or being scalded.

Conclusion: Please send maintenance immediately to Tier 1 to repair the scalding shower head in compliance with TDC rules. Please address Officer Cleary’s unprofessional and endangering non-response to a life-threatening danger.

Finally, your grievance has to make neurological sense. I read grievances that are word salad—all tossed and mixed up. If you have had many, many grievances denied (I sure hope not!) or teachers have complained that your writing is difficult to follow, perhaps work with IRAC above and then have someone else read it before you file it. Did you keep the incident and details in your journal? What evidence can you provide along with those succinct details? Shorten it. Include only evidence you need. Read the grievance out loud to someone. If the listener laughs out loud, reconsider filing. You know yourself that many inmates try to game the grievance system. What can you do to prove yours is legitimate? Do not become a “tin-hat” filer of random but creative thoughts.

Here’s hoping that you succeed and can send me your “approved!” grievances next month. One final reminder: sometimes the official will deny the grievance—but fix the problem anyway. All my best wishes for either positive outcome. Next newsletter: humor and laughter with reading and writing. [n](#)

*Terri LeClercq, Ph.D.,
is the author of
Prison*

**Grievances:
when to write, how to write**

This fabulous graphic novel offers in cartoon form all sorts of hints, artwork, and check-lists for writing a successful grievance. You can order it through AmazonSmile. [n](#)



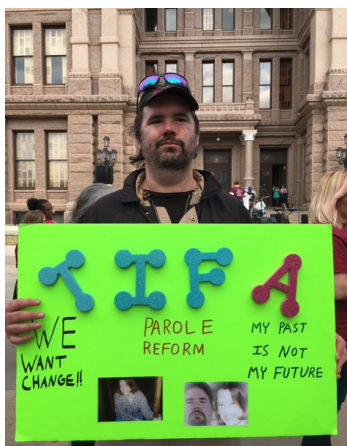
News from the Chapters

TIFA Members Travel to Austin to Rally!

On February 13th of this year, I - along with five other members from our Nacogdoches chapter, and three family members of various chapter members - attended the TIFA rally at the Texas Capitol in Austin. It was only the fifth trip I have ever made to Austin. Of those five, it was only my second visit to the Capitol, and my first in 20 years. I had forgotten about not only the beauty of the Capitol building, but also the beauty of the Capitol grounds.

Rep. Senfronia Thompson (D - Houston) accepted the petitions we presented at the rally. The impression I received is "Mrs. T" is one of the most respected and influential members of the Texas House.

There were several speakers, three of whom stood out to me and/or various people in our chapter: Thomas Sawyer Jr (Coffield chaplain), Doug Smith (Texas Criminal Justice Coalition), and TIFA's own Lauren Johnson. There was also some excellent live music, both before and after the rally. TIFA members also had opportunities to visit with their senators and representatives (or their staff members). The senator for Nacogdoches is Robert Nichols, and the representative for Nacogdoches is Travis Clardy. Neither were available that day, but we did have an opportunity to visit with staff members from both offices. The staff members from both offices were incredibly gracious, and receptive to our message.



Patrick Capps, Nacogdoches Asst Chair

Getting back to Lauren, I have to brag on her for a moment. The energy, passion, and enthusiasm she exuberates for criminal justice reform really spoke volumes to me. If it were possible for someone with a felony to run for public office, I could have easily seen Lauren holding a position in the Texas Legislature.

Something changed in me during the rally. I have finally found my calling - criminal justice reform. People say I have a talent for writing, but that is just icing on the cake. Frankly, if TIFA or a similar organization offered me a paid position, I would be tempted to walk away from my current employer without batting an eye. Duck Dynasty brother Jase Robertson once said - "when you make a living doing what you love to do, you're set for life." **n**

Chapter Meetings Around the State

During May & June, here are some of the speakers that will be at the TIFA meetings. Check our website event calendar for meeting time and place details.

