

TIFA CONTACT



THE OFFICIAL NEWSLETTER OF TEXAS INMATE FAMILIES ASSOCIATION Vol. 24 No. 2 Apr 2019

TIFA Legislative Updates

As of May 1st, here are TIFA's bill updates (Session ends May 27th)

Independent Oversight (HB363; SB188) This bill was voted out of Corrections and is now with the Calendars Committee! We are trying to get it scheduled for a House Floor vote as soon as possible. We have visited all 181 legislative offices about this bill.

Earned Time Credits (HB1271) The hearing for this bill went significantly better than last session, with a majority of testimony being in support of the bill (and most of it being from crime survivors who support it). While it looked like we had enough votes to get it out of the Corrections Committee, Chairman White did not take the vote in time for the bill to get through. He may take it next week,

which will help the bill next session as it will show that it has general support and the ability to make it further next time.



Other bills you can support that are doing well:
HB 812 (TDCJ health services fee \$10 per visit), HB 650, HB 2701, & HB 2169 (helping female inmates), HB 1139 (death penalty exceptions), HB 373 (parole help), HB 63 (pot possession becomes non-jailable), HB 1374 & HB 1389 (primary caretaker diversion)

How can you help?

If you are incarcerated: You can send a

letter to Senator Whitmire, asking him to support the HB 363 and SB 188. You'll want to focus on how independent oversight would help Texas families, taxpayers, make TDCJ units safer, etc. Address it to:

The Honorable John Whitmire
Texas Senate
P.O. Box 12068
Austin, TX 78711-2068

If you are a family member on the outside: You can contact your state legislators in support of HB 363 and SB 188 (asking them to vote for it), as well as Senator Whitmire (address above, or 512-463-0345, or john.whitmire@senate.texas.gov). You can also ask Senator Whitmire to support the other bills listed above.

Special Report: How Incarceration Harms Families

Incarceration affects nearly every household in the United States. According to research conducted by Fwd.Us, "one in two adults (45 percent) has had an immediate family member incarcerated for at least one night in jail or prison. In other words, approximately 113 million adults in the United States have experienced incarceration in their family. This shocking new estimate of family incarceration may even be conservative given that it limits immediate family members to parents, brothers, sisters, children, current spouses or romantic partners, or anyone else with whom the respondent has had



In a new research publication titled "Every Second: The Impact of the Incarceration Crisis on America's Families," Fwd.Us examines the tangible impact that incarceration has on families through the experiences of the loved ones outside the walls of prisons and jails.

a child. The most obvious exceptions to this definition are grandparents and grandchildren, and many families are structured around grandparents and older generations of relatives. To better understand the intergenerational impact of family incarceration, and the diverse family dynamics impacted by incarceration, respondents were also asked about their experiences with incarceration for extended family members including grandparents, grandchildren, cousins, aunts and uncles, nieces and nephews, and in-laws. Using this broader definition of family, survey results show that 64 percent of people have experienced

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Membership in TIFA is open to anyone.

A Basic membership is \$25 per year and includes one newsletter subscription to the member e-mail address. A Basic Plus membership of \$35 per year includes all family members residing in one household and the inmate newsletter.

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



TIFA Issue Brief: Kingsley's Objective Reasonableness Standard

By Terri LeClerc

A 2015 Supreme Court case, *Kingsley v. Hendrickson*, 135 S.Ct. 2466 (2015), offers an opportunity to return to a reasonable standard for accountability of prison officials. It relates to excessive use of force, the case language, and its wider implications; this case might be a turning point for prison conditions as well.

Law professor and penologist Margo Schlanger recently published an Issue Brief summarizing her law article about *Kingsley* and the possibility that the courts will return to an objective standard rather than a subjective standard. (American Constitution Society, a summary of *The Constitutional Law of Incarceration, Reconfigured*, 103 CORNELL L. REV. 357 (2018). Let me remind you about those different standards:

--For an objective standard, there will be a solid policy against which to judge facts.

--For a subjective standard, officials and courts will determine, based on some policy language, what they believe the person/institution was thinking or knew.

Before the mid-1980s, the Supreme Court's Eighth Amendment doctrine largely used an objective test. The Eighth Amendment, remember, says that "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." Before 1986, the Supreme Court focused on objective criteria.

The Eighth Amendment requires that every punishment imposed by the government be commensurate with the offense committed by the defendant. Punishments that are disproportionately harsh will be overturned on appeal. But who decides what is cruel? What is unusual? A constitutional standard that

allows judges to strike down legislation that they find shocking, but to let stand other legislation they find less disturbing, is inherently subjective. A punishment that seems outrageous to one judge on one particular day might seem sensible to a different judge on the same day or to the same judge on a different day. Similarly, a prison system may believe one punishment (solitary confinement) is not cruel and certainly not unusual, so that system might put all prisoners in solitary. Or can it?

Beginning in 1986, a string of cases shifted the doctrine to embrace a subjective test. The results, as you might imagine, were all over the place, with officials and then courts attempting to guess what people were thinking and surmise how much institutions knew about dangers before problems arose. The idiosyncratic definitions of "good faith effort," "malicious," "sadistic" and finally but oddly "punishment" entangled the criminal justice system.



