

Transparency and Accountability in Texas Prisons

How Does the State Protect Against Cruel and Unusual Punishment?

The following is an Op-Ed written by Executive Director Jennifer Erschabek and published in the Houston Chronicle in 2017.

Texas prisons are harsh and sometimes cruel, inhumane places where those convicted of crimes are forgotten by the rest of society.

It doesn't matter if the crime was forgery, driving drunk, or a capital murder. All of those who are convicted are subjected to the same harsh environment that includes deadly heat, lack of medical care, and neglect. Research reflects that an extended period of time spent in state prison can reduce a person's life span by ten years.

It is critical that prisons have their own internal accountability system for identifying problems, reporting these issues to management, and addressing wrongdoing; however, these internal measures do not provide the information, public accountability, and transparency needed to preserve the lives of those who are incarcerated.

In the Texas Department of Criminal Justice (TDCJ), two of the internal review processes include the Ombudsman's office and the TDCJ grievance system.

The Ombudsman office works with other agency staff to answer questions and address concerns from the public and legislative offices. In FY 2015, staff responded to approximately 23,226 inquiries.

However, the Ombudsman Office is not an investigative office; it works to answer questions and respond to inquiries. When families call to report issues and problems, the Ombudsman Office typically quotes TDCJ policy and procedure. They do not and will not investigate whether procedures are followed or ignored.

In 2015 and 2016, people in TDCJ custody filed over 151,000 grievances. Eighty percent of the grievances were about facility operations, complaints against staff, disciplinary, and medical issues.

Examples of some of these grievance issues include non-working fans, guards denying access to cool areas when people were in medical distress, availability of ice water, broken or contaminated water systems, and the inability to cool the building structures down to a reasonable temperature even at night.

Prisons should be safe and humane places--independent oversight provides accountability and promotes transparency.

Neither the grievance system nor the Ombudsman office provides the accountability or transparency that assures families that their loved ones are being treated humanely or kept safe. Families are often frustrated with their inability to get answers or rectify a bad situation or wrongdoing in TDCJ. When a parent is fearful that their son or daughter is being abused or neglected, it is little consolation that 18% of complaints will eventually be resolved-- through a policy or procedure change.

Recently U.S. District Judge Keith Ellison ordered the state to disclose the number of heat-related deaths since 1990 in Texas prisons. In Texas, less than a third of state prisons have air conditioning in all housing areas.

Judge Ellison wanted to know why TDCJ had not provided the information before a current lawsuit for that information. "We

are not talking about how many widgets were sold out of a given factory," Judge Ellison said during the hearing. "We are talking about human lives, and I would be very distressed if the answer is that TDCJ does not even keep count of how many people died of heat-related illness."

Without outside, independent oversight, the public must depend on TDCJ to provide solutions to prison problems--and at least information like heat-death statistics.

Of course society has a right and an obligation to protect itself from those who have committed crimes. And of course people who have committed crimes must be held accountable for their actions.

But it is not "of course" that the public must depend on the TDCJ Ombudsman for any prison problem's resolution, and for simple statistics that can help decision makers like the legislature decide how best to reform a system. Through transparency, we can focus on any cruel and unusual treatment, including death from boiling temperatures. Some people need to be imprisoned, but the law should protect them too.

The TDCJ needs transparency and accountability; currently, that cannot be resolved through their internal Ombudsman procedures, grievance system, or even the Office of the Attorney General who gathers the death statistics.

A lawsuit cannot even get an accurate count of heat-related deaths.

NOTE: In May of 2018 U.S. District Judge Keith Ellison ended the years-long lawsuit over prison heat conditions, finalizing a settlement proposal that included the installation of air conditioning at the Wallace Pack prison southeast of College Station.

TIFA Contact

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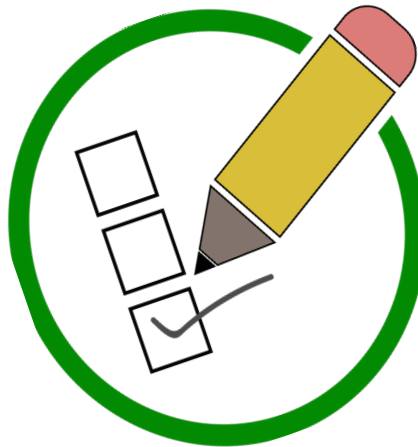
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Find us!



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



Thank you to everyone who filled out our online survey or sent in the paper form that was in our last newsletter! We have received 111 responses so far - 25 from inmates and 86 from friends and family on the outside. If you didn't take the survey and are curious about its purpose, here is the message that accompanied the survey in a *Contact* last year:

"We believe it is important to reframe the conversation around crime survivors and what they want from the criminal justice system. For too long, prosecutors, legislators, and other stakeholders have mostly ignored the voices and experiences of people most impacted by crime and violence.

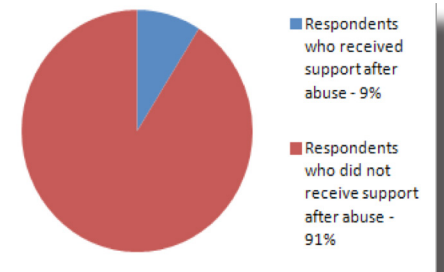
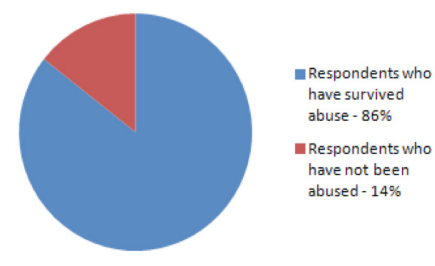
TIFA Crime Survivors Survey Results

People directly impacted by incarceration (either their own incarceration or the incarceration of a loved one) are not a separate population from crime survivors; these are often the same population and their pain and experiences matter.

*Maybe crime survivors
prefer rehabilitation over
retribution, or alternatives to
incarceration.*

This survey is our first step in uncovering the best solutions to crime and violence, according to those who are most impacted by them."

These charts represent results from all responses



We have seen the exploitation of crime survivors by those who believe locking people up in prison and throwing away the key is the only solution to crime and violence.

The truth is that most incarcerated people experienced victimization themselves, either prior to or during their incarceration, and their families and communities are often highly impacted by crime and violence.

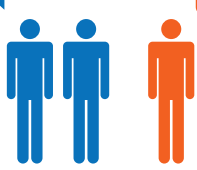
Our findings also show that:

All respondents in TDCJ have experienced abuse or survived violent crimes. None received help after the crime/abuse.

All but one respondent prefers accountability and rehabilitation instead of punishment through long sentences and harsh conditions in jails/prisons as a response to crime.

