



## BLACK LIVES MATTER...

by LaKeidru Blaylock, Houston Chapter Chair & Maurie Spooner-Grant, Houston Chapter Co-Chair

“**Black Lives Matter** is defined as a decentralized movement in the United States advocating for non-violent civil disobedience in protest against incidents of police brutality and all racially motivated violence against African American People.”

Saying Black Lives Matter, by no means infers that others’ lives don’t. But stating that “All Lives Matter” not only dismisses the trauma and systemic racism that African Americans face but by implication it is stating that we are all on an even playing field. It states that we are all treated the same. It is stating that we are all afforded the same opportunities when it comes to healthcare and education and receive the same justice by our criminal justice system. The reality is that is farthest from the truth.

The statement has NEVER been ONLY black lives matter, but it is a statement that is desiring to get the attention of our nation to say Black Lives Matter because it is the black lives that are in danger of becoming extinct. Black Lives Matter is a platform that has been utilized to speak out against the police brutality and racism in the deaths of George Floyd, Breonna Taylor, Ahmad Aubrey, Jean Botham and the countless other African Americans. According to a 2015 study it was noted that African Americans died at the hands of the police at a rate of 7.2 million, while whites were killed at a rate of 2.9 million. The Black Lives Matter Movement is not to disregard the lives of others, but it is to raise awareness that there are many systems and institutions that act as if Black Lives do not matter.

Black Lives Matters addresses the inequities that African Americans face in this country and we see it most in the criminal justice system. The platform is necessary because we must get everyone involved in the process. It will take us all to join forces collectively, if we truly want to see change including those behind the wall.

According to the NAACP Criminal Justice Facts – One out of every three black males born today can expect to be sentenced to prison, compared to 1 out of 6 latino males and 1 out of 17 white males.

A 2019 Prison Policy Initiative report also highlights that blacks only comprise 13% of the U.S. population, yet 42% of boys and 35% of girls within juvenile facilities are black. Blacks also have a national incarceration rate of 2,306 per 100,000, which is five times higher than the 450 per 100,000 of whites.

In Ava DuVane’s documentary “13” it was noted that

- The US is home to 5% of world’s population
- The US houses 25% of world’s prisoners
- 95% of elected prosecutors in U.S. are white
- Today, 30% of the black male population in Alabama lost the right to vote as a result of a criminal conviction
- Roughly 1 in 4 state legislators are members of American Legislative Exchange Council (ALEC) a nonprofit organization of conservative state legislators and private sector representatives who draft and share model state-level legislation for distribution among state governments in the US
- 97% of people incarcerated have a plea bargain



These numbers although alarming, are the basis of how our criminal justice system is structured. Sadly, the population that is affected and marginalized the most by these statistics are African Americans.

Yes, Black Lives Matter is a movement, but it is also an intentional and deliberate attempt to bring awareness as well as an end to the systemic racial inequalities in the world.

WHERE DO WE GO FROM HERE: HOW CAN I GET INVOLVED?  
CALL-TO-ACTION – FROM THE INSIDE OUT

- Listen without being defensive
- Do Not Dehumanize Those Who Commit an Offense or The Incarcerated
- Make It A Voting Issue – Take It To The Polls
- Join a Local/National Campaign
- Advocate for Mental Health
- Push to Remove and Hold Bad Police Officers Accountable
- Advocate for Independent Oversight On Local/State/Federal Levels
- Advocate for Community Representation
- Speak Up – Write Your State Representative/Get To Know Who They Are and What They Stand For

“The Ultimate Tragedy is not the oppression and cruelty by the bad people, but the silence over that by the good people”. – Martin Luther King Jr. ■

## TIFA Contact

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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.



## Tomorrow Will Be Different

By Executive Director  
**Jennifer Erschabek**



**W**ho would have known that the year 2020 would center around a pandemic and protests and the impact that it would have on the criminal justice system. The pandemic has unleashed a world of uncertainty.

It can feel challenging to envision what the next month will bring, let alone the next year. How do we proceed?

The sustained waves of protests across this country represent a legitimate frustration over years of failure to reform the systemic problems with criminal justice both locally with policing and statewide with our prison system.

People are already thinking about a systemic reset in the area of criminal justice. The Black Lives Matter movement may be a harbinger of increased awareness and action on issues of social and criminal justice — during the pandemic and beyond.

I bring up the Black Lives Matter movement because it is important to understand that the increased awareness of the issues of criminal justice has to be followed up with the knowledge of the role of our state and local elected officials have in this system. We have to know who our elected officials are and what they stand for. And we need to vote because that is the only way we will achieve a true transformation.

The pandemic has unleashed a world of uncertainty. It can feel challenging to envision what is next and how we move forward. We must plan for the unthinkable and we must be flexible because the journey ahead is uncertain.

We know that as we once again come out of this crisis (in this group we all share a familiar crisis) that we will survive, we will be more knowledgeable, we will be stronger, and we will battle on. AND we will vote for reform! ■

## From Death to Life

**“T**ruly, truly I say to you unless a grain of wheat falls into the earth and dies, it remains alone; but if it dies, it bears much fruit.” John 12:24

For 8 minutes and 46 seconds, George Floyd lay alone on the street under a knee that represented the oppression of centuries of racial inequality and violence in this country. Those 4 law-enforcement officials symbolized the injustice in this country that for far too long has masked itself as justice; for wrong disguised in a police uniform as right; for hatred masquerading as policy. For almost 6 of those minutes, George Floyd pleaded with those who were charged to protect, not to take advantage; for those who were charged to save innocent lives not to take his. For almost 3 of those minutes as he lay unresponsive, almost 400 years of unjustified vitriol continued to press down upon him until the breath of life was cut off from his body. A single life, treated as utterly meaningless precisely because he seemed alone, fell from the land of the living.



Art by Will Austin

Ooh, but precious in the sight of the Lord is the death of his saints. This seemingly solitary life has fallen into the earth and bore fruit a thousandfold. This death bore the fruit of an awakened national consciousness to the debilitating effects of systemic racism not only upon the oppressed-but the oppressor...

This death bore the fruit of an awakened responsibility of all Americans that this is not just a black problem, it is a human problem...

This death bore the fruit of a realization that wickedness ever seeks to supplant righteousness; that injustice ever seeks to supplant justice; and that we must remain vigilant lest any gains made today are lost in the shadows of history...

This death bore the fruit of an awareness of a criminal justice system that criminalizes the innocent, and seeks the destruction – not the restoration – of the guilty...

This death bore the fruit of a new generation of activists who will build on the victories of yesterday to ensure for future generations a better tomorrow; a new generation of activists who desire to make America great not by a return to a racist, divided past, but by making it more perfect union assuring justice for all...

Most of all, this death bore the fruit of a renewed and sustained push to see “justice roll down line waters and righteousness like an everflowing stream.”

May TIFA continue to be an organization moved by a firm conviction to think globally and act locally to effect positive change in honor of the memory and movement of George Floyd.

---Prisoners for Change ■

## The Prison Litigation Reform Act (PLRA)

By Terri LeClercq

By 1995, Congress was persuaded that frivolous inmate litigation was overwhelming the federal courts. Those who succeeded in “reforming” the rules to narrow who could file pointed to 1) people

who filed frivolous complaints like “food doesn’t taste good,” and 2) people who filed almost daily about anything--both frivolous and serious. So Sen. Dole, among others, convinced Congress to make it more difficult to qualify for a court consideration. They went too far.



These rules apply unless your life is in danger. If they believe it is and have a credible concern, you can write the court directly, bypassing all TDCJ. TDCJ does have an Office of Inspector General, and you might also write them.

First, the PLRA says, any inmate must “exhaust administrative remedies.” They left those “remedies” up to the prison officials--huge logic gap: when one court learned that inmates had SEVEN steps to get through before they were allowed to appeal, that court said the jail system was the frivolous actor, and required a more moderate set of “administrative remedies.” In Texas, inmates have to abide by THREE steps before they can appeal to a court:

**First**, you must talk with the prison official in charge of the area of your complaints. That might be the guards whose very actions you are complaining about. That might be the supervisor of the chow hall who isn’t requiring staff to wear masks. That might be the medical staff that denied your hospital medical script. That might be the official who oversees mail distribution--you will know the person. After talking over your problem, DOCUMENT the day, time, name of official, and the response. Then and only then can you move to the next “remedy.”