May 9, 2017 San Antonio- Dr. Clint Carpenter, Windham School District

May 11, 2017 Harker Heights/Killeen- Warden Blackwell/Hughes Unit, Warden Wright/Hobby Unit

May 20, 2017 Nacogdoches- Eric Johnston, Commissary and Trust Fund

June 8, 2017 Tyler- Myra Walker, Health Services **n**

TIFA Meets With TDCJ for Quarterly Meeting

On March 20th, Jennifer Erschabek and Sharon Bass attended the TDCJ Quarterly Family Meeting in Huntsville. The topic of discussion was education and rehabilitation opportunities in TDCJ. With the current hiring freeze and looming budget cuts there were concerns on how

this would affect inmate's access to education and rehabilitative programming.

We learned that both Windham and Rehabilitation Services were under the hiring freeze but they have been currently exempted from the 4% budget cuts. With Windham unable to hire for fall classes there is some uncertainty about filling teaching positions but a request has been made to the Governor's office to exempt these positions.

For the Rehabilitation Program there is a limit to the beds in the programs because of the hiring freeze. The flood situation last year impacted the beds available at LaBlanc in Beaumont. Eventually there will be around 500 program beds but the progress to bring the beds online had to be stopped because of the freeze. Currently there is no wait for IPTC beds. Ms. Ortiz explained that inmates sometimes had to wait for the program because the Parole Board assigned a 'Release no earlier than' date to their case.

Another policy that has been initiated by both Windham and the college programs is the limitations that have been placed on taking trade classes. Windham is now limiting the trades available to a single track. In other words, you may only take automotive classes or only construction trades. College trades will be limited to one 2 year trade program. These limitations are being initiated due to the long wait lists and will allow more people access to training. The Pell Grant Pilot Program has also made more people eligible for college trade classes. **n**

Supporting TIFA

Many of you have asked how you can help to support TIFA. You can help TIFA by connecting your purchases with these programs and it won't cost you a penny.

AmazonSmile – Go to smile.amazon.com and connect your orders with TIFA.

Randall's/Tom Thumb – Fill out an app for the Good Neighbor Program. The charity number for TIFA is **13339**.

Kroger – Go to Kroger.com and register or go to the store for a card. Kroger's rewards program number for TIFA is **82117**. **n**

85th Legislature Updates

By Lauren Johnson.

At the time this is being written there are still four weeks left of the legislative session and those four weeks are when the majority of activity will be taking place. In our next newsletter we will be able to give you more information about what did and didn't make it into the law.

Independent Oversight HB 1421- The hearing for the bill to create independent oversight went well. The main issue that the bill ran into is the fiscal note. Bills that the legislative budget board determines will cost the state money upfront are difficult to get passed generally, more so when there is a budget shortfall expected. TIFA had many positive conversations with representatives and worked to educate members about the need for an independent office. We are waiting for a committee substitute to be drafted which is expected to pass out of the committee. The substitute will not create a separate office, what it will do is require the current ombudsman to submit detailed reports to the legislature which we can build on in the future.

What you can do: We can't stress enough how important it is for you to use the grievance system as appropriate. Testimony was heard that illustrated the need for an independent oversight body and in response the Ombudsman office wrote that they had not received any complaints via the grievance system about those things. Whether or not you think it will bring about an immediate resolution it is important to use the grievance process so there is documentation to fall back on as we work to solve problems on the larger scale.

Work Time Credit HB 2120- First and foremost we want to thank everyone who wrote letters, made phone calls, sent emails, came to testify and signed the petition. Your support has been invaluable! The bill has been left pending in committee and isn't likely to make it out of committee this session. That doesn't mean that this is bad news. There are many bills that have to be proposed several times before they make it through the entire process. It is a huge success that we not only got an author and co-author for the bill, but that we got a hearing for it and found allies that we didn't know we had! Unfortunately victim's rights advocates and a few prosecutors came out in opposition of our bill. The hearing lasted all day and so many people testified with heartbreaking stories both for and against the bill. We learned a lot from the experience and we are already thinking about the most effective ways to continue the conversation and how we might be able to pivot to create a policy that will have the most impact on the people that tend to get left out of the majority of criminal justice reform conversations. I want you to know that to the best of my knowledge TIFA was the only organization working on such a bold policy and we aren't stopping.