Prof. Schlanger argues that the 2015 *Kingsley* opinion has returned sanity to the system; after *Kingsley*, the subjective state of mind no longer stands. What could this mean for prison law, prisoner families and attorneys, prison system policy and follow-through? A lot! Inmates would not be held to the high bar standard of proving intentionality—no one could ever do that anyway, most especially inmates with no investigative teams and law library access.

Schlanger lists three important arguments to apply *Kingsley's* objective standard for all prisoners:

1) Administrability--hundreds of lawsuits on use of force and prison conditions could be cleared up without the "didn't know," "didn't appreciate," "didn't understand the danger" arguments that

derive from a wishy-washy standard of subjectivity. That is why the Retired Correction Officers' brief to the Kingsley court asked for an objective standard—one they can follow and teach their staff to uphold. (Hurrah!)

2) Incentivizing reasonable use of force and conditions—Before 1986, and now after Kingsley, the objective standard does not allow institutions to hide behind the “I didn't know.” Common sense, or the objective standard, tells us that an official's unreasonable failure to notice a dangerous situation is just as individually culpable as a failure to act reasonably to avert a noticed danger. (We knew that; why didn't the courts?)

3) Problematic feedback-- The Constitution already requires an enforceable obligation to safeguard their charges, so creating policy that defines standards will help everyone. Prisoners cannot protect themselves, and the penal institutions must offer incentives to safeguard their charges. Schlanger offers a Los Angeles example where dehumanizing and cruel punishment was so common that the jail employees saw it as normal. (We could offer more examples, right? But she didn't ask us—yet.)

Schlanger admits that Kingsley focuses only on pretrial detainees, but she nevertheless concludes that there is no difference under the law between people under supervision of jails and of prison—indeed, both are powerless wards of a state that is constitutionally required to care for them. Already, pretrial detainees cannot be punished at all, much less sadistically. And because both pretrial and post trial are prisoners of the state, that injunction must cover both categories.

In conclusion, she offers advice: Prisoners' rights lawyers should be arguing that, for both detainees and prisoners, the Constitution means that deliberate force and intentionally created conditions cannot cause “serious deprivation[s] of basic human needs” without justification. When enough lawyers stand for this argument, the Supreme Court should recognize that they should adopt Kingsley's objective reasonableness standard in the service of justice.

A Message from our Executive Director Jennifer Erschabek



(with inspiration from “Faith and Doubt” by John Ortberg)

We all have hope. But hope comes in two flavors: hoping for something and having hope in something (or someone). Now, when we are hoping for something, we are looking for a particular outcome and a lot of times things don't happen as we wanted them to.. “I hope I get that job. I hope a bill passes. I hope my loved one will be coming home soon.”

The difference between hoping and wishing, says writer William Sessions, is the presence of strong desire. In the movie *The Shawshank Redemption*, the two central characters, played by Tim Robbins and Morgan Freeman, have a running argument about hope. Morgan Freeman has learned to manage disappointment by giving up hope. “Hope is a dangerous thing,” he says. “Hope can break your heart.” To Tim Robbins, though, to quit hoping is to start dying. And the final line of the movie, as Morgan Freeman has left prison and headed for the blue waters of Mexico and the reunion with his great good friend, is “I hope...”

Every circumstance, every situation that we hope for is going to wear out, give out, fall apart, melt down, go away. When that happens, the question then is about your

deeper hope, your foundational hope, your fallback hope when all your other hopes are disappointed

Ultimately, of course, we have to put our hope not in the things, or even the people, but rather in a Higher Power. In prayer, meditation and reading, we are able to connect with Someone beyond us that reassures us that “all shall be well.”

Hoping can break your heart. That is why we carry one big hope, the secret hope you don't even dare to breathe: that when you have lost the something you were hoping for, and it might have been really, really big, there is a Someone you can put your hope in.

It has been a long legislative session with a lot of hard work, and all this work has been a continuation of work from the last session in 2017. I would like to especially thank the TIFA staff in Austin who put in many long difficult hours; Lauren, Susie, and Sharon. I would also like to thank all our supportive Chapter Chairs who encouraged and educated our membership. A special thanks to Jeff in Austin who made SO many office visits. Thank you to our amazing Facebook moderators who worked tirelessly to keep information on our pages factual and positive. Thank you to the TIFA Board members who always have my back. Thank you to the legislative staffers who gave us encouragement and guidance. Thank you to ALL our advocacy partners here in Austin, across the state and on the national level. We appreciate all of our members who keep this organization alive. And thank you especially to the Field Ministers who wrote to keep me focused on Who truly is in control.

Membership Drive



TIFA works hard to support all families who have an incarcerated loved one, and our annual memberships provide the financial stability TIFA needs to do this. Our spring membership drive was a smashing success. Thank you to everyone who donated memberships to our families in need!

If you know of a free-world family that could benefit from a donated membership, please send an email to tifa@tifa.org. They will be available while the supply lasts.