**Second**, you must write and submit a STEP 1 within 15 days of the incident or the day you became aware of the problem. TDCJ has a form that is supposed to be available in each hall. (During a lockdown, guards are supposed to supply you with a form.) Follow the form. Be specific about ONE problem. Do not list all your complaints. What is your issue? What rule, TDCJ or state or

federal, are the officials ignoring, denying, etc. Remember that your problem has to be something TDCJ grievance readers can do something about. Then provide concrete detail: the day, time, official’s name. Be specific without wandering off. Then, finally, provide the reader with the specific remedy you need: ask for the return/replacement of lost item; access to proper medication; oversight of kitchen staff--whatever.

Keep in mind that the courts, including the Fifth Circuit that oversees Texas, have held that the Eighth Amendment does not outlaw cruel and unusual “conditions.” Nope. Rather, the amendment outlaws cruel and unusual “punishments.” Your conditions problem has to be the result of a punishment? Seems that way, currently. Jason v. Tanner, 938 F.3d 191 (5th Cir 2019).

TDCJ grievance readers have 15 days to respond, and they can ask for an extension which makes the response take seemingly forever. One of the lessons of prison is patience, right?

**Third**, if you do not get a timely response or do not get the relief you hoped for, you can choose to write a STEP 2. This is the appellate division of grievances--they do not go back and start the process, just as appellate courts do not review evidence and come up with new verdicts. Rather, they merely review whether your complaint received proper attention--did the first readers not see where you asked for existing camera film review? Did the readers not return your Step 1 within the appropriate time? Did the readers not check with the van driver about your lost property so therefore did not properly review your complaint? Do not waste your paper or their time going over all your details--you can say you have evidence, you have commissary purchase receipts, you have the hospital medicine directions, etc. Step 2 readers do not need the details; they need to understand how the Step 1 decision was technically incorrect.

Step 2 readers have 45 days to review your complaint. I have been in their offices and can assure you they are desk-deep in grievances to read and review. Especially now that inmates have lots and lots--and lots--of time of their hands, the number of Step 1 and Step 2 grievances must be spiralling out of control. I do

indeed feel sorry for those readers, although I feel more sorry for you who have the issues that you need addressed and fixed. What a mess!

**Fourth**, at the point when your Step 2 is denied, then you qualify under the PLRA to appeal to the courts for help. You have to decide whether that issue is serious enough to spend your days researching the law and jurisdictions. You have to decide if the court might rule your filing as “without merit.” Watch out! Court readers have a very different sense of “merit” than we do. For instance, they will count as one of your “three strikes” a claim is “merely malicious”--you have tried to get a guard in trouble but have no evidence or have filed against the same one repeatedly; your stated problem is not against any law (maybe it should be, but research the law because many actions or negligence are not illegal per se); you want to harass someone (an official, a grievance reader, a correspondent); or you give false information (staff can show that the food did not contain bugs, your cell mate did not have a blade at your throat while the guard watched, etc.).

The three-strike rule controls the court payments. If you are indigent, you are allowed to file as a “pauper.”--but only if your filings are not “meritless” – wasting their time. Once your three filings are labelled “meritless,” you have to pay for all filing fees. Those fees are subtracted from any money you have within the prison system, on a percentage basis (they never take all your money).

None of this is easy, and that was Congress’ intent. Filings went down immediately after 1996. Defense attorneys believe that many meritorious problems never reached the court, that inmates needed help but couldn’t get it, that prison officials see the PLRA as a “do anything you want” directive. That might be right, but it is the current law. When you return to the Real World again and off paper, you can vote for the members of Congress. I suggest you research their criminal justice backgrounds and policies, and vote. Talk your friends and relatives into voting. You can, currently, support TIFA and others’ lobbying efforts to get Independent Oversight of TDCJ. Undoubtedly, if Texas had a group of outside but involved reviewers NOT paid by TDCJ and NOT former TDCJ employees all married to current staff,

then a majority of the grievances could be resolved before any of these PLRA steps became necessary.

**Support TIFA.** Again, ask your family and friends to get involved with lobbying the Texas Congress.

*Terri LeClercq, Ph.D., is the author of Prison Grievances: when to write, how to write*

## What’s Keeping Thousands in Prison During Covid-19

-Procedural hurdles and tough legal standards are preventing incarcerated people from going to federal court for pandemic relief.

**By Taryn A. Merkl**

*“This article is reprinted with permission and originally appeared at the Brennan Center for Justice.”*

Laddy Valentine, who turns 70 in September, is incarcerated in a prison northwest of Houston. He is a lead plaintiff in a federal class-action lawsuit trying to get the facility to supply personal protective equipment and soap and to institute effective social distancing policies to stop the spread of Covid-19.

Valentine is at elevated risk for Covid-19 — not only is he in an older age group, he has hypertension, has suffered a stroke, and uses a walker following back surgery. His prison has a history of showing indifference to incarcerated people’s health. Courts have previously intervened due to arsenic in the prison’s drinking water and a lack of air conditioning that led to heat-induced deaths.

His lawsuit was filed on March 30. Two weeks later, the trial judge granted a temporary restraining order requiring the prison to provide basic health and hygiene equipment and institute social distancing policies. But since then, the prison successfully appealed to prevent the court order from going into effect, continued to oppose the ongoing litigation, and denied imprisoned people’s internal requests for relief.

In just a few months, the case has gone all the way to the Supreme Court and back to the trial court as the prison continues fighting oversight

constitutional rights in federal court.

As things stand now, the legal tools incarcerated people have vary depending on whether they are in prison or jail and whether they are in state or federal custody. The law also creates various hurdles when it comes to seeking relief in federal court due to the Supreme Court’s interpretation of the relevant laws and the Constitution.

## Getting out of federal prison

### Compassionate release under the First Step Act

For people in federal prisons, the First Step Act permits seeking a reduction in sentence based on age, time served, or other “extraordinary and compelling reasons.” But people in federal prisons cannot request compassionate release directly from federal courts — rather they must request it from the federal Bureau of Prisons (BOP), which then either requests it from the courts or rejects the request. A rejected request then goes through a lengthy series of appeals. If an initial request doesn’t receive a response from the bureau within 30 days, the person requesting it can then request it from the courts directly. But even 30 days is too long in this pandemic.

In practice, however, the BOP has neglected to make use of compassionate release, and has opposed it in court. In a May letter to congressional leaders, advocates noted that at FCI Elkton, a low-security federal prison, the BOP claimed that only 1 of 836 people identified as having a high risk of susceptibility to Covid-19 “met the criteria” for compassionate release.

Due to Covid-19’s rapid spread, some courts have interpreted the First Step



from the federal judiciary. In that time, 18 people held in the prison have died from Covid-19, and at least 267 others have tested positive, including Valentine.

His situation is far from unique. In U.S. prisons there have been over 55,000 known cases of Covid-19 and over 600 deaths (including corrections officers) since the pandemic started, a predictable situation that advocates have been warning about from the start. A recent study shows that people in prison are over five times more likely to contract Covid-19, and three times more likely to die from the disease if they contract it. Due to poor access to basic hygiene products and close quarters, prisons have long been hotbeds of disease outbreaks, and prisons across the country have housed some of the worst clusters of Covid-19 cases since April.

The Constitution requires that prison officials and governments protect incarcerated people from the inevitable continued spread of Covid-19 behind bars. In the next Covid-19 legislation package, Congress should include relief for our nation's incarcerated population, including funding to support the states in this effort, as well as legal changes that will more readily permit incarcerated people to bring their cases to federal court for review.

Despite advocates' early calls for a fast reduction of prison and jail populations, a recent study from the ACLU and Prison Policy Initiative found that the measures taken by governors, prisons officials, prosecutors, and law enforcement have resulted in only a small overall reduction in the prison population, but there have been larger reductions in jail populations. Among 49 states, the total prison population has been reduced by only around 5 percent. The jail population, however, showed a 20 percent median decrease nationwide. But even with people being released, safe social distancing in jail or prison is virtually impossible. And all states have failed to adequately implement policies necessary to prevent the transmission of Covid-19 among their incarcerated populations and staff.

Some of the 95 percent of people in prisons who have been left behind have taken to the courts. While their options are generally to request release or seek improvements to conditions, they face a gauntlet of legal obstacles to enforce their

Act as allowing them to ignore the 30 day requirement, reasoning that the statute's purpose is to allow court intervention when the BOP cannot act quickly enough. Other judges, however, have declined to interpret the law that way, meaning that those in federal custody may get different treatment depending on where they are incarcerated or which federal judge is hearing their case.

### **Home confinement**

Enacted during the pandemic, the Cares Act expanded the number of people in federal prison eligible to be transferred to home confinement — essentially house arrest. The BOP reports that it has placed 6,852 people in home confinement since March 26, representing just under 4 percent of the 174,923 who were in custody on February 20. And notwithstanding the pandemic, the BOP has made it more difficult to be released on home confinement because of a change to the risk assessment tool used to evaluate release decisions, which is itself worthy of concern.