What you can do: Continue to support TIFA by telling your friends and family about us, asking them to become a member, and stay engaged as we strategize for the future. No one passes a policy alone, and if we are going to create system transformation we are going to need all hands on deck to make it happen.

Healthcare service fee: And last but not least, the LBB proposed to raise the healthcare service fee required of incarcerated individuals

when they access health services inside of TDCJ. Currently, inmates are charged \$100 per year when they request to see medical/dental. The LBB originally proposed raising the fee to \$200 and it has been requested that they consider returning the state to a per-utilization copay structure (\$10 per visit) and continue to exempt those with chronic conditions. At this time we do not know the outcome of this request. [n](#)



Please complete and send with check/money order to:

TIFA
PO BOX 300220
Austin, TX 78703

Date: _____ / _____ / _____

☐ New Member? ☐ Renewing?

Name (please print clearly)

Address (please print clearly)

City/State/Zip (please print clearly)

Area Code and Phone (please print clearly)

Email (please print clearly)

Please enclose membership in the amount of:

- ☐ \$25 Basic-Includes one TIFA newsletter and access to 'Members Only' section of TIFA website
- ☐ \$35 Basic Plus – Includes **second** TIFA newsletter to one inmate address
- ☐ \$ _____ Donations are always cheerfully accepted!
A letter will be sent for tax purposes.
- ☐ I would like a free TIFA coin purse
(approved by TCCJ for visitation at the units)

Inmate's Name ((please print clearly)

Inmate is my (son, daughter, husband, etc.)

TDCJ Number TDCJ Unit

Do you attend TIFA Chapter meetings? ☐ No ☐ Yes

If yes, which chapter? _____

Yes! I want to help with:

- ☐ Legislative Issues ☐ Chapter Development ☐ Fundraising
- ☐ Membership
- ☐ Other _____

Who referred you to TIFA?

Thank You!

Jennifer Erschabek, TIFA Executive Director

Selected Criminal Justice Bills – 85th Legislative Session 5/4/2017

Bill Number	Author/Sponsor	Subject	Text	Status
SB 485	<u>Sen Boris Miles</u>	Independent Oversight	Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.	Referred to Criminal Justice Committee
HB 1421 (Companion bill to SB 485)	Rep Jarvis Johnson	Independent Oversight	Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice.	Referred to Calendars
HB 2120	Rep S. Thompson	Work time credit	Requesting work time credit for work, school and rehabilitative work for 3(g) convictions	Left pending in Corrections committee
SB 556	Sen. Rodriguez	Second Look	Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.	Referred to Criminal Justice Committee
HB 1274 (Companion bill to SB 556)	Rep Moody	Second Look	Relating to the release on parole of certain inmates convicted of an offense committed when younger than 18 years of age; changing parole eligibility.	Referred to Calendars
HB 676	Rep Wu	Raise the Age	Relating to the age of criminal responsibility and to certain substantive and procedural matters related to that age.	Referred to Juvenile Justice & Family Issues

How a Bill Becomes Law

The legislature meets every odd-numbered year to write new laws and to find solutions to the problems facing the state. This meeting time, which begins on the second Tuesday in January and lasts 140 days, is called the regular session.

Introducing a Bill

A representative or senator gets an idea for a bill by listening to the people he or she represents and then working to solve their problem. A bill may also grow out of the recommendations of an interim committee study conducted when the legislature is not in session. The idea is researched to determine what state law needs to be changed or created to best solve that problem. A bill is then written by the legislator, often with legal assistance from the Texas Legislative Council, a legislative agency which provides bill drafting services, research assistance, computer support, and other services for legislators.