VICTIMS' VIEWS ON PUBLIC POLICY

REHAB



PUNISH

By a 2 to 1 margin, victims prefer that the criminal justice system focus more on rehabilitating people who commit crimes than punishing them

✓ By a margin of nearly 3 to 1, victims believe that prison makes people more likely to commit crimes than to rehabilitate them

✓ By a margin of 7 to 1, victims prefer increased investments in crime prevention and programs for at-risk youth over more investments in prisons and jails

BY A MARGIN OF

3 TO 1

victims prefer holding people accountable through options beyond prison, such as rehabilitation, mental health treatment, drug treatment, community supervision, or community service

✓ By a margin of 15 to 1, victims prefer increased investments in schools and education over more investments in prisons and jails

✓ By a margin of 10 to 1, victims prefer increased investments in job creation over more investments in prisons and jails

✓ By a margin of 7 to 1, victims prefer increased investments in mental health treatment over more investments in prisons and jails




6 IN 10

victims prefer shorter prison sentences and more spending on prevention and rehabilitation to prison sentences that keep people incarcerated for as long as possible

✓ By a margin of 4 to 1, victims prefer increased investments in drug treatment over more investments in prisons and jails

✓ By a margin of 2 to 1, victims prefer increased investments in community supervision, such as probation and parole, over more investments in prisons and jails

VICTIMS' VIEWS ON THE ROLE OF PROSECUTORS




Seven in 10 victims prefer that prosecutors focus on solving neighborhood problems and stopping repeat crimes through rehabilitation, even if it means fewer convictions and prison sentences

✓ Six in 10 victims prefer that prosecutors consider victims' opinions on what would help them recover from the crime, even when victims do not want long prison sentences

VICTIMS' VIEWS CONSISTENT ACROSS DEMOGRAPHICS

✓ For each of the questions above, there is majority or plurality support across demographic groups, including age, gender, race and ethnicity, and political party affiliation

YES! **FOR SURE**  **YES!**

For each of the questions above, there is majority or plurality support among both crime victims overall and victims of violent crimes, including the most serious crimes such as rape or murder of a family member

A Few of the Bills Supported by TIFA This Session

HB 1271	Thompson
Relating to earned time credit for all inmates	
HB 256, SB 155	Moody, 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	
HB 363, SB 188	J. Johnson, Miles
Relating to the creation of the office of independent oversight ombudsman for the Texas Department of Criminal Justice	
HB 495	Deshotel
Fair Chance Hiring/Ban the Box: Relating to the consideration of criminal history record information regarding applicants for employment	
HB 246, HB 336, SB 294	Farrar, Dutton, Lucio
Relating to abolishing the death penalty	
SB 321, HB 936	Menendez, Canales
Relating to the temperature at which a facility operated by the Texas Department of Criminal Justice is maintained (Maintaining temperatures between 65 - 85)	
HB 650	White
Relating to female inmates of the Texas Department of Criminal Justice	
HB 659	White
Relating to the collection of information regarding the parental status of inmates of the Texas Department of Criminal Justice	
HB 812	White
Relating to the amount of the health care services fee paid by certain inmates, changing the health service fee from \$100 per year to \$3.00 per visit	

EARNED TIME CREDITS FOR PAROLE ELIGIBILITY

HB 1271 (Senfronia Thompson)

Promoting Justice and Incentivizing Transformation

Support Earned Time Credits for Parole Eligibility

Texas families believe that people should be given credit for their rehabilitation efforts and hard work to transform their lives. Since each person and set of circumstances is unique, they should be evaluated on an individual basis, rather than categorized by the crime they are serving time for.

This bill authorizes earned time credits toward parole ELIGIBILITY for all persons incarcerated by the Texas Department of Criminal Justice (TDCJ). This update to the Texas Government Code §498.003 would authorize earned time credits for eligible prisoners based on program participation. Up to a total of 15 days per month of these time credits can be earned for the following categories:

- Education: student participation in an educational program or literacy program
- Vocation: participation in a vocational program
- Treatment/Rehabilitation: participation in a treatment program
- Agriculture/Work: working in an industrial, agricultural, or other work program

This bill doesn't shorten sentences, but it provides more opportunities for some of the sentence time to be served in the community. People granted release would then be able to provide support for their families, pay taxes, etc.

Earned Time Credits:

- Allow more people in prison to earn parole eligibility (but release is not guaranteed for anyone)
- Provide an incentive to participate in productive activities, as well as hope, in an otherwise hopeless situation
- Create safer environments for inmates, correctional officers, and other TDCJ staff throughout the facilities
- Provide the parole board with more ways to evaluate individuals in TDCJ, while maintaining their discretion

How does 'good time' compare to 'earned time'?

Good time credit is earned for the good behavior that an inmate shows in prison. Earned time is for participation in or completion of productive activities in the above programs. For non-aggravated offenses good time and work time can be added to flat time served to equal the time required to be eligible for parole review. Both good time and work time can be lost due to a major rule infraction. People serving time for certain offenses currently do not earn ANY time credits for their efforts. Our proposed legislation adds 'earned time' options as an alternative to good conduct time credits for those in the restricted category. This bill provides an incentive for all inmates with parole eligibility to make the best of their time incarcerated. It would not guarantee release for anyone.

What is the recidivism rate for serious offenses? How could this affect public safety?

There are various resources and studies on the recidivism risk of violent offenses, including physical and sexual assault. The studies focus on crime of conviction, criminal record, age at time of release, length of imprisonment, and other factors. A 2011 study tracked 860 people convicted of homicide and sentenced to life, all of whom were paroled beginning in 1995. Longitudinal analysis of their outcomes finds that in the years since their release, only five of those individuals (less than 1%) have returned to prison or jail because of new felonies.¹

For most offenses—and in most societies—crime rates rise for people in their early teenage years, peak during their mid-to-late teens, and subsequently decline dramatically. Not only are most violent crimes committed by people under 30, but even the criminality that continues after that declines significantly after age 40.² After a certain time, staying in prison becomes detrimental to the people who are trying to rebuild their lives, and the communities that were left behind. Providing earned credits for parole eligibility for those who have worked hard to transform their lives offers an opportunity for greater public safety than keeping everyone in prison for longer than they need to be.

¹ Weisberg, R. Mukamal, D. (2011). *Life in Limbo: An Examination of Parole Releases for Prisoners Serving Life Sentences with the Possibility of Parole in California*. Stanford University: Stanford Criminal Justice Center. ²

Human Rights Watch. (2012). *Old Behind Bars: The Aging Prison Population in the United States*. New York, NY.

INDEPENDENT OVERSIGHT OF TDCJ

SB 188 (Borris Miles) and HB 363 (Jarvis Johnson)

Support SB 188 (Borris Miles) and HB 363 (Jarvis Johnson) Independent Oversight for TDCJ

For Texas families, communities, and the State, there are clear public safety and cost-saving benefits to developing a system of independent, external oversight for Texas prisons.