--TIFA Staff

TIFA t-shirts are still available at www.tifa.org

Get yours today!

Small-XL: 20\$

2XL-4XL: 22\$

Shipping and handling included



TIFA Chapter News

Warden Steifer Speaks at Tyler Chapter Meeting

By Pam Willis and Amy Dredla

On March 14, 2019 the TIFA Tyler Chapter welcomed their guest speaker Sr. Warden Kirk Steifer of the Michael Unit. Warden Steifer has been with TDCJ for over 24 years, beginning his career as a young CO and now with his newly appointed position as Sr. Warden. He brought a wealth of knowledge to our chapter and was eager to answer any questions from our group.

He shared at the beginning of his talk that he wasn't quite sure what to think of TIFA when he had first learned of it, however, he quickly figured out that we all had the same goals. He shared his experience working at the Vance Unit, where he began to see the importance of families in the lives of inmates, and that we all benefit from these connections.

Warden Steifer shared some of the basics

behind running a safe and professional unit from compliance, audits and accreditation, to inmate concerns which he learns about with visits in their day rooms. He stated that if we can "head off" the small things then maybe they won't become larger problems. He tries to visit a housing section daily. He stated these are human lives we are dealing with here at TDCJ and he welcomes the communication from family members when they have issues or concerns. He prefers a phone call from a family member rather than an email so he may remedy the situation or concern as soon as possible.

Someone from the group asked about the availability of classes and programs for those in ad seg, since these inmates would usually be the ones with the greatest rehabilitation needs. The Warden said this was a good question and agreed. He offered check with his boss about

that and suggested the group follow up with him. Another question was about why TDCJ doesn't take the temperature readings inside the units during the summer. His answer was that TDCJ has protocols and guidelines to follow and the units do not have the proper equipment to take the temperature readings inside.

Our job isn't to punish the inmates; their punishment is just being there.

When the Q & A session was concluded Warden Steifer closed with, "our job isn't to punish the inmates; their punishment is just being there." The group was very impressed with the warden's presentation and his genuine sense of caring. They extend their gratitude to TDCJ and Warden Steifer from everyone at the Tyler TIFA chapter.

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 would like a \$20.00 (two year/8 issues) subscription to the TIFA Contact Newsletter

I understand that this is not a TIFA membership. My \$10 or \$20 includes four(4) or eight(8) 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 failure 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 the middle of Feb, May, Aug, and Nov of each year. Please notify TIFA if your unit changes or you are released.

_____ \$_____ 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

DID YOU KNOW??

You can help TIFA by connecting your purchases with the programs below. Ask your family and friends to do the same!

AmazonSmile: Go to smile.amazon.com and sign in. Select TIFA as your charity.

Kroger: Go to Kroger.com and register or go to the store for a card. The number to use for Kroger's rewards program for TIFA is **ID850**.

Randall's/Tom Thumb: Take your Randall's card to the customer service counter and fill out an application for the Good Neighbor Program. The charity number for TIFA is **13339**.



New Chapters Coming in May

By Lauren Oertel

TIFA is very excited to announce that we have four new chapters! We want to reach as many families as possible, so please check out the new options below along with our established chapters and attend the meeting closest to you!

Huntsville: First Tuesdays at 6pm, St Stephens Church 5019 Sam Houston Ave., Huntsville, TX 77340 Contact: Vicki 617-970-5430

Amarillo: Third Mondays at 6:30pm, Petro Truckstop Meeting Room 8500 E I-40 Amarillo, TX 79118 Contact: Yolanda 806-420-1684

McAllen: This Chapter has been revived, starting back up May 21st at 6pm at Edinburg Municipal Park. Contact: Iris 956-570-2391

TIFA's new virtual chapter: Third Wednesdays at 7pm (CST) Starting May 15th This new chapter is for everyone who doesn't have access to a local chapter - you can sign in for the virtual meetings on Zoom where we will get everyone connected, have discussions, speakers/workshops, etc. Contact: Joanne gjntjones@hotmail.com

CAMP GOOD NEWS IS TAKING APPLICATIONS FOR SUMMER CAMP AUGUST 4-8 AND IT'S FREE!

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



For the campers and their families, it costs nothing! Support for the camp comes mostly from the Episcopal Dioceses of Texas. The camp is a Christian camp and is similar to other church summer camps. There will be activities like horseback riding,

swimming, fishing and other games, as well as worship and prayer.

“At Camp Good News, we're all about blessing the children of incarcerated parents” says camp director Ed Davis.

“We believe that every person on earth needs to know Jesus. We know that children who have an incarcerated parent are 6-8 times more likely to get into the system themselves, and so these kids need our help more than anyone.”



To apply for Camp Good News, contact Ed Davis, Camp Coordinator at 936-662-3842 or via email at edsalpc@yahoo.com

Remembering Ft. Worth Chapter Co-Chair Jerry Singer

By Pat Profitt

Jerry Singer, long time TIFA member passed away April 14th, 2019. He was my co-chair and partner of the Ft. Worth Chapter for almost twenty years.