### **Prison conditions lawsuits**

#### **Getting to court**

For those who are not eligible for relief under the First Step Act, the path to federal court is even more difficult. If someone in state or federal prison wants to file a federal lawsuit seeking Covid-19 relief, such as ensuring that their facility complies with the CDC's guidelines or seeking release from custody, their case is usually subject to the Prison Litigation Reform Act (PLRA), a 1996 law that curtails access to the federal courts for people in prison.

The PLRA generally prevents lawsuits brought by incarcerated people until they first seek relief inside their facility or exhaust available administrative remedies. The Supreme Court has held that this requirement is not optional if administrative remedies are available, and in 2016, it reversed a lower court's decision to permit a lawsuit to go forward due to "special circumstances." During the pandemic, courts have undertaken a case-by-case, factual analysis of the question of whether administrative remedies are "available." And although some courts have decided that the risks posed by Covid-19's rapid spread are dire enough to conclude

that prisons' administrative grievance processes are effectively "unavailable," not all federal courts have taken this approach.

### **Rights and remedies**

Even if an incarcerated person can successfully reach court, a further tangled web of legal requirements — based on the Supreme Court's interpretation of the Constitution and the PLRA — makes it difficult to get any meaningful relief.

When people in prison sue in federal court regarding the conditions of their confinement, their claims are generally based on the Eighth Amendment's prohibition of "cruel and unusual punishment." In a string of cases decided before the PLRA's passage, the Supreme Court held that in lawsuits about prison conditions, incarcerated people must show that prison officials are, or were, "deliberately indifferent" to a substantial risk of danger.

This burden is high. First, incarcerated people must show there is an objectively intolerable risk of harm. In addition, the incarcerated person must prove that the prison official knowingly disregarded that risk. This standard, which requires proof of a prison official's subjective intent, is difficult to prove, especially if a prison official is taking some steps to fix the problems inside a facility, even if they're insufficient.

Even if an incarcerated person convinces a court to intervene, the PLRA limits what relief federal courts may order when it comes to prison operations. Federal court orders must be "narrowly drawn" to vindicate an incarcerated person's rights and be the "least intrusive means" possible.

In addition, the PLRA forbids courts from releasing a person from prison to protect their rights unless "less intrusive relief" has failed to remedy the deprivation or violation of the person's rights. Release can also only be ordered by a three-judge panel, as compared to the single judge who normally presides over federal cases.

### **The path ahead**

As Covid-19 continues to devastate the country, governors, prison officials,

prosecutors, defense counsel, and the courts must identify those who can be safely released.

But Congress should also help in the next coronavirus legislative package. On the issue of compassionate release, the Covid-19 Safer Detention Act would shorten the amount of time an incarcerated person has to wait before the federal courts can hear their case. Provisions of the Emergency Grace Act would allocate money to support states' efforts to speedily identify those who should be released on the basis of age or medical conditions.

Congress should also consider passing a public health emergency exception to the PLRA that would permit federal courts to hear cases with less delay by eliminating or shortening the timing for the exhaustion requirement and allowing for greater judicial discretion to address prison conditions.

Trial in Laddy Valentine's lawsuit began virtually on July 13, and the case is moving along relatively quickly. But there are hundreds of thousands of incarcerated people nationwide who are also desperate for improved prison conditions. Respect for their lives demands more releases from prison as quickly as possible. ■

*Taryn A. Merkl is senior counsel in the Brennan Center's Justice Program and its Law Enforcement Leaders to Reduce Crime & Incarceration initiative.*

## Do You Have Some Information?

**T**IFA is looking for information. Do you have first hand information about suicides or unnatural deaths? Please let us know and include the details of who, what, how, when and where. We are also interested if officers or staff are not properly wearing their face masks OR their name tags. If you are afraid of reporting these issues or filing a grievance because of retaliation, send the information (**DO NOT SEND ORIGINAL GRIEVANCES**) to TIFA, c/o The Law Office of Robyn Harlin, 4001 N Shepherd Dr #200, Houston, TX 77018 and mark as LEGAL MAIL. Or you can send your regular mail to TIFA PO Box 300220, Austin, TX 78703. **We will not be able to reply to this mail but it will be recorded.** ■

# TIFA, Advocacy and Next Session

**T**he 87th Legislative session begins on January 12, 2021 and ends on May 31, 2021. TIFA is currently talking to Representatives and Senators to author the Earned Time Credit (ETC) Bill and the Independent Oversight (IO) Bill.

Because of COVID our Advocacy Team and TIFA Members are calling their Representatives and asking to speak to them via Zoom, where in the past sessions they have visited face to face. Our hope is to be able to make Capitol visits by November.

If you haven't signed the ETC and the IO petition now is the time for you to do that. Share with all your friends and family also. You can find a link to the petitions on the [tifa.org](http://tifa.org) website.

## Support Earned Time Credits for Parole Eligibility!

**T**exas 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 would authorize 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.

### 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 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 of 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.



## Reform of Texas' Law of Parties

In only one year our campaign has over two hundred names in our database of people incarcerated under Texas' unjust law of parties. Many citizens, and even law makers, do not know the term "Law of Parties" but if you or your loved one was sentenced with this law, you know it. Most people have heard stories along this line...friends drive to a convenience store; someone goes in to buy beer, or even to hold up the clerk; things go sideways and the clerk is killed; the people in the car get charged with murder, same as the shooter. That is law of parties.

As noted on our website...www.DropLoPTexas.com...Texas is a "law and order" state. But "Law of Parties" is OUT OF ORDER! Texans want people to be punished for crimes they committed. But we do not believe people should be punished for crimes they did not commit. We know that lazy or overzealous prosecutors sometimes use law of parties to coerce people to take plea bargains, making them fear they will receive a longer sentence because they could be found guilty of murder instead of helping in a robbery, or concealing evidence, etc. And people threatened with law of parties who maintain their innocence and go to trial often end up with a sentence longer than the actual killer gets with a plea bargain.

Studies show that the unjust weight of law of parties falls most often on women and young men, and especially on women and young men of color. The numbers of people swept up by this injustice and the lengthy sentences assigned under it are a contributing factor in the large number of prisoners in TDCJ. Law makers are beginning to notice the need for massive reforms of our criminal justice system.

They are beginning to see that reform of law of parties could be a good part of plans to reduce prison population.

Law of parties began in England a long time ago but England and most other countries which used the law have now abandoned it. Other states are also backing away from laws that unfairly punish citizens for crimes that they did not commit or intend to facilitate. Limiting criminal liability people who perpetrate or intentionally assist in an offense will restore proportionality and equity to the Texas justice system.

During this year of working for reform of Texas' Law of Parties, we have had to narrow our focus to include only cases with a capital murder conviction. We know that many inmates have situations where an acquaintance committed some felony other than murder and they ended up being charged equally...in a robbery or kidnapping, or drug deal for instance. However, experienced law makers and legal minds have convinced us that we should limit the scope of the current campaign to cases involving a murder. Work is underway to craft a bill and seek sponsorship for the next legislative session.

We are still gathering info for our database, to help convince lawmakers of the need for law of parties reform. If you were sentenced under this law and have already responded to the request for information please do not send your data again...it creates unnecessary work for the very small staff of Drop LoP Texas. If you have not sent your data, you can request our information letter and a response form from Drop LoP Texas, P.O. Box 181655, Dallas TX 75218. Encourage your family to visit our website...read about the campaign and find the information letter and response form in the FILES section. They can submit the details by email, or request the form, at Reformit@DropLoPTexas.com DO NOT SEND LEGAL FILES. Drop LoP Texas is not affiliated with any law firm and cannot take a case to court. ■



# Candidate Questions

Candidate questions are a good way for you to become familiar with the candidates and their views. It's also an effective way to let candidates know what issues are of concern to you. Below are some questions to help you develop your list of questions for candidate races in your area especially in the area of criminal justice. A more complete list is located on the TIFA website at [www.tifa.org](http://www.tifa.org).