The Texas Department of Criminal Justice (TDCJ) has various internal accountability mechanisms, but they do not and cannot serve the same role or offer the same benefits as external oversight, which promotes transparency, accountability, and good government.

This office will improve the effectiveness the programs throughout the department, and provide a credible, reliable source of information for legislators about what's going on in TDCJ.

The need for oversight is most acutely felt by those living and working in the prisons every day. The views of these individuals, as well as their family members must be given significant consideration. With the recent news of the excessive use of force resulting in the death of an inmate, case quotas, planted contraband, TDCJ officers being reprimanded and fired, and Wardens being reassigned, there is significant momentum for independent oversight.

The American Bar Association has developed a resolution outlining effective practices for accountability and transparency of correctional and detention facilities that should be adopted by Texas criminal justice systems. Those recommendations have been incorporated into this bill.

External Oversight:

- Is cost-saving and incident-preventing
- Promotes transparency, accountability, and good government
- Improves working conditions and the livelihood of TDCJ corrections officers
- Provides continuous monitoring of treatment and living conditions for TDCJ inmates
- Increases public input in criminal justice issues
- Improves program effectiveness

In 2011 and 2012, the Texas Criminal Justice Coalition surveyed individuals incarcerated in Texas prisons, their families, and corrections officers:

Of responding corrections officers:

- 56%** believe their overall work environment to be unsafe
- 46%** think safety concerns weren't addressed in an adequate manner
- 45%** find current safety policies and procedures not effective
- 79%** believe TDCJ's current programs should be improved

Of responding incarcerated individuals:

- 91%** identified the need for an independent corrections ombudsman as very important

Of responding families:

- 95.3%** agree upon the need for independent oversight

On November 28, 2018 The Marshall Project named this bill the "Legislation of the Day." It now has national attention – let's show everyone what Texas can do!

INDEPENDENT OVERSIGHT OF TDCJ

The Current System and Proposed Solution

What do we have now?	<ul style="list-style-type: none"> ● The TDCJ Ombudsman Office is hired and supervised by the Executive Director. It is entirely dependent upon TDCJ for funding, space, staff support, and other operational needs. ● Of the tens of thousands of Step 2 grievances filed each year, less than 3% result in a corrective action.
What's not working?	<ul style="list-style-type: none"> ● Countless issues are being discovered throughout TDCJ facilities, often after it's too late (planted contraband, disciplinary case quotas, forged government documents, unacceptable dental practices, excessive use of force, unexplained deaths, unsafe working conditions, sexual harassment, increase in the number of attempted suicides, etc.) ● TDCJ was sued for dangerous living conditions in the facilities, costing the state over \$7 million throughout the lawsuit. Additional lawsuits are a possibility without significant department changes. ● Legislators are often left in the dark about what is going on in the facilities until they hear about issues from their constituents or read about discoveries in the news. They often have to take on the role of oversight and work to resolve issues that the current Ombudsman Office is not taking care of.
Why isn't it working?	<ul style="list-style-type: none"> ● With its lack of independence, the current Ombudsman Office is under pressure to avoid finding issues. ● Internal oversight doesn't provide transparency or accountability. Concerned families and legislators are unaware of what's really going on throughout TDCJ and have difficulty finding answers to problems and solutions to issues.
What does the American Bar Association recommend?	<p>Under the ABA's "Key Requirements for Effective Monitoring," it is recommended that:</p> <ul style="list-style-type: none"> ● The monitoring entity must be wholly independent of the correctional agency. ● The head of the monitoring entity must be appointed for a fixed term by an elected official. ● The monitoring process should be collaborative, cooperative, and collegial, rather than adversarial. ● Correctional and other government officials should be required to cooperate fully and promptly with the monitoring entity. ● The monitoring entity should be granted broad and unhindered access to the facility, correctional personnel, and inmates, as well as records bearing on the facility's operations and conditions.
What's our proposed solution?	<ul style="list-style-type: none"> ● The creation of an independent ombudsman office, appointed by the Governor (and a volunteer advisory board to provide information and guidance for the office); funded through commissary and TCI profits (families' money and inmate labor) ● The identification of systemic issues, offering solutions before lives are lost or lawsuits are filed ● An office that is intended to improve TDCJ and increase the effectiveness of its programs through the promotion of a collaborative, cooperative, and collegial relationship ● An independent office granted access and full authority to enter facilities, access records, and communicate confidentially with anyone in TDCJ custody, as well as with TDCJ staff

Violence Does Not Justify Violence

"He told me three time to remove my dentures. I don't have dentures, stop playing with me."

It started with a separate incident, another inmate had hit an officer. After that, everyone was racked up in their cells. The officers were going cell by cell, filming inmates, looking for evidence of an altercation. They do not find bruises or cuts so the officers start strip-searching the inmates. Joe (his name has been changed) was told to remove his dentures but he doesn't have dentures and he is treated as though disobeying an order. Joe is handcuffed and walked out of view of the cameras.

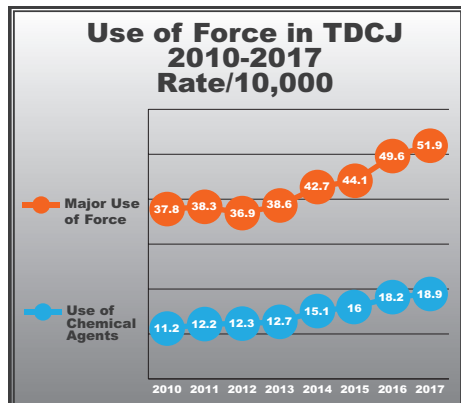
"Right there the officer stops, looks down the hall and the grabs me by the back of my head and runs with me and slams me into the brick wall, head first and causes a laceration to my forehead."

Joe was later taken to the hospital where he was diagnosed with a broken nose and received stitches to his head.

Joe's case was submitted to the Office of Inspector General but their 'review of your complaint found insufficient evidence to justify any further investigation at this time.'

According to the data from the Emergency Action Center (EAC) the Use of Force in TDCJ has increased 34% since 2013.

The question becomes does the TDCJ



** Numbers are monthly averages



have more violent inmates now than in 2013? The TDCJ Statistical Report also reports that the number of inmates 'on hand' that have been convicted of a violent crime is 55.6% in 2013 and 56% in 2017.

What happened to Joe is not an isolated incident. TIFA hears these reports from families time and time again. But when it involves an officer, the truth is hard to prove. It becomes the word of the officer against the word of the inmate.

We hear continuously about violence in our prison system and as family members we are scared for the safety of those we love and support. The violence is not only inmate on inmate but it is also erupting between officers and inmates.

It's hard to know the truth. Is it because the prison is understaffed, is it a lack of training? Whatever the cause, it will take an independent office looking into these issues to increase safety, for both the staff and the inmates in their charge.