Once a bill has been written, it is introduced by a member of the house or senate in the member's own chamber. House members and senators can introduce bills on any subject during the first 60 calendar days of a regular session. After a bill has been introduced, a short description of the bill called a caption is read aloud (the first reading) so that all of the members are aware of the bill and its subject. Then the presiding officer assigns the bill to a committee.

The Committee Process

The chair of each committee decides when the committee will meet and which bills will be considered. The house rules permit a house committee or subcommittee to meet: (1) in a public hearing where testimony is heard and where official action may be taken on bills,

resolutions, or other matters; (2) in a formal meeting where the members may discuss and take official action without hearing public testimony; or (3) in a work session for discussion of matters before the committee without taking formal action. In the senate, testimony may be heard and official action may be taken at any meeting of a senate committee or subcommittee.

Public testimony is almost always solicited on bills, allowing citizens the opportunity to present arguments on different sides of an issue.

After considering a bill, a committee may choose to take no action (the bill dies in committee) or may issue a report on the bill. The committee report, expressing the committee's recommendations regarding action on a bill, includes a record of the committee's vote on the report, the text of the bill, a detailed bill analysis, and a fiscal note or other impact statement. The report is printed, and a distributed to every member of the house or senate.

In the house, a copy of the report is sent to either the Committee on Calendars or the Committee on Local and Consent Calendars for placement on a calendar for consideration by the full house. In the senate, local and noncontroversial bills are scheduled for consideration by the Senate Administration Committee. All other bills in the senate are placed on the regular order of business for consideration by the full senate in the order in which the bills were reported from senate committee. A bill on the regular order of business may not be brought up for floor consideration unless the senate sponsor of the bill has filed a written notice of intent to suspend the regular order of business for consideration of the bill.

Floor Action

When a bill comes up for consideration by the

full house or senate, it receives its second reading. The bill is read, again by caption only, and then debated by the full membership of the chamber. Any member may offer an amendment, but it must be approved by a majority of the members present and voting to be adopted. The members then vote on whether to pass the bill. The bill is then considered by the full body again on third reading and final passage. A bill may be amended again on third reading, but amendments at this stage require a two-thirds majority for adoption. Although the Texas Constitution requires a bill to be read on three separate days in each house before it can have the force of law, this constitutional rule may be suspended by a four-fifths vote of the house in which the bill is pending.

If a bill receives a majority vote on third reading, it is considered passed. When a bill is passed in the house where it originated, the bill is engrossed, and it is sent to the opposite chamber for consideration. In the second house, the bill follows basically the same steps it followed in the first house. When the bill is passed in the opposite house, it is returned to the originating chamber with any amendments that have been adopted simply attached to the bill.

Action on the Other House's Amendments and Conference Committees

If a bill is returned to the originating chamber with amendments, the originating chamber can either agree to the amendments or request a conference committee to work out differences. Once the conference committee reaches agreement, a conference committee report is prepared and voted on in each chamber and must be approved or rejected without amendment and then sent to the governor.

Governor's Action

Upon receiving a bill, the governor has 10 days in which to sign the bill, veto it, or allow it to become law without a signature. n



Estelle Unit Parole Forum Q&A Part 2

By Sharon Bass

This is Part Two of a Question and Answer Session we had at the Estelle Unit at the end of last year. Over 200 inmates attended and after a two hour presentation there was no time to answer all the questions. We promised to answer the questions and send them back to Estelle but also thought that everyone would have the same questions. In the next newsletter we will be sharing Part 3 of the Q&As.

11. Can they continually set me off for the same reason even though I have addressed the issues through classes or programs?

Yes, they can use the same denial reason as many times as they want.

12. Can we find out if the county of conviction has filed a protest to parole?

No, you cannot get information on a protest. It is a protected document.

13. If you ask to go to a halfway house instead of the address you have, must it be approved by TDCJ? How much in advance do you need to let them know you wish to go after you get the FI?

You must submit an approval from a TDCJ approved half-way house at the time you see the IPO. You must have an address before you can be released. That address will be verified and approved.