## District Attorneys:

1. How do you feel about prison oversight? Do you think the prison system needs Independent Oversight?
2. Have you visited a Texas prison? If so, what is most concerning about them, and what will you do to address the issues? If not, can you commit to visiting at least one unit near your district before the election?
3. Do you agree that prosecutors' practices have contributed significantly to mass incarceration?
4. Criminal justice contacts – however brief – can have negative psychological and employment effects, and often fail to address the underlying causes of crime. Will you work to expand diversionary programs so that, whenever possible, contact with the criminal justice system is avoided or limited?
5. Will you commit to implement policies and practices to combat bias in decision-making within your Office, including in charging decisions, bail recommendations, diversionary program placements, and plea bargains – as well as in internal Office practices (i.e. regularly bringing in experts to train staff and prosecutors on implicit and explicit bias, prioritizing inclusive hiring and promotion, and ensuring the Office is representative of the community it serves)?
6. Do you support death penalty abolition or would you modify its application in any way? As District Attorney, what criteria would you use in determining when you would seek to impose the death penalty upon a defendant?
7. What are your thoughts about the current parole system? Should the Texas prison system focus on punishment or rehabilitation?
8. As District Attorney, what would be your policy in charging under the habitual felony statute? Would you take into account the nature of the triggering offenses and the

proportionality of the possible punishment upon conviction?

9. Which diversion programs and alternatives to incarceration would your Office use?

## Sheriffs:

1. What will you do to reduce the incarceration rates in our county?
2. What systems are in place to protect people with mental health needs when deputies interact with them? How would you improve those systems?
3. Do you support civilian oversight of law enforcement? How would you encourage community participation in law enforcement oversight?
4. Many people are too intimidated to go into a Sheriff's Department to file a complaint. How would you reduce this barrier to community feedback?
5. How will you ensure that the local jail(s) have enough rehabilitation and educational programs available?
6. Where do you stand on alternatives to incarceration and how will you put your beliefs into practice?
7. Do you support creating an option to charge low-level drug possession as a misdemeanor rather than a felony? Why or why not?
8. Why do you believe suicides have become so prevalent in jails and how will you prevent them in ours?

## State Legislators (incumbents and new candidates):

1. Do you believe our criminal legal systems are fair, just, and effective?
2. What actions have (will) you taken to improve these systems?
3. Have you visited a Texas prison? If so, what is most concerning about them, and what will you do to address the issues? If not, can you commit to visiting at least one unit near your district before the election?
4. Do you support independent oversight for TDCJ? If you are (re)elected, will you commit to signing on to the bill by the end of January, in the next legislative session?
5. Do you support earned time credits for parole eligibility? If you are (re)elected, will you commit to signing on to the bill by the end of January, in the next legislative session?
6. If you are (re)elected, how will you make sure the concerns of families that have loved ones incarcerated are addressed?



# TIFA SHOUTOUTS & ANNOUNCEMENTS

## Camp Good News -CANCELLED-

Camp Good News, like so many other organizations, cancelled their summer camp. We will look forward to seeing them next summer. ■

## TIFA'S Prison Writing Project Winners

Thank all of you who submitted stories or artwork for our Prison Writing Project. There were so many wonderful articles we had a hard time picking First and Second Place.

Judges Award of Excellence – S. Murff

Journalism – 1st Place S. Watts, 2nd Place J. Hall

Memoir – 1st Place A. Harper, 2nd Place J. Green

Fiction/Poetry – 1st Place W. Fleming, 2nd Place A. Pennington

Art -- 1st Place W. Austin, 2nd Place R. Lopez ■

## SHOUT OUT!!

I just wanted to send a shout out to everyone in units that TIFA visits during the year but has not been able to this year because of Covid. We appreciate your support and letters and can't wait until we can come back and see you again. ■

Ramsey Incarcerated Veterans  
Color Guard



L-R Sharon, Johnson, Warren, Chappelle, Pineda, Fernandez, Walden, McFall, Sandoval, Hatfield



## TIFA Weekly Chapter Meetings are Now VIA Zoom

We won't let the COVID-19 Stay at Home Order keep us from bringing you the support that you need from us.

Each week we are offering you a Chapter Meeting via Zoom. One of our Chapter Chairs will lead the weekly meeting.

Check your weekly Monday update email for the day and time of the next weeks meetings. ■

## Tyler Chapter Picnic



Even though our chapters continue to meet through Zoom we still miss each other's company. The Tyler Chapter decided not to let a pandemic stop them from seeing each other and planned a get-together in the park (with the appropriate social distancing). A SHOUT OUT to them for their determination! ■



-and Reaping  
What We Sow-

By Becky Haigler

In prison advocacy groups, some recent "buzzword" concepts are "people-first language," and "closing the empathy gap." Social scientists, and our own life experience, remind us that the words we use matter...both in giving and receiving respect in dialogue and in shaping our own attitudes regarding ourselves and others... the people we speak to and speak about.

We all know a child can be damaged if they are repeatedly referred to by others as "stupid" or "clumsy." We can also damage ourselves by applying negative labels to ourselves. Over time we come to believe those labels, and to act as if they are true. And if we use derogatory language when speaking about ourselves or others it can keep us from believing and expecting better things. We program ourselves to believe what the negative speech declares.

Empathy...the capacity to understand another person's feelings, even if you do not share them...is considered by most to be a good quality. Empathy helps to promote good communication. An "empathy gap" then, would be a failure to understand how another person feels in a situation, and/or a failure to give validation to that person's perceptions.

What do these ideas have to do with prison advocacy? First, as family members of prisoners, we should speak respectfully of our loved ones as often as possible, using words that affirm their worth and potential. TDCJ's Windham School District is very purposeful in NOT referring to their students as "offenders," as the rest of the system does. Instead, they remind themselves and their clients that they are "students." This language contributes to the picture the students have of themselves, the expectations the teachers have for them, and the positive relationship that can exist between teachers and students.

Much of society has dropped the use of words like "convict" and "ex-con" when speaking of persons who are currently living in prison or have previously been incarcerated. Some are trying to use phrases like "justice involved persons," and "returning citizens," to refer to these groups of people. Changes like these can feel awkward at first and you may find phrases you prefer. Making the effort to use language that is less pejorative when referring to your loved ones living in prison can help change the way other people think about them...people first. The term "loved ones" does exactly that. It reminds us, it reminds our family members in prison, it reminds TDCJ personnel, and it reminds the general public that these are people, and someone loves them.

Personally, I am "offended" that "offender" is the default term TDCJ uses to refer to

our loved ones! I even prefer the term "inmate." It accurately depicts that my loved one lives on a prison unit without referring backward, to the circumstances that resulted in that situation. And Securix company plays along on their recordings, telling us that our phone calls are coming from "an offender at X Unit." As if that is the single most important piece of information about our caller. Can't you hear that little lilt in the recorded voice now, when she gleefully pronounces your loved one to be "an offender!" Why not a "resident of X Unit?"

If people could begin to think of our loved ones as "people first," they would be more likely to have empathy for them, and for us. And when you have empathy for a person, or group of people, you are more likely to care about them and see them as human beings deserving of basic respect; more likely to be willing to affirm their right to have basic needs met, more likely to value them, and to give a hearing to their opinions.

Now, there is another side to this story of "closing the empathy gap" as it relates to the prison experience. It is about giving respect in order to get respect. It is about being willing to have our own minds changed as well as wanting other people to change their minds. Consider the way many prison families speak about TDCJ personnel. We all know some who are honorable people and some who are dishonorable, just like in any other segment of society. And we know that the very difficult experience of dealing with some people who continue to make bad choices while incarcerated has the possibility, if not probability, of changing prison personnel for the worse. But focusing on negative encounters with prison personnel can lead us to use language which is demeaning of the whole group, promotes disrespect of all members of that group, and encourages us to approach the whole group with negative expectations.

When I learned that TDCJ correctional officers do not care for the label "guards," I began to work on changing my language and learning to refer to them as "officers," or "COs," even in my mind. It had never occurred to me that the term had negative connotations for them. That is a very simple and surface example of what I am talking about in terms of "closing the empathy gap." If you have a hard time

thinking of the COs as people who have hopes and dreams and families, who sometimes have a bad day, or need a listening ear, you might need to work a little on “closing the empathy gap” too.

I challenge all who are reading this to do a little inventory of our language and think about how we can use language to change perceptions about our loved ones in prison and also to change how we think about the people who are charged with caring for our loved ones. That’s one of the ones I use, right there. In my mind, and in letters I write to wardens, regional directors, or others, I like to talk about “the people who are in your care,” or “the people you are charged with caring for.” I want to use language to call out the best in them, to make them see themselves as caregivers, not punishers.

How will you change your language to change your mind and the minds of others? ■

## **BANNING THE CAGED BIRD: PRISON CENSORSHIP ACROSS AMERICA**

Last year, the Human and Civil Rights Clinic at the Howard University School of Law wrote a report on book banning in prisons. The report is a nationwide survey, highlighting how prisons often ban books relating to racial justice and civil rights.