Jerry was my mentor and my friend. He always showed so much compassion and concern for prisoners and their families. Jerry often spent his weekends traveling to different prisons visiting inmates that had no family. That's the kind of person he was, kind hearted and caring always.

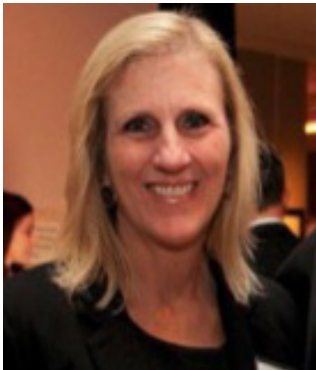


Jerry Singer 1931-2019

Our chapter is very grateful to have had Jerry's guidance and leadership while being such a huge part of our lives for all those years. We will miss his presence and never forget what he has contributed to TIFA and many others.

Welcome TIFA's Official Staff Trainer!

Please join us in welcoming TIFA's first official staff trainer, Sharon McKinney! Sharon came on the Board as a General Member in Jan 2015 and in 2016 Sharon became the East Texas Regional Director and opened the Humble, Tyler, and Nacogdoches Chapters. In late 2015 she began to teach the Parole Workshops and became Secretary in 2017. In 2018 Sharon held the first New Family Orientation.



TIFA Staff Trainer Sharon McKinney

Sharon's vision for her position is to continue to use the knowledge gained from her 7 years of incarceration and successful reentry of 7 years to educate our families and also the criminal lawyers, public defenders, judges and district attorneys about the prison system and the parole process. She feels that when someone is sentenced and taken back to the holding tank to sit for hours and think about what just happened, this is when our criminal attorneys need to be back in the tank with their client explaining to them about what happens next and what needs to be done to have the best chance at their earliest parole eligibility. Sharon's hopes to educate these groups and build relationships so that our families are told about TIFA from the beginning of their loved one's incarceration.

Sharon will also be organizing TIFA's first 5k Fun Run in October. Her hope is that this will become an annual event and expand to multiple cities across the state becoming TIFA's largest fundraiser.

incarceration in their family.

Today, there are an estimated 6.5 million adults with an immediate family member currently incarcerated in jail or prison (1 in 38). Just under 40 percent of these people reported that there are children under 18 in their household, suggesting the overall number of people experiencing family incarceration is much higher than our estimates which only include adults. Indeed, adults age 18 to 29 reported having had a parent incarcerated at more than twice the rate of respondents from other age groups (34 percent compared to 14 percent). This reflects the rapid growth in jail and prison populations over the past four decades, and speaks to the impact mass incarceration has had on several generations of children in our country."

Incarceration does not affect all families equally.

"Black adults are 50 percent more likely than white adults to experience family incarceration, and three times as likely

to have had a family member incarcerated for more than one year. Latino adults experience family incarceration at rates slightly higher than white adults, but they are nearly twice as likely to have had a family member in jail or prison for more than one year." Additionally, incarceration impacts low income families far more often than families in the middle class.

Incarceration has negative health

implications: Fwd.us states, "The trauma of having an immediate family member incarcerated exacts a heavy toll on the physical and mental health of parents, spouses, and children. These negative impacts are exacerbated, or perhaps caused, by the instability that families experience when a loved one is in jail or prison, the strain that incarceration places on family bonds, and the ways in which incarceration fails to address substance use and mental health issues for either the person who has been incarcerated or their loved ones.

Research has shown that maintaining family bonds is critical to the success of families that experience incarceration, as well as the health and safety of our communities, yet our current policies and practices impose numerous barriers on

supportive families. Visiting a loved one in jail or prison can be retraumatizing and is cost prohibitive for many families."

Incarceration can create a financial

nightmare: Fwd.us notes, "While a person is incarcerated, families pay tremendous amounts of money to stay in contact with their loved ones. Many corrections departments charge excessive fees for phone calls and the costs of visiting a loved one can be significant when that person may be in prison hundreds or thousands of miles away. On top of these direct costs, families must replace lost income, child support, and other financial contributions when a wage earner is incarcerated."

Incarceration destabilizes families and relationships:

Fwd.us states, "Incarceration...undermines efforts to keep families together. Numerous studies have found that male incarceration is strongly correlated with a lower likelihood of marriage and higher rates of divorce and separation. Incarceration is far more

likely to sever family ties than to strengthen them, and has a particularly negative impact on the emotional support systems, living arrangements, and parental custody of children....these are not trivial matters.

Maintaining strong family connections is one of the building blocks of safe and healthy communities. In fact, research has shown that sustaining contact with supportive family members during incarceration increases the likelihood of success after release, and those who have more contact with their families while incarcerated are less likely to be re-incarcerated."

Conclusions from the Fwd.us Report:

Incarceration destabilizes a family's health, finances, and relationships. The effects of incarceration are felt widely, but the impacts are most greatly felt in the Black and Latino communities and low income households.

Reform efforts should focus on its impact on families, "prioritizing policy changes that significantly reduce incarceration and shrink the number of financial consequences like bail and fees and fines that often fall on families." TIFA hopes to meet those needs in its advocacy and legislative efforts.

