

Pack Unit Succeeds in Heat Case

By Amy Dredla, Tracy Bennett & Amanda Brock - Tyler Chapter

In a class-action lawsuit filed by six inmates at the Wallace Pack Unit in Navasota, Tx. the plaintiff inmates succeeded in convincing U.S. District Judge Keith Ellison that TDCJ policy left medically insecure people in danger. In this preliminary injunction hearing, Judge Ellison wrote a 101 page opinion, insisting that summer living conditions at Pack were "indescribable, inhumane, and cruel and unusual punishment." This deliberate language tracks the 8th Amendment and sets a strong barrier for the appeal A.G. Paxton has already announced. Judge Ellison ruled against TDCJ in an earlier case, requiring TDCJ to provide uncontaminated water to the Pack inmates. TDCJ has since filed an appeal in that case. In this heat case, Judge Ellison issued an injunction, requiring TDCJ to come up with a solution within 90 days.

Austin law firm, Edwards Law, led the attack on TDCJ's lack of care. The court heard testimony from several inmates regarding the unsafe conditions inside the Pack Unit during the summer months. Inmates shared personal accounts of

illnesses and described the living conditions as "indescribable, inhumane, and cruel and unusual punishment." Inmates also made the Judge aware of the TDCJ Policy for hog barns, which states that cool air ventilation is required in the hog barns. Hogs get generators that automatically turn on when temperatures go above 74 degrees.

Working hand-in-hand with the Edward's Law firm, Texas Civil Rights attorney Wallis Nader said "This victory affirms what we know to be true: the protections of the Eighth Amendment to live free of cruel and unusual punishment apply to everyone. Prison should not be a death sentence."

Testimony was also heard from an air conditioning expert, a nurse liaison, and Warden Robert Herrera. Judge Ellison heard testimony and questioned Warden Herrera for 2 days about measures he has taken to ensure the safety of the inmates he is responsible for on the Pack Unit. At one point, Herrera stated his "loyalty" was to TDCJ before the inmates. That testimony undoubtedly aided the

plaintiffs. Opposing experts also testified to wildly different estimates for bringing a portion of Pack into compliance for the medically insecure. Judge Ellison accepted the plaintiffs' experts' opinion and contrasted it to the annual maintenance budget.

After visiting the unit personally, Judge Ellison determined on Wednesday, July 19, 2017, that TDCJ will have to make changes. TDCJ is expected to draft a plan for the changes within 15 days. They will not be required to install air conditioners, but must change housing conditions to make them safe for the elderly, disabled, and heat sensitive inmates. Judge Ellison also stated that the inmates that filed the lawsuit have a good chance of winning at trial. Although this is a class action lawsuit, the outcome will directly affect only the prisoners at the Wallace Pack Unit. This will also start a precedent for other units to follow and file suits.

With the Texas temperatures on the rise, it is our responsibility to educate ourselves and our loved ones on ways to keep them safe, healthy, and --most importantly-- alive! TDCJ has put in place "Heat Directives" that are safety measures to be followed by inmates and Officers during extreme heat. These instructions can be found on the TIFA.org website and also on the TIFA Members Facebook page under the "files" link.

Familiarize yourself with these steps and ask your loved ones to be sure they are following all the important steps to stay healthy and safe. If at any time your loved one has an issue with the Directives not being followed, please report it immediately. If the unit Officers and Administration do not rectify the problem immediately, that is the time to file a grievance. Also, TIFA members, be sure to complete a Heat Incident Report for TIFA on each issue that comes up. This report can also be found on the TIFA.org website and Facebook page.

It is also imperative to know the signs and symptoms of heat exhaustion and

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heat stroke. Share these with your loved ones as well. This could be the difference between life and death if they notice the signs in a fellow inmate or themselves and alert someone as quickly as possible. Signs of heat exhaustion are nausea, vomiting, diarrhea, confusion, dizziness, muscle cramps, dark urine (dehydration), and fatigue. Signs of a heat stroke are nausea, vomiting, rapid heart rate, rapid breathing, altered behavior or mental state, headache, and elevated core temperature above 104 degrees. Inform your loved ones that if they feel any of these symptoms, they should seek medical attention as soon as possible. They may not be aware of what's happening to their bodies, so be sure to ask questions during phone calls and visits.

Please keep in mind that our loved ones have a voice with TIFA. Please encourage friends and family to join and help TIFA make a stronger impact on our communities. Invite people to chapter meetings and share with them the great things TIFA does. Imagine the possibilities if TIFA had as many members as the number of inmates in TDCJ.