TDCJ INMATES ADDRESS THE NEED FOR INDEPENDENT OVERSIGHT

Dear Texas Legislators,

My friend Francis Lindsay died on October 28th while on night 'fire watch' at the furniture factory due to neglect of the officers at Ramsey Unit. We had just gotten the call for breakfast and I hadn't seen Francis yet, so I asked an officer where he was. She said they had been calling him but there was no answer. This was after count had been cleared. Francis had last signed in at 2 am, so it had been 3 ½ hours

since anyone had heard from him. It never occurred to the officers to check on him.

Please help us make TDCJ safer.

Inmate F.D.

Dear Texas Legislators,

I want you to know that there are fraudulent major cases (disciplinary writeups) being written up about us in TDCJ. I received one recently and the case has a lot of very negative effects on me, and many others who received bogus cases during a lockdown at our unit. It affects my parole, and it affects my custody status. I have had to do disciplinary punishment and will have to do it again one year from the day of that case in order to get my line class back. It is a serious setback on many levels and it is entirely false. And the main culprits involved in it are still doing what they do. The officer who wrote all those fraudulent cases has never been reprimanded, and the major case court captain will say the cameras weren't clear enough to distinguish the claim, or the fans were blocking the view, etc.

We need someone independent from TDCJ to address issues like this. Who is watching the watchers?

Inmate M.A.

Dear TIFA,

Thank you for being so attentive to my issue (planting of contraband by a correctional officer). You have single-handedly renewed my faith, I mean it, and it is not an understatement. Thank you! With everything that was going on at Ramsey I had given up and started living reckless, excusing my behavior by saying, "being good hasn't been good to me," and "what's the use of doing the right thing if I'm going to get setup and lied about?"

Never again will I allow others' misguided actions to mislead me or influence how I act. I tip my hat and applaud you and your staff for the great job you all do for all of us in white and our families. I just wish we had a way to prevent these terrible situations in TDCJ units.

With respect, a fan for life,

Inmate J. R.

Dear TIFA,

Please help me. I am under constant threat of gang members in here and I am missing showers and food to try to avoid their attack. My life is continuously in danger and trouble. There are so many problems happening in here: serious medical needs and continuous deliberate indifference, no treatment for prostate cancer, verbal harassment, abuse, refusing me food, damages of my property, etc. I have exhausted all administrative remedies.

Please get someone to check the cameras and help us. I am so, so sick and in danger. Who can help us?

Inmate E.A.

Could These Two Deaths Have Been Prevented?

After two days of trying to get medical help in TDCJ, Jose Ramos was dead, hanging himself in his cell after suffering a mental breakdown.

In a letter TIFA received from “Eric,” the story continues. “This is not the first case of suicide because we’re housed in administrative segregation, where I have been held incommunicado for the past 14 years, where people tend to have mental breakdowns due to prolonged isolation. And before he even hanged himself, other inmates including me, told the officer to check on him because he was saying that he was going to kill himself. And as per TDCJ policy, when an inmate says or exhibits signs of wanting to commit suicide or hurt themselves, protocol calls for the guard to be assigned to monitor the inmate.”

Jose’s death was one of 34 suicides in 2017. In 2018, TDCJ had a monthly high of 8 suicides in June.

An even more disturbing factor is the number of attempted suicides continues to climb with the rate in Texas prisons more than doubling since 2013.

TDCJ averaged 65 suicide attempts per month in 2013, according to the TDCJ

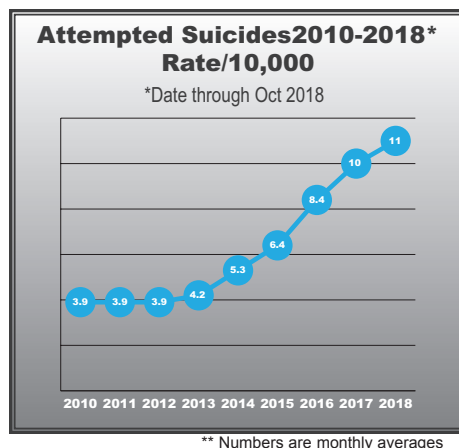
Emergency Action Center reports. But during 2018, the number has continued to climb to an average of 165 per month through October.

According to previous news reports, the TDCJ says the increase stems from a 2013 push for better suicide prevention training that could have broadened the understanding of what’s considered an attempt. An attempted suicide is now defined as ‘an overt act by an offender to take their own life as evidenced by the surrounding circumstances, such as written or verbal information, excess medication, hanging mechanism, or self-injury.’

However, the additional training has not resulted in fewer suicides as the number suicides has remained steady with a slight increase over the last several years.

The spike may also be due to an influx in mentally ill patients. The number of mentally ill inmates in TDCJ’s system has doubled over the last decade, which doesn’t exactly match up with the suicide attempt spike, but could help explain it nonetheless.

And in situations such as Jose’s, how does the training, staffing or influx of mental health patients into the system explain and prevent these deaths, especially in solitary confinement? Was it indifference?



In another case, a mother has launched a federal lawsuit against the Texas prison system and its University of Texas medical provider, saying the state violated the Americans with Disabilities Act by failing to address her teenage son, Sawyer’s, “obvious mental disabilities.”

At one point, psychiatric providers in TDCJ

had noted in Sawyer’s file that “PATIENT REMAINS A THREAT TO HIS SAFETY” and that he was a danger to himself. Though the TDCJ medical providers refused to permanently admit him to the inpatient psychiatric prison unit next door, officials cycled Sawyer in and out of the crisis management program intended to treat acutely suicidal inmates.

In May of 2017, Sawyer tried to commit suicide again but there were no crisis management beds open, so a nurse told prison officials to keep him under “constant and direct observation.” What allegedly happened was the prison staff ignored that request and put him in a one-man cell with bars that would work as tie-off points and blankets that could be tied into a noose.

The next day, just after noon, officers found Sawyer hanging from a bedsheet in his cell. He was pronounced dead an hour later at a local hospital.

Lack of Medical Care Leads to Hospitalization and Lawsuit

An inmate who was sentenced to six months in state jail for a drug conviction in 2016 is suing TDCJ after the prison system failed to provide adequate treatment for his flesh-eating bacteria infection. He had fallen and hurt his arm while at a work assignment and the injury did not heal properly; instead he developed MRSA.

He suffered for over a week while the wound festered. It is alleged that TDCJ officers refused to take him to the hospital because the unit was too understaffed. It wasn’t until he went into shock and fell unconscious that he was finally transported to the hospital.