14. Does the parole board review the parole packet submitted by the offender to the IPO at the interview before making a decision?

Yes, we are told that the parole board does review the parole packet that is submitted.

15. What are the grounds for special review?

A. A written request on behalf of an offender is received which cites information not previously available to the parole panel. Information not previously available shall mean only:

1. Responses from trial officials or victims;
2. A change in an offender's sentence and judgment; or
3. An allegation that the parole panel has committed an error of law or board rule.

B. A parole panel denied release to parole or mandatory supervision and at least one of the members who voted with the majority on that panel desires to have the decision reconsidered prior to the next parole or mandatory supervision review date. The requesting panel member shall indicate the specific reason for the request in writing.

C. If both parole panel members who voted with the majority are no longer active board members or parole commissioners, the presiding officer (chair) may place the case in the special review process to be reconsidered prior to the Next Review (NR) date.

16. What if my progress wasn't on my ITP for the board to see when I was reviewed and it helped in me receiving a set off?

The ITP is a suggested plan of treatment. It is not used as a sole reason for a set off. If you are enrolled in any class it will be on the computer for the parole board to see. Certificates received for programs NOT on your ITP can be submitted to the IPO during your interview.

17. Why is it when you're doing what you're supposed to do, you all say we're manipulating the system?

There is no denial reason "manipulation of the system." You do not have to get a case to make parole. And yes, I know it seems like the ones who get the cases go home!

18. Why do offenders that get disciplining cases get paroled before those that don't get cases?

Each case is different. I can't answer that question without having your file and the

file of a person who fits your question to see the charge, the prior history, time done, etc.

19. Why do offenders with small sentences earn parole, get out, come back with a new sentence, then make parole again sometimes on the first review?

Yes, that stinks, right? Without specifics of each case and a name and number to research, I can only shake my head with you.

20. When coming up for parole, what is the best information to be presented?

You want to submit a solid release plan. What will you do when you are released, where will you live, work, who is your support group. What have you learned from prison, why should you be granted parole. Do you have a victim? If yes, a letter of apology to the victim (not mailed just included in packet). What have you done with your time, classes, vocations, mentor younger offenders. Disciplinary record needs to be clean.

21. Why do people keep getting "set-offs" for the same old reasons if the offender is staying out of trouble and has family support and a job waiting out there?

Each case is unique and each parole board member/commissioner's assessment of the file and crime is unique. So there is no way to know why it happens in each case. A protest may also result in multiple set-offs.

22. If your family member has an illness that is about to cause her death, will you get any help to get out earlier to be with your family member before she passes on?

No unfortunately this will not speed up your release.

23. Is it harder to make parole if you're paroling out of state?

The process for making parole is the same. It may take longer for the releasing process because of the other state's approval.

24. If I parole out of state will it help my parole chances if someone protests here in Texas? Non-agg 5 years

No a protest is a protest. [n](#)

Post Conviction Writs in Non-Capital Cases - Part Two -

By Jim Skelton
TIFA Board Legal Advisor

4. Counsel. Article 1.051 of the Code of Criminal Procedure states that an indigent is entitled to have the court appoint an attorney to represent him in a habeas corpus proceeding if the court concludes that the interest of justice requires representation. Unfortunately, this is discretionary and courts seldom appoint a writ lawyer, leaving the writ applicant pretty much on his or her own.

5. Preparing the Writ. A great deal of work is involved in properly preparing a writ. It involves much more than simply filling out a writ form. At the minimum, the following should be done:

(1) read the clerk's file in the challenged conviction;

(2) if there was a jury trial, read the court reporter's record;

(3) if there was an appeal, read the court of appeals' and the court of criminal appeals' opinions;

(4) use the freedom of information act to gain access to the prosecutor's file and review the offense report, the judgment and sentence, witness statements, lab reports and any other pertinent documents;

(5) interview all the material state witnesses – this usually requires hiring an investigator;

(6) consult the client and his family, interview all material witnesses and prepare affidavits to be submitted with the writ;

(7) if the case involves a scientific analysis of evidence, hire an expert to retest the material. If the material is not available, hire an expert to review the findings and the procedure used in the testing previously done;

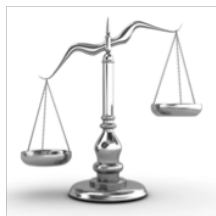
(8) research the law and prepare a memorandum of law explaining why relief should be granted.