1 in 2
adults in the United States (approximately 113 million adults) has had an immediate family member incarcerated for one or more nights in jail or prison
fwd.us



TIFA'S UPCOMING WORKSHOPS AND WEBINARS

DATE	TITLE	LOCATION	PRICE
JUNE 1 10AM-2PM	Parole workshop	Corpus Christi	\$50 members \$85 non-members
JUNE 25 7-8PM	TIFA webinar: "Breaking down Shame"	Webinar	Free
TBD	New Family Orientation Workshop	TBD	Free
AUG 24 10AM-1PM	Parole Workshop	Ft. Worth	\$50 members \$85 non-members

The Meaning of Life: TIFA Staff Attend UT Law Event

On April 1st, Jennifer and Lauren attended an event at the UT Law School called, "The Meaning of Life: The Case for Abolishing Life Without Parole." It was based on the new book by Ashley Nellis and Marc Mauer, which is being promoted through The Sentencing Project's national "Campaign to End Life Imprisonment." Ashley Nellis was there to give a presentation and answer questions about the book and campaign.

Nellis explained how current criminal justice reforms often focus on the low level, nonviolent offenses, but we can't forget about all of those serving life and "virtual life" sentences of more than 50 years (and of course in Texas we still have death sentences). While the U.S. makes up just 4% of the world's population, we have 40% of the world's life sentences population, and in most other countries 15-year sentences are considered "life."

Nellis described how the policies that got us into this mess include habitual offender (three strikes) laws, mandatory minimums,

parole extensions, and transfer laws (sending youth into the adult systems). The result is our current level of mass incarceration where the marginal benefits of public safety have long given way to the high cost of incarcerating so many people in our country for decades longer than needed.

The campaign proposes that all sentences be capped at 20 years and that it is the responsibility of the correctional systems to make sure each person is rehabilitated in that time. The campaign is being promoted nationwide, with each state having a different strategy. For Texas they are looking to the Second Look and (TIFA's) Earned Time Credits legislation to lead the way in reducing our excessive sentences. District Attorneys are also being targeted to encourage them to seek more reasonable sentence lengths (or they will need to be replaced by more progressive DAs in the next election). There is also a call to completely restructure parole boards, as well as changing the way we label and view

people as "violent." There's still a lot of work to do on this campaign, but TIFA is actively participating at all levels in order to support Texas families and give them hope of being reunited with their loved ones.



"Meaning of Life" author Ashley Nellis and TIFA's Lauren Oertel

What's Really in the First Step Act? Too much? Too little? You be the judge.

By Justin George

Originally published by the Marshall Project

Hailed by supporters as a pivotal moment in the movement to create a more fair justice system, endorsed by an unlikely alliance that includes President Donald Trump and the American Civil Liberties Union, the First Step Act is a bundle of compromises. As it makes its way through Congress it faces resistance from some Republicans who regard it as a menace to public safety and from some Democrats who view it as more cosmetic than consequential. What would the bill actually do? The Marshall Project took a close look.

Reducing crack sentences: The biggest immediate impact of the bill would be felt by nearly 2,600 federal prisoners convicted of crack offenses before 2010. That's the year Congress, in the so-called Fair Sentencing Act, reduced the huge disparity in punishment between crack cocaine and the powdered form of the drug. The First Step Act would make the reform retroactive. Those eligible would still have to petition for release and go before a judge in a process that also involves input from prosecutors. With crack's prevalence in many black neighborhoods in the 1980s, the crack penalty hit African Americans much harder than white powder cocaine users. That disparity has been a major example of the racial imbalance in the criminal justice system.

Curbing mandatory minimums: The First Step Act would give federal judges discretion to skirt mandatory minimum sentencing guidelines for more people. Known as a "safety valve," this exception now can only be used on nonviolent drug offenders with no prior criminal background. It would expand to include people with limited criminal histories. The Congressional Budget Office estimated that about 2,000 additional people each year would be eligible for exemption from mandatory sentences. The bill also

proposes to ease the severity of some automatic sentences.

The mandatory minimum sentence doled out for serious violence or weighty drug charges would shrink by five years to 15 years. The federal "three strikes" rule, which prescribes a life sentence for three or more convictions that include serious violent felonies or drug trafficking, would instead trigger a 25-year sentence. Serious drug felonies that now result in automatic 20-year minimum sentences would be reduced to 15 years. An automatic trigger that adds 25 years if a defendant was convicted of two or more violent or trafficking charges while holding a gun would now apply only to people with prior records of similar offenses. The shortened mandatory sentences would not apply retroactively, which was a sticking point for some law enforcement groups endorsing the First Step Act. Those groups were crucial to winning Trump's support.

Enforcing existing rules: A number of reforms in the First Step Act just attempt to enforce what's already written into law or policy. They include placing prisoners in facilities within 500 driving miles of their families or homes, requiring the Bureau of Prisons to match people with appropriate rehabilitative services, education and training opportunities and restating Congress' intent to give prisoners up to 54 days off their sentences for good behavior; the current limit is 47 days. This "good time credit" fix would be retroactive, potentially freeing about 4,000 prisoners. The bill gives inmates the opportunity to earn 10 days in halfway houses or in-home supervision for every 30 days they spend in rehabilitative programs. There is no limit on how many credits they can earn. Job training and education programs in prison would get \$375 million in new federal funding. Churches and other outside groups would also get easier access to prisons to provide programming.