Editor's note:

A summary of the Court's order:

- Correct the numerous problems with the existing respite program
- Lower the temperature in the housing areas of heat-sensitive inmates
- Install window screen in the windows of the housing areas to block the bugs
- Develop a heat wave policy
- Propose remedies that conform to the Court's order within 15 days

Texas prison officials have not examined the possibility of using empty beds in county jails—Newton County has offered 900 air conditioned beds. Problems with this solution include the level of care and programming available at county jails and utilizing private, contract facilities would add to the number of TDCJ beds that are available diminishing the progress we have made in reducing the number of beds in TDCJ.

The proposed remedies are to be submitted to the court within 15 days of the order. The next court hearing is set for Aug 8th at 2 PM. You can read the entire 101 page ruling on the TIFA website at <http://tifa.org/advocacy-news/> n

From Executive
Director
Jennifer
Erschabek



Change, Optics & Community

Criminal justice policy for the last 50 years has had a tough on crime attitude that we now see starting to change. In the past, harsh punishment was logical and simple and had political benefits. Using fear of crime as the problem and severe punishment as the solution, it was easy and even now many still resist changing this paradigm.

In recent news articles, some stories have been myopic, regressive, and unenlightening as journalist focus on one-off events, everything from a grandmother bringing K2 into a prison to a single, terrible crime committed by a parolee in Houston.

What this does is distract from broader public safety trends and the need for progressive change. It also distracts from the progress we have made in federal court with the heat injunction by Federal District Judge Keith Ellison. It distracts us from the progress we are trying to make with independent oversight so those who are in the prison system are treated humanely and with respect.

In Texas and nationally, crime rates remain near historic lows even though more people, who have committed serious crimes, are being released from prison.

So what are our next steps? We need to take significant, united and immediate action to educate our communities about the criminal justice system, to tell our stories and humanize the affect that incarceration has on our lives.

If we are to continue to change the views and hearts of people we need to start in our communities. Change has to start at a local level if we are going to shrink the criminal justice system and find fair and constructive solutions to crime. We need to elect prosecutors who don't regard maximum prison sentences as the main measure of job performance and who campaign on reform platforms.

We need a prison system that supports

college and vocational programs behind bars, regular contacts with family, reentry and parole and probation programs that have the resources and the mandate to land their clients safely back in society. And when our loved ones return home, they should return to a community with the expectation that they have completed their sentence and have the ability to move forward with their lives, being able to apply for jobs and find affordable, obtainable housing.

We need to work to break the oppressive, wasteful and inhumane ways our society currently responds to addiction, mental health and crime.

I urge you to go out into your communities and tell your stories and spread the word about TIFA. By coming together, we are stronger and can tell the true stories and not let our communities be swayed by the narrower optics of a few news stories. **n**

Helping TIFA Through the SECC Campaign

Each fall, during the State Employee Charitable Campaign (SECC), employees are given the opportunity to support their favorite charities.

TIFA participated last year and will once again be on the SECC list of charities. If you are a state employee please consider making TIFA your charity during the Campaign. And let your friends and coworkers know about the good work we do. The official annual campaign dates are September 1 – October 31.

And this year, TIFA is also on the list of charities for the CFC Campaign for federal employees. **n**

Rubber-stamp Grievance Responses

By Terri LeClercq, Ph.D.

An earnest writer asked TIFA why bother with writing grievances, when the official response is a mere rubber stamped “Denied.” Great question.

Let’s approach his question two ways: one, to the TDC readers of TIFA

newsletters and officers who don’t read this—but should—so share). A human being retains human rights even when he/she enters the TDC gates. Those rights are explicit in the Constitution and its Amendments. Our forefathers fought to establish those rights and many of us have grandparents, parents, fathers, and now siblings who continue to fight for the rights established in our Constitution. It’s not alt-fact.



Inmates are permitted Due Process. They are supposed to have Equal Protection under the law of this country. And despite some officials’ personal theories, inmates continue to be human beings and should be treated as such. That means that TDC policy should be followed, and TDC policy allows an inmate to complain first to the instigating official—the head of commissary, the medical providers, etc. If those officials cannot help with the problem and it is important enough to need further attention, then the inmate writes a Step 1—with copies outside to his/her family, with date, any names of officials and witnesses, and brief description of the wrong that needs to be made right. TDC can’t correct many complaints (child custody, INS trouble, etc.). But if the correction is within TDC power, then the grievance reader needs to read, think, and respond. A blanket “investigated, found no evidence” is not a response to a major issue. If someone is a Frequent Flyer who whines about everything, well... then the blanket response makes sense. If the complaint is legitimate and the reader can make life a bit better by correcting the wrong, then that reader is required by federal and TDC policy to correct it.

Correction doesn’t always happen. Medical problems are the worse of the worse for being ignored—lives depend on the Grievance Officer recognizing that an I 60 went astray or unanswered. Our correspondent gave us grave detail of the inmate health problems and the failure of TDC medical to investigate and correct. Our mail is unfortunately full of these cases. Especially when an inmate does

not have outside voice (that’s you, dear TIFA member!), the inmate is vulnerable and life is precarious.