Preparing a writ amounts to reinventing the wheel. Since many writs are resolved by affidavits without an opportunity to

present live witnesses – this is usually called an evidentiary hearing – the writ and the attached written material must cover all the bases.

6. The Function of the Courts. The writ judge functions as a fact finder and does not have the authority to grant or deny the writ. Their duty is to designate the contested issues, determine if there will be an evidentiary hearing or if the writ will be resolved only by the written material submitted by the Defense and the State, make findings of facts and conclusions of law, and make a recommendation to grant or deny the writ if they chose to do so.

The critical part of this procedure is the finding of facts. If there is contradictory evidence, the writ judge will resolve this conflict by stating witness A is credible and witness B is not credible. So long as the writ record supports the writ judges findings, all the appellate judges – state and federal – are bound to abide by his or her conclusions. The writ judge's recommendation by in large is not usually an important factor and is often ignored by the court of criminal appeals.



In most cases, the prosecution prepares the findings of fact

and in most instances, the writ judge will adopt those findings in toto. It is important therefore for the person who prepares the writ to submit his or her findings of facts to the writ judge and to make written objections to the trial judges' ultimate findings if they do not accurately reflect the evidence presented in the writ procedure.

After the writ judge makes its findings of facts and conclusions of law, the writ file will be sent to the court of criminal appeals. Once it arrives, it will be assigned to a staff lawyer in the writ division who will summarize the writ. Then, the staff lawyer will give his summary to one of the nine assigned judges on the court of criminal appeals who will make the decision to grant or deny the writ. This assigned judge may or may not consult other judges on the court, but is not obligated to do so.

7. Comments. The writ procedure is extremely unfair. First off, the writ judge

who hears the writ is usually the same judge who initially heard the case and the notion that he or she can be impartial is a fairly tale. Secondly, the writ judges seldom appoint lawyers to represent indigent applicants, and they are pretty much on their own simply because they are poor. The writ procedure, in reality, requires a lawyer who is knowledgeable of the writ procedure and knows what to do. It would be very difficult for a lay-person to prepare and present a credible writ especially if they are still confined in prison. Our writ system is a classic example of the fact that there is a set of laws for the rich and another for the poor. Finally, it is extremely unfair for the writ to be resolved by two people – a staff lawyer and a single judge. At the minimum, there should be a panel of three or more judges to make this decision. A conviction in a misdemeanor DWI is entitled to a panel of three judges to hear an appeal, and yet, in a writ proceeding where a person's freedom is at stake, only one judge is required to decide the appeal. This makes no sense. Judge Alcala on the court of criminal appeals has written numerous dissenting opinions pointing out the problem of a lack of appointed lawyers and the fact that only one judge with the assistance of a staff lawyer can make the final decision to grant or deny the writ. Thus far, she is a voice crying in the wilderness as the other judges have turned a deaf ear to the obvious flaws in our writ system. n

In Memoriam



On Wednesday March 8, TIFA lost a friend, advisor and ardent supporter. Jim Skelton passed away at home, in his sleep. Jim was a colorful character, an amazing man and an amazing lawyer who we could always count on to give us a legal opinion and come to our defense. Jim helped many lawyers and citizens in his 79 years on this earth. Occasionally Jim would help TIFA with the mountains of mail that we receive and referred to it as 'helping my people.' Jim and Sharon Bass were frequent visitors to chapter meetings around the state and always provided useful information about the criminal justice system to our members who are always looking for answers.



Jim, we miss you!

TDCJ Should Close Private Prisons!