The First Step Act prohibits the shackling of pregnant prisoners, a practice that has been banned by Bureau of Prisons policy since 2008, and promises women free tampons and sanitary napkins. The Bureau of Prisons is already supposed to be doing many of these things but has ignored Congressional mandates and its own policies, according to a number of federal audits and investigations. The First Step Act calls for greater use of halfway houses and home confinement,

the least restrictive form of supervision, at a time when the federal prison system has been systematically dismantling its reentry programs. The proposed new law would also expand eligibility for compassionate release of elderly and terminally ill inmates, which would save the government housing and medical costs. Prison officials already have that authority but they release few who apply, denying thousands, some of whom die in custody.



We are very excited to announce that TIFA's first annual greeting card competition is now accepting submissions! Here are the details:

-We are looking for artists to design Christmas and general winter holiday-themed greeting cards that will be used as a TIFA fundraiser.

-Artwork should be winter season/holidays or Christmas themed

-All art should be scalable to a 4.25"x5.5" greeting card.

-Art will be scanned with a professional scanner so art on all types of paper are welcome.

-Submission deadline is Aug. 15th, 2019.

-Winners of the competition will receive \$25 in their trust fund accounts OR E-comm package.

-By submitting designs, you are giving TIFA permission to keep and reproduce your work.

-Winners will be notified via Jpay.

Mail your submissions to:

TIFA
PO Box 300220
Austin, TX 78703



Things to Remember When Filing for Veteran Apportionment

By the Texas Veterans Commission (TVC)

Did you know that when a veteran is incarcerated and his or her VA award has been reduced, the withheld amount MAY be apportioned to eligible dependents that are on the veteran's award? Maybe we can clear up some confusion and provide some insight as to what exactly an apportionment claim is and is not. Before we begin a foundation must be laid:

Only veterans who are rated 30% service connected or greater and non-service connected pension recipients may be eligible to have an apportionment paid to dependents IF they are on the veteran's award.

Dependents who may be eligible include: spouse (common-law, same-sex marriages included), children (including biological, step children, and adopted children) who are unmarried and either:

1. Under the age of 18
2. Between 18-23 AND attending school full-time, or

--Who are seriously disabled before the age of 18 (medical evidence must be provided)

--Parents, who are in your direct care AND whose income and net worth are below the limit set by law

If the veteran and dependents meet the above requirements, the veteran or person seeking the apportionment will contact the Department of Veterans Affairs directly or Texas Veterans Commission.

The first step in filing a claim for an apportionment is completing VA Form 21-0788 Information Regarding Apportionment of Beneficiary's Award. When completing this form, it is very important to not leave

any section blank. If there is a section that does not pertain to the claimant, a value or entry must be entered. Whether the person initiating the claim is the veteran or dependent, once the VA receives it they will write the other interested party and notify them of the claim. The VA will give the other party 30-60 days to provide any evidence to support or refute why the claim should be granted.

The second step is usually the hardest part of the entire process: WAITING! From beginning to end, apportionments can take anywhere from 4-10 months. The VA will write to the claimant and veteran if they need any additional information to process the claim. Apportionment was granted, now what? When an apportionment is granted, the incarcerated veteran will notice very little to nothing at all. The VA will send a letter of the decision to the veteran and claimant. The VA will determine the payable effective date of the award. Apportionment was denied, now what? When an apportionment is denied, the veteran and claimant will receive letters explaining their decision. The letter will also include appeal rights and what to do next.

What does an apportionment look like for a veteran that is incarcerated? Here is an example: Veteran is rated 100% service connected disabled and was being paid with a spouse. He is being paid the incarcerated 10% rate of \$140.05. The remaining amount being withheld because of incarceration is \$3,087.53. The veterans spouse files for an apportionment of all withheld benefits. She provides a statement with the required form and states the veteran was the sole provider of income for the household. The VA can grant the entire apportionment or part of it based on need the claimant has demonstrated on the claim form.

Apportionments can be very confusing and discouraging to the veteran and claimant, but it does not have to be. For additional information, please free to contact the Texas Veterans Commission by phone at (512) 463-6564, or mail at: P.O. Box 12277 Austin, TX 78711-2277.

The Texas Veterans Commission is committed to serving Texas Veterans, their families and their survivors. The TVC pledges to achieve the highest quality in assisting the Veterans,

their families, and their survivors. We recognize the service of Justice-Involved Veterans and strive to identify and serve these veterans, families, and survivors. The TVC mission "to provide superior service to veterans that will significantly improve the quality of life for all Texas Veterans, their families and survivors" is accomplished when we help you.