Let’s think about the second way to answer our correspondent’s question: TIFA is now beginning to track these reports—please mail them to us and to the legislator in your or the inmate’s area. The legislators who look us in the eye and say, “Gee, I haven’t had any prison medical complaints lately” may even be telling the truth. Don’t let that be our truth—we have to be alert and take the time to inform legislators. Encourage your loved ones to detail any abuse he/she observes and report it to you and to us. Especially important: unit, date, name of health provider at that time, any complaint given or filed, response and by whom. We can’t fight this battle without facts. You can gather them and provide them. In addition to TIFA, the ACLU is beginning to track major issues by unit and type. They need facts. Please help us to help your loved ones within the grievance process.

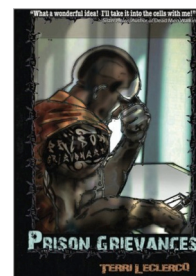
Change will not come overnight. It will be incremental—look at the 7 years it took Scott Medlock and the Texas Civil Rights Project to get one district judge to visit prisons and see how heat affects inmates. Years! But the judge took a preliminary junction step. This can happen on medical malfeasance next. Yes. With our help, we can answer our correspondent with a more optimistic letter: “We are on it! We have legislators on it! They and their staff will be taking TDC medical officials to task!”

Thus, encourage your loved ones to “bother” writing valid grievances. It is the only method we currently have to make a real change—until independent oversight. And we are working on that every day in every way. **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

Parole Reform is a Must!

By Patrick Capps - Nacogdoches

Parole reform will always be a hot issue in Texas. Parole boards across the state issue set-offs at an average of 60%.

Let's look at some of the denial reasons. One of the more common is "Nature of Offense." The circumstances surrounding a person's charge will never change. If a parole board uses "Nature of Offense" to continually set someone off, why even bother reviewing someone for parole? Same thing for "Drug and Alcohol Involvement." That will never change either.

In 2016, California voters passed "Proposition 57," which helped with parole reform and early release of certain inmates. Texas needs something similar. Below are two excerpts from a Los Angeles Times article dated March 24, 2017, and authored by Jazmine Ulloa.

"California corrections officials on Friday unveiled new regulations that will increase the chances of early release for hundreds of state prison inmates, and expand the credits they earn for demonstrating good behavior and completing rehabilitation programs behind bars.

The highly anticipated - and hotly contested - guidelines are the first major step toward overhauling the state's prison parole system under Proposition 57, the ballot measure approved by voters last year that aims to reduce the statewide prison population by 9,500 inmates over the next four years."

The second excerpt: "Under the regulations, inmates will be able to trim their sentences up to six months for earning a high school diploma or college degree, and up to a month each year for successfully completing self-help programs - such as substance abuse

support groups, counseling and parenting or anger management classes. They will also have the chance to earn greater 'milestone' credits, awarded for achieving certain goals in certain rehabilitation programs, allowing them to potentially reduce their sentences by up to 12 weeks in a yearlong period."

California is doing something right when they passed Proposition 57. I hope, eventually, Texas will follow suit. I know we want our loved ones home. I want to feel my arms around my girl. We need to be patient, and do this the right way. [n](#)

Good Conduct Credits Table (GCC):

Inmates Eligible	Prior GCC Credits	GCC Credit Changes
• Violent offenders serving determinate sentences or indeterminate life sentences	Zero to 15%	20%
• Non-violent second- and third-strikers	Zero to 33.3%	33.3%
• Day-for-day offenders	50%	50%
• Offenders with violent offenses serving in fire camps	15%	50%
• Day-for-day minimum-custody offenders	33.3% to 66.6%	66.6%
• Non-violent offenders serving in fire camps		

Good Conduct Credits eligibility guidelines in Proposition 57

Chapter Meetings Around the State

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

Aug 8 – San Antonio – Classifications
Joni White and Debra Gibbs

Aug 10 – Humble –Medical, Myra Walker

Aug 15 – McAllen –Commissary, Valerie Tijerina

Aug 28 – Conroe –Warden Roesler

Speakers to be announced for September.

Sept 4 -Ft Worth -Education(Windham)

Sept 5 - Beaumont – Classification

Sept 9 - Paris - Warden/Regional Director

Sept 14 - Harker Heights -Threat Security

Sept 16 - Nacogdoches - Mail Room

Sept 19 - Pearland –Education(Windham)

Sept 20 - Dallas - Communications

Sept 21 - North San Antonio - Re-entry

Sept 21 - Waco - Commissary

If you are needing information or help in one of these areas, please plan on visiting these chapter meetings. The help these individuals can supply is invaluable. [n](#)

Announcing our Two NEW Chapters!