### EXECUTIVE SUMMARY

*“We read to connect with our humanity and reaffirm our dignity. Books open the doors to new experiences, emotions, and ways of thinking and seeing the world. Books are endless sources of knowledge, training, and guidance.*

*Books shape our lives. Books play an important role in society, but access to books is especially crucial for incarcerated individuals. In an environment constructed for confinement, education can allow the mind to take flight through the power of ideas. In an environment fraught with indignity, the opportunity for “offenders” to become transformed into readers and learners is valuable beyond measure. In a very real sense, how we treat our prisoners defines who we are as a people.*

*Yet still, every state in America censors*

*books in prisons. For those behind bars, these prohibitions against books can have devastating consequences.*

*Incarcerated individuals have limited access, if any, to the internet or the outside world. Reading is the primary way that many incarcerated individuals feel connected to society. These connections are crucial to the rehabilitation of those behind bars. In depriving the incarcerated of books, prisons are depriving them of the ability to grow intellectually, flourish emotionally and mentally, and the opportunity to prepare themselves for the outside world.*

*Access to books and education reduces recidivism, often drastically, but equally valuable is the ability of the incarcerated to learn about and challenge the systems to which they are subjected. One of this report’s major findings is that throughout the country, prisons are censoring books related to the prison industrial complex, prison conditions, and criminal justice system. When prisons ban books of this kind, they are deliberately cutting off the tools the incarcerated need to realize their civil and human rights.*

*The banning of books implicates the First Amendment rights of those incarcerated, as well as publishers and vendors of banned books. By placing limitations on the publications made available to incarcerated individuals through single-vendor policies, state prisons also violate the Equal Protection Clause of the Fourteenth Amendment. Banning books in prison also violates international human rights obligations, including the right to expression and the guarantee that incarceration serve a rehabilitative purpose.*

*Finally, the banning of books makes it more difficult for educational programs like Howard University’s “Policing Inside-Out” program and others to reach people who are incarcerated with ideas, teaching, and learning communities that could inspire them to transform their lives for the better.*

*The Texas Department of Criminal Justice aggressively polices incarcerated individuals’ access to publications. At the time this report was compiled, the TDCJ list of banned and approved publications included over 10,000 banned publications and over 248,000 approved titles.”*

Now the Law Clinic is asking for the help of those INSIDE the Texas prison system:

Unfortunately, our report lacks the most important perspective - the perspective of those on the inside, and that is the part of the report we are now focused on before publication.

We would love to quote anyone who is willing to talk to us (we are able to do this anonymously) on their own experiences with book censorship in prisons.

Questions we are asking incarcerated/ previously incarcerated individuals includes the following:

- Have any books that you requested/ ordered been censored by the DOC? If so, which books? What reasoning did they give you for censoring it? How did you feel about those books being censored?
- What are some of your favorite books?
- What would you like people on the outside to know about access to books and reading in prison?
- Do you have access to e-books? If so, are they only accessible at a fee?
- Is there anything else that you would like us to know about life on the inside or book censorship in general?
- Please provide your name, where you are incarcerated, and the time span of your incarceration.

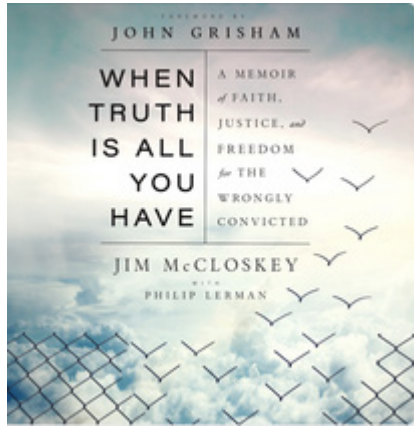
If you would like to contribute to this report The Law Clinic would appreciate you sending your answers to **Banning the Caged Bird Project, 3308 Wyndham Circle Apt. 118 Alexandria, VA 22302.** ■



# READ! READ! READ! some more

By Terri LeClercq

## TIFA July 2020 Book Review



Jim McCloskey, founder of the Centurion Ministries Project that struggles to exonerate the wrongly convicted, has just published his autobiography and history of Centurion. I read it in one night. WOW! *When Truth is All You Have* (Doubleday, 2020) is an honest, inspiring book, one I hope each of you can read it.

McCloskey was a successful marketing consultant for years before he went into the seminary and was assigned a prison rotation. Before that amazing shift in vocation, though, were strippers (the night before seminary!), prostitutes (for a while, he visited the same one so often they became friends and he met her parents), lingering affair with a married woman—he was a man of the real world, I suppose you would say.

The chapters of the book shift back and forth from his “before” life, to the stories of the many people he met, investigated, and helped release from prison. Philip Lerman, co-producer of “America’s Most Wanted” and editor of numerous news outlets, helped craft this book. Between his skill and McCloskey’s stories, you will not want to put the book down.

I have supported Centurion for a number of years, joining other activists and a surprising number now, of corporate Rich Cats who listen to the stories of their

white-collar crime buddies. Luckily for McCloskey, the activists’ early dribbles allowed him to be on the road, from prison to prison, allowed him to “hire” investigators (most gave their time and charged only for mileage, etc), allowed him to appear in courts and pay for filings. When more money appeared, he was able to hire a skeleton staff, then more, and more. Today he is retiring, staying on the Board, and watching as his crusade continues to battle for justice in an unjust system—something you know quite well. It is an endless battle. Sister Helen summarizes: “Jim McCloskey’s devotion is a beacon of hope.”

The problem, of course, is that Centurion can accept only a few cases each year to fully investigate. McCloskey estimates it takes an average of 7 years from accepting a case to a sort-of final court date. They now receive sacks of mail, letters from inmates who profess innocence. How to choose which to investigate? Some of his stories end with victories. Some don’t. Some stories have a court victory but a personal failure. You will be rooting for each person McCloskey describes for you, and perhaps a bit amused as he describes wading through swampy marches to investigate how someone could have gotten from Point A to Point B, as a witness claimed. (He couldn’t have. Witness was the murderer!)

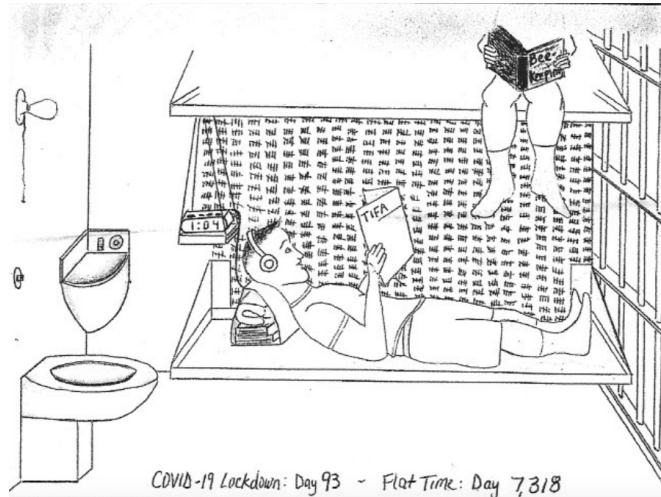
Two other books by the another author are educational and deserve to be placed in each unit’s library: Mike Enemigo, a federal inmate since 1999, has the know-how and the experience to help you rise to the next level of competence. *The Prison Manual: the complete guide to surviving the American prison*

*system* (The Cell Block Publishing, 2019) separates from the mass of literature with similar names because it is professionally written, and systematic. He really, really wants to teach you how to get back in school—no matter which level you wandered away from education. He offers chapters on letter writing, parole packets, letters for support. He also offers advice on living with a celly, surviving prison food (we all need that chapter right now with all these lockdowns!), store. He ventures out to offer tips for women and also juveniles caught in the system. Because he includes useful headings, subheadings, and lists, I found this book totally accessible. You will too.

A second Enemigo book, *The Art & Power of Letter Writing* (The Cell Block Publishing, 2018) is a book after my own heart. He presents advice and examples of both formal (business) letters and informal (personal) letters. If you are one of those people who refuses to write because the recipient might “think you’re dumb” or you “don’t know where to start,” then this is perfect. Enemigo knows not everyone can afford to buy a book, so at the beginning he reminds readers that they can ask for a free *Handbook for Writers in Prison*, Pen American Center, 588 Broadway, Suite 303, NY, NY 10012. But if you want another perspective, more advice from someone who has “been there, done that,” then take a look at this small book.