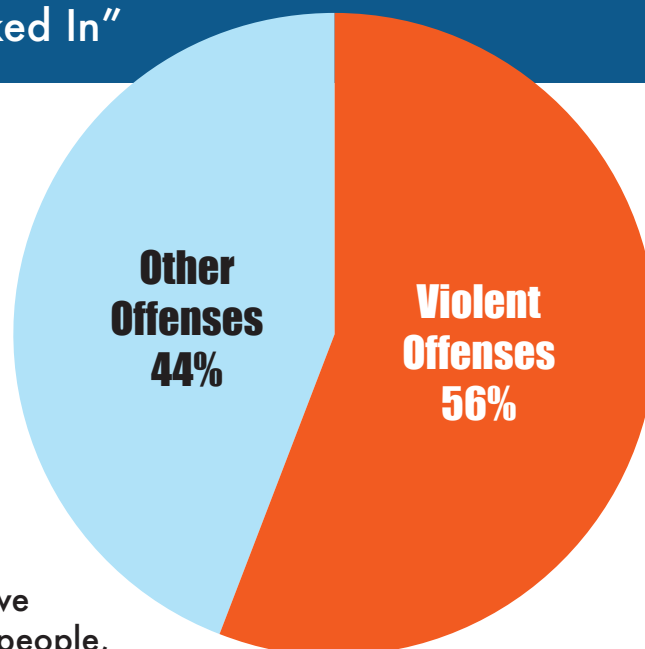
There, he learned that he’d blacked out because the infected abscess was “poisoning his system” as it gnawed into his arm, leaving him disfigured and “permanently handicapped.”

You absolutely need independent oversight to prevent these types of problems from turning into lawsuits or scandals or injuries or deaths.

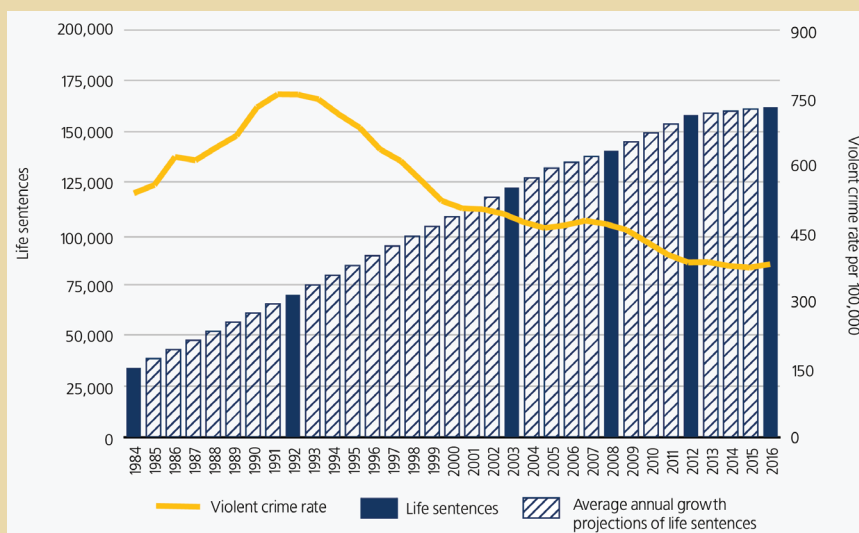
The True Causes of Mass Incarceration & How to Achieve Real Reform

Highlights from John Pfaff's "Locked In"

Most of the current reforms focus on low level, nonviolent crimes. This is not going to make big changes to our mass incarceration issue, since a majority of the people in prison have violent offenses (56% of those in TDCJ facilities).



We use the term "violent offenders" when we shouldn't, since most of them aren't violent people, but just had a phase or situational response. And most people age out of crime.



Crime rates have been falling as state incarceration rates are slowly shrinking. And extreme sentences have not been in response to crime rates.

Crime rates and prison growth are only related in that when populations were small and crime rates were high it made a bigger difference to incarcerate people, but we have far surpassed that now. And we could have achieved the same reduction in crime with investments in social programs. The net social impact is negative because of the high costs for inmates and their families. Rehab programs outside of prisons are much more effective at keeping crime rates low.

The Prison State and the Lockdown of American Politics

Highlights from Marie Gottschalk's "Caught"

The Issues:

Current policies may actually **increase recidivism** rates by contributing to **social isolation, unemployment, residential instability, depression, harassment, and feelings of shame, fear and helplessness** which are all factors for greater risk reoffending.



Criminal justice is fundamentally a **political problem**, not a crime and punishment or dollars and cents problem.

The obsessive pursuit of **short term goals** in penal policy in service of **budget deficit concerns** has crowded out more ambitious goals. As politicians and policymakers pursue reentry and justice reinvestment schemes, they have left off the table any serious discussion of **changing the structural causes of high concentrations of crime and poverty and certain communities**.

Current policies rely on creating **do-it-yourself social policies** that stress **individual solutions and personal responsibility** while ignoring the **responsibilities and accountability** that the **state and society have to our most disadvantaged citizens**. The solutions promise to give people a **second chance**, never acknowledging that **many** of the people cycling in and out of prison and jail were **never really given a first chance**, let alone an **equal chance**.

The Solutions:

Policy makers can help neutralize the fear by **educating the public** about the **nuances of deterrence**, the **limited utility of lengthy sentences** for fighting crime, the phenomenon of **aging out of crime**, and the **strengths and limits of risk assessment tools**.

Meaningful reform ultimately has to rest on **abandoning the discourse of the dangerous classes** and avoiding even the temptation to use them for progressive purposes.

The widespread practice of condemning people with criminal records to **"civil death"** **must be stopped**. Most of the barriers to receiving critical public services, such as public housing, student loans, and welfare, and to participating in civic life including voting and jury duty **must be eliminated**. We need comprehensive **sentencing reform**, and employment and licensing restrictions need to be **removed**.

Crime Numbers are Shifting and No One Agrees On Why

As the Texas prison population continues its long-term decline, the rate at which inmates are sent to state prisons for violent offenses is also *slightly* decreasing, according to an annual statistical report released by the Texas Department of Criminal Justice.

While the violent crime rate in Texas increased last year according to the 2017 FBI report against a backdrop of decreasing national numbers, the state's violent crime rate remains relatively low.

The FBI report shows that murder and non-negligent manslaughter declined from 5.3 incidents to 5.0 incidents per 100,000 in Texas. Robbery dropped from 119.3 to 114 per 100,000 people. Property crimes, including arson, burglary, larceny, theft, and motor vehicle theft, declined from 2016 to 2017, from 2,759 incidents to 2,562.6 incidents per 100,000 people. Texas' property crime rate has been decreasing over the past decade and is reflective of a decrease in the national rate.

However, the number of incidents for rape and aggravated assault increased resulting in an overall increase in the category of violent crime from 433.8 incidents in 2016 to 438.9 per 100,000 incidents in 2017. One thing is for sure, the crime rates are lower than they were in the 1980s and the 1990s. FBI data shows that Texas' violent crime rate peaked in 1991 at 840.1 incidents per 100,000 people.