We are proud to announce our new TIFA Chapters. Our newest one is in San Angelo, Texas and they will have their meetings on the second Thursday of every month at 6:00 pm. Their address is:

Immanuel Baptist Church
90 E 14th St
San Angelo, TX 76903
(325) 704-7445

We are also working on a new chapter in New Braunfels. So be checking our website for information on that new chapter. [n](#)

"Stepping Forward" in San Antonio

We often forget that kids suffer so much and the families at home bear this burden as they support their incarcerated loved ones inside and take care of the home front.

For the last couple of years we've held a "Stuff the Backpack Back to School" event which has been a great success. This year the San Antonio Chapters and the Ladies of Valor Empowerment decided to do something different. This year we wanted to help the children start off the new school year with confidence and good self-esteem by providing them with a new pair of shoes through the "Stepping Forward Back to School Shoe Event."

Those of you in the San Antonio area that have a loved one in jail or prison and children who need a pair of shoes, please send an email to sybillehamilton.tifa@gmail.com with the following information by **Aug 10th**:

1. Full Name of Child
2. Age of Child & Shoe Size
3. Loved Ones Unit/TDCJ # or SA Jail #
4. Contact Information: Your Name, Address, Phone Number, and email if available

The number of shoes that can be provided will be based on the donations that we receive. We are hoping to support at least 30-40 kids and will notify families when & where they can pick up their shoes. [n](#)



Legislative Updates

By Lauren Johnson.

Greetings! It has been an incredibly busy few months since the last time I wrote for the newsletter. Even though the legislative session only lasts a short time, there is so much work that happens behind the scenes to make the magic happen that it truly never ends. Jennifer and I have been continuing to have conversations with legislators and partner organizations about what the next steps are and what we need to do to prepare for the next Legislative session in 2019.

We went back and looked at the data from the session and the work time credit bill (HB 2120) was the most followed and looked up bill during the session. That is due in large part to the family members out here either taking the reigns and pro-actively seeking out information, or due to you asking them to look it up and follow it. So first and foremost a big thank you to everyone that has taken action in any capacity. The bill also continues to garner a lot of attention from people who oppose it, however the opposition is somewhat neutralized by the people actively voicing their support.

The legislative session did not make a lot of progress in the area of criminal justice. Here are a few of the things that did pass that may be of interest:

The Legislature passed SB 292 by Senator Huffman, which will create a grant program for counties to address the mental health issues of formerly incarcerated individuals to help reduce recidivism.

Additionally, the Legislature passed HB 337 by Collier, a bill that will ensure the continuous eligibility for Medicaid of an individual who has been released from jail or prison. Individuals receiving mental health treatment while locked up often experience a disruption in treatment upon release. HB 337 will address this by suspending an individual's Medicaid benefits and then reinstating those benefits 48 hours after their release. This will likely only apply to folks after the effective date of Sept. 1st.

Now we are currently thinking about interim charges. During the interim between legislative sessions, the Lt. Gov. and the Speaker of the House will appoint Interim Committees to study important issues they have selected that help guide the Legislature's decisions in the future. Any legislator can submit a topic for an interim charge.

The interim committees will hold hearings and take public and/or invited testimony to learn more about the issue. Their findings will affect actions taken during the next regular session.

A benefit of having an issue addressed during the interim is that it heightens visibility and improves chances for the issue to be on the policy agenda for the next session. We are hoping that we can get an interim charge to take place surrounding one of our issues and are working diligently thinking about the next legislative session.

What you can do: What I was reminded of during the session is that in order to affect changes in policy we have a lot of work to do to change hearts and perceptions. We have to work simultaneously to change the culture of punishment that we have become addicted to and not rely on incarceration/punishment to solve all of our problems. That means that we have to think of different solutions. I heard someone say "If we seek to change the world, we must first change ourselves" and a dear friend once said "If it is to be, it begins with me."

So in that vein I would ask that each of you do as much as you can to educate yourselves as to what you are able to do.

Another thing that you can do on the inside is spend time practicing and honing storytelling

skills. Your story as it relates to an issue. As you practice, whether in writing or speaking, it should begin to become more polished. Set it down and come back to it, get feedback from others about what you can leave out, or improve. I know that some of you may say that this doesn't feel like a big thing, but this small effort can have a huge impact!

Finally I want to share that I have just transitioned to a position with the ACLU of Texas. TIFA is near and dear to my heart and I will continue to work alongside Jennifer on policy and other endeavors. So I am not going away. I am only mentioning this because I want to encourage you. I have had 3 TDC numbers and I would have to get an official background check done to know exactly how many felonies are on my record.