First advice? Get and use a dictionary. Oh how I wish my correspondents took that advice (ha). Don’t be lazy—look it up, he advises. Texas inmates can write to Inside Books, 3106 E 14th 1/2 St, Austin, TX 78702—ask for a dictionary and

perhaps another book too. If they have the dictionary, they will send it to you for free. (Volunteers stock and send, so occasionally they are out of the books but just write again). He offers amazing strategies for pen-pal letters and plenty of examples—something I haven’t seen before. Plus he gives you templates for business strategy letters, financial assistant letters, and some legal assistance letters—your full gambit except for court filings, which are not letters, right? ■



Artwork by Rocky Lopez

## SUPPORT TIFA WHEN SHOPPING!

As you do your on-line shopping, remember Amazon donates 0.5% of the price of your eligible AmazonSmile purchases to TIFA if you select us as your charity.



AmazonSmile is the same Amazon you know. Same products, same prices, same service. So use the easiest way to support TIFA and start shopping at <https://smile.amazon.com/>.

Another easy way to donate to TIFA is through Facebook. When your birthday is coming up, Facebook will invite you to create a fundraiser. You can select TIFA as your nominated charity. You then select how much you would like to raise and how long you would like your fundraiser to run. Facebook transfers all donations to the charities and does not charge a fee. Every donation, small or large makes a positive difference!

-- Thank you and Happy Birthday! --



## TIFA Workshops

TIFA's Parole Workshop's are more than just teaching you how to put a packet together. We will walk you through the parole process that begins after being sentenced to the Texas Department of Criminal Justice, through the day you walk out those gates and into the free world.

You and your loved one need to start preparing for parole on day one of intake. I will teach you how to do that. The parole process is complicated and will make your head spin. That is why once you have attended one parole workshop you can attend any others in the future for free.

I have been told by Brian Long, Board Member of the Palestine Region that he likes when families have attended a TIFA parole workshop and know the parole process. Hey, you want him looking at your loved one's file and not explaining the parole process to you right?

Due to the Stay at Home Order the Dallas/Plano Packet Workshop has been converted to a webinar and we have added an extra webinar.

### Parole Webinars:

The last two parole packet webinars scheduled for this year are:

- ❖ Saturday, September 26, 2020  
1:30pm - 5:30pm

- ❖ Tuesday, November 10, 2020  
6:30pm - 9:00pm

### New Family Orientation:

Are you new to TIFA? New to TDCJ? If so, this workshop/webinar is for you.

- ❖ Tuesday, August 18, 2020 7:00pm - 9:00pm

You can register for these Workshops at <https://tifa.org/workshops-and-events/> ■

## TIFA Announces New Facebook Live Trainings

Ahh...we have finished the Facebook Live 'Wellness Wednesday' series and now we have something new and exciting for you. The series was such a success that now we are planning TWO live presentations every week on the TIFA Members Facebook page.

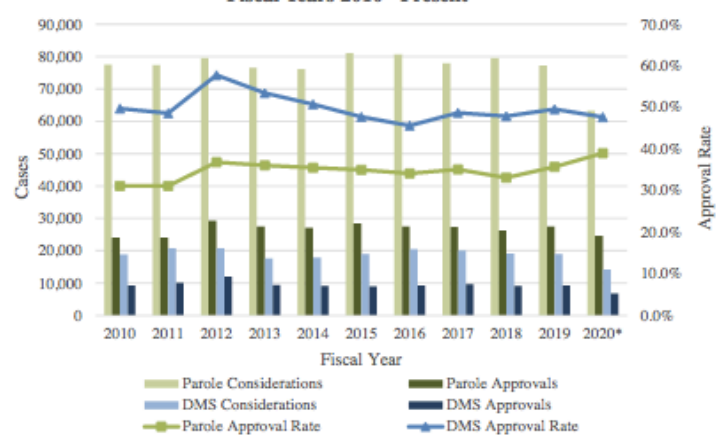
**Navigating TDCJ Wednesday**-If you are new to TIFA or new to TDCJ this is the workshop for you. Each week for 10 weeks we will discuss a different topic concerning navigating the prison system.

**Advocacy in Action Thursday**-An action packed 10 weeks of training to prepare you for everything from how to decide who to vote for in November to understanding and participating in the next Legislative session. The agenda will include how to tell your story, how to contact your Representative, what questions to ask candidates regarding criminal justice reform, and so much more. ■

### Parole and Discretionary Mandatory Supervision Case Considerations, Case Approvals, and Case Approval Rates

Parole			Discretionary Mandatory Supervision		
Month/Year	Cases Considered	Approval Rate	Month/Year	Cases Considered	Approval Rate
Jul-2019	6,194	40.1%	Jul-2019	1,497	51.1%
Aug-2019	6,702	39.8%	Aug-2019	1,632	54.8%
Sep-2019	6,377	41.7%	Sep-2019	1,450	50.5%
Oct-2019	6,554	38.8%	Oct-2019	1,516	47.0%
Nov-2019	6,491	40.2%	Nov-2019	1,206	46.7%
Dec-2019	5,193	37.7%	Dec-2019	1,260	47.4%
Jan-2020	6,604	38.4%	Jan-2020	1,668	48.7%
Feb-2020	6,231	39.4%	Feb-2020	1,466	48.5%
Mar-2020	7,139	39.5%	Mar-2020	1,630	49.1%
Apr-2020	5,333	40.6%	Apr-2020	1,420	46.5%
May-2020	6,740	37.7%	May-2020	1,304	47.6%
Jun-2020	6,565	36.3%	Jun-2020	1,307	44.2%
Average	6,344	39.2%	Average	1,446	48.7%

Parole and DMS Considerations, Approvals, and Rates Fiscal Years 2010 - Present



\*Fiscal Year 2020 is based on ten months of data (September 2019 - June 2020).

Source: LBB monthly report.

# TDCJ KOP Medications

**W**hen units started precautionary lockdowns due to COVID, pill lines were suspended on those locked down units for the sake of social distancing. During this time, thousands of routine medications, about three-fourths of all TDCJ medications, have been made available as KOPs (Keep on Person). This includes routine medications such as blood pressure medication. Narcotics and some other highly regulated medications are being distributed in pill rounds by medication aides. Injectables are being administered by nurses.

If the pill line is running but an inmate cannot go to the pill window, the medication will be delivered to the inmate. There are some medications that have to be administered by staff or observed by staff.

If there are problems on specific units, please have your loved one complete a Step 1 and, if necessary, a Step 2 grievance.

For families, there may be situations when an inmate needs your help and you will need to contact the Medical Services Liaison. The TDCJ patient liaison hotline, 1-844-476-1289 (out-of-state 1-936-437-4927) is operational 8am to 5pm, Monday through Friday. The required "Protected Health Information" PHI form (or HIPAA form) must be signed by the inmate before any personal health information can be shared. The family liaison can assist with this process if the form has not been previously completed or it is outdated. ■

## !Masks UP Everyone!

**D**o we know how much mask-wearing prevents the spread of the coronavirus? Is it for your own protection? Or for other people's protection?

It's primarily to protect other people from the person wearing the mask because we know that people can spread the coronavirus even if they aren't showing symptoms yet or never show symptoms.

There's research showing even a loose-fitting surgical mask can block almost all the infectious droplets a person might emit when they're talking. The important thing is that the more people are wearing a mask, the more everyone is protected. Your mask protects me, and mine protects you.

### **In terms of different types of masks, which one's better: surgical masks or cloth masks?**

First of all, a mask is only useful if you actually wear it. That said, there's a lot more research on surgical masks than cloth masks when it comes to reducing the spread of respiratory viruses.

With fabric masks, consider the fabric itself. The tightness of the weave is really important. Researchers say a tight-weave 100% cotton is a good bet. That's because at the microscopic level, the natural fibers in cotton tend to have more three-dimensional structure than synthetic fibers, which are smoother. That 3D structure can create more roadblocks that can stop an incoming particle, he explains.

### **What about people with serious respiratory conditions? Should they not wear a mask?**

Doctors say people with these conditions especially need to be masking up in public because they are at greater risk for severe disease if they get COVID-19. Even someone who relies on oxygen can wear a loose-fitting cloth or surgical mask.

### **What should we do with that dirty mask? How often should we be washing a cloth mask?**

It is recommended that you wash your mask at least every day. It's OK to wash it by hand with soap and water or put it in the washing machine. Masks can be air-dried. The most important thing is that the mask gets cleaned. It's a good idea to have several cloth masks that you can rotate so you don't have to wash just one every day.

**A lot of people find masks really uncomfortable to wear — they're hot, they make some people feel really anxious. Is it OK to take breaks from wearing a mask? Like, what if you need to remove it to take a sip of water, or you're out on a walk and no one's around?**

Experts say it's OK to take periodic breaks from wearing a mask. Make sure you do

it when no one is around. Don't touch the front of the mask when you take it off, so you don't touch any infectious droplets it might have blocked. Instead, take it off by the ear loops.

To be clear, you wouldn't want to touch your mask if you're indoors, like in a store, where your fingers might have come into contact with virus droplets on objects that other shoppers touched. But if you're outdoors and solo and you haven't been touching stuff along the way, it's OK to pull down your mask.

### **When does an inmate need to wear a mask?**

Most inmates do NOT have to wear a mask in their housing area (cell). It is a little different in a dorm because people can't really always get that 6 feet of social distancing between them. So, they're ENCOURAGED in dorm settings to wear masks. But if they move outside a housing area for any reason, they must wear a mask.

If inmates are on medical restriction, they are quarantined for 14 days because there has been a high-risk exposure and they have no signs or symptoms. If they are on medical restriction and in their HOUSING area (cell) they do NOT have to wear a mask.

If an inmate is in medical isolation, they need to wear their mask.

### **Will an inmate be written a case for not wearing a mask in their housing area?**

If they are housed in a cell, no. If they are in a dorm they are not required to wear a mask when they are on their bunk. Please let us know if a case is written. Officers should give a verbal warning before writing a case. ♥



FREE HAMMOCKS, all over town. It's like a miracle!"

# TDCJ Updates

## Video Visitation

Currently TDCJ has the capability to receive video visitation from 12 prison sites. TDCJ is looking at what it will take for families to do video visitation to those units from their homes, with computers, tablets, or smartphones. Those units include Travis State Jail (Austin), Stiles (Beaumont), Jester III (Richmond), Clements (Amarillo), Montford (Lubbock), Connally (Kenedy), Garza (Beeville), Crain (Gatesville), Sanchez (El Paso), Michael (Tennessee Colony), Hutchins State Jail (Dallas), and Wynne (Huntsville).

TDCJ has received approval to increase video visitation system-wide, something that will be reliable and sustainable. TDCJ is not talking about replacing in-person visits and is making sincere efforts to improve phone access and to begin video visitation. These are some fixes they feel they can get to fairly quickly, since it is evident that in-person visitation is not returning any time soon.

## Mass Re-testing

TDCJ is doing targeted retesting in units where the surrounding county is a Covid "hotspot;" in units where Covid symptoms are increasing; and also in units with highly vulnerable populations.

## Food Service

Regarding food, especially johnnies, TDCJ is continuing to look at alternative ways to deliver hot food. They are using insulated lids for trays in some units and working on other initiatives and alternatives. TDCJ is continuing to produce tray lids and send them out to CID for distribution to the units as requested.

## Medical Services

Medical and dental services are open on units that are not on lockdown. TDCJ has a brand-new hospital infirmary at the Crain Unit exclusively for the female inmates.

## TV Channels

Windham is in the process of adding the National Geographic channel to all TDCJ facilities. They are currently in the process of purchasing needed equipment. TIFA does not have a timeline for when this will happen.

## Phones

Because there are still no plans for

visitation, TDCJ is trying to make the phones more available to inmates. But there have been some 'wrinkles' along the way and they are trying to iron them out.

During a weekly conference call, the advocacy groups were told that basically there were two groups with different phone call privileges.

The first group includes those inmates who are not infected and have regular phone privileges. The phones will be available to them from 5-12 am for 30 minute calls. They will be able to make calls as long as the phones are available.

The second group are those who will be allowed 15-minute calls. This group will include people who are on medical restriction, medical isolation and/or precautionary lockdown. They will be allowed one 15-minute call per day in the beginning.

TDCJ consults with Securus each day to set up 30-minute call areas and 15-minute call areas for units that have some wings restricted.

Some of the units are having challenges getting the phones up and working on this schedule so please be patient.

For those in restrictive housing and on death row, TDCJ is still working on infrastructure, equipment, wiring, and interference issues. Eventually, they will be allowed free 5-minute phone calls as often as the staff is available to accompany them to the phones.

## Commissary

Commissary Services has tweaked their modified commissary schedule and procedures for any units that are on a COVID-related medical lockdown, or that may subsequently be placed on lockdown. Inmates will be allowed to purchase the following based on the current PHASE of the lockdown:

### PHASE 1:

Commissary will work to deliver the outstanding eComm orders that were ordered prior to the lockdown.

### PHASE 2:

Correspondence supplies up to \$10 (paper, pens, envelopes, etc.)

Stamps - up to 30 stamps, but does not count as part of the \$10 limit above

- Hygiene items:
  - (1) Shampoo
  - (1) Toothbrush
  - (1) Toothpaste
  - (1) Deodorant
  - (1) Comb
  - (5) Soap
  - (2) Toilet Paper
  - (1) Box Tampons (female only)
- Electrolytes - individual serving drink mix (30)

### PHASE 3:

Inmates may purchase up to \$15.00 of any food item or general merchandise (Ice Cream may not be purchased) + \$10.00 Correspondence + Hygiene + Non-Spend Items.

However, limits have been set on the following items:

- (6) Sodas total
- (2) Large bags of chips
- (3) Small chips
- (18) Soaps
- (2) Toilet paper
- (15) Envelopes

### Non-Spend Items That May Be Purchased:

Non-spend items are in addition to the \$15.00 and should be listed at the bottom of your list.

- (6) Waters
- (30) Electrolytes
- (30) Stamps
- OTS Phone time
- Vitamins

Administrative lockdown is not a punitive lockdown. Therefore, inmates may purchase up to \$10 in correspondence items, greeting cards, file folders, jumbo envelopes, pencil sharpeners, lots of items that they may not be able to purchase on a disciplinary restriction. Inmates are also allowed to purchase any emergency items including fans, shower shoes, gym shorts, cooling shirts, etc. These items can be added to the bottom of their list.

NOTE: If a unit remains on a medically restricted lockdown, Phase 3 of the commissary lockdown schedule will be repeated until the lockdown status is lifted. Once a lockdown has been lifted, unit commissaries will follow the phase forward plan that CID has implemented to slowly return units to a normal schedule while continuing to follow all CDC and TDCJ guidelines. ■



## Covid Update

**M**ore than 4,590,000 people in the United States have been infected with the coronavirus and at least 155,000 have died. The New York Times reports that “In American jails and prisons, more than 100,000 people have been infected and at least 802 inmates and correctional officers have died. During interviews with dozens of inmates across the country, many said they were frightened and frustrated by what prison officials have acknowledged has been an uneven response to the virus.”

On March 4, DSHS reported Texas’ first positive case of the coronavirus, in Fort Bend County. The patient had recently traveled abroad. A month later on April 4, there were 6,110 cases in 151 counties. As of July 25, there are 375,846 cases in 250 counties and 4,885 Texans have died.

As of July 26th, the Department of State Health Services reported more than 9,000 new cases in a single day 13 times since the first of July.

As of July 30th, 100 of the 106 TDCJ units had active Covid cases. There were 15,380 total positive inmate cases with 3,122 considered active cases and 11,613 who have recovered. Of the more than 15,000 confirmed cases, TDCJ reports that 73.6% of the infected inmates were asymptomatic carriers and just 859 of the more than 3,000 currently infected have symptoms. There have been 107 inmate deaths presumably caused by Covid and 32 deaths that are still pending cause of death.

Three weeks after Gov. Greg Abbott issued a statewide mask mandate, new cases have leveled off and the positivity rate has fallen. Public health experts say more time is needed to see if these trends continue.

Experts state there’s a lag before changes in people’s behaviors, like more social interaction, are reflected in coronavirus case data. It takes about 9 to 16 days to see increased infections and generally another 5 to 7 days to see changes in the numbers of people hospitalized. ■



## Texas Heat

**A** blistering heat wave smashed records in parts of Texas during July. This heat wave didn’t just set records for a given calendar day, it also set records for the month of July and, in a few areas, all-time heat records. On July 13, Del Rio, Texas, tied its all-time record high of 112 degrees, previously set on June 9, 1988. A number of other cities set records for any July day, including Amarillo (110 degrees), Lubbock (111 degrees) and San Antonio, Texas (107 degrees).

The Weather Channel predicts that the areas from the South into the Midwest, will likely see temperatures close to average or slightly warmer in August.

### Heat related things to remember:

People suffer heat-related illness when the body’s normal temperature control system is unable to effectively regulate its internal temperature. Normally, at high temperatures the body primarily cools itself through the evaporation of sweat. However, under certain conditions (air temperatures above 95 F/35 C high humidity), this cooling mechanism becomes less effective.

When the humidity is high, sweat will not evaporate as quickly, preventing the body from releasing heat quickly. Without adequate fluid intake, excessive fluid losses and electrolyte imbalances may also occur leading to dehydration. In such cases, a person’s body temperature rises rapidly. Very high body temperatures can damage the brain and other vital organs.

Other conditions that can limit the ability to regulate body temperature include old age, obesity, fever, dehydration, heart disease, poor circulation, sunburn, and drug or alcohol use.

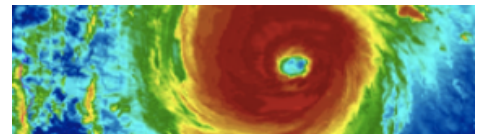
Several heat-related illnesses due to exposure to extreme temperatures include heat stroke, heat exhaustion and heat cramps. Even short periods of high temperatures can cause serious health problems especially for those who are heat sensitive or have had a previous heat illness in the past.

**Heat stress** is heat-related illness caused by your body’s inability to cool down properly. The body normally cools itself by sweating. But under some conditions, sweating just isn’t enough. In such cases, a person’s body temperature rises rapidly. Very high body temperatures may damage the brain or other vital organs.

**Heat cramps** are caused by the loss of body salts and fluid during sweating. Low salt levels in muscles cause painful cramps. Tired muscles are usually the ones most affected by cramps. Cramps may occur during or after working hours.

**Heat exhaustion** is the body’s response to loss of water and salt from heavy sweating. Hydration is key to the prevention of heat exhaustion. Signs include headache, nausea, dizziness, weakness, irritability, thirst, and heavy sweating.

**Heat stroke**, the most serious form of heat-related illness, happens when the body becomes unable to regulate its core temperature. Sweating stops and the body can no longer rid itself of excess heat. Signs include confusion, loss of consciousness, and seizures. Heat stroke is a medical emergency that may result in death! Call for help immediately. ■



## Hurricanes

**T**exans in the Rio Grande Valley and along the Coastal Bend faced the impact of Hurricane Hanna in July.

The storm, which made landfall as a Category 1 hurricane July 25th at Padre Island, packed sustained winds as high as 90 mph and caused power outages and flooding. Rain bands from the hurricane drenched much of the region for days.

The 2020 NOAA forecast calls for a likely range of 13 to 19 named storms (winds of 39 or higher), of which six to 10 could become hurricanes (winds of 74 mph or higher), including three to six major hurricanes (category 3, 4 or 5; with winds of 111 mph or higher). An average hurricane season produces 12 named storms, of which six become hurricanes, including three major hurricanes. ■

# New US Postal Service Delays

“Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds” — a phrase from the Greek historian Herodotus chiseled into the granite of New York City’s general post office, the unofficial motto of the Postal Service that is becoming a phrase of the past.

On his first day on the job last month, new Postmaster General Louis DeJoy addressed the nearly half-million U.S. Postal Service career employees in a video message. That message has since been followed by a number of directives and orders that include among other things, late-arriving mail will now be left behind by carriers and delivered the next day. Overtime will be eliminated.

That means there’s a lot of first-class mail that’s going to be left on the workroom floor and mail will be delayed.

TIFA has already experienced a delay in the mail that we have sent and we think it is important that everyone understand the reason for the new delay in mail delivery. ■

## Immigration & the Criminal Justice System Part 2

Jose Luis Martinez, a staff attorney for Immigration was a guest speaker at the Houston TIFA Chapter meeting in March. The following information is Part 2 of his presentation.

Immigration laws are very complex and if you have issues or questions you should always consult with an experienced immigration attorney!

### How can I show that someone is not a danger?

A number of things can be used to show someone is not a danger to the public such as police records, especially dismissals and completion of probation, any evidence of rehabilitation, witness statements, letters of support from friends and family, criminal history searches, and personal testimony.

### How can I show that someone is not a flight risk?

- ❖ Sponsor

- Someone who is willing to make an affirmation to the court that they will ensure that the non-citizen attends future hearing, i.e. give them a ride to court
- US Citizen or Lawful Permanent Resident (green card holder) over 18
- The closer the relationship, the better
- ❖ Showing that someone has a strong application for relief.
- ❖ Family ties to the U.S. (marriage license, birth certificate).
- ❖ Property in the U.S. (land records).

### Bring a tear to the Judge’s eye

- ❖ Bonds are discretionary; in other words, you have to show the judge that this person is deserving of a bond.
- ❖ Are there any sympathetic facts present?
  - Medical Issues
  - Disabled family members
  - Military service
- ❖ Is this individual a good person?
  - Church or other religious organization
  - Volunteering
  - Care for extended family members

### The Last thing on Bond

- ❖ You (usually) only get one chance! Make it count!
- ❖ Very difficult to request a second bond hearing if the first one is denied.

### Will they be deported?

- ❖ The government must show that the non-citizen doesn’t have permission to be in the U.S. or, if they do have permission, that they committed an act that should result in their deportation.
- ❖ Examples of individuals that may be deportable:
  - Someone who entered the U.S. without permission (without a visa).
  - Someone who entered on a temporary visa and stayed past the time allowed. **Example:** a Mexican citizen that enters on a tourist visa, is allowed to stay for six months, and stays past the six months granted.
  - A person who has legal status in the U.S. but is convicted of certain crimes **Example:** a lawful permanent resident who is convicted of possession of a controlled substance.

### But he already did his time!

- ❖ The immigration courts are not punishing the crime.
- ❖ The courts are determining if someone can remain in the U.S. after potentially violating immigration law.
- ❖ The facts of the criminal case are not as important as the judgment and the conviction controls.
- ❖ No statute of limitations in immigration court. Conviction could be decades old and still used against them.

### What if they have been deported before?

- ❖ Contact an attorney immediately!
- ❖ Reinstatement
  - If already ordered deported then the individual will NOT have an opportunity to see an immigration judge.
  - ICE can “reinstate” the deportation order and send the individual back to their country.
    1. UNLESS the noncitizen expresses fear of returning to their country.
    2. If there is a fear of returning, then the individual will be given an opportunity to explain their fear, and, possibly, a chance to see a judge to ask for Withholding of Removal.
- ❖ Reopening cases- In some cases, old cases can be reopened and the noncitizen can bring a case before the immigration court. Discuss options with an attorney!

### Can they stay?

- ❖ There are numerous ways to keep a person from being removed and being granted permission to stay in the U.S.
  - BUT not everyone will qualify
  - Depends on the facts of the case
- ❖ Highly recommend speaking with an experienced immigration attorney.

Your history of immigration violations, if any, will also be important. This would include attempts to flee prosecution and manner of entry.

**REFERRAL HOTLINE: 1-833-468-4664**  
**Jose Luis Martinez- [jmartinez@stcl.edu](mailto:jmartinez@stcl.edu)**  
**713.646.2994**

Part 3 on **Immigration and the Criminal Justice System** will be in our Oct. Newsletter. ■



**\*\*\*AMBASSADORS WANTED\*\*\***

**A**mbassador: - *a person who acts as a representative*

You want to get Engaged, Get Involved – Well Here’s Your Chance!

**L**et me encourage you to become an Ambassador for our **TIFA Advocacy Inside Out Program**. The 2021 Legislative Session is quickly approaching, and we need You! In this program YOU will serve as the liaison and communication link for your peers. You will receive information about bills that are being presented to our legislators, petitions for prison reform, and collaborate with your peers to discuss advocacy strategies for the families. Be The Change You Want To See!

For more information about the **TIFA Advocacy Inside Out Program** and becoming a TIFA Ambassador, please answer the questions below along with your contact information on a separate piece of paper and mail it to our Austin Office at:

**TIFA  
Attn: Ambassador Program  
PO 300220  
Austin, TX 78703**

Name: \_\_\_\_\_

TDCJ:# \_\_\_\_\_ Unit: \_\_\_\_\_

1. Do you consider yourself a leader and why?
2. An Ambassador must possess the ability to properly educate his/her peers on current advocacy issues including but not limited to Independent Oversight and Earn Time Credit. Do you have this skill and the opportunity to share information?
3. Why do you think Independent Oversight and Earn Time Credit is Important?
4. Why do you think you would make a great Ambassador for the **TIFA Advocacy Inside Out Program**?

***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 1 year/2 year subscription. TIFA is not responsible for any lost issues that are not provided because of a change in unit OR TDCJ’s 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 / Unit

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Please mail your TDCJ Trust Fund money order to:**

TIFA PO Box 300220 Austin, TX 78703