The Houston Chronicle reports, "It's not clear what's driving that shift, but some experts pointed to the state's increasing population and others framed it as a sign of the gaps in the efforts to reduce incarceration."

"It's in pockets," said Scott Henson, policy director of reform non-profit Just Liberty. "Violent crime is not something that anybody has addressed with policy. Almost all of the reform advocacy has been on drug and property crime." Marc Levin of the Center for Effective Justice and Right on Crime for the Texas Public Policy Foundation, offered another suggestion, "Prosecutors may be

doing a better job of getting convictions." Overall, the average sentence length for a Texas prisoner has increased from 17.4 years in 2008 to 18.4 years in 2017.

"The violent crime numbers reported are going down," Henson said. "We're at five or six decade lows so the idea that it would be increasing can only be that we're sending people to prison that wouldn't have been 20 years ago." Prosecutors, he suggested, may be "charging up" less serious offenses as crime drops. Though there's been a slight uptick in violent crime in the last two years according to FBI data, it's been trending down in the long-run.

But Shannon Edmonds, head of governmental relations for the Austin-based Texas District and County Attorney Association, pointed to an uptick in the state's population - by about 4 million people over 10 years - as a possible cause of increase in violent crimes. "Even if the crime rate just held steady," he said, "the population increase by which you multiply that crime rate would logically result in more people coming into the prison system for violent offenses.

However, according to the TDCJ Statistical Report, over the last five years the prison population has continued to drop from 150,784 in 2013 to just over 145,000 today, a 3.7% reduction.

And the number of violent prisoner's 'On Hand' as a percentage of the total population in TDCJ has remained constant at 56% up only .3% from 55.7% in 2013. With the drop in the prison population the

actual numbers for violent inmates is also down. For 2013 the 'On Hand' number for inmates labeled as violent was 84,013 and for 2017 it was 81,415, a decrease of 3%.

The Texas Department of Criminal Justice offered one explanation for the higher percentage of the total population of people with violent convictions and framed it as a matter of changing definitions of "violent offenses" in the data set and said the figures did not represent a real increase. "We believe that there are statistical answers and there's not actually a statistically significant increase - it's just that the definition has changed," said spokesman Jeremy Desel. The change was not referenced anywhere in the footnotes of the report, but officials said they would work to provide data clarifying how much that would have impacted the numbers.

The number of state inmates locked up for property crimes is down, too, a shift that could be in due, in part, to a 2015 legislative change raising the threshold for felony theft from \$1,500 to \$2,500.

The TDCJ report also shows that prisoners are receiving longer sentences and serving more of their sentence in prison. The most startling number is how many prisoners are serving life without parole, which skyrocketed to over 1,000 last year, up from 49 in 2007. That's a change that's easier to explain: Texas introduced life without parole as a sentencing option in 2005. At the same time, the death row population is down by more than 100, a gradual change in keeping with a long-term decline in the use of capital punishment.

	2013	2014	2015	2016	2017	% change 2013 - 2017
# of inmates in prison/State Jail/SAFP	150,784	150,361	148,146	147,053	145,341	-3.7%
# of inmates sent to prison	71,713	71,325	69,066	67,492	65,278	-9.9%
# of inmates released from prison	72,071	70,521	70,311	67,603	65,739	-9.6%
# of violent inmates received	16055	16,010	15,614	15,900	15,500	-3.6%
Avg. sentence length of all received/years	5.3	5.4	5.3	5.6	5.7	7.0%
Avg. sentence length of all released/years	5.5	5.3	5.6	5.4	5.3	-3.8%
Avg. time served/years	2.9	2.8	3	2.9	3.2	9.4%
In prison and currently parole/DMS eligible	82,174	82,459	81,665	80,089	79,536	-3.3%
% of prison population eligible for parole	54.50%	54.84%	55.12%	54.46%	54.72%	

With a Loved One Behind Bars, Life Can Be Stressful, Painful, and Traumatic for Families

Canada's correctional investigator issued a scathing report about the Correctional Service Canada and Elizabeth Leenheer wrote this in response to that report. Texas has also had many news stories of abuse and neglect published in 2018 but it was only through the investigative power of the news media that those stories came to light. The Texas prison system lacks the transparency an independent oversight office would provide and has many of the same problems as Canada's prison system.

When I first learned of this report, I was hopeful. It illustrated that there are people who care, pay attention, ask questions and most importantly are courageous enough to speak up, share their stories and inspire others to do the same.

While this report identifies systemic issues, it also speaks of a larger narrative within our society — one that chooses sides and declares that you are either with or against those who commit crimes, that if you associate with, support and love prisoners you are somehow to blame and in favor of what they have done.

It is because of this narrative that those with a loved one in prison are misunderstood and mistreated. It is why they often remain silent, anonymous. They live in darkness, full of despair.

Having someone you love in prison is overwhelmingly stressful, incredibly painful and terribly traumatic.

My brother has been incarcerated for the last eight years and throughout this time I have struggled. I have spent time grieving, fighting, navigating, learning, educating, recovering and accepting the fact that someone I love has done the unthinkable and now lives in prison.

Throughout this time I have tried to establish and maintain a healthy relationship with my brother. I have attempted to hold him accountable, and to be consciously respectful of the life that he took and who his actions really hurt.

My brother committed a horrific murder that caused irreparable harm to a lot of people. I do not condone violence and I believe there must be consequences for taking a life. Yet I love my brother. Nothing that anyone can say or do will ever change that. To me, love is unconditional.

Prisons are cruel, dangerous and

inhumane; prisoners are being neglected and abused. It is not socially acceptable to hug a thug, it is not the norm to want to help or care about prisoners, and those who do are criticized, rejected and attacked.

Being tough on crime gets attention and many people believe that our prisons are too soft. They call for more suffering and rejoice when it happens. I know the desire for vengeance is seductive and powerful, a human reaction that permeates our society.

I know that those with a loved one in prison are innocent. Yet they are scrutinized, discriminated against, stigmatized, misunderstood, judged and victimized.

'Someone I love has done the unthinkable'

Their feelings, experiences, wants, needs, grief and pain are often overlooked, dismissed and forgotten. I know this because this is my reality, a reality I have lived with for the last eight years.

At times, I carry shame for what my brother did, and am viewed and treated as though I too am guilty, through my association with him. I know that my experience is not unique and that it is the norm for the entire prison family.

We, as a society, express sorrow, disgust and outrage towards wrongdoers. We condemn the liars, the cheaters, the abusers and the murderers among us.

We are quick to point a finger, pass judgment upon and cast away from us those who harm the innocent.

This report reveals neglect of those in the care and custody of our correctional system. It shows that our own justice system is harming the innocent. We are no different, no better and perhaps even

worse than those we are punishing, as we have become apathetic to this harm. We accept it.