But those things have become an asset to me and to the organizations I have worked with. I did what I had to do (landscaping, waitressing, babysitting etc.) until I could do what I wanted to do. Having the opportunity to do what I want to with TIFA and now the ACLU is something I hope will help create a path for people who come behind me! [n](#)

A Special Offer for those who are currently incarcerated in the TDCJ

☐ I would like a \$10.00 (one year/4 issues) Subscription to the TIFA Contact Newsletter

I understand that this is not a TIFA membership. My \$10 includes four(4) issues of a yearly subscription. TIFA is not responsible for any lost issues that are not provided because of a change in unit OR TDCJ fails to deliver. The subscriber is responsible for notifying TIFA of ALL address changes at least 45 days prior to the next issue. Issues will be delivered in middle of Feb, May, Aug and Nov of each year.

☐ \$ _____ Donations are always cheerfully accepted!

Inmate Name (please print clearly)

TDCJ Number

TDCJ Unit

Signature

Date

Please mail your TDCJ Trust Fund money order to:

TIFA PO BOX 300220 Austin, TX 78703

New Hope for Juveniles Facing “Life” and “Life Without Parole” Sentences

By Elizabeth A. Henneke,
Executive Director of the
Lone Star Justice Alliance

In June 2012, the United States Supreme Court ruled in *Miller v. Alabama* that mandatory life sentences without the possibility of parole (LWOP) are unconstitutional for juvenile (under 18) defendants. *Miller v. Alabama*, ___ U.S. ___, 132 S.Ct. 2455, 2464-65 (2012). Thus, the Court found that a defendant under 18 could not be sentenced to LWOP without considering the individual characteristics of the youth to determine if the youth was the “rare juvenile offender” displaying “irreparable corruption.” 132 S.Ct. 2455, 2469 (2012). Absent such a finding, the Court required imposition of a sentence that provided a meaningful opportunity for review. This means all juveniles in Texas mandatorily sentenced to LWOP are entitled to a new sentencing hearing.

But the Supreme Court’s decision, may also implicate juveniles sentenced to life as well. Like mandatory LWOP schemes, Texas imposes mandatory life on any juvenile convicted of capital murder. “Of the 366 Texas juveniles sentenced to life with the possibility of parole for capital murder since 1962, only 17 — less than 5 percent — have ever been released.” Meagan Flynn, *Sorry for Life?: Ashley Ervin Didn’t Kill Anyone, But She Drove Home the Boys Who Did*” Houston Press (Jan. 12, 2016). In Texas, where less than 5% of juveniles convicted of capital murder have EVER been paroled, a life sentence is the factual equivalent of life without parole. The semantic difference between “life” and “life without parole” cannot change the fact that ninety-five percent of the youth sentenced under the mandatory sentencing regime will die in prison.

What does all this mean? It means that there is new *hope* for juveniles sentenced to life or life without parole. In the end, Texas’s mandatory imposition of life arguably is no more constitutionally tolerable than the mandatory LWOP statutes struck down in *Miller*. In fact, the majority of states that have considered similar arguments have found that *Graham* and *Miller* apply to sentences that are the

functional equivalent of life without parole. While the U.S. Supreme Court has not yet accepted any cases for review, many observers think this issue may well be the next legal challenge to be addressed by the U.S. Supreme Court.¹

The best way to determine if you qualify for relief under these cases is to reach out to an attorney specializing in juvenile resentencing under *Miller*. Be sure to ask if s/he is familiar with this unique area of law, in particular whether s/he has received specialized training. There are not enough attorneys in Texas currently doing this work, so if you find an attorney willing to embark on the extensive work needed to prepare a claim under *Miller*, please feel free to send them to the Lone Star Justice Alliance, a launched nonprofit dedicated to serving youth and emerging adults in Texas. We are here to serve as resources for you, your family, or your attorney. Together, we will end the extreme sentencing of youth in Texas!

¹In *Lewis v. State*, 428 S.W.3d 860, 863–64 (Tex. Crim. App. 2014), the Criminal Court of Appeals held that “*Miller* does not entitle all juvenile offenders to individualized sentencing. It requires an individualized hearing only when a juvenile can be sentenced to life without the possibility of parole.” This holding, however, narrowly addressed the issue presented to the Court: whether life sentences, as the most severe sentence available to a child in Texas, had to be individualized. *Id.* at 864. The Court was not presented with, and did not consider, the data discussed above which makes clear that a “life” sentence is the functional equivalent to parole. Accordingly, *Lewis* may not control.

****If you would like to contact Lone Star Justice Alliance send us an email at tifa@tifa.org and we will send you information as it becomes available.**
n

**Lone Star Juvenile
Lifer Summit
Nov 17-18, 2017
Austin, Texas**

The Lone Star Justice Alliance, in conjunction with their advocate partners, plans to host the **Lone Star Juvenile Lifer Summit** on November 17-18.