By Jeremy Busby

The Trump administration is rolling back an Obama-era plan to phase out the federal government's use of private prisons. In Feb., Attorney General Jeff Sessions sent a memo to the Bureau of Prisons rescinding the Obama administration's Aug. 16 order advising the bureau not to renew any contracts with private prisons.

The Obama administration had wanted to end the government's reliance on private prisons citing the facilities' poor performance records and inadequate operations compared to that of government operated prisons. Private prisons simply do not provide the same level of correctional services, programs, and resources."

TDCJ utilizes 14 private prisons and 2 intermediate sanction facilities (ISF) throughout the state. Most of these facilities are owned and operated by CoreCivic formerly known as Corrections Corp of America (CCA) and the Geo Group—two of the nation's leading private prison corporations. These contract facilities have been notorious for their poorly trained staff, deplorable living conditions, and lack of useful rehabilitative programming. According to Citizens for Responsibility and Ethics in Washington, CoreCivic and Geo Group took in a combined \$3.3 billion in 2014.

Most of the private prisons in Texas are located in rural areas of the state. This places a tremendous financial burden upon inmates and families that are incarcerated there. For example, the Willacy County State Jail facility is more than 200 miles south of Houston along the Mexico border.

Additionally, none of the Geo Group or CoreCivic-ran private prisons offer post-secondary education—as opposed to state-operated prisons—and the on-the-job training opportunities are extremely limited. This hinders any realistic chance for inmates at rehabilitation.

As with the federal prison system, the privately-run prisons in Texas have been plagued with significantly higher

contraband problems, sexual assaults, inappropriate relationships by staff, medical malpractices, and overall corruption than state-operated prisons—which says a lot!

"There were dope and cellphones everywhere," said a Texas inmate who was housed at the Mineral Wells facility prior to TDCJ closing it a couple of years ago. "Anything you wanted there you could get, including sex."

Many critics of private prisons feel that the government should simply not be involved in "for-profit incarceration business." Private Corporations like CoreCivic made billions off of incarceration and their stocks have been traded for as much as \$61 a share. Many of the stockholders are judges, members of law enforcement, and other government officials who have influence in the nation's criminal justice system.

"It is an international embarrassment that we put more people behind bars than any other country on Earth," former Democratic presidential candidate Sen. Bernie Sanders told USA Today. "Due in large part to private prisons, incarceration has been a source of major profits to private corporations....We have to end the private prison racket in America."

Recently, Texas Gov. Greg Abbott mandated that all state agencies reduce their operational budget by four percent—roughly about \$250 million for TDCJ. Texas could easily accomplish this by starting the process of eliminating the use of private-operated prisons. [n](#)

Jeremy Busby is a former staff writer for TDCJ's prison newspaper, The ECHO. He is currently incarcerated at the Ramsey Unit in Rosharon, TX.

Editor's notes: Article updated to reflect recent federal administration changes.

Private prison contracts that expire Aug 31, 2017:

- Bartlett State Jail (1,049 beds)
- Bradshaw State Jail (1,980 beds)
- Lindsey State Jail (1,031 beds)
- Willacy State Jail (1,069 beds)

Prison unit closures included in the Senate version of the State budget:

- Ware Unit
- Bridgeport Pre-Parole Transfer Facility
- West Intermediate Sanction Facility (Private)
- Bartlett State Jail (Private)

The House budget proposal has recently agreed on these unit closures.

Camp Good News is Taking Applications for the 2017 Summer!!

Camp Good News is now taking applications for summer camp for June 4-11, 2017 and its **FREE!**

Camp Good News is situated 10 miles south of beautiful Navasota, Texas, and each year they hosts 30 male and 30 female campers for a session of hope, love, and fun. The camp is open to children ages 10-15 who have a parent incarcerated in Texas.

For the campers and their families, it costs nothing! Support for the camp comes mostly from Episcopal churches throughout the state.