--Executive Director Thomas P. Palladino

2019 TDCJ P.A.C.T. Conference Date Announced

The 2019 TDCJ Public Awareness - Corrections Today (PACT) Conference is a free daylong conference open to the public that is held every other year in Huntsville. This year's conference is scheduled for Saturday, October 26th from 8 a.m. – 4 p.m., at the Sam Houston State University, George J. Beto Criminal Justice Center.

The address to the George J. Beto Criminal Justice Center is 816 17th Street in Huntsville, Texas. Early registration is not necessary and anyone can attend this free conference.

The PACT Conference was inaugurated in 2002 for the purpose of providing a space focused entirely on providing families of incarcerated individuals with direct access not only to the information they need about TDCJ programs, services and policies, but also to provide an opportunity for them talk "one-on-one" with top agency leadership, unit wardens, and rehabilitation program providers.

Presentations for this year's conference will feature programs related to operational matters of Correctional Institutions, Parole, Rehabilitative Programs, Community Justice Assistance, Health Services, and the Reentry and Integration divisions, as well as the Windham School District. Representatives from the Board of Pardons and Paroles will also be participating in the conference to address issues relating to the parole approval process.

How I'm Preparing for Parole After 27 Years in Prison

By Lawrence Bartley

Soon, I will walk out of prison for the first time in 27 years. I've been preparing for this day for so long, I know exactly how it'll go: My wife will pick me up at the gates of Sing Sing, and we'll drive over to Hudson Link, the prison college program that helped me earn my bachelor's degree. They have a computer and a suit waiting for me. Then we'll drive over to the DMV; I've been studying for my written driver's test. I hear everything takes a long time at the DMV, but I'm hoping we'll be done in time to pick up my son from school. All the while, I'll also be thinking about Tremain Hall. And about the boy I was decades ago before I came to prison.

I was 14 years old when my parents divorced. My father and I moved from our middle-class neighborhood in Laurelton, Queens, to an urban block in Jamaica, Queens. It was a community wrought with the typical symbols of urban ghettos: sneakers strung on telephone lines, drug paraphernalia-littered streets, and barely kept apartment buildings. People earned what they could, how they could. If you weren't lucky enough to secure a nine-to-five job, and at times even if you were, you had find a hustle to make ends meet. Whether it was selling drugs, boosting cars, or robbing neighbors, both young and old were implicated in the struggle. For naïve kids, the hustle was stimulating, invigorating, even exciting. Peer praise compounded the euphoric adrenaline rush that accompanied the risk, entrenching us deeper every day.

I quickly assimilated into this new world where kids with empty pockets and hard eyes could afford the latest fashions and attract the most beautiful girls. But within just two years, the lifestyle caught up with me. As I sat at the intersection of 150th Street and 89th Avenue with a few friends, a motorcycle turned the corner and sped in our direction. The passenger pulled out a gun and opened fire.

I woke up in the hospital with tubes plugged into seemingly every hole in my

body; I had been shot four times. My father stood over me, his typically stern demeanor softened by emotion I had never seen before. Wiping away tears, he asked me what happened. I tried to muster the words to explain it, but there wasn't much to say. He always warned me about hanging out in that part of town, but I didn't listen and there was no excuse. So instead, I jumped to apologizing and promising that we wouldn't be here again. My father nodded. He put his head in his hands and mumbled, "Why is this happening to me?" But I was confused. Nothing happened to you, Dad. It happened to me, I thought. It would be a long time before I could understand what he felt—a pain that comes from comforting someone you love so deeply that you feel their pain viscerally inside your own frame, blurring the corporal boundaries that separate you. It's a pain that comes from the realization that you failed to protect someone you swore you would—perhaps foolishly thought you could. It was the pain of a father who nearly lost his son. Two weeks later, I was released from the hospital. My wounds had started to heal, but the trauma was still fresh. I had a persistent fear of death, paranoid everywhere I went and skeptical of everyone I met. Because my assailant had no name, face, or reason, he had every name, every face, and every reason. Not to mention, it was 1990 and the crack era had brought the deadliest year in New York City's history. Murders hit a record high of 2,245, nearly three times the number that caused Chicago to lead the nation in murders in 2016. Over time, my anxiety became overwhelming. I never wanted to be caught that open and unguarded again. I was not going to be a tally mark for that statistic. So, I bought a gun.

The minute I held it in my hand, I felt empowered. For the first time, I thought I could guarantee my own safety. I had no intention of firing it—I knew that its mere presence, reinforced by my hard exterior, created a threat that no one would test. I wouldn't be a victim again.

Later that year, on a crisp Christmas night, I headed to the movies with friends. About

Feature Narrative

15 minutes in, another group of teenagers walked in noisily. Others in the theater began shouting at them to quiet down. My friends joined in, and quickly we started exchanging offenses. The boys lunged toward us. One of them drew his gun and fired in the dark, crowded theater. In a matter of seconds, more than two dozen shots rang out in both directions.