Tentative topics include:

Second Look: Create a campaign plan that integrates a diverse group of voices, including families, survivors, formerly incarcerated, advocates, attorneys, faith leaders, and community members.
Litigation Strategies: Outline current litigation options available to youth tried as

adults and update participants about the current plans to challenge these sentences in Texas.

Parole Process: Give participants concrete strategies for developing the best parole packet possible and outline generally the current parole process in Texas.

Community Building: Provide a space for building up the community of individuals impacted by Texas’s harsh sentencing laws.

Build a Culture Shift Message: Plan ways that this community can help shift the discourse on individuals sentenced for violent offenses.



Important: If there are any other topics you would like to see covered in the Summit, please send an email to tifa@tifa.org and let us know. n

Last TIFA Parole Packet Workshop for 2017

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

August 19th, 2017 10-2 pm
First Baptist Church Christian Life Center
411 North St
Nacogdoches, TX 65961

At the workshop 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



Estelle Unit Parole Forum Q&A Part 3

By Sharon Bass

This is Part Three 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 4 of the Q&As.

25. I'm from Miami, Florida. I want to know about Interstate Compact. Can I transfer to Florida from Texas? How would this work?

When you see the IPO you request Interstate Compact. Only when you have an approval will the process begin. Texas will transmit the request to Florida to approve. Once Florida approves then Texas will begin your releasing process. In the freeworld you can go to <http://www.interstatecompact.org/> for more information.

26. If I had a major case and I got it overturned, will parole give me a special review after I got a year set-off for that case?

You probably will not get a special review. By the time the case is overturned and if you could request a special review, your file would probably already be in the next review process.

27. How do I get help when I'm on parole? Do these workshops help?

There are many resources in the larger cities. You will be given some information

during the releasing process and through re-entry on your unit. Your parole office will offer workshops, job fairs and have other skill training classes available.

28. Are there any programs to help with buying clothes and tools a man will need for work?

There are many re-entry programs and ministries that help with clothes and possibly tools. You can get with the Chaplain on your unit or re-entry and ask for a list of resources in your area.

29. How closely does the board pay attention to disciplinary cases?

The Parole Board pays very close attention to major disciplinary cases. Not as much attention is given to a minor case. A major case within six months of a parole eligibility review date and reduction in line class will make you ineligible for parole review.

30. Why is parole so hard to do in this state? You have a job but parole makes it hard to have a good job and serve your parole at the same time.

This is something that we must continue to work on. No really good answer. Just be sure you know the rules, your rights and ask for help.

31. What percentage of inmates' charges with aggravated charges get parole granted?

2015 Statics show that 34.58 of aggravated non-sexual offenses were paroled. However this statics is misleading because you cannot determine if this is first review or a subsequent review. 98% of all offenders eventually make parole.

32. Why is TDCJ treating my case as aggravated when I was told that I did not receive an aggravated conviction?

If the offense for which you were convicted does not fall under Article 42.12 §3(g) of the Code of Criminal Procedure, or the court did not make an affirmative finding that a deadly weapon was used or exhibited during the commission of your offense, then it is not "aggravated" for parole purposes. An offense that falls under this section (aggravated) requires 50% of the overall sentence be served (without taking into consideration the good time earned) before the case can be

considered for parole review. In many instances offenders think that their conviction is being considered "aggravated" because they are not eligible for release to mandatory supervision. Eligibility factors for parole and mandatory supervision are not the same. There is a big difference between the two.

33. What can we do as prisoners to gain favorable attention from the board to be granted parole, or increase our chances?

Take college classes, Changes, Cognitive Intervention, learn a vocation, any class that shows you are using your time productively. Have your family attend a TIFA Parole Workshop and we will teach your family how the process works.

34. How can I get my parole date moved up sooner? It's 2042.

Your parole eligibility date is determine by the law in effect at the time of your offense. The only way the date will change is by a sentence reduction by a judge that lessens your sentence, or a change in the law.

35. How can I get into treatment for my crime of a DWI as soon as possible?

You will have to make parole and ask parole to send you to the DWI program.

36. Can we get access to a law library outside of this unit? This unit doesn't have the information that's needed to research cases (books with US Supreme Court cases)

TDCJ is only required to have a specific set of law books. These books are usually old and have been donated. You would have to have someone on the outside look up the cases that you need.

37. How do I get a parole packet? How do I get the info to fill out a parole packet?

You make a parole packet. The field ministers on your unit have a sample packet. Do not copy the packet. It needs to be specific to you. You can also visit the law library and read Chapter 7 in the SCFO Legal Handbook 12th Revised Edition for more guidance on parole and parole packets. **n**



K2 Dilemma Produces Serious, Dangerous Health-related Issues

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A dangerous addiction appears to be sweeping the United States as more people have turned to what they perceive as a safe alternative to more commonly-recognized illicit drugs, such as marijuana. Users are sometimes turning to a category of substances known collectively as new psychoactive substances, which have been associated with a rising number of deaths.