We are not civilized, redemptive, compassionate or just when we allow the neglect and abuse of prisoners. In fact, we are guilty of the very acts we have outlawed. By mistreating prisoners, we are hurting those who love them; innocent friends, siblings, parents and children.

The disturbing irony of this report is that it shows that we have become what we fear, what we hate and what we condemn; that we have become the perpetrators and are creating more victims. We are perpetuating the cycle of harm and violence, behind prison walls, funded with our tax dollars.

After reading this report I am ashamed that I have accepted this unjust reality. Even though I am immersed in it, I was unable to fully comprehend what was happening. I am saddened by what this report has shown, but I am still hopeful.

The unjust reality that we have created and allowed can be changed. It will change because we can do better, because we are better. When I think of the future, I know that where we are today is not where we are going to end up. If we choose to treat those who do harm with compassion, we can send them, their loved ones and ourselves a powerful message; one of hope and redemption.

I would like to dedicate this column to the memory of those whose lives have been taken and to those who suffer. May you find comfort in the fact that you are not forgotten, that you are not alone and that you have allies who care, pay attention and ask questions. They are courageous enough to speak out and share their stories, and hope to inspire you to do the same.

**Editor's note: This article was reprinted with the permission of the author Elizabeth Leenheer.*

TIFA Families Describe What Earned Time Credit Means to Them

Dear Texas Legislators,

My name is Liberty and my son is Joe Anthony Perez who is only 24 years old and serving a long sentence in TDCJ. Joe is a kind, giving young man. He is always trying to help the next person and has a sturdy and positive value system.

To explain briefly how we find ourselves in this unfortunate tragedy, my son went to a party one night and a person three times his size started a fight with him. My son is currently paying for the crime of defending himself and was sentenced harshly to 35 years in prison (for an "aggravated" offense). This sentence has left me and his other family members devastated without the presence of my son. He is my baby and every day I pray for a miracle to happen to reduce his sentence so I can have him home again.

His most formative years have been taken from him. He should be growing up with his loving family and learning to be a strong contribution to society. Instead, he will be trying to survive prison life. I grieve for this lost opportunity. I thank God that he is alive but it is not really "living" in TDCJ.

With his "aggravated offense" status he must serve half of his sentence before he is eligible for parole. Seventeen and a half years is a long time just to have a chance at parole. That is an injustice. He is staying out of trouble, working for TDCJ with the jobs they give him, applying

himself in his studies and school, and earning certificates and degrees. Yet none of these efforts are counted for him. I pray that we see legislation to have these efforts count toward parole, and I know some of our Representatives are working on it. This give me hope. My son would be able to come home a relatively young man should this bill become law. I dread that my son will be an older man in his late fifties and I will be in my late seventies before I can see him home. This change means everything to our family. It would also give other inmates the opportunity to look at their future with hope of getting out and changing their lives and starting contributing to society. I plead with you.... Please support a bill that will give our loved ones credit for their hard work.

Thank you,

Liberty L.

Dear Texas Legislators,

My name is Irma and I am the mother of Armando Guerra Jr. My son had never been in trouble before he was recently given a 20-year sentence for a mistake that he regrets. The effect that his long sentence has had on me, his sister, and his son is devastating. As a mother I can't even begin to explain the heartache and pain I go through every day. I worry about my son and everything he must endure in TDCJ. I wish this nightmare was over for him and my family. My grandson is seven years old and the thought that his going to grow up without a dad is heartbreaking. Our family needs a source of hope to get through this terrible time and if my son had a way to work hard toward earlier parole eligibility, we would have a chance.

Thank you for anything you can do to help us,

Irma W.

Dear Texas Legislators,

Through the course of the last two years, I have become increasingly involved in

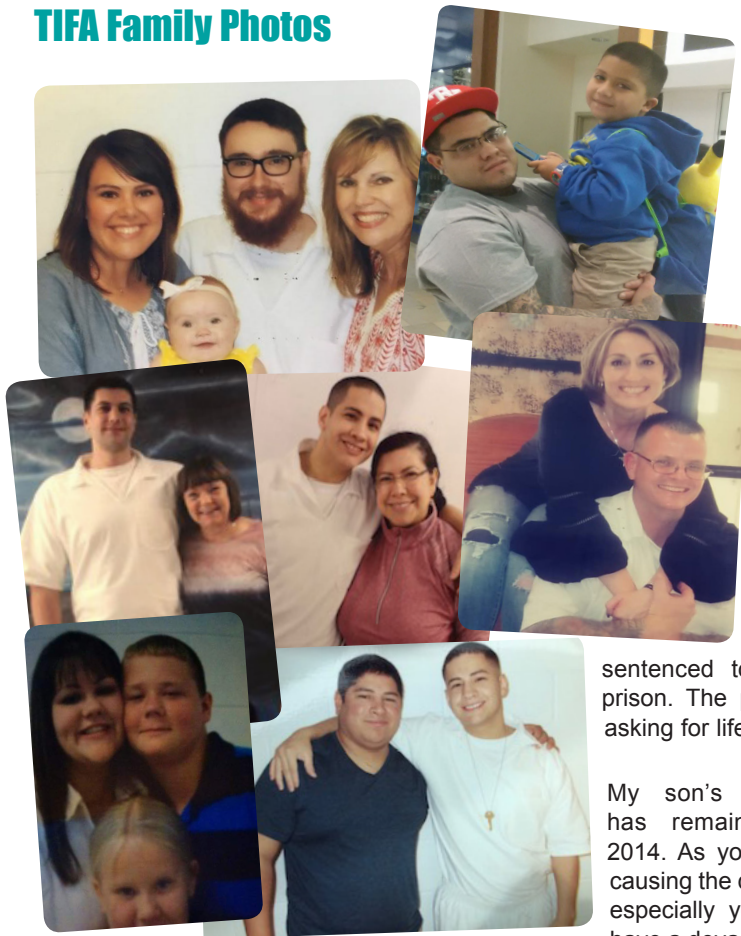
advocating for my husband and other individuals like him who fall under the classification of (3g); those who do not receive any credits toward parole eligibility.

My husband has served almost 20 years on a 50-year sentence, he is model inmate and employee, he faithfully serves within the church community, teaches classes to other inmates, works in the TCI factory, plays music in the praise and worship band, has received an Associates degree, and is one of the Warden's personally chosen Gate Keepers who meets the new intakes as they come off the bus to try to lead them to Christ before the gangs get a hold of them. At 20 years confined, he has exhausted all measures allotted to him towards rehabilitative measures and because of his classification he is held working in skilled labor at a TCI Factory with no hope of coming home any time soon. I on the other hand run a full-time ministry helping women who are post-incarceration to reestablish their own lives and become productive citizens. I attend school full-time and will graduate with a B.A. this spring 2019, and all the while I am raising our granddaughter by myself. What would time credits legislation mean to me? It would mean an opportunity for a real second chance, as my husband is currently in his mid-forties there is still enough time to work and plan for some sort of retirement. It would alleviate the strain of carrying a ministry and a family on my own back while also providing for him on my small salary.