And in that moment, time froze. The promise I made to my father to stay out of trouble competed with the promise I made to my boys to defend our respect. So, as smoke filled the room and the rapid succession of loud pops came to a deafening silence, I blindly fired once. I crawled out of the theater and rushed home. I turned on the news to see if there was coverage. Four bystanders were injured and, one of them, was in critical condition. I pleaded to him, child to child, "Please don't die. Please don't die." Tremain Hall died in the next few hours. My heart throbbed, my stomach sank, and my mind raced as I wondered whether it was my shot that had taken his life. How could I live with myself if I had killed someone? Two days later, I was arrested. According to the prosecutor, it was my shot. I was convicted and sentenced to 27 years to life in prison. After more than 27 years and dozens of understandably unanswered apology letters, I still sit in my cell thinking about Tremain and that one fatal shot—the dreadful, inexcusable, and irreversible action of my 17-year-old self.

Now I wake up at 6:15 a.m. every day to a quiet cell block. On my way to exercise, I pass a television in the common area airing the news. The other day, five gang members were arrested for conspiracy to commit murder. One of them was just 17 years old. I looked at him intently trying to imagine his state of mind: Is it chaotic? Is he fearful? Does he understand? I know that stage very well. He wants to believe a jury will find him innocent, but he resigns himself to hoping that his sentence will be a short one. I know his fate better than he does. He'll probably be convicted, sentenced, and do life next to me. Then, a generation later, he will sit in front of

the parole board to relive the anxiety of sentencing.

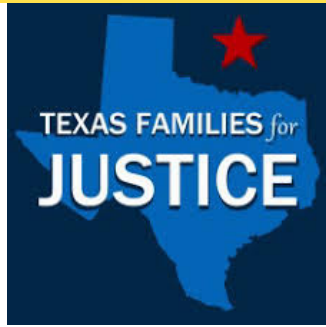
It was recently my turn to be sentenced again; would it be parole or two more years? Leading up to my parole hearing, the men around me built up my hope for freedom, selfishly protecting their own. I was their champion. The one who had done everything right, as they say, and traded the hustle of the yard for homework in the school building. I took a risk in shedding the hard-exterior prison culture encourages for something more human. If I couldn't get free, how could they?

I brought the parole board my institutional file with my bachelor's and master's degrees, program certificates, employment records, community service acknowledgments, and letters of recommendation. They placed it right next to my 27-year-old criminal file, soberly reminding me of who I was: the boy who killed Tremain Hall. So, the question was: How do my accomplishments stack up against the fact that I had taken a life? Apparently, they didn't. I was denied parole the first time I sat in front of the Board.

Everyone was shocked. Many men around the facility were disheartened, and others angry, thinking about their own situations and how they'd fare. Officers were sympathetic. But me, I was defeated. I laid in bed and dreaded explaining the decision to my family. In the end, I found myself asking: What else could I have done? I gave it some thought over the next day, and I knew I had earned my freedom. I started working on my appeal and filed two months later. Over the next eight months, I'd sit in front of the parole board another five times as they continued to measure the failures of my 17-year-old self against the successes of my 45-year-old self. Finally, on April 16, I got my new birth certificate, the the letter granting my parole.

With my new lease on life, I still remember the one I took. While I know I earned my freedom, I may be eternally undeserving of forgiveness. It's something I continue to work toward without expectations. It's how I live with myself.

Originally published by The Marshall Project.



The 2019 Texas Families for Justice Rally Was a Success!

On Monday February 4th, over 300 families from across Texas and beyond gathered at the State Capitol in Austin for the 2019 Texas Families for Justice Rally. The day was filled with office visits to share families' concerns about their loved ones in TDCJ as well as a rally on the steps where people directly impacted by the justice system spoke about taking action for change. TIFA received significant praise and congratulations for organizing this successful event that gave families a voice and hope for a brighter future. We are grateful to everyone who came out to support TIFA's efforts. Check out the photos!





Texas Inmate Families Association

Strengthening families through support, education, and advocacy

TIFA
PO Box 300220
Austin, TX 78703-0004

CONTACT
Vol.24 No.2 Apr 2019

TIFA Chapters

Amarillo

3rd Mondays at 6:30pm
Petro Truckstop Meeting Room 8500
E I-40 Amarillo, TX 79118 Contact:
Yolanda 806-420-1684

Austin- Central

2nd Tuesday, 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, 6:00pm
Friends Congregational Church
2200 Southwood Dr.
College Station, TX 77845
(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
Prarie Creek Baptist Church
3201 W. 15th
Plano, TX 75075
214-792-0649

El Paso

3rd Tuesday, 7:00pm
Mount Hope Lutheran Church
9640 Montwood Dr.
El Paso, TX 79925

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
(281) 435-4143

Humble

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

Huntsville

1st Tuesdays at 6pm, St Stephens
Church 5019 Sam Houston Ave.
Huntsville, TX 77340
(617) 970-5430

Lufkin/Nacogdoches

2nd Tuesday 6:30 pm
First Baptist Church
411 North Street
Nacogdoches, TX 65961
(936) 465-6564

McAllen

3rd Tuesday, 6:00 pm
Edinburg Municipal Park
Edinburg, Texas 78542
(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
(210) 872-5087

Tyler

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

Virtual Chapter

(Zoom Meeting)
3rd Wednesday, 7:00pm
(512) 371-0900

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*