These substances are products that contain a mixture of herbs, incense or leafy vegetation that have had synthetic cannabinoids applied to them. These substances are marketed to the public under several names, such as K2, Spice, Kush, fake weed, Joker, Black Mamba, Kronik, Yucatan Fire and Skunk. The natural substances are used to promote the illusion that these products are natural.

K2 is just one of these synthetic cannabinoids, or man-made mind-altering chemicals that are either sprayed on dried, shredded plant material so they can be smoked, or sold as liquids to be vaporized and inhaled in e-cigarettes and other similar devices. The chemicals found in these products are called cannabinoids because they are related to the chemicals found in the marijuana plant. Because of the similarities, these products are often marketed as “safe” and “natural” alternatives to marijuana. The truth is, the only natural parts of these products are the dried plant materials - the chemicals are actually manufactured in

laboratories. For years, synthetic cannabinoid mixtures were easy to buy in drug paraphernalia shops, novelty stores, gas stations, and through the Internet, and they were usually sold in small, brightly-colored, safe-looking packages. Despite visible warnings on some packages suggesting the product is “not for human consumption,” it didn’t look all that dangerous to some consumers. However, as of 2011, it is illegal in Texas to manufacture, distribute, possess or sell K2.

Many users of K2 refer to it as synthetic marijuana because it affects the same brain cell receptors as delta-9-tetrahydrocannabinol (THC), the active ingredient in marijuana. However, K2 is not actually a similar drug. Unlike heroin and cocaine, these products are not made using just one chemical. Synthetic marijuana products can be made with nearly 100 different chemicals, and the amount and type of chemicals used varies widely from batch to batch. Because the chemical composition is unknown, the actual side effects may be dramatically different from what the user expects. Synthetic cannabinoid chemicals are likely to affect the brain much more powerfully than marijuana and may cause severe and even life-threatening side effects.

Some users tout the effects of K2 as improved mood, altered perception, delusional thinking and relaxation. However, negative side effects include nausea, prolonged and severe vomiting, confusion, hallucinations and extreme cases of anxiety and paranoia. Some of the even more dangerous side effects that affect users’ behaviors due to the use of these drugs include aggression, manic rage, agitation and other forms of violent behavior, self-destructive behaviors, and homicidal and suicidal tendencies. The physical side effects of K2 include an increased heart rate, repeated vomiting, chest pains, heart palpitations, over-heating, excessive sweating, elevated body temperature, inability to speak, restlessness, strokes, kidney damage, seizures, and in some instances, death. K2 can also raise blood pressure and cause reduced blood supply to the heart. It may also cause kidney damage and seizures.

Even occasional use of these substances is life threatening. Scientists confirm that K2 stays in a person’s system for a lengthy time, although the long-term effects of the drugs have yet to be fully

determined. Experts debate how addictive these drugs are, but there seem to be indications that users display addictive behaviors and experience withdrawal symptoms. Some of these symptoms include a loss of appetite, extreme sweating, insomnia, depression, loss of motivation, psychotic episodes, and suicidal thoughts. These products are also often referred to as zombie drugs, as users may experience side effects so damaging that while they are still physically alive, they are left brain dead.

K2 continues to be a growing problem in society with serious consequences for long-term physical and mental health. Effects of synthetic marijuana vary among users. While one user may not experience violent behavior after using the drug, another may not be so lucky. According to authorities, it only takes one bad batch of the product to cause serious and permanent damage, or even death. **n**

K2 Numbers *by Jennifer Erschabek*

K2 is a dangerous issue in TDCJ and contraband comes into the system many ways. It is brought in by staff, visitors, trustees, and through shipments coming in from the outside.

According to an open records request 16 visitors and only 3 employees have been found with K2 thru June in 2017. We have not yet received the numbers of arrests because of K2.

Of the 950 contraband busts inside Texas prisons between January and mid-June, 477 involved illegal drugs - and 268 of those, more than half, were for possessing K2, according to state statistics in an article by Mike Ward of the Houston Chronicle.

In 2016, 560 of the 1,015 drug-contraband cases involved K2.

We worry about the safety of our loved ones inside TDCJ and the danger that this illegal drug poses. It is evident with the number of contraband busts and the number of incidents that family members are sharing with TIFA that TDCJ still has some work to do to eliminate the amount of K2 in the system. Eliminating contact visits as suggested by a Beaumont editorial is NOT the solution. **n**

SCOTUS Reverses NC LAW Limiting Access to Internet for SOs

In June 2017, Justice Kennedy issued an opinion on *Packingham v NC* that reverses a law that makes it a felony for a registered sex offender to gain access to a number of websites, including common-place social media websites like Facebook and Twitter. Justice Kennedy was joined in full by Justices Ruth Bader Ginsburg, Stephen Breyer, Sonia Sotomayor and Elena Kagan, outlining what he described as a “fundamental principle of the First Amendment”: that everyone should “have access to places where they can speak and listen, and then, after reflection, speak and listen once more.