The unfortunate guise of retracting a person's opportunity to better themselves while incarcerated leaves them with no options to do better with themselves, there is no incentive to change, and that strips away hope for a better future or rather any future. "Earned time credits" are not so much of an issue for someone serving a small amount of time (less than 5 years) but when you start looking at extended sentences like that of my husband, we are talking about significant strides of 10-15 years that could make or break any opportunity to succeed in having a life. As I make this appeal to whomever may read it, I just want to say that I know people change because I have and prior to becoming Mrs. #1037421 – I was #1685815. I was involved in drugs, violence, and all that goes with it. I have been on both ends of the spectrum regarding victim/offender.



TIFA Family Photos



Since 2010, through much faith and diligent work my life has radically been transformed and I have devoted what is left of my life to reaching back and helping those I left behind, with my husband's freedom would also come expansion as we would join forces in the work to continue helping those behind the razor wire.

It is my hope and my prayer that you will receive these words with an open heart and an open mind. Thank you for your time.

Kirsten Ricketts

Dear Texas Legislators,

My son Benjamin was 22 years old on April 18, 2014 when he drove his car out of the bar parking lot, after being confronted by bouncers, and struck and killed his friend with whom he had earlier shared drinks, and injured a different bouncer who was detaining his friend from driving drunk. My son's case was a tragic mistake on his part, but it was interpreted by the legal system as first-degree murder and he was

sentenced to 75 years in prison. The prosecutor was asking for life.

My son's sobriety date has remained April 18, 2014. As you can imagine, causing the death of anyone especially your friend, can have a devastating effect on

your soul. He was out on bail for almost two years and worked very hard on his sobriety while struggling to live with what he had done. He continues to be sober in prison (and not for a lack of opportunity). As a G-3 prisoner not able to become G-2 for seven more years, and he is regularly passed over for prison rehabilitation programming due to the number of years he has in the system. He has been passed over for two years from being on the Faith-based unit due to his sentence length, and he is not eligible for education opportunities beyond a health class since he is already a high school graduate. Had he not been the person he is, he would have many reasons to give up on himself, but his amends is to live his best life possible even within the Texas prison system.

This change would help people earn parole eligibility, but it does not mean that they would be released early. The victim's beliefs about granting parole would play a huge role in whether the person would be released. This is about rehabilitation and people in prison being able to reveal their true character. Prison could be a place where people can demonstrate who they want to be.

When I consider this legislation change, I see it as a win-win for the taxpayers of Texas, the prison system, the victims and the people in prison who would benefit from this incentive to turn their lives around. It is about the character of each person in prison, recognizing that they all have unique circumstances that got them there, as well as an ability to make better choices. I hope you'll support this bill, so that Ben and others like him have hope that their hard work will be acknowledged.

Thank you for your time,

Deborah N.



Dear Texas Legislators,

I am writing today to tell you my story of having a child in TDCJ. My youngest daughter Niketa has been incarcerated for 10 years, and I have custody of her two children. Life is extremely difficult for the children. Not only is their mother incarcerated, but their father is as well.

In 2007 my grandchildren's father was addicted to drugs and when a drug deal went wrong he killed a man. Niketa was filing for a divorce at the time because he was very abusive. Even after Niketa's husband recanted his lie about her involvement in the murder, she remains in prison.

I feel as though every day we are all serving a prison sentence. My husband and I struggle to support these children, living paycheck to paycheck to cover their expenses and then also somehow sending money to their mother. My 12-year-old granddaughter doesn't know the love of a mother but she still somehow excels academically. Her 16-year-old brother is learning disabled and is emotionally insecure. These children really needed their mother over the last ten years. Niketa has missed her children growing up, and that is the ultimate sacrifice for any prisoner. If her time working and in programs at TDCJ had counted toward parole eligibility, her children wouldn't have suffered without a mother for so long. Families deserve a chance to be reunited before too much time is lost.

Thank you for reading our story,

Leslie B.



Texas Inmate Families Association

Strengthening families through support, education, and advocacy

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Austin, TX 78703-0004

CONTACT
Vol.24 Special Ed. Jan 2019

TIFA Chapters

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

Austin- Central
2nd Monday, 7:00 pm
AGE Center
3710 Cedar Street
Austin, Tx 78703
(512) 576-4687

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

Bryan/College Station
1st Tuesday, 6:00 pm
IHOP
758 Earll Rudder Freeway
Bryan, TX 77802
(832) 608-3371

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
2nd Tuesday, 6:30 pm
Prairie Creek Baptist Church
3201 W 15th
Plano, TX 75075
(214) 792-0649

El Paso
3rd Tuesday, 7:00 pm MST
Mount Hope Lutheran Church
9640 Montwood Dr.
El Paso, TX 79925
(512) 371-0900

Ft. Worth
2nd Monday, 6:30 pm
St. Christopher Episcopal Church
3550 S.W. Loop 820
Fort Worth, TX 76133
(817) 798-9010

Houston
2nd Monday, 7:00 pm
CrossWalk Center
2103 N Main
(N Main at Marie, entrance on the Keene
Street side)
Houston, TX 77009
(713) 261-0638

Humble
2nd Thursday, 7:00 pm
First United Methodist Church
800 E Main St
Humble, Texas 77355
(281) 964-9928

Lubbock
4th Thursday, 7:00 pm
Aldersgate Church
10306 Indiana Avenue
Lubbock, TX 79423
(806) 781-8906

Lufkin/Nacogdoches
3rd Saturday 10:00 am
First Baptist Church
411 North Street
Nacogdoches, TX 65961
(936) 634-2181

McAllen
3rd Tuesday, 6:00
Calvary Baptist Church
Slayton Building 2nd Floor
1600 Harvey Drive
McAllen, Texas 78501
(956) 570-2391

New Braunfels
1st Thursday, 7:00 pm
Peace Lutheran Church-Cafe
1147 South Walnut
New Braunfels, TX 78132
(210) 606-8584

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 (exc Nov & Dec)
Manvel Bible Chapel
4230 FM 1128
Pearland, TX 77584
(281) 300-7275

San Angelo
2nd Thursday at 6:00 pm
Immanuel Baptist Church
90 E 14th St
San Angelo, TX 76903
(512) 371-0900

San Antonio
2nd Wednesday, 7:00 pm
TriPoint- A Center for Life
3233 North St Mary's Street
San Antonio, TX 78232
(512) 371-0900

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 calendar at www.tifa.org; times and locations are subject to change.
Also look for new TIFA Chapters starting near you.
If you are interested in starting a TIFA chapter in your area, please contact the TIFA office at
(512) 371-0900 or send an email to tifa@tifa.org