"At Camp Good News, we're all about blessing the children of incarcerated parents" says camp director Ed Davis. "We believe that every person on earth needs to know Jesus. We know that children who have an incarcerated parent are 6-8 times more likely to get into the system themselves, and so these kids need our help more than anyone. This will be our 17th year offering this free camp and it will be especially great because we are doing African drumming again and the kids absolutely love it!!"

Feel free to check out the camp information on their website at <http://www.campgoodnews4kids.org/>. Then, when you're ready, click "How to apply." [n](#)





Texas Inmate Families Association

Strengthening families through support, education, and advocacy

TIFA
PO Box 300220
Austin, TX 78703-0004

CONTACT
Vol.22 No. 2 April 2017

TIFA Chapters

Amarillo

Currently Reorganizing
Check our website
www.tifa.org
for meeting information

Austin- Central

2nd Monday, 6:30 pm
AGE Center
3710 Cedar Street
Austin, Tx 78703
(512) 371-0900

Beaumont

1st Tuesday, 6:30 pm
St. Jude Thaddeus Catholic
Church Family Life Center
6825 Gladys
Beaumont, TX 77726
(409) 617-8395

Conroe

Last Monday, 7:00 pm
Eagle's Nest Ministries
1450 Blake Road
Conroe, TX 77304
(281) 435-9908

Corpus Christi

2nd Tuesday, 7:00 pm
New Life Behavior Ministries
3833 S. Staples, Suite S-103
Corpus Christi, TX 78411
(361) 813-7106

Dallas

3rd Wednesday, 6:30 pm
Lover's Lane Methodist Church
9200 Inwood Rd Oxford Rm #103/105
Dallas, TX 75220
(469) 531-3870

Ft. Worth

1st Monday, 6:30 pm
St. Christopher Episcopal Church
3550 S.W. Loop 820
Fort Worth, TX 76133
(817) 798-9010

Houston

2nd Tuesday, 7:00 pm
CrossWalk Center
2103 N Main
(N Main at Marie, entrance on the
Keene Street side)
Houston, TX 77009
(281) 435-4143

Humble

2nd Thursday, 7:00 pm
First United Methodist Church
800 E Main St
Humble, Texas 77355
(936) 442-0859

Killeen - Harker Heights

2nd Thursday, 6:00 pm
VFW (Ladies Auxiliary)
201 VFW Dr
Harker Heights, TX 76548
(254) 289-9429

McAllen

3rd Tuesday, 6:00
Calvary Baptist Church
Slayton Building 2nd Floor
1600 Harvey Drive
McAllen, Texas 78501
(956) 280-0951

Nacogdoches/Lufkin

3rd Saturday 10:00 am
First Baptist Church
411 North Street
Nacogdoches, TX 65961
(936) 564-4546

Paris

2nd Saturday at 2:00 pm
Christ Community Church (in building
with Nautilus fitness)
116 S Collegiate Dr
Paris, TX 75460
(903) 495-0018

Pearland - South Houston

3rd Tuesday, 6:30 pm
Manvel Bible Chapel
4230 FM 1128
Pearland, TX 77584
(713) 303-9785

San Antonio

2nd Tuesday, 6:30 pm
St. Vincent De Paul Catholic
Church Parish Hall
4222 Southwest Loop 410
San Antonio, TX
(210) 387-1558

San Antonio - North

3rd Thursday, 6:30 pm
St Marks Evangelist
Catholic Church
1602 Thousand Oaks Dr.
San Antonio, TX
(915) 204-5870

Tyler

2nd Thursday, 6:30 pm
Freedom Fellowship
2915 SSE Loop 323
Tyler, Texas 75701
(903) 504-9771

Waco

3rd Thursday, 6:30 pm
Waco Hispanic Chamber
of Commerce
915 La Salle Ave
Waco, TX 76706

Check our website and calendar for new TIFA Chapters starting near you. www.tifa.org

If you are interested in starting a TIFA chapter in your area, please contact the TIFA office. (512) 371-0900 or send an email to tifa@tifa.org