A North Carolina statute, which makes it a felony for a registered sex offender “to access a commercial social networking Web site where the sex offender knows that the site permits minor children to become members or to create or maintain personal web pages,” impermissibly restricts lawful speech in violation of the First Amendment.

The Justices concluded that, while the law addresses a critical problem, it was too broad to satisfy the demands of the Free Speech Clause.

In the opinion delivered by Justice Kennedy it stated “if the entirety of the internet or even just “social media” sites are the 21st century equivalent of public streets and parks, then States may have little ability to restrict the sites that may be visited by even the most dangerous sex offenders. May a State preclude an adult previously convicted of molesting children from visiting a dating site for teenagers? Or a site where minors communicate with each other about personal problems? The Court should be more attentive to the implications of its rhetoric for, contrary to the Court’s suggestion, there are important differences between cyberspace and the physical world.”

“To foreclose access to social media altogether is to prevent the user from engaging in the legitimate exercise of First Amendment rights,” Kennedy wrote. “Even convicted criminals—and in some instances, especially convicted criminals – might receive legitimate benefits from

these means for access to the world of ideas, in particular if they seek to reform and to pursue lawful and rewarding lives.”

And even if once it may have been hard to determine which places are “the most important” “for the exchange of views,” Kennedy concluded, it isn’t hard now. Instead, he reasoned, it is “clear” that the Internet and, in particular, social media provide such opportunities, with “three times the population of North America” now using Facebook. Emphasizing that Packingham’s case “is one of the first this Court has taken to address the relationship between the First Amendment and the modern Internet,” Kennedy warned that the court should “exercise extreme caution before suggesting that the First Amendment provides scant protection for access” to ubiquitous social-networking sites including Facebook and Twitter and in this instance goes too far because it also bars sex offenders from gaining access to “a large number of websites” – including, but not limited to, Amazon, The Washington Post, and WebMD – “that are most unlikely to facilitate the commission of a sex crime against a child.”

The question that we have in Texas is what will this mean for people who are on probation or parole. TIFA will be meeting with the Parole Division in Austin on July 31st and will be asking that question.

You can access the decision on the SCOTUSblog.com website at <http://www.scotusblog.com/case-files/cases/packingham-v-north-carolina/> n



We Are Stronger Together

www.HELPTX.org

The Higher Education & Learning in Prison – Texas Network has launched a new website www.HELPTX.org. The mission of the page is simple: it is to provide an online space for alumni of Texas prison college and university programs in Texas to connect and share information.

There are links to resources, but the main feature of this site is the discussion board limited to prison college participants.

National websites are great for information, but the true advantage will always come at the local level. Whether you’ve just been released or you’ve been out for decades, this is a space for you to tell others where you’ve found jobs, help other former prisoners get employed, and ask for help in finding employment. We also offer sections for finding housing and furthering your education.

The Resources page provides links to:
Help finding a job
Help furthering your education
Help finding a place to live
Links to other helpful websites. n



TDCJ Announces the 2017 PACT Conference!!

TDCJ will be hosting a free informational conference for families and members of the general public on **Saturday, Oct. 21, 2017**. The Public Awareness — Corrections Today (PACT) conference will be held at the **Sam Houston State University Criminal Justice Center in Huntsville, Texas** and will be coordinated by the TDCJ Ombudsman Program.

Registration will begin at 7:30 AM the day of the conference. You do not have to pre-register. The conference will consist of presentations from TDCJ Divisions, beginning at 8:00 AM and ending at 2:30 PM. There will be break-out sessions in the morning and afternoon with lunch from 11-12. Throughout the day, agency staff will be available to interact with participants. Resource tables will be open from 8:00 AM to 2:15 PM, with brochures and other helpful information available.

Additional conference information for participants will be available on the TDCJ website, www.tdcj.texas.gov.

TIFA will once again have a resource room downstairs and we will have a general membership meeting during the lunch break from 11-12. Check our website at TIFA.org for more information.

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Texas Inmate Families Association

Strengthening families through support, education, and advocacy

TIFA
PO Box 300220
Austin, TX 78703-0004

CONTACT
Vol.22 No. 3 July 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 Angelo

2nd Thursday at 6:00 pm
Immanuel Baptist Church
90 E 14th St
San Angelo, TX 76903
(325) 704-7445

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 Evg 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
(254)744-1789

*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*