RESPONSIBLE PRISON PROJECT:
RESHAPING THE TEXAS PRISON SYSTEM FOR GREATER PUBLIC SAFETY

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RESPONSIBLE PRISON PROJECT:
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Introduction

It has often been said that those who are closest to a problem are closest to its solution. That is no less true for those who are in prison. Prisoners see things that need to be changed within the prison system, things that people in society and upper-level prison administrators do not. The five writers of this proposal are all first-time offenders, with a combined prison experience of 95 years, and have contemplated the intricacies of prison.

The authors of this paper assert that large-scale change needs to be made in how the Texas Department of Criminal Justice (TDCJ) operates its prisons so that it effectively prepares prisoners for re-entry into society. It should be noted that TDCJ's Mission Statement is a positive guide for rehabilitating inmates: "The mission of TDCJ is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime." This mission statement, however, is not being executed. In fact, an overwhelming majority of TDCJ personnel are unfamiliar with the mission statement and therefore cannot fulfill it. As a result, TDCJ is failing to fulfill its stated goals.

The aim of this project is to move the Texas prison system from one that focuses on punishment to one that embraces rehabilitation and therefore carries out its mission statement. Some of these proposals will not require legislative action—they will
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only require decisions from TDCJ's administration. Other changes will need approval by the State Legislature. All of them are in line with TDCJ's mission statement, encourage personal responsibility for a person's crimes, reinforce personal responsibility for rehabilitation, and are cost-effective. None of the proposals included herein threaten the security of the prison system.

While it is true people not in prison can easily come up with ideas for change, it is the perspective of those who are incarcerated that would ground them in reality. Therefore, the following proposals are presented to effectuate that change.¹

Intake

The intake process—Day One of an inmate's prison experience—should look like an introduction to a period of reform, but it does not. Actually, Day One strips a person of their dignity and serves to dehumanize and humiliate the prisoner. The authors of this paper all went through the intake process more than fifteen years ago, but men were interviewed who have gone through the it within the last three years, and it has not changed much. No information is available to the authors about the intake process for female inmates. The details of the intake process below will rely on the most recent information so an accurate representation will be presented.

After an inmate gets sentenced by a district court judge, he is shortly thereafter transferred to TDCJ. Before getting assigned to a prison unit, all inmates go through the intake process. This process begins at a transfer facility.

¹All proposals to correct issues that need to be remedied are italicized throughout this text for easier identification by the reader.
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When inmates arrive at a transfer facility, they are taken from the bus and walked to the entrance of the facility. Immediately they are yelled at by officers to strip naked, get "nuts to butts," and after being searched they are kept naked for several minutes until they are issued some boxers. If inmates have personal footwear, it is confiscated. They are then placed in a cage while they wait for processing. After filling out paperwork at a processing station, they are sent to a barber chair where they have their hair cut off to approximately one-sixteenth of an inch. The inmate is then given a shower. During this process, officers are yelling obscenities at the inmates. While this procedure should be one that promotes rehabilitation, it actually serves to strip individuals of their individuality. This demoralizing routine seeks obedience but provides no direction or guidance to the inmate; it serves to remind the inmates they are now property of the state of Texas, and it is embedded in a correctional philosophy that strict discipline is required of prisoners without any ethical/integrity demands of prison staff.

Over the next few days, new intakes are given a battery of medical exams, sociology reviews, and educational assessments. Prisoners who have sentences greater than 50 years are typically removed from general population shortly after arrival at a transfer facility, and their transfers from the facility are expedited. (Short-term inmates

\(^2\) Sometimes inmates have to walk across scorching or freezing concrete barefooted—depending on what season they come to prison—because they come to prison without shoes from the county jail.

\(^3\) Multiple inmates who were processed at Gurney Transfer Facility were greeted by officers with the words, "Welcome to hell."

\(^4\) One inmate processed at Garza Transfer Facility stated that the officers made all the inmates place their shoes in a pile on the floor. No confiscation papers were provided. The shoes were then moved into a closet where inmate workers had access to them. Later, the inmate saw one of the workers wearing his shoes.

\(^5\) During this time, female staff members are present at the processing stations and can view the inmates, from entrance to the building when they are stripped to the time they are showered.
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may serve up to two years at transfer facilities.) They are then sent to a diagnostic unit to be assigned to a permanent unit by the State Classification Committee.

Proposal:

The rehabilitation process must start on Day One of an inmate's prison experience. This means when a prisoner steps from the bus into the entrance of the transfer facility, they should be treated respectfully, which falls in line with TDCJ's mission statement and ethical policies for all officers. The process new intakes are about to endure should be calmly explained to them: "You will be strip-searched, and then you will be provided a pair of boxers. Clothes and shoes will be provided shortly thereafter. We will need you to fill out some paperwork, get a haircut, and take a shower. You will spend a great deal of time waiting in a fenced-in area while this process is taking place. We realize this is an uncomfortable process, but please be patient and it will go as smoothly as possible." There is no reason for the officers to be rude and degrading, and such behavior actually discourages rehabilitation.

An Offender Mission Statement should be created. This mission statement should be expressed to all inmates on Day One and should be emblazoned on their Orientation Handbook. For example, "Your mission while in prison is rehabilitation. Use your time wisely, get all the education and job skills you can, and re-enter society as a transformed person. Choose to do the right thing and your future will be different." This mission statement should be actively encouraged by all staff members.

Intake is the first opportunity to rehabilitate, and as such this stage should be taken more seriously. New arrivals should have counseling available and should receive
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Immediate training to prepare them for the prison culture and to inoculate them against gang recruiters, extortion, and other threats. New arrivals should also be introduced to family support groups like the Texas Inmate Families Association (TIFA). They should receive their ITPs and should be seen by a case worker who can advise them how to begin working for release immediately. Those with long sentences should be given a clear explanation of the choices that lie before them so they can choose to serve their sentences with dignity and hope.

System Issues

The topics contained in this section are present in all units across the Texas prison system. Topics that pertain only to individual units or that may not affect the inmate population as a whole are contained in section entitled “Unit Issues.”

Inmate-Officer Dynamic

When correctional officers treat inmates with respect, they are almost always treated with respect in return. For example, one female officer always addressed others as either “sir” or “Mr. So-and-So.” One evening an inmate attacked her for writing him up when he was masturbating while watching her. Other inmates immediately intervened and made sure the officer was okay. At the same unit, years later, a female officer who consistently cussed at inmates, treated them harshly, and showed them no respect, got slapped so hard after making an inappropriate comment that she dropped everything she had in her hand. When inmates were asked why they did not intervene, they replied that she got what she had coming to her.
Rude and disrespectful behavior from officers creates hostile work environments for other officers, decreases public safety, promotes negative behavior among the prisoners, and leads to more victims of crime during and after inmates are released from prison. Humane treatment from officers and other staff members increases public safety, promotes positive behavior among inmates, helps prisoners reintegrate back into society, and reduces the number of new victims. Therefore, humane treatment of inmates should be actively encouraged by prison administrators.6

Humane treatment of inmates is actually encouraged by TDCJ's mission statement; however, the average officer has no clue what that mission statement says. Most officers have the mission statement attached to a lanyard around their neck or a key chain on their belt, but they still do not know what the mission statement says. Therefore, they cannot achieve TDCJ's four-part goal, and treatment is lacking that is most conducive to rehabilitation and reduced recidivism.

This does not mean that all officers are bad. Granted, most officers are not bad officers, but most officers are also not good officers; the overwhelming majority are indifferent. There are distinct differences between these three. The bad officers do not follow TDCJ policy and state that the rules are made for inmates, not for officers—that policy is simply paperwork for the public to see when complaints are made. These officers make up rules as they go, and an inmate never knows what to expect when

6In 2010, at the Ellis Unit Furniture Factory, one inmate began addressing other inmates as “sir” any time he interacted with them. He was instructed by the assistant plant manager to stop doing so. The assistant plant manager told him, “Nobody in white is to be addressed as ‘sir.’ They lost that right when they were convicted of a crime. They are offenders, and they should never forget that.” This is exactly the type of thinking among prison staff that needs to be eliminated.
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dealing with them. When a bad officer is assigned to a certain area, the tension immediately rises, which consequently puts other staff members and inmates at risk.\footnote{Bad officers sometimes also work visitation. When this happens, visitors are mistreated because they are an "extension" of the inmate.}

Good officers treat inmates with respect and make the prison environment safer for staff and prisoners alike. These officers know and apply policy fairly for themselves and the inmates. When these officers work a certain area, inmates are likely to be respectful, to assist the officer with small tasks, and to abide by the rules. If an inmate starts “drawing heat” while a good officer is working, other inmates will usually intervene so situations will not escalate. Good officers, likewise, have been known on several occasions to intervene in confrontations between an officer and another inmate to alleviate problems from intensifying. Sometimes these officers have also mediated in situations between inmates so disagreements are sorted out without violence. Good officers show compassion with firmness, increase the morale among both staff and inmates, and use discipline effectively.\footnote{If a good officer writes a disciplinary case, inmates automatically assume the inmate who was written up was in the wrong because they know the officer will not write a case arbitrarily.}

Indifferent officers come to work just to collect a paycheck. They do not know policy and do not try to learn it. They fail to take threats seriously, which endangers lives. These officers frequently can be heard saying things like, “I'm not going to overwork myself. Just have a seat.” Indifferent officers silently and (probably) inadvertently increase the recidivism rate and reduce rehabilitative activities. Some of these officers have made the comment that inmates are “job security” and that if they stop coming back to prison then the officers would be out of a job. Indifference has a tendency to instill
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hopelessness in inmates because they are made to feel that if the officers do not care, the inmates should not either. Inmates also get frustrated trying to go to scheduled programming, scheduled medical appointments, or scheduled chaplaincy activities only to be hindered by indifferent officers who do not want to do their jobs because they are “being overworked.”

Wardens and upper-level administration generally do not deal with problem officers. They maintain the mentality that having any officer is better than having no officer. Throughout the system, wardens have been known to witness officers cussing out inmates, yelling at them, etc., and the wardens fail to do anything. This implicitly encourages negative behavior among TDCJ staff and seriously discredits their mission statement and the objective of releasing rehabilitated human beings back into society.

Proposal:

*TDCJ’s mission statement should be placed prominently throughout each prison unit. Officers should be reminded at every shift briefing what their mission is: to release rehabilitated people back into society. This should be the focus of their jobs. This does not mean they must cater inmates; it does mean they must fulfill the mission statement faithfully. Officers need to understand the importance of the effects and consequences of their own actions and how their actions as officers affect society as a whole. The persistent treatment an inmate receives from corrections officials has an impact on what kind of person will be released back into society.*

Wardens need to deal with problem officers. It is important wardens understand that leaving a bad officer in a position without administrative discipline has
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serious ramifications that go beyond prison walls. Officers who indirectly threaten the security of the institution and the safety of the public need to be dealt with.

When officers go to their annual in-service training, they should be tested on their knowledge of policy. Officers who fail the test should go through special re-training before being permitted to return to work inside the prison. Officers who fail a test a second time should have their employment terminated. The tests should be created in such a way that the answers are not provided in the questions and that will require the officers to know the policy and not be able to merely guess at it. Officers should also be given essay questions that address certain scenarios, to ensure an officer can deal with situations in accordance with policy and not based on arbitrary decision making.

When officers are at work, they should be required to carry themselves with true professionalism. This entails having a good work ethic that an inmate can learn from. Officers should work as they would want the inmate to work when he is released.

Policy should be re-written to require not only inmates to address staff members as “sir” and “ma’am,” but also for staff members to address the inmates in the same manner. This action carries with it rehabilitative qualities and presses an inmate to begin acting as he would when he is released.9 This requirement would also help the officer to bear in mind that the person before them is worthy of respect as well and is a person who will one day rejoin society. This simple action helps officers fulfill TDCJ's mission statement by promoting positive behavior among offenders and reintegrating them into society.

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9 In Victor Hugo's epic tome Les Misérables, the protagonist notes that addressing a convict as “sir” is a drink of water to a dying man.
Visitation

Studies based on reduced recidivism consistently show that visitation is one of the most effective methods of helping to rehabilitate an inmate. TDCJ recognizes this.\textsuperscript{10} Therefore, much attention should be given by Texas prison administrators to making visitation as comfortable as possible, without violating security.

While TDCJ's visitation rules are uniform, the application of them throughout all Texas prisons is not. TIFA performed a survey of families who have visited their loved ones in more than one Texas prison. The overwhelming majority of those surveyed agreed that visitation rules are applied differently at the various units and that interpretation of the rules is subject to unit administration.

Not only are the rules applied differently throughout TDCJ, the facilities and the refreshments available are not the same either. For example, Wynne Unit does not have outside visitation, even though it has the facilities for it. Darrington Unit's non-contact visitation area is not conducive to visitation because it is extremely noise due to the lack of echo-absorbent material on the walls and ceilings and the Plexiglas covering the visitation screens, and the same is generally true for all TDCJ units built before 1987. Wynne Unit sells ice cream in vending machines, but most other units do not. Some units have sandwiches and salads available for purchase, but most units have only junk food.

The price of the refreshments is a serious issue also. For example, a recent visitor at Darrington Unit paid $1.50 for a "Nutty Bar"; this same item is sold in the unit

\textsuperscript{10}TDCJ's visitation policy states, "visitation is an integral component of the rehabilitation process and every effort will be made to ensure that visits are conducted under the least restrictive protocol available." This statement is untrue, however. When compared with the visitation rules and regulations of other state prison systems and the federal prison system, TDCJ is one of the most restrictive in its protocol.
commissary at a price of six for $1.45—which equates to a price discrepancy of more than 600%. Without question, the items sold at visitation are another example of price-gouging loved ones of inmates. This also raises the question of whether TDCJ is profiting from these vending sales.

Another problem with visitation is overcrowding. Many families, especially during holiday weekends, may have to wait up to several hours for space availability before they can visit their incarcerated loved one. This discourages families from visiting. Part of this problem is the limited space available and TDCJ’s unwillingness to expand visitation areas, and part of the problem is that visitation is only permitted on Saturday and Sunday.

Due to the size and expanse of Texas, most families have to travel several hundred miles round trip just to see their loved one for two hours.\textsuperscript{11} This trip is quite expensive, averaging approximately $200 for gas, food, photos, etc., for inmate supporters to see their loved one. As a result, unless an inmate is fortunate enough to be in close proximity to his loved one, he does not receive visits regularly.

\textit{Proposal:}

\textit{Visitation areas, especially contact areas, should be significantly expanded.}

Currently, all profits from TDCJ’s inmate commissary are to be used to fund educational and recreational programs for inmates. Each year, however, there is a surplus of at least $5 million of those profits that goes back into the State’s general fund. Instead of placing

\textsuperscript{11} TDCJ acknowledges in its Visitation Rules and Regulations that “while it is recognized that unit assignments may create hardships for visiting, assignments are based on considerations other than offender or family convenience.”
the funds of inmates’ loved ones into the general fund, this money could instead be used to expand visitation areas by the purchase of portable buildings and/or providing a larger outside visitation area.\footnote{Jennifer Erchabek, executive director of TIFA, is currently discussing this possibility with Texas legislators for consideration in the 2017 session.}

All visits should be extended from two hours to four hours in length, regardless of distance traveled. This would encourage visitors to drive the long distances—200 miles one way in many instances—to maintain a bond with their incarcerated loved one. The objection regarding overcrowding would be moot if TDCJ would use commissary profits to expand visitation areas.

Considering TDCJ operates on the “least restrictive protocol” visitation policy, all inmates who maintain an S3 trusty classification status for more than one year should have all visits as contact visits instead of contact with only their immediate families as the policy is now.\footnote{Exceptions would be made for inmates with visitation restrictions, such as no contact with children.} The current policy states that only S2-classified inmates (which are outside trusty inmates, housed in a trusty camp) are eligible for all visits to be contact. More than 60% of TDCJ’s population, however, are violent offenders and do not qualify for such classification; the highest classification they can earn is S3. These inmates, however, are usually well-behaved. Therefore, if an inmate earns an S3 status and maintains that status for at least a year—thereby reflecting proper “institutional adjustment”—he should qualify for contact visits with all of his visitors. This would fall in line with the “least restrictive protocol” TDCJ claims to embrace. Other prison systems use an even lesser-restrictive protocol than this proposal. TDCJ would do well to
Implement their policies. Doing so would promote positive behavior among the offender population and help reintegrate offenders into society by encouraging visitation most conducive to rehabilitation, according to studies on this subject.

Visitation days should be expanded beyond just the weekends. If visitation were also allowed on Monday and Friday, for example, the overcrowding on Saturday and Sunday would be significantly alleviated. This would also further encourage visits with the inmates since employees that must work weekends would have the opportunity to visit during the week. TDCJ should look at the many other prison systems that do this and implement their practices.

The prison visitation areas should provide wider, healthier food selections at all prisons. That may require the Legislature to enact laws requiring fruit, vegetable, and sandwich machines placed in all visitation areas, similar to legislation for school districts. Also, if TDCJ profits from vending sales, these kickbacks should be discontinued to decrease prices of vending machine snacks and to encourage inmate visits with no profit to TDCJ's general fund.

TDCJ should also consider permitting families to purchase food to be delivered during the visit. Families could order food from Domino's or Jimmy John's, for example, pay for it before they enter the prison gate, and have it delivered to the prison during the visit. The meal could be run through the x-ray machine and inspected visually to ensure no contraband is present before being handed over to the visitor. Other prison systems permit such activities without security encroachments.

14 TDCJ will resist this because it is labor intensive. Officers are paid to do a job, however, like any other employee and should therefore have no problem earning the money they are paid.
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Family activity opportunities, such as board games, should be provided by TDCJ in the visitation areas. Currently, children are provided coloring books and crayons, so providing board games should not be problematic. Such family activities should be actively encouraged.

Photos capture memories, and they are cherished by inmates and visitors alike. Currently, photos are taken by TDCJ staff one weekend per month from November through August and every weekend during September and October, at a cost of $3 per picture. This policy should be changed to permit photos to be taken every weekend so all inmates have the same opportunity to take photos with their loved ones.

Most officers treat the visitors with respect, but some treat the visitors as extensions of the inmate and therefore felonious themselves. Officers who may be scheduled to work visitation should be trained in how to treat visitors; they should be reminded that visitors are non-criminals in the criminal justice equation and should be treated with respect at all times. Visitors should therefore be allowed some avenue to make a formal complaint against officers working visitation, and once the officer receives three similar complaints, they should be permanently restricted from working visitation and proper administrative actions should be taken against them by TDCJ.

While it is unlikely that TDCJ would seriously review this idea, conjugal visits should be considered. According to a study done by Yale University, conjugal visits are permitted in some form in approximately 20% of all American prison systems (nine out of fifty-one, including the federal system). Conjugal visits would potentially reduce sexual misconduct in prison, and would also strengthen the family bond.
Video visitation should be permitted for visitors who are unable to drive long
distances to see their loved ones, but this should in no way replace physical visits.

Chaplaincy

Chaplaincy programs are vital to the rehabilitation of prisoners. Many good
programs and incentives for rehabilitation are currently available throughout TDCJ
chapels: parenting classes, anger-management classes, Family Day events, talent shows,
etc. In 2015, TDCJ implemented a monumental effort at using inmates as field ministers.
These men are graduates of the Southwestern Baptist Theological Seminary (SWBTS) at
Darrington Unit. Upon graduation, teams of four men are sent to other maximum-security
prisons with the objective of changing the culture of the prison through moral
rehabilitation. This program is working well, gaining positive media attention across
America, and it has placed field ministry teams at thirteen prisons across Texas so far.

But all is not well with the chaplaincy in TDCJ. For instance, chaplains have
too much discretion in what programs to allow at their units. Some chaplains do not want
marriage seminars or mentor programs at their units. Other chaplains may allow these
programs but do not want ministries such as Mike Barber Ministries to have crusades.

Most chaplains truly care about the condition of the inmates in prison and want
them to be rehabilitated, but chaplains are judged harshly in prison for several reasons.
First, the negative attitude and scandalous character of some of their inmate clerks puts
the chaplains in a bad light. Second, chaplains notoriously stay in their office and do not
mingle among the inmate population to have a more far-reaching influence. Third, some
chaplains are rightly judged harshly because of their own negative attitudes.

Negative attitudes by chaplains toward inmates and their loved ones have detrimental effect upon the mission of both TDCJ and the chaplaincy department itself. This type of behavior from chaplains severely discredits the whole chaplaincy department for that unit and causes people to shy away from chaplaincy programs.

Chaplains are primarily responsible for notifying inmates of the death of loved ones, but this duty sometimes either falls into the laps of security or is dealt with incorrectly by chaplains. Many inmates' families have come to see them after speaking to a chaplain about a death in the family and assuming the inmate had been notified, only to discover he was unaware of the death. This creates more tension between the inmate population and chaplaincy, and it sends the message that the chaplain is unconcerned about the inmate's loss.

Proposal:

A chaplain's discretion should be limited. When programs and crusades are permitted by TDCJ policy, the chaplain should not maintain discretion about whether to allow such a program but should schedule the program at a reasonable date upon request of the respective ministry. Chaplains should frequently be reminded they have been hired to help facilitate inmate rehabilitation and are to encourage as many programs and activities as possible to help achieve that goal.

Chapel workers and inmate volunteers (ushers, choir members, sermon presenters, etc.) should be required to have a virtuous reputation in the inmate community. Since they are representatives of the chaplain and are looked to by other
inmates for guidance and as leaders, these people should not be in a chapel position if they are not a person of integrity.

    Many of the chaplains rarely perform baptisms and communion for the Christian community. Since these are tenets of the Christian faith, they should be scheduled regularly.

    Many Texas prisons either do not have a chapel or have a chapel that is basically a small room. These are typically prisons that were built after 1987, in a prison-boom era that focused on punishment instead of reform. Some of these new prisons have had large chapels built with donations from community volunteers, but not all of them. TDCJ officials should encourage the building of chapels at the new units and the restoration of dilapidated chapels at older units, and the chapels should be looked at as one of the primary places for moral reformation.

    TDCJ should use the field ministry program in a variety of ways. TDCJ should use the field ministers as mentors in the Texas Youth Commission (TYC). Field ministers who are assigned to prisons located near TYC facilities could be transported to the facility one or two days a week to help stop the criminal justice cycle and help rehabilitate the youthful offenders before they ever make it to prison.

    Field ministers could help to alleviate the burden on the chaplaincy department. Prison units that have more than one paid chaplain could reduce the number to one and allow the field ministers to perform chaplaincy duties that do not require mainframe computer access or authority over another individual. Field ministers are already being used for death notices and grief counseling, among other sensitive things.
Notification of family deaths should be made uniform. Death notices should be verifiable. Policy should be written to require the person notifying an inmate of a death to sign and date the form and also have the inmate being notified sign and date the form. If for some reason security has to do the death notice, they should be required to fill out this paperwork as well. If the responsible party fails to notify the inmate of the death, they should be held administratively responsible with proper administrative disciplinary action taken.

TDCJ should encourage chaplains and re-entry departments to coordinate with churches in various communities to welcome inmates into their congregations as part of the reintegration process. This would encourage inmates to surround themselves with positive influences and not return to a life of crime or the criminal environment.

Some kind of hotline should be made available for inmates’ loved ones to file complaints about unit chaplains. Repeated complaints should result in administrative disciplinary action against the chaplain. This would serve as an incentive for the chaplain to maintain professional behavior that will most likely influence rehabilitation among the inmate population and therefore reduce recidivism.

TDCJ’s chaplaincy department should implement faith-based activities in all ad-seg areas and coordinate these activities with security administration. These activities should include permitting general population inmates approved by the Unit Classification Committee or field ministers to perform talent shows; educational seminars; counseling seminars for anger, depression, and suicidal issues; Christmas caroling; and other faith-based initiatives.
Commissary Issues

Commissary is one of the most cherished privileges inmates have. Approximately 40% of TDCJ's population is indigent, yet they still benefit from commissary, either by friends who provide them with things or as payment for some kind of “hustle,” such as artwork. Most prison chow halls serve food that is poorly prepared, that tastes bad, and that most of the inmates do not want to eat. Commissary provides the ability to buy alternative foods to supplement or replace prison chow.

Unfortunately, commissary also preserves the black market because of its limited selection. For example, since the prison commissaries do not sell any kind of chlorinated powder, such as Tide or Ajax as they used to, inmates turn to the black market and buy stolen bleach and powder detergent from people who work in the laundry. Likewise, commissary will not sell food seasonings such as onion powder, garlic, dehydrated onions and bell peppers, etc., so inmates buy these stolen goods from the kitchen. As a result, the stolen goods do not get put into the general population’s laundry or food, and negative behavior (theft and the purchase of stolen goods) continues among the prison population. Another factor to consider is that these goods are stolen at the expense of the taxpayer.

The items sold in unit commissaries are overwhelmingly unhealthy. Granted, there are some healthy foods such as peanuts, oatmeal, trail mix, and protein meal replacements, but there are no fruits and vegetables. This compounds an issue because it increases the costs for medical care in the long term.

Inmate-made goods that have been produced in various factories run by Texas
Correctional Industries (TCI) are sold in the commissary: boxers, greeting cards, colored paper, commissary bags, cups, liquid detergent, gloves, gym shorts, shower shoes, socks, spiral pads, spoons, blank envelopes, T-shirts, thermal tops and bottoms, typing paper, wash cloths, writing tablets, and writ envelopes. These items are made with free inmate labor at a lower quality than name-brand items and sold at a higher-cost than name-brand items, all at the expense of inmates' loved ones. TDCJ commissaries have not always sold TCI items. This has largely emerged over the last 10-12 years. Before that time, all products were contracted with free-world vendors and had better quality. For example, Jerzees T-shirts were sold, as was Tide and Ajax. In October 2007, TDCJ policy changed stating that inmates could no longer have colored stationery mailed to them from a vendor. Now it is sold in commissary at an exorbitant price, after being produced by inmates in TCI, and is permitted once again by policy. In March 2014, TDCJ policy stopped all stationery from being sent in by a vendor; now it must be purchased in the commissary at a higher price than average market value (e.g., a 50-sheet writing tablet is sold for $1.80)—and it is produced with free inmate labor in TCI factories.

Proposal:

TDCJ commissaries should sale goods that are regularly stolen from unit kitchens and laundry departments. TDCJ recently stopped selling a decent powder detergent called Heritage, and immediately black market sales for laundry detergent and bleach increased in the inmate population. Items that have been sold by commissary before—seasoning, powder detergent with stain remover, etc.—should be sold in unit commissaries. These items should be contracted with free-world vendors, and the items
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should be maintained as a permanent good in the commissaries, much like Ramen soups and squeeze cheese are. Contracts with vendors who provide these goods should not be allowed to expire by commissary directors or other administration responsible for maintaining contracts.

Commissary directors should coordinate with other TDCJ departments such as medical personnel to determine what items could be sold that would promote the good health of inmates. For example, inmates overwhelmingly agree that if fruits and vegetables were sold in commissary, they would buy them regularly. TDCJ will object that inmates would make wine if fruit were sold in commissary. However, inmates make wine without fruit by using fruit juice, mint sticks, raisins stolen from the kitchen, and other black-market items procured in prison. Trying to eliminate the exceptional activities of a few by prohibiting healthy items for all serves no purpose. The wine is still being made! Raw or pre-packaged vegetables and fresh fruit—not the fruit saturated in sugary syrup—should be sold in commissary. Inmates would buy apples, oranges, onions, salads, pre-packaged sandwiches (similar to vending machines), etc., by the sack load if they were available. At units where horticulture classes are offered, inmates buy black-market salads every day because they are not available in commissary. Inmates would eat healthier if given the option.

All TCI products should be eliminated from TDCJ commissaries. It is unconscionable that inmates are forced to make items with free labor, then turn around and buy those items from commissary at a higher cost than on the free market. Furthermore, these TCI items are sold only to profit TDCJ, and policy has been subtly re-
written throughout the years to ensure TDCJ would profit the most while inmates' loved ones pay the expense. All items sold in commissary should be contracted with an outside vendor to avoid purposely selling lower-quality products at a higher price than what name-brand items would be sold in commissaries, only to benefit TDCJ.

Special-purchase items such as shoes, typewriters, radios, and fans are sold in commissaries through the "blue-slip" process. A request for purchase known as a "blue-slip" is filled out and turned in to the commissary staff. Once it is processed, inmates can buy the item. Blue-slip items should be expanded to include products such as see-through inflatable air mattresses, similar to those found in a swimming pool. Inmates would immediately buy these because the mattresses currently made by TCI and provided to inmates for free are bulky, cotton-stuffing mattresses that are lumpy and cause back problems. Selling air mattresses would benefit TDCJ financially, would provide an option to inmates, and would be easier for officers to shake down. Pillows should also be sold in commissaries; currently, pillows are sewn into the mattresses made by TCI and cause neck problems. Other blue-slip items should include personal-size televisions, MP3 players (which are sold without issue in other prison systems), e-readers, etc.

Policy should be implemented to put a time limit on processing blue slips submitted by inmates.¹⁵ At most units, this process is completed within 30 days. At some units, however, it can take many months. At Darrington Unit, for example, inmates

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¹⁵The process is as follows: An inmate submits the request when he goes to commissary. The commissary manager forwards the request to the unit property officer, who approves or denies it. If denied, it is returned to the inmate with a reason for denial. If approved, the request is sent to the warden or major for final purchase approval. Once approved, it is sent back to the commissary manager to notify the inmate to pick up his requested item.
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typically must wait 6-12 months to be able to purchase these blue-slip items. The reason for this is that somewhere in the process, presumably at the commissary manager level, someone is holding the requests and not processing them. Policy should be implemented that requires the process to be completed within 60 days.

Computers and Technology

TDCJ does not allow its inmates to possess computers of any kind. In fact, the only kind of word processor TDCJ allows inmates to purchase from commissary is an electric typewriter manufactured by Swintec, with no memory capability, at a cost of $225—more than a Dell Optiplex computer with over a gigabyte of memory and loaded with Microsoft Office. The only computer access TDCJ allows inmates is for clerks who work in prison departments (industry, maintenance, chaplaincy, etc.) and limited access for educational purposes for inmates enrolled in certain vocational/educational programs. Technology restrictions are not limited to computers, however. Texas inmates are also not allowed access to MP3 players, e-readers, iPods, or any other current technology.

Today, society is dominated by technology. There is no getting around this reality. Technology is so prevalent, in fact, the general mail system is collapsing and the

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16 It should be noted that this expense is levied against prisoners' supporters since Texas does not pay its inmates. These supporters typically are from the lowest wage-earning class in America and are already paying the inmates' $100 medical co-pay yearly (over $5 million in 2014), whatever money they send the inmate for commissary (over $114 million in 2014), and tens of millions of dollars in outrageous phone rates to stay connected to the inmates whom they love and support (more than $34 million in 2014).

17 Sex offenders are even further restricted. They are not permitted to have jobs assignments as clerks, to work around non-uniform female staff members (females must be correctional officers), or to have access to computers in any job assignment. This categorical restriction seems to be based on the assumption that sex offenders can use computers or clerk jobs to re-offend.
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United States Postal Service is failing financially because people use e-mail and text messaging rather than the mail system. All job applications are now done electronically online. Smartphones and the Internet are priorities for daily living in a free society.

Therefore, keeping inmates barricaded from computer access and other technology creates a barrier to successful re-entry into society. When an inmate is released, they should be familiar with the technology they are expected to interact with on a daily basis. (This is especially true for those who have been incarcerated longer than the Internet and smartphones have been around.) But this is not possible when they are systematically prohibited access from such technology.

Restricted access also interferes with communication with inmates' loved ones. Many inmate supporters have expressed they would communicate with prisoners more often if they could send and receive e-mails. Granted, in Texas, JPay.com is contracted with TDCJ so that loved ones can send e-mails to inmates, which are then printed out by the unit mailrooms and delivered to the inmates; however, this is problematic for two reasons. First, inmates cannot return e-mails to loved ones, even though JPay.com has small electronic tablets available for this purpose and are sold in Ohio and other prisons.

Second, supporters of Texas inmates have to pay the cost of a stamp (currently $0.47) for each printed page they send to an inmate, including the same amount for each photo, which is printed in black and white. The curious thing about this cost is that it is not uniform in all prison systems. In Washington, for example, the cost is only $0.06 for each page/photo. This leads to the conclusion that TDCJ is receiving kickbacks from this service, much like TDCJ receives a 40% kickback from phone rates.
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Proposal:

Systematic technology restrictions should be lifted. Texas inmates should be allowed to purchase tablets or laptops (and small printers) that are comparable to the size of a typewriter. The plastic casing should be clear for security purposes. Information Technology is advanced enough that filters could be applied by TDCJ's IT professionals and run through its servers. This would provide TDCJ access to an inmate's search history, contacts, and viewing, among other things, and it would also reduce the labor load on the mailroom, as well as the re-entry and communication barriers erected by current TDCJ policies.

Access to various technology could be tiered for various custody levels. Administrative segregation and close custody, for example, could be restricted to sending and receiving e-mails only, but they could have access to pre-loaded educational and rehabilitative materials. Trusty-status inmates could have full technology access. Custody levels between the two could be moderately restricted. Not only would such access bolster reintegration success and thus reduce recidivism, it could also be used as an incentive for inmates to stay out of trouble and work towards rehabilitation. This would make the prison environment safer for staff and prisoners and would therefore provide greater public safety.

Other prison systems permit some kind of access to technology already. Many allow access to MP3 players, iPods with no wi-fi connection, CD players, etc. Ohio permits its inmates to purchase JPay tablets for approximately $50 and use them to send and receive e-mails from registered non-prisoners and to download music onto the tablet.
The federal prison system operates on a system known as CORRLinks, an e-mail program so offenders can send and receive e-mails. Florida allows its inmates to purchase Kindle Fires, replete with full Internet access. Texas could coordinate with these prison systems and apply the same principles to Texas prisons.

Since smartphones are the mainstay of technology these days, some kind of simulation program should be made available for inmates so they are familiar with cell phone apps upon release. Many software developers would gladly provide such a service.

An objection could feasibly be raised about the cost of monitoring an inmate's Internet access. Currently, all profits from TDCJ's inmate commissary are to be used to fund educational and recreational programs for inmates. Each year, however, there is a surplus of at least $5 million of those profits that goes back into the State's general fund. Instead of placing the funds of inmate's loved ones into the general fund, this money could instead be used to monitor inmates' technology access and use.

**Food Services**

TDCJ wastes a ton of money, time, and effort on foods that are never eaten. For example, most inmates will get squash, eggplant, and other foods on their tray but will not eat them because they either are poorly prepared, unseasoned, or taste bad. These foods end up in the slop barrel. If the intent of TDCJ is to feed the pigs at the pig barns, then their objective is met. If the objective is to feed the inmates, their efforts and money are wasted.

Prison food is notoriously heavy on carbohydrates because it is cheaper to
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provide higher calorie content by using them. The money saved on food budgets, however, is spent in medical costs later.

Prison kitchens are consistently dirty and vermin infested. Roaches and rats are prevalent in all Texas prison kitchens. This leads to questionable sanitary conditions for the proper preparation of foods. No person in the free-world would eat food from prison if they saw the conditions in which it was prepared.

Equipment for cleaning eating utensils and trays are not sufficient to get them clean. The machinery used in the kitchen sculleries routinely breaks down, is old, and needs to be replaced in most prisons. Beyond this, the powder detergent and bleach are stolen by the inmates and the plasticware is therefore not properly sanitized because officers will not ensure the chemicals are used for cleaning instead of making it to the black market.

Workers in prison kitchens receive little to no training in the proper and sanitary preparation and handling of foods.

Some inmate cooks are transferred to Eastham Unit to be trained at the culinary arts school there. But when they are returned to their units of assignment, instead of being used as a cook for the inmates, they are then used as cooks for the officers so that the officers' food is better prepared.

Proposal:

Prison kitchens should be held to the same standards as any free-world restaurant when it undergoes inspection. If the kitchen cannot pass inspection, it should be shut down until it can. Preparation of food should be sanitary and in clean conditions.
Healthier food selections should be made. More raw fruits and vegetables, salads, etc., should be made available. This could be done by TDCJ growing the foods in the hundreds of thousands of acres of farm lands it has throughout the state. Healthier food would result in lower medical costs in the long run.

Food should be better prepared so less of it is wasted. Darrington Unit's kitchen captain (Captain Lance) is exemplary in food preparation while keeping the budget low. His management should be used as a model for all prison kitchens.

When inmate cooks are sent for culinary arts training, upon return to their units of assignment they should be prohibited from being assigned as officer cooks.

Scullery equipment that does not properly clean plasticware should be replaced. Officers should ensure that cleaning chemicals issued for cleaning trays and utensils are used for that purpose and not stolen, even if they must put the chemicals in the machines themselves.

Laundry Services

The biggest complaints from inmates about prison laundry are about the lack of clean clothes and the unavailability of proper clothing sizes. Inmates who work in key areas—clerks, front office workers, etc.—have their clothes washed separate from all the other clothes and they therefore stay white and clean. Generally, though, inmate clothing is over stuffed in industrial washers and some of the clothes barely even get wet because of the washer being overstuffed. The outcome is that clothes are handed out that are badly stained and that are still dirty, sometimes still smelling like the last person that wore
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them. Compounding that issue is the fact that washing powder and bleach are hardly used because it is stolen by inmates to be sold on the black market. Unavailability of proper clothes sizes is the result of poor management and the lack of a proper inventory being kept. This in itself is the result of inadequate training for non-inmate laundry staff.

Proposal:

Laundry officers should ensure inmates are not overfilling the washers.

Officers should also ensure inmates are not stealing the soap and bleach by putting the chemicals in the washers themselves—thereby promoting positive behavior. When clothes are passed out that are still dirty and clearly have not been properly cleaned, the officers on that shift should be held accountable and face proper administrative action.

One remedy to this problem would be to assign personal sets of clothes to each inmate. This is done effectively at Ellis Unit. Each inmate is provided three sets of clothes every six months. A box number is issued to the inmate for his clothes to be stored in. When he goes to shower, a clean set is pulled from his box and given to him. Nobody wears the inmate's clothes but him. If the clothes are damaged, it is the inmate's responsibility. This system should be made policy system-wide.

Medical

The greatest hindrance to Texas inmates seeking medical care at this time is the $100 co-pay. Every one of the writers of this proposal have put off requesting medical care because of the exorbitant co-pay. Texas prisoners do not get paid, so this fee is deducted from whatever meager gifts are given by their loved ones. As a result, medical
issues become worse and are often compounded when a prisoner refuses to seek
treatment due to cost. Texas inmates also overwhelmingly agree that the quality of care
has decreased since 2011, when the $100 co-pay was implemented.

Another disincentive that hinders Texas prisoners from seeking medical
treatment for serious health issues is the extremely long wait time. When an inmate sends
a request for medical treatment, he is sent a lay-in, which is basically a notification of a
scheduled appointment. At most Texas prisons, all medical lay-ins are scheduled for the
morning, yet the medical personnel does not see them for many hours. It is not unusual
for inmates to wait five to eight hours before being seen, and sometimes they will wait
this long only to be rescheduled. This scheduling conflict causes overcrowded waiting
areas, hostility among the inmates waiting, and serves only as a general disincentive for
seeking medical care.

Another negative issue is the lack of compassion from medical staff. Granted,
this is also an issue outside of prison, but Texas prisoners generally question why they
should submit for medical care when the staff will typically assume the inmate is lying
and treat him like nothing is wrong. This discourages inmates from seeking medical care.

Some medical care cannot be provided on-site, and the inmate must be
transferred to a regional medical facility or to John Sealy hospital in Galveston for
treatment. The process of “catching medical chain,” being transferred to another location
for medical treatment, is harrowing. This entails leaving the inmate's unit of assignment
early in the morning, getting to a transit unit for an overnight stay or longer, and then
going to the medical appointment. The trip back is the same. The transit cells, however,
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are filthy. They are rarely cleaned. They do not have mattresses. The inmates are not
given toilet paper. The food in transit is cold, poorly prepared, and of smaller quantity
than usual meals. TDCJ, of course, will say this is untrue; but unannounced inspections
would prove it is true—at every transit unit, in every transit living area, without fail.

It is normal practice for an inmate to go to John Seal hospital for off-site
treatment and receive medical orders by the medical doctors there, only to return to his
unit of assignment and have the medical staff refuse to honor the doctor's orders because
the order for a certain medication was too expensive, for example. As a result, a less-
effective treatment will be given to an inmate based on cost factors rather than health
factors.

Proposal:

The Legislature needs to repeal the $100 co-pay. Inmates are not paid
individuals, and therefore, their loved ones are left to foot the bill for their medical care
even though the inmates are wards of the state. Repealing the co-pay and returning to a
$3 co-pay each visit will encourage inmates to seek medical treatment when necessary
rather than delay due to exorbitant fees. Delaying medical treatment only costs the state
more in the long run.

Unit medical staff should be required to schedule medical appointments in an
efficient manner so that the average wait time would not exceed two hours. Darrington
Unit's medical care is not exemplary, but their scheduling can be a model. Inmates rarely
wait more than 20 minutes to be processed through the taking of vitals and placed in a
line to see the provider. TDCJ should coordinate training to use Darrington as a model
for medical-appointment scheduling.

If inmates have to stay overnight in transit somewhere en route for medical appointments, they should not be required to sleep on steel bunks with no mattresses, in filthy cells that have not been cleaned for long periods of time. They should be given quality food. Transit wings should be inspected unannounced by health inspectors.

Medical staff should be trained to be compassionate. They should assume the inmate is telling the truth about their medical problem until an examination proves otherwise. This base assumption would change how medical staff addresses each medical visit. Compassion would go a long way. In short, medical staff should care about those they are treating.

TDCJ's contracted medical personnel should work closely with TDCJ dieticians and TDCJ's commissary department to work towards a healthier menu in the chow halls and healthier options in commissary. This would encourage healthier eating and would potentially lower health problems long-term.

TDCJ should also figure out a way to encourage wellness. If the focus of TDCJ's medical department were on wellness, as opposed to just treating sickness, the face of TDCJ's population would change dramatically. UTMB could have a physical trainer host a seminar at each unit two or four times per year on the recreation yards or in the gym. They could show people how to exercise, discuss the benefits of proper diet and exercise, and encourage the prisoners to live healthy lives. If UTMB would hire one trainer for each region (six total), the money saved on medical issues due to bad diet and exercise would prove worthwhile.
TDCJ should encourage recreation. Currently, recreation is one of the first things to be canceled with the excuse of staff shortage. But when this excuse is presented, officers can routinely be seen just “hanging out” at desks, not doing any work. Recreation should be considered a programmatic activity—something that is rehabilitative—and not just something that takes up time. Some units only have recreation once or twice a month, and some ad-seg inmates have not been offered recreation for months at a time. Mandating the availability of recreation, coupled with UTMB hiring a physical trainer for each region for quarterly training purposes, would help reduce medical expenditures.

In conjunction with encouraging recreation, TDCJ/UTMB should produce a fitness booklet that shows in-cell exercises and discusses the importance of proper eating. Obesity and bad health are not just issues in society; they also affect prisoners. A fitness booklet that details how weight is gained, how weight is lost, the amount of calories burned for each exercise at various lengths of time, and other such information should be issued to all inmates upon reception. This booklet should also be made available upon request from the unit medical departments.

One final issue that needs to be corrected is the current policy that prohibits inmates from being given dentures unless he loses 40% of his body weight. Many inmates in Texas have no teeth and must either “gum” their food or be placed on a liquid diet. Inmates who are serving long sentences are treated no differently than those who are about to be released from prison. It is unconscionable that human beings are forced to live without teeth for decades and are told they must subsist on a liquid diet unless and
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until they lose 40% of their body weight.18 This policy should be changed immediately.

Disciplinary

Inmates of TDCJ know most disciplinary proceedings are effectively kangaroo courts: if an officer wrote a disciplinary case against an inmate, it is going to be processed and the inmate is going to be found guilty of the infraction, regardless of the evidence in his favor.19 Supervisors who run the disciplinary hearings are apt to say things along the lines of, “I believe what you are saying, but if my officer wrote it, I'm going to run it.” The assumption is that if the supervisor dismisses the case or finds the inmate not guilty, the supervisor will be considered “inmate friendly” and is not showing officer solidarity.20 This thinking and behavior undermines a belief in fairness and promotes hostility between officers and inmates.

For major disciplinary proceedings, inmates are provided a “counsel substitute,” who is supposed to investigate the allegations of the charging officer, talk to witnesses in preparation of the disciplinary proceeding, and cross-examine adversarial witnesses during the court hearing. This does not occur. Counsel substitutes are TDCJ employees and work with, not against, the charging officers and the disciplinary captain.

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18 This would mean a man weighing 200 pounds would have to drop to 120. A woman weighing 160 must whittle down to a mere 96 pounds. This should actually be unconstitutional.

19 This does not excuse the fact that most of the cases written are legitimate and inmates usually are guilty. The discussion here is to be generally considered and not to be taken as a hasty generalization.

20 Many officers have worn hats emblazoned with the slogan, “Taking Care of Our Own” on the back of it. This slogan flies in the face of TDCJ's mission statement and does nothing to facilitate rehabilitation, promote positive behavior among offenders, or provide public safety. It actually creates an us versus them mentality and encourages hostility between law enforcement and convicted felons. Justice, not solidarity, should be the watchword for criminal justice environments.
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Proposal:

First and foremost, disciplinary actions should be processed with fairness. If an inmate has evidence of his innocence, this evidence should be investigated and considered before conclusions are made. If the evidence is in the inmate's favor, the case should be dismissed and the inmate found not guilty. A disciplinary case should never be processed and punishment levied simply to maintain officer solidarity. Doing so has far-reaching consequences that go beyond the prison walls. For example, inmates are conditioned to believe the "system" is always going to work against them, which will fuel animosity towards authority and may actually contribute to further criminal activity, decreased public safety, and the creation of more victims in society and in prison.

Second, disciplinary proceedings should be reformatory and not strictly punitive. In the criminal court system, a person may plead guilty to a felony and be sentenced to so many years deferred adjudication; if the probationary period is successfully completed and terms fulfilled, the offense is removed from the person's record. The same idea could be applied to prison disciplinary proceedings. If an inmate pleads guilty to an infraction, rather than have a fighting case on his record, if he successfully completes a 12-week anger management class, the case will not be held against him. If an inmate refuses to obey a direct order, he can go to a "Bad Ideas for Morons" class. While this may be a bit humorous to the reader, the idea is sound.

Furthermore, some disciplinary rules should be re-visited. For instance, the zero tolerance policies for inmate fighting should not be taken out of context. A person should maintain the right to defend himself against a predator without fear of retribution
from the officers via a disciplinary action. Evidence of self-defense must be present, but this option should remain open. Common sense must be permissible during disciplinary proceedings.

The Disciplinary Hearing Officer's Manual should once again be made available in the law library, as it was many years ago. This would inform the inmate of the rules and regulations the Disciplinary Hearing Officer must abide by.

Grievances

Grievances in TDCJ are filed in a two-step process. Step 1 grievances are filed with unit grievance officials by dropping it in a box in the prison hallway. (All grievance personnel are employed by TDCJ, and the grievances are sometimes retrieved from the grievance box by correctional officers.) Step 1 grievances are typically answered in 40-70 days. If the inmate is unsatisfied with the response, he can file a Step 2, which goes to a regional office, and the grievance is reviewed by still more TDCJ grievance officials.

Most inmates in Texas prisons agree that the grievance system is a farce. They refuse to file a grievance on legitimate issues not because they fear retaliation but because they know the complaint will be returned with a standard response: “The investigation reveals your claims are unfounded and without evidence. Therefore, no further action will be taken.” When the Step 2 is filed, it is also returned with another standard response: “The Step 1 adequately responded to your complaint. Therefore, no further action will be taken.” Any question in the validity of this assessment can be verified by reviewing random grievances obtained through an open records request.
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One writer of this paper became familiar with the process of grievance investigations while he worked in the law library at two different prison units. The process is as follows: An inmate would file a grievance against law library officials by dropping it in the grievance box. The grievance officials would assign it a number, make a photocopy of it, and send it to the law library with a form for them to fill out with a response. The law library officials would respond with something vague, never addressing the issue directly, and return it to the grievance officials. They would then put either the response from the law library or another general response and send it to the assistant warden to sign. The grievance would then be returned to the inmate. The grievance officials never actually investigated anything, and the issues were never resolved.

Proposal:

The grievance system be removed from TDCJ officials altogether and managed independently by non-prison employees funded by the Legislature, with the number of employees commensurate with the amount of grievance officials currently employed at each unit. A grievance office accessible to inmates should be set up inside the prison, similar to mailroom windows that are accessible to the inmates in the main hallway. The independent grievance employees would be available for eight hours daily, Monday through Friday. Inmates could come to the window to file a grievance. A tracking number could be assigned immediately and a carbon copy or photocopy supplied to the inmate; alternately, a receipt of filing could be given to the inmate to cut down on expense. The grievance employees should independently investigate the claim, without interference
from TDCJ, and based on the actual evidence obtained make a recommendation to the senior warden of the unit. Failure to accept the recommendation and act on it would result in the grievance being forwarded to either a regional TDCJ director to act on or forwarded to the Office of Inspector General for an investigation into unethical practices by unit administration. If the inmate is unsatisfied with the unit-level response, he could appeal to an off-site grievance manager who would send independent representatives to investigate the claim. Such a system would result in grievances being addressed with integrity and would cause TDCJ officers to comply with policy.

Privileges and Incentives

Good behavior often goes overlooked in prison. The officers know who the troublemakers are and tend to let them get away with nefarious activities to keep peace among the inmate population. Prisoners who maintain model conduct are unable to distinguish themselves in any significant way because unit administration pays them no mind. As a result, many inmates who have had a desire to change and do good have given up hope because their efforts go unnoticed. If TDCJ staff notice the bad behavior of inmates and bring attention to it, they should also acknowledge the good behavior and bring attention to that.

One of the privileges that requires inmates to maintain a good disciplinary record are the unit craftshops. Unfortunately, however, most of Texas prisons have shut down their craftshops for two main reasons: they struggle to meet ACA\textsuperscript{21} compliance, and

\textsuperscript{21} ACA is the American Correctional Association, an organization that audits prisons loosely and accredits them to lessen their liability in lawsuits. It should be noted, however, that prison administrators know months in advance when the audits will be and as a result play “housecleaning”
the prisons do not have sufficient staff. For Texas prisoners, the craftshop is the only legal way of providing for oneself financially. Steadily closing down the craftshops, though, serves to take away incentive for doing the right thing.

Proposal:

Just as prisoners are distinguished for bad behavior, they should also be able to distinguish themselves for good behavior. Giving inmates the ability to set themselves apart from those who choose to continue to misbehave would give an inmate a reason to care about his future; it would give him hope that his future can be different; and giving inmates hope about a better future will change the culture of the prison system.

Inmates should be able to earn privileges, not just be granted the same privileges as all other inmates. For example, many states allow inmates to wear various clothing. Texas makes inmates all wear the same uniform: white shirt with white elastic-band pants. All clothes purchased in commissary are inmate-made and are white. Some variation could be allowed, as it is in other prison systems. Inmates who have distinguished themselves as model inmates could be permitted to order various styles of shoes from an approved vendor.

Following that thinking, various units could be classified for inmates who have proven to be model inmates. These units could allow inmates to have more privileges granted because they had earned them. They could wear jean-type pants and non-white shirts. Wi-fi access could be granted to inmates at this unit. TDCJ should coordinate with immediately before the audits. All inspections and audits should be unannounced.

Craftshops require one officer.

All inmates are granted these privileges: commissary, recreation, visitation (contact with immediate family), and phone calls.
other prison systems to gain ideas of permissible privileges that have proven effective at positive change without threatening the security of the institution.

Another privilege inmates could earn would be to use them as mentors for juvenile offenders in TYC, especially field ministers who have proven themselves to be trustworthy. Inmates who are housed in the region where TYC units are located could be bused to the TYC facility one day per week to mentor the juveniles. This would allow the inmates to be able to stop the criminal cycle, to provide some form of restitution, and to help others while they are incarcerated.

Inmates should be allowed to earn the right to work with community organizations that focus on crime prevention and restorative justice. TDCJ should actively attempt to open up avenues for inmates to make restitution, even while they are in prison. This includes giving back to society in some format and also helping other inmates stop the criminal cycle—to move them away from a life of crime. The criminal justice system must start viewing inmates as human beings worthy of redemption rather than constantly reinforcing the ideals of them being second-class citizens that will never regain their place in society.

Texas prisoners should be able to earn some kind of work credits for their labor. TDCJ does not pay their inmates.24 “Work time” is accredited to an inmate, but for violent offenders, that work time does not apply to their sentence and is without value. This practice should be re-thought and changed. Inmates should either be paid or should be given work time credits that apply towards all inmates’ sentences, even violent

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24 Currently, Texas, Arkansas, and Georgia are the only states that do not pay their inmates.
offenders. For that class of inmates, the time would be deducted from their mandatory minimum. This would give inmates an incentive to work hard and would encourage rehabilitation.

If an inmate has come to prison, transformed as a person, and has proven to be rehabilitated, he should not be denied parole. When an inmate is repeatedly denied parole, even though it is clear he has been rehabilitated, not only does it cause him to question why he tries so hard, it also deters other inmates from changing and effectively discourages rehabilitation.

Overall, privileges and incentives give inmates a reason to care, and a reason to care leads an inmate to seek reformation. When privileges and incentives are small and punishment is large, recidivism rates are grand; the number of victims from recidivists is exponentially related to the degree of punishment a prison system inflicts.

Re-Entry

The primary goal of a justice system should be reform, not punishment. The causes of crime should be addressed, or else justice systems sell their respective societies short. Philosophies, belief systems, and bankrupt cultural ideas should be addressed, but they are not. Ignorance and bad psychology should be addressed, but they are not. Because the primary goal of prison should be reform, re-entry should be the goal and focus of all prison sentences.

Currently, TDCJ seems to be slowly moving towards a perspective of rehabilitation with a focus on re-entry, but this focus is mainly on those who are soon to
be released from prison. Re-entry ideals should start from Day One; attempting to prepare an individual for re-entry to society after twenty or more years in prison by running them through a three- or six-month program is futile.

Proposal:

The current re-entry programs should be audited/evaluated to eliminate those that are failing, like CHANGES.\textsuperscript{25} The state should require a robust Homeward Bound patterned on the version being developed at Darrington to be taught by well-trained peer educators and Field Ministers.\textsuperscript{26} The legislature should mandate re-entry training for all, even giving TDCJ the power to deny parole to those who have refused to cooperate.

The necessity of intra-personal development, especially concerning familial relationships, means TDCJ should foster this for re-entry purposes. This relates to spiritual and emotional growth and development.\textsuperscript{27} Relationships—building them and maintaining them—are an important aspect of emotional growth and maturity, and they should be fostered.

Effective programs, specifically re-entry programs, will aid successful reintegration. The best, tested, and proven re-entry programs should be mandatory for all released inmates; the ineffective programs (like CHANGES) should be eliminated.

\textbf{Inmates need to know their behavior will affect their chances of re-entry. To

\textsuperscript{25} CHANGES is a program that wastes taxpayer money. Inmates are run through a three-month program that basically consists of watching outdated videos repeatedly. No skills are actually taught, and there is little to no interaction with real-world challenges. Every one of the five authors of this paper agree that in all the prisons they have been assigned to, CHANGES is unsuccessful and should be discontinued.

\textsuperscript{26} This program teaches the importance of personal responsibility for effective and successful living, and it provides inmates with job interview skills, resume skills, and hosts job fairs with free-world businesses who come to speak to the inmates.

\textsuperscript{27} Most inmates do not mature emotionally beyond the initial state in which they entered prison, and in fact many deteriorate emotionally.
further this end, TDCJ should include in their mission statement the idea that if a prisoner does the right thing, his future will be better. This may also be achieved with an effective system of rewards and punishments. It is definitely done by giving inmates hope—hope that their efforts will result in quick release and successful re-entry. Violent prisons arise from hopeless inmates.

TDCJ needs to be able to distinguish between dangerous and non-dangerous inmates. As it stands, they identify as dangerous those with a violent crime in their past, but criminal behavior does not work this way. Some people with one or two violent crimes will never re-offend, and many with no history of violence are on the verge of acting out. How does TDCJ determine who is and is not safe? A prisoner's disciplinary record speaks louder than his criminal history, as do his programming and family support. TDCJ needs to identify those inmates who are adapting and maturing and assist them as much as possible to complete their ITPs and re-enter society in minimum time.

Individualized Treatment Program (ITP)

Since early-2016, inmates at Darrington Unit have had an opportunity to speak with the chaplain about what has been entered in TDCJ's mainframe for the inmate's successful completion of certain ITP programs.28 While this is a step in the right direction, it still is not sufficient to inform an inmate of what he needs to do. There are no “individualized treatment programs” per se. Currently, what is good for Bill is also good

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28 It is unknown whether inmates at other prisons have the same opportunity. In 2013, the Texas Legislature mandated that TDCJ implement a way to inform inmates of what is required for their ITP upon their arrival at a prison unit. Inmates are supposed to be enrolled in programs to encourage successful re-entry. This has only partially been fulfilled: inmates may know what has been entered on the computer, but they still do not know exactly what they need to do—there is no ITP for specific inmates.
for Bob and Brenda. This only changes when an inmate is actually granted parole; then specific programs may be required.

Proposal:

This is a critical area for improvement. The current ITP is under-emphasized and ineffective. The ITP should be redesigned to be a robust tool that guides all offenders toward a presumptive parole. In other words, ITPs should be relevant to each offender and should be necessary and sufficient to merit parole. The ITP should require minimal education (GED), vocational training, crime-specific programming, and victim impact training. Inmates should know early in their prison sentences what is expected of them for parole approval.

Vocational and Educational Programs

TDCJ has its own school district, known as Windham School District (WSD), with schools at each prison unit. Inmates may request to be put in school, but they are routinely assigned without request. While many inmates willingly go to school, some do so only so they do not have to work elsewhere and so they can be in an air-conditioned environment when it is hot. Many do not want to be there, but they are not allowed to refuse schooling. This results in the inmates who want to get an education being denied because there are no openings due to people who do not want to be there filling slots. Also, some inmates are denied an education because of the length of their sentence.

Teachers at WSD have a difficult time teaching the students because there is such a diverse spectrum of educational needs in one room. A student who may have a
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fourth-grade literacy level may be in the a room with others who are struggling only to pass math just to get their GED. Some teachers have poor results, however, because they just do not make an effort.

Teachers with inmate tutors have better results than teachers without them. The Legislature has already recognized the sufficiency of inmate tutors in Texas Government Code sections 498.003(d) and 501.005. Objective surveys will prove this to be true: when inmate tutors are prohibited from helping students, test results drop.

Proposal:

_Inmates who do not want to be in school should be removed from school and a notation should be made in their parole files that they refused programming._

_Furthermore, inmates who are in school should show steady progress in aptitude testing. If there are two consecutive tests where substantial progress is not made, the inmate should be removed from school unless the teacher can vouch that the inmate is genuinely trying to progress._

_Inmates who want to gain an education should not be denied simply because of the length of their sentence. An educated inmate is more prone to behave better than non-educated inmates and will therefore have an impact on other inmates, making the prison a safer place and more conducive to rehabilitation._

_Tutors and teachers' aides should be required in WSD. Since this is already provided for by statute, this should not be an issue. Inmates want to help others, but they have to be provided the opportunity to do so. TDCJ officials should consider as well the double benefit to inmate tutors and teachers' aides: improved grades and exam scores._
and a sense of purpose for the tutor. When somebody discovers their life is not meaningless, it greatly impacts how they view life and the direction their life will go. In short, a tutor program facilitates rehabilitation and the reduction of the recidivism rate.

Teachers should be evaluated and should be required to meet specific standards to continue teaching. The standards applied in mainstream free-world schooling should also be applied in WSD.

Classes that are deemed ineffective after evaluations and audits should be discontinued. Classes that can be taught by inmates—similar to peer education classes—should be. These may include cognitive intervention and similar classes. The Texas Legislature should also consider allowing inmates with bachelor degrees from accredited schools to take the place of salaried teachers to save the state money and better reach the inmate populace. This would further support the principle of rehabilitation and re-entry.

More vocational and educational opportunities should be made available that are in line with current career field availability. For example, the personal health field is currently exploding with opportunities. Therefore, TDCJ should implement educational opportunities that will train inmates as personal trainers, nutritionists, etc. They also train inmates as professional barbers, which is a trade that will never trend out.

Administrative Segregation Programs

The number of prisoners in administrative segregation (“seg”) boomed in Texas in the mid-1980s when violent gang activity exploded in an attempt to fill the power vacuum created by doing away with the building tender system. Until recent

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29 Texas prisons used to be run by inmates known as building tenders. They were responsible
years, TDCJ has provided no method of transitioning these inmates either from seg to
general population or from seg to society.

Several programs are now available for seg offenders. The Administrative
Segregation Pre-Release Program is for Level I and Level II seg inmates who have three
months until release to parole or discharge from their sentence. This covers 120 hours of
in-cell programming in anger management, thinking errors, cultural diversity, and
substance abuse.

The Gang Renouncement and Disassociation Process (GRAD) is for confirmed
gang members who disassociate from their gang membership and transition from seg to
general population. The process lasts approximately nine months and consists of three
phases before moving the GRAD graduate to a unit whose population is tolerant of
former gang members.

The Serious and Violent Offender Reentry Initiative is a seven-month pre-
release program that includes cognitive restructuring, life skills training, substance abuse
education, anger management, literacy, cultural diversity, faith-based courses—all of
which target lowering the recidivism rate.

The Administrative Segregation Transition Program is a four-month program
that transitions seg inmates back into general population and covers dysfunctional
thinking patterns, life and coping skills, problem solving, and building and maintaining

for keeping order in the prison but were done away with under a decades-long lawsuit filed by David Ruiz
and other inmates in the late-1970s. When building tenders were done away with, gangs vied for control.
This resulted in thousands of inmates over the last three decades being placed in years-long isolation
known as administrative segregation. Most of the inmates in ad-seg are confined there due only to being
confirmed as a gang member, even though they have not physically harmed anyone during their gang
activity.
appropriate and healthy relationships.

While all of these things are commendable and noteworthy, TDCJ should continue to provide more activities for seg inmates.

Proposal:

The overall objective for all incarcerated persons, including seg inmates, should be rehabilitation. As a result, positive activities that encourage positive behavior should be permitted for seg inmates. For example, talent shows could be performed in seg living areas that would include live music and comedy productions from the general population. Christmas caroling could be performed for them by the unit choir as is it for general population at some of the units.

Gang-related inmates who have not committed any gang-related violence should be transitioned back into general population, even if they refuse to renounce their gang membership. TDCJ officials would object to this proposal vehemently, but there is already precedence for it. Due to the overwhelming number of Crips and Bloods in the prison system, for example, these gang members are allowed to stay in general population until they commit serious bodily injury against another person during gang activities. TDCJ permits this because they do not have the segregation space to house all of these people. Therefore, people should not be isolated for years—sometimes decades—only because they have been confirmed as a gang member.

Field ministers—graduates from the four-year seminary program offered through Southwestern Baptist Theological Seminary at Darrington Unit—are being utilized to change the culture of the prison system. Field ministers are currently permitted
to go unescorted to minister to seg inmates. These ministers should also be allowed to provide educational training to seg inmates, one-on-one tutoring, and other positive faith-based initiatives. Dignitaries such as Senator John Whitmire and Lieutenant Governor Dan Patrick is supportive of such measures.

Unit Issues

This section contains topics that either pertain to individual units or that may not affect the inmate population as a whole.

Unit Arrival

The first few days of an inmate's arrival at a new unit can be harrowing. Depending on the unit, some inmates are assaulted to prove their toughness. A new arrival's first few weeks can be met with various difficulties. This is especially so if the person has never been to prison before and does not understand the culture. As a result, it is at this time that inmates are most inclined to get in trouble and fall into nefarious activities such as gang involvement, the prison black market, extortion, and other wrongs.

Proposal:

The goal for new arrivals is to point them to the job and education they need to serve their time on the unit safely and productively. Inmates need to be connected to the resources that can help them make a healthy adjustment. New arrivals should be assigned a mentor that can follow up on their adjustment and help them enroll in rehabilitative and religious programs. New arrivals should also have their ITP explained to them so they can know what path to take to most effectively pursue rehabilitation.
Several Texas prisons—those with field ministers who have graduated from Darrington's seminary program—have an intake program that introduces new arrivals to the unit. This program is loosely known as Gatekeepers. The Gatekeepers will explain to the inmate what the unit is like and what educational and religious programming is available. He will also encourage to the new person to turn his hardship into an opportunity for improvement. The Gatekeepers do all they can to reduce new-arrival anxiety and to lead the newcomer down the right path—the path of rehabilitation that will help them be transformed morally and rejoined with their family and loved ones in society. All inmates just coming to a unit should encounter Gatekeepers before they go to their housing locations, which means that TDCJ should find a way to implement this program throughout the system.

Black Market

The prison black market exists on two levels: items stolen within TDCJ (state property such as bleach, markers, food, etc.) and items smuggled into TDCJ. The prison black market thrives because of demand, but it also thrives because of the urge to have what is scarce, to get high, or to make money. These desires are not going to go away, but TDCJ can create a culture where the costs of choosing these things outweigh the benefits.

Proposal:

With respect to non-dangerous contraband, do not allow black markets by default. This means TDCJ should make accessible through commissary all the things that inmates normally steal from the state, such as pillows (via the destruction of mattresses),
bleach (whitening agent for commissary clothing), spices, sandwich bags, containers
(Tupperware) for drink and food storage, onions, laundry detergent, small office supplies
(hi-lites, colored pens, clips, paperclips, rubberbands, etc.). Policy states inmates are
not allowed to have these things, but everybody has these things anyway and they are
stolen from the state, at taxpayer expense. TDCJ's prohibition against them in no way
stops people from having them; the prohibition simply costs the state money.
Furthermore, the state encourages theft and immorality by banning such comforts that
border on necessity, because people live here year in and year out—some people for
decades—and will need them so often they will eventually acquire them, especially since
so many have them already.

Some, but not all, contraband would be eliminated by creating a wage-earning
program. Inmates would not be as likely to steal from their jobs if those jobs paid $40
per month. Those caught stealing would temporarily lose their job and privileges. But
much contraband is smuggled in by inmates that already have family support. The prison
black market is a very old problem, and if history has taught anything, it is that
increasing the punishment for such violations does not significantly reduce the
contraband. Rather than increasing prison time for those who violate the rules,
increase the rewards for following the rules. Cell phones could be allowed on a limited
basis, as well as tablet computers with music, ebooks, and movies.

Items smuggled into TDCJ could be significantly reduced if officers would do
their jobs with integrity. Very few of the items smuggled into the prisons come through
visitation. Most of them come from staff members, primarily officers, bringing them in,
and a large majority comes from trusty inmates who are housed at trusty camps bringing it in the back gate in hidden compartments on tractors and trucks. Officers should be rewarded somehow for making discoveries of such items and such hidden compartments. This would significantly decrease the flow of dangerous black market items.

**Group Punishment**

Some units have a policy of punishing an entire group of people for the actions of one or a few. For example, an inmate may get “locked up” (placed in solitary confinement or pre-hearing detention) for being drunk, or two inmates may be locked up for fighting. The group punishment comes into effect when everybody in that living area (60-200 people) gets locked down (confined to their cell or cubicle) and fed a sack meal, consisting of two sandwiches each meal, for twenty-four hours. This keeps the group from participating in programming and from enjoying privileges they have not forfeited for bad behavior, while the inmates who are locked up are enjoying hot meals. The reasoning for this administrative decision is arbitrary and has never been explained to the group, so they have no idea what the purpose of the punishment is.

Although TDCJ discourages inmates from wielding authority over one another, the concept of group punishment stems from the notion that we can and should influence one another to do the right thing. Is this realistic? Few prisoners will put themselves at risk to do the right thing. Many do not participate in the activities under scrutiny, but they will suffer with others because they hold their personal safety to be more valuable. Does TDCJ really want inmates to band together to deal with rogues who want to break the
rules? Instead of punishing those who make the mistake of living around a deviant, TDCJ should reward those who are not offending and in this way put the pressure on the deviant to change.

In prison, an inmate's primary focus should be reformation. All inmates must overcome the character defects that allowed them to be the kind of people who committed their crimes in the first place, and some people are able to do this more quickly than others. Reformation gives rise to the necessity of distinction. If there is no distinction available, there is no justice. Everybody does not deserve to be treated exactly the same way. To do so is to contribute to injustice, to reward vice and penalize virtue. Good behavior still results in bad consequences, for the good are treated on par with the bad. Group punishment, treating an entire population of people as if they are all equal to the bad actors and their actions, is a breach of justice that the justice system can ill afford and should not tolerate.

Proposal:

Inmates should not be punished as a group for the behavior of a few. This is not to say there should be no institutional disciplinary lockdowns. Sometimes these are needed, especially when two gangs are at war and riots or multiple stabbings erupt; at that point, lockdowns may be needed to regain control of the unit.

If an inmate gets drunk or gets into a fight, the troublesome inmate alone should be punished. Group punishment sends the message that in society an entire city block should suffer for the actions of one citizen. Prison policies should prepare the inmate for re-entry into society, and group punishment is antithetical to rehabilitation.
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Living Conditions

While Texas prisons are not in such dilapidated conditions as third-world prisons, the living conditions in Texas prisons are poor. The authors of this paper do not expect to be pampered and realize prison inherently will be uncomfortable. But prison should not inherently be unsanitary.

Texas prisons undergo dog-and-pony show inspections. The inspectors are administrators from other Texas prisons who come look at the cosmetic clean-up of the prison being inspected—and these inspections have been scheduled for months in advance. No inspection is unannounced.

TDCJ is not held to the same standards as other state agencies when it comes to cleanliness or sanitation. The prevailing attitude is that “it's just prison.” And that attitude spills over into inmates' perceptions of the prison communities in which they live. For example, conditions in Darrington Unit's chow hall are such that it would be immediately shut down were it a free-world business. Filthy trays, spoons, and cups are given to inmates. Roaches cover the floor. The drinking rim of cups are placed down on dirty tables. Washing chemicals are pilfered and not used. And the food is contaminated with bugs. The officers' dining room, however, is quite different: waxed floors, clean utensils, clean everything. While some prisons are indeed cleaner than others, none of them would pass a state inspection administered to other non-prison agencies.

Living areas are little better because most inmates have no cleaning supplies. Inmate janitors are not given enough chemicals to mop and clean sinks and toilets twice per shift, and their areas are not inspected to ensure they are being cleaned. Furthermore,
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officers have a tendency either not to let the inmate janitors clean the living areas like it needs it, or the janitors do not want to clean because they “ain't working for free.” Staff restroom and eating areas stay clean, though, and there are always plenty of chemical for cleaning staff areas.

Some units—Coffield, for example—are loaded with black mold. Free-world businesses and agencies would be shut down for such conditions, but they are allowed to persist in prisons mainly because prisoners are viewed as throw-away citizens. Inmates are viewed today as the non-humans slaves were viewed as 150 years ago.

Proposal:

Texas prisons should be subject to unannounced inspections from outside the agency, just as other state agencies are. Nursing homes, restaurants, and other state agencies are subject to unannounced health inspections; TDCJ should be no exception. Prisons should not be viewed as less important for humane sanitary standards simply because convicted felons reside there.

Cosmetic clean-ups should be ignored by inspectors. Inspectors should go to the living areas and view the peeling paint, mold, other conditions that pervade areas that are typically not inspected.

TDCJ should be subject to outside, independent oversight by non-prison staff and disinterested third parties. State legislators over criminal justice committees and TDCJ's executive director should also make unannounced visits to the prisons and view the prison system for which they are responsible.
Work And Labor Issues

Texas, Arkansas, and Georgia are the only three states that do not pay their inmates for working. Granted, prisoners are not entitled to payment for their labor and are actually considered under involuntary servitude according to the Thirteenth Amendment of the United States Constitution. Failure to pay inmates, however, negatively impacts society and stunts rehabilitation among inmates because it discourages productivity in the inmate population.

Productivity is a gateway virtue to other temporal virtues (justice, kindness, service, etc.). State legislators have implicitly recognized this fact and codified it in Texas Government Code section 497.099(b), which requires inmate participation in a work program:

The board may develop by rule and the department may administer an incentive pay scale program for the inmates required to work in agricultural, industrial, or other work programs. In developing the program, the board shall set pay levels not to unjustly reward inmates, but rather to instruct inmates on the virtues of diligent participation in the workplace.\textsuperscript{30}

Free labor fails to instruct inmates on the virtues of diligent participation in the workplace, and it actually discourages inmates from working diligently. Many inmates who have what are considered to be menial jobs (janitors, kitchen workers, laundry) can routinely be heard saying they “ain't gonna work for free.” So they try to find ways to dodge their work duties, which invariably means somebody else will have to pick them up. Giving inmates some kind of remuneration for their work would promote positive behavior among the inmate population and would help inmates successfully reintegrate

\textsuperscript{30} Emphasis added.
Most of society believes inmates are getting paid already. It comes as a shock when Texas inmates ask free-world people for money for supplies such as deodorant and shampoo because TDCJ does not supply them and does not pay inmates so they can purchase their own.

The only way Texas inmates legitimately make money on their own is through the craftshops, but because of administrative ideals that craftshops are unnecessary, many of them have been closed down. Beyond that, the average craftshop has only enough work stations for 3%-4% of a prison's eligible population. Inmates who do get in the craftshop, though, are less inclined to get in trouble because they stand to lose all the money they have invested in their supplies and equipment and furthermore can no longer participate in the craftshop.

For only one half of one percent (.5%) of TDCJ's budget, all minimum custody inmates (this excludes punitive custody of any kind) could be paid $40 per month. If pay scales were gradated according to the jobs, similar to free-world careers, then some inmates would make more than others and the overall expense would be less than .5% of the budget. TDCJ would inevitably recoup this money through commissary purchases, but TDCJ would also save money otherwise because it would leave the facilities in better condition, cut down on inmate theft, and increase inmate morale. Paying inmates would also justify charging them a co-pay for medical care and would help counties collect their court fees that are outstanding against inmates.

Giving inmates some kind of wage would help build a strong work ethic and
lower recidivism in the long run. This would make the public safer and decrease the
number of new victims. Therefore, inmates should not be treated as slaves but should be
prepared for real-world experiences.\textsuperscript{31}

Proposal:

\textit{In accordance with Texas Government Code section 497.099(b), TDCJ should
implement paying inmates for participating in “agricultural, industrial, and other work
programs.” TDCJ should get away from inmate slavery, following the trend of 47 other
states and the federal prison system.}

\textit{TDCJ administration and the Texas Board of Criminal Justice should mandate
the re-opening of craftshops at all prison units where craftshop facilities are available.
The closing of craftshops should not be left to a warden’s discretion, as it is currently.}

\textit{Work release programs should be implemented. Inmates who are within two
years of parole eligibility or mandatory release would become eligible if they meet
certain criteria that is based on successful completion of all rehabilitative programming,
minimal disciplinary record, and recommendation by the Unit Classification Committee
with approval by the State Classification Committee.}

\textit{A strong work ethic and responsible behaviors should be encouraged by
TDCJ, and forcing inmates to work for free is antithetical to everything the American

\textsuperscript{31} At the very least, inmates should be provided diligent work credits that apply toward parole eligibility. In Texas, 62% of inmates are violent offenders. This means they are excluded from receiving credit for working that is applied towards their parole eligibility date because work time is considered on par with good time. The Legislature needs to rectify this by changing the statutes to differentiate between good time and work time. The work credits would then be applied towards the violent offenders' mandatory minimum before parole eligibility, but would leave them still serving many more years beyond what non-violent inmates serve. This would create an incentive for all inmates and would encourage positive behavior among the inmate population and would help to increase rehabilitative activities.
ideal stands for. We are not in 1865, the time of the Thirteenth Amendment's creation.

Classification

TDCJ classification committees consist of the State Classification Committee, which sits in Huntsville, and each individual prison's Unit Classification Committee. The committees are mostly shrouded from inmate knowledge, so the recommendations here are limited. While there is a Classification Manual available in the unit law libraries, changes over the years have moved much of the policy directing the SCC and UCC to unit-level manuals that inmates are not allowed to view.

State Classification Committee (SCC)

Proposal:

The SCC should develop an online inmate database to publicly post what offenders are doing in prison: disciplinary infractions, ITP completion, job assignment, education, etc.—both the good and the bad.

The SCC should also make it a priority to keep inmates near their families when they assign them to a prison unit. Since free-world support is one of the most effective factors in reducing recidivism, the SCC should endeavor as much as possible to locate an inmate closest to his supporters.

The SCC should make it easy to transfer for educational/vocational classes, as long as inmates show a history of program completion.
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Unit Classification Committee (UCC)

_UCC should be a place where inmates are guided according to their recent actions (commended, promoted, and rewarded for good behavior; rebuked, demoted, punished for bad behavior) and where they are directed into the proper programs according to their ITPs._

_Housing is one of the main ways in which UCC can control an inmate's rehabilitative outcome. Great attention should be paid to the complaints against and behaviors of problem prisoners so they can be housed accordingly. New and vulnerable inmates should be housed with safer inmates._

**Parole**

The parole board reviews an inmate for release to supervision at the first eligibility as determined by the laws in effect at the time of sentencing. The jury is in charge of determining the sentence, not the parole board or the victim. Therefore, the decision to grant parole cannot be determined by the parole board's changing sense of severity of offense, by the trends in sentencing of the day, or by the influence of victims' rights activists. The state does an injustice when it allows these elements to enter the parole decision, and when these elements influence the parole board, it undermines the goal of rehabilitation by producing hopeless inmates who have no control over their release.

The crucial part of parole is that inmates have the expectation that successful rehabilitation leads to parole. The presumption should not be that parole is granted unless
the inmate forfeits it for bad behavior. The presumption should be that inmates who work hard to change by completing at the very least their ITP will be granted first parole. In other words, rather than grant release simply for serving time without causing trouble, release should be granted only to those who have successfully been rehabilitated. This requires a robust ITP program to insure inmates get the very best treatment available.

There are no objective criteria for granting parole. With one's life in the balance, one can but hope to get lucky. From prison there is no route through which one may definitively earn freedom. The parole board personnel—whose emotions on any given day rule the roost—know little to nothing about the people they judge. The parole decision-makers seldom interview would-be parolees. To make matters more unjust, it is common practice for society to influence parole board decisions, openly and directly. It is permissible for those in society to influence the parole board's decision on any felon based on feelings, but a felon cannot influence his own parole decision based on current facts and standards.

Parole has no oversight and is not accountable to anyone. Problems within the board are handled internally, such as the accusations of bribery and selling of parole votes by Pamela Freeman and Paul Kiel, both commissioners for the board. Instead of facing criminal charges or dismissal, they were “relocated” to new areas of the state and continue to work for the state.

The parole board will admit they do not use or have any set formula or specification in weighing a parole candidate. In fact, no interview is conducted by the board unless a split vote requires further investigation. The interviews that do take place
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are rushed, each file given less than a minute's consideration—twenty-one people make over seventy thousand decisions each year, while also maintaining their day-to-day administrative duties!

The parole board is exempt from having to disclose any information obtained by them and placed in an inmate's file. In fact, the parole files on any current Texas inmates, as well as those inmates who have completed their sentences, are closed to all, including the inmate, their family members, and to any lawyers retained by the inmates to investigate the file. The files are excluded even by a Freedom of Information Act or Open Records request. This means any attempt by legal counsel to refute, reject, or correct bad file information is blocked, and the board can place and use any erroneous or false information against parole candidates.

Proposal:

*The Texas Board of Pardons and Paroles needs to be made transparent. Their decision-making process should be made available to the public. Inmate files should be made available to the inmate or his attorney so any incorrect information that may be influencing the parole voters can be corrected. The Legislature needs to form a parole oversight committee.*

*Standards and criteria for parole should be very specific, and every inmate should know those requirements. When interviews are needed, diligent assessments should be made, which of necessity will take far more time than the current twenty-one voters can handle.*

*Inmates should have an Individualized Treatment Plan (ITP) explained to them*
within 90 days of being received by TDCJ. This plan should include all rehabilitative programming that will be required for the inmate to make parole. If the inmate refuses this programming, he should not be released to parole until those requirements are met. Conversely, if the inmate meets the requirements, unless there are exceptional circumstances, the inmate should be released to parole at his eligibility date.

The Board should be significantly expanded. It is unconscionable to think that twenty-one people can effectively make over seventy thousand decisions a year. This leads a reasonable person to conclude that the decisions are being arbitrarily decided, and those who are granted parole do so not because they have been rehabilitated but because they have been the lucky candidates that day.

Miscellaneous

Miscellaneous Proposals:

- Just as bad behavior can result in bad consequences, good behavior should result in good consequences and not be ignored. By stages, inmates should have the opportunity to attain higher and higher levels of distinction with other like-minded inmates; by stages, inmates should be slowly reintroduced to society and treated more and more normally. Concerted, systemic effort to “reach back” by those who have distinguished themselves to those who have not, to help the have-nots to do the same.

- TDCJ has historically done little to achieve their stated mission of assisting victims of crime. They can improve, first of all, by taking the other missions more
seriously so as to produce fewer victims. Beyond that, TDCJ victim services should prepare victims for the eventual release of the inmate. They should encourage victims to make contact with offenders with the purpose of explaining victim impact and preparing for reconciliation. The trend today is to create a barrier between the two that allows fear and hatred to continue. While the state cannot force victims to meet or to forgive the offenders, the state should explain that other victims have done so and have experienced peace and freedom through the process—as well as helping the offender learn from his mistakes. Every crime should have a rehabilitative pathway, and that needs to include restoration with the person harmed.

- TDCJ should stop taking reactionary measures and creating impulsive policies based on the behavior of one or a few inmates. Systemic prohibition on all G-3\(^{32}\) inmates not being able to work certain jobs because of the violent, in-prison activity of a few is one example of this. TDCJ must realize they will never achieve zero-risk prisons and should punish only the prisoners who are problematic.

- **TDCJ needs to be placed under independent oversight.** TDCJ needs to be transparent, and the public needs to be able to know what is truly going on in its prisons. The current policy for religious volunteers who come into prison, for example, is that they cannot talk to media about what they see occur in prison or their assessment about how well or poor the system operates; all questions must be directed to the TDCJ spokesperson. Transparency and independent oversight is

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\(^{32}\) These are minimum-custody inmates with sentences of fifty years or more but who have not served at least ten years of that sentence.
Society assumes that the full fault of crime lies with criminals alone, and no one ever questions whether the criminal justice system itself is responsible—wholly or partially—for the problem for failure to rehabilitate those in their custody. The Legislature and the Board of Criminal Justice need to coordinate with each other and determine what kind of people our prisons need to be producing and then implement laws and policies that achieve that objective—without fear of public outcry.

Conclusion

An inmate's time in prison should be rehabilitative in its entirety. TDCJ should implement policies and the Legislature should pass laws that embrace this ideal. Rehabilitation should begin Day One of an inmate's prison experience; by the time he is released back to society, if he is not rehabilitated, it should not be the fault of TDCJ for not performing its duties. This assertion requires a culture change in the administration of TDCJ. All staff must be re-directed towards encouraging rehabilitation rather than embracing punishment.

Society cannot afford the cost on humanity of releasing non-rehabilitated criminals from prison. If, as Dostoevsky has said, "the degree of civilization in a society can be judged by entering its prisons," Texas must change the way it operates its prisons.
A Business / Economics Approach to Prison System Challenges

September 7, 2016
A Business / Economics Approach to Prison System Challenges

This work looks into some of the challenges faced by the Texas Department of Criminal Justice (TDCJ) Prison System and suggests a business and/or economics approach to their solution. The challenges identified represent a concern in terms of the four-fold mission of the institution, namely, 1) Provide public safety, 2) Promote positive change in offender behavior, 3) Reintegrate offenders into society, and 4) Assist victims of crime. The conservative values of our state are herein presupposed. These include, among others, the value of frugality and the business-oriented nature of our state.

Challenges

Officers face a plethora of tasks, paperwork, and regulations which are oftentimes disarticulated from the mission of TDCJ. Officers falsify official documentation such as time worksheets, logs, disciplinary cases, etc. On any given day, prisoners smoke drugs in the day room, right in front of security cameras with officers standing mere feet away; these and many other real offenses go unattended; while at the same time officers write bogus disciplinary cases to the few hard-working prisoners for alleged petty offenses. There is no real, effective recourse for prisoners to officer abuse; hard evidence such as security camera footage is hardly ever taken into account. These scenarios are the norm in many of the facilities operated by TDCJ.¹

It is paramount to be aware that every single act or omission has a cost to society.² Below is a list of challenges currently present in the prison system. The items below do

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¹ The observations narrated in this paper are the result of first-hand experience of the writer in the Darrington and Eastham units. Evidence available.
² N. Gregory Mankiw, Principles of Macroeconomics (Stamford, CT: Cengage Learning, 2015), 5.
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not constitute the totality of the challenges faced by the prison system, nor are they in
utmost detail. However, they represent real issues that may be documented for further
research, and that are backed by real occurrences verifiable through documentation and
testimonies.

1. The prison system is a financial burden to society. In its existing, dysfunctional
condition, it generates ever-increasing costs to society. Some of these are readily
quantifiable in dollar terms. What is more, there are long term costs associated
with the consequences of the unsound rehabilitation or outright crime breeding
that occurs in prison.

2. Texas Correctional Industries (TCI) makes products of questionable quality at
non-competitive prices since there are no incentives for neither prisoners nor
managers to make competitive products. Its contractual relationship with TDCJ
for supplies of different kinds actually represents another under-utilization of state
resources and contributes to the financial burden of the State.

3. The current state of the prison system constitutes an offense to the dignity of the
state itself and is creating an inheritance of financial burden and social
decomposition for present and future generations.

4. TDCJ faces increasing budget limitations.

5. Current status of prison and prison culture reflects the degeneration of the prison
system:

5.1. Little or no rehabilitation achieved (recidivism).

5.2. Substance abuse epidemic.
5.3. Low officer work morale.

5.4. Promotion of values contrary to state culture (indolence, inefficiency, disregard for rule of law, excessive bureaucracy).

6. Current status reflects gross mismanagement and under-utilization of state resources, both human (officers/prisoners) and material.

7. Promotion of public safety goal is not being met; quite contrarily, the current system promotes criminal behavior. Prison has become a breeding ground for more crime and criminals.

8. Prison operation reflects a short term vision approach in detriment and cost to society.

9. Officer corruption:

9.1. Officers falsifying documentation.

9.2. Corruption reflected in the inability to produce rehabilitation and curb criminal behavior within prison.

9.3. Officer disinterest in work.

9.4. Prison has become a place where officers vent their personal frustrations on easy targets (prisoners), to the cost and detriment of society, since it creates discontent. “Do not be overcome by evil, but overcome evil with good” (Rom 12:21).

9.5. Officers' misconduct promotes a vicious circle as it creates an “us vs. them” attitude among prisoner population in response to officers' abuse and misuse of authority.
9.6. Prison system seems to have become a magnet for incompetence and inefficiency in the workplace.

9.7. Bogus cases and focus on petty offenses cost society in dollar terms.

10. Excessive focus on making every single aspect of prison life an opportunity for punishment. This develops rebellion among prison population, which has negative short to long term costs and social consequences.

11. Misuse of material resources has consequential financial burdens. For example, unsanitary conditions due to misuse of supplies (pest infestation, no soap provided for population, no chemicals used in living areas) have adverse health effects which result in medical costs.

12. Waste everywhere: food stolen or thrown away, medication and medical treatment sought for obtaining restrictions (avoid certain jobs) since there are no incentives to perform a productive job for the benefit of society.

13. Currently, there are no incentives for rehabilitation or good behavior, nor for efficiency in the workplace of either officers or prisoners.

14. Facilities are dilapidated as there is no incentive to care but rather to destroy in revenge against a system that seeks to punish rather than rehabilitate.

15. The concept of security is often used as a general excuse for officer negligence and inefficiency in operations, when in fact real security concerns are largely overlooked (substance abuse, violence, impact of officer corruption on prisoners).

16. Administration of justice in disciplinary hearings in prison is a travesty and mockery of the principle of due process. Disciplinary hearing officers almost
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always find prisoners guilty without any real evidence. This feeds the criminal mindset of no chance for real justice and therefore no incentive for rehabilitation.

17. Prisoner recourse against officer misconduct through the grievance process is also a mockery of the notion of justice. Officers often verbally mock the prospect of being the object of grievances.

Solutions

Addressing seemingly insurmountable challenges is something our State is adept in. Our state's worldwide preeminence in the cotton industry, against all odds, attest to this.\(^3\) Texas' global competitive edge in the oil, medical, commercial, and research fields further demonstrate our State's entrepreneurial ability. TDCJ manages a significant amount of our states human (about 147,000 prisoners and 30,000 staff) and material resources.

Our state's cotton industry points to synergetic action among cotton growers, academia, and government as the recipe for its success. In the case of the of the challenges faced by our State's prison system, a similar approach may be undertaken in order to minimize cost and maximize positive results. Such an approach would complement and boost the individual's long term transformation sought by spiritually-based initiatives currently in place, such as Southwestern Baptist Theological Seminary at Darrington Unit, as well as other chapel programs.

"Be transformed by the renewing of your mind" (Rom 12:1), while at the same

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time “fill the earth and subdue it ... have dominion over the fish of the sea and over the
birds of the air and over every living thing that moves upon the earth” (Gen 1:27-28). It is
in our State's best interest to manage responsibly our resources, including those within its
prison system.

Below is a list of items which are suggested as part of a business-oriented
approach solution to TDCJ's challenges:

1. Applying a business/economics approach to the challenges can boost the “renewal
   of the mind” and achieve overall cultural change of prison system for the benefit
   of society.

2. Quantify the cost of all acts involved in the operation of prisons (disciplinary
   cases, grievances, etc.).

3. Perform cost-benefit analyses (e.g., what is the cost of writing bogus/petty
   offenses).

4. Promote, among officers and prisoners, awareness of not only the immediate costs
   quantifiable in dollar amount but the long term cost to society of officer
   corruption/negligence.

5. Awareness and training of officers and prisoners on the economics principles of:
   5.1. Trade off: Decision making to attain goals.
   5.2. Opportunity Cost: Every decision and action has a cost which sometimes
        is not readily quantifiable.
   5.3. Rational People think at the Margin: Small increments to plan of action;
        cost and benefits of such small increments.
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5.3. Incentives: People respond to incentives.

5.4. Productivity: A community's standard of living depends on its ability to produce goods and services.

5.5. Trade: Trade makes society better off.

5.6. Markets: Are usually a good way to organize economic activity; our nation operates on a market economy basis.

6. Business awareness training of officers / prisoners to emphasize:

6.1. ALL actions/inaction have a cost.

6.2. Stress the economic impact upon every member of society, including the officers themselves and their families, and prisoners' families.

7. Maintain the mission statement of the institution, but renew/revise the vision to include the economic impact (cost/benefit) of ALL aspects of prison operations on every member of society, including the officers themselves and their families

8. Revise the modus of accomplishing the mission goals such as “promoting public safety” to include a business model approach.

9. Define incarceration and the loss of liberty as the punishment itself for crime and prison as the place for rehabilitation of criminals, as contrasted to the current model wherein incarceration AND all aspects and details of life in prison are an opportunity for punishment available at officers' discretion.

10. View prisoners' daily life in prison as human resources to be managed for the benefit of society at large. Consequently, analyze operations in terms of efficiency

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and productivity in addition to security.

11. Implement incentives scheme. These do NOT have to be monetary. For example:

11.1. Credit good conduct time towards sentence.

11.2. Credit work and study time towards sentence.

11.3. Issue privilege passes to the dining hall.

11.4. Issue preferential passes to commissary.

11.5. Issue preferential living area privileges.

11.6. Use existing available areas such as chapels, gyms, and halls, as incubator workshop space for creative, productive initiatives such as art, crafts, literary production, entrepreneurship, etc.

11.7. Issue passes to movie/entertainment events.

11.8. Promote participation in sports/spiritual programs through incentives.

11.9. Promote on-the-job productivity through similar, non-monetary incentives.

11.10. Promote creativity and entrepreneurship by allowing prisoners to produce crafts within existing facilities, including TCI facilities (e.g. textile crafts in units where textiles are manufactured).

11.11. Promote and/or expand existing craft shops.

11.12. Implement income-producing events such as athletic and cultural events which visitors may attend for a fee.

12. Alleviate officers' burden and cost to society through the revision of disciplinary code of offenses. As it is, it promotes the discretionary charge of petty offenses
which oftentimes address no real concerns (e.g., no clothes lines at certain hours).

The current system is abused by officers who use it to appear to be doing security job while serious concerns are overlooked (e.g., blatant substance abuse in public areas).

13. Entrust prisoners with the care of necessities issued for their individual use (e.g., issue sets of uniforms, linens, etc. and cleaning rations for prisoner use in order to promote care of state property and avoid laundry inefficiency, theft, and expenditures on necessities).

14. Refocus on mission of promoting public safety by providing incentives to good conduct through a revised disciplinary code. Focus on serious, real offenses.

15. As is commonly done in the business world, subcontract as much as possible prison operations to private vendors. This may be done to different extents. Whole unit subcontracting, or functions and departments such as food services, commissary, security, laundry, maintenance, etc.

16. As much as possibilities permit, reward officer productivity and efficiency (as performed in a business model setting) with incentives that may be of various natures.

17. Audit operations. This may be done at no cost to the state by allowing private interested organizations access to the facilities (e.g., religious, social or humanitarian organizations). The current ACA audits are a travesty. Minor cosmetic improvements and cleaning are performed prior to ACA audits. Few or no auditors venture into living areas or other operations in random audits.
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18. Sell food prepared by food services.

19. View commissary as an income-producing function for benefit of the state.
   Currently, and contrary to all business sense, it is treated as a privilege, and
   officers indulge in obstructing access to it.

20. Encourage business-oriented educational initiatives in addition to spiritually-
    based initiatives.

Conclusion

In its current state, our State's prison system is a liability which must be turned
into an asset. The financial and social cost of not taking action are a serious concern for
everyone, both inside and outside of prison. The implementation of a business and
economics oriented approach can be done through the cooperative effort of academia,
government, and interested parties such as officers, prisoners and other social
organizations, including the business sector. The cotton industry in Texas serves as an
example for the implementation of such a model. Finally, society in our State must be
aware of the lessons learned from the failure of communism, a system which disregarded
basic economic principles such as opportunity cost and incentives, and which sought
productivity by decree. Texas is at the forefront of entrepreneurial activity at a global
level and is leading prison transformation nationally through spiritually-based initiatives.
There is no reason why we cannot also lead the nation on transformation of the prison
system for the benefit of society through a business-oriented approach.
BIBLIOGRAPHY


DUE JUSTICE

September 7, 2016
DUE JUSTICE

Imagine for a moment you are going to a doctor's office for a medical problem. When you get in to see him, you explain your symptoms and he prescribes medication. You go home and follow his instructions, but your problem worsens and additional symptoms arise. So you return to the doctor. You describe further symptoms, and he prescribes more medication. After going through this process three or four times, you decide to visit a second doctor for a second opinion. You explain the entire situation to him. He listens and does a few tests. Later, he explains that your previous doctor was treating your symptoms rather than their cause, and that treatment was actually contributing to the problem. In such a situation, would you change your original doctor?

America, and especially the state of Texas, is now experiencing a similar compounding problem. It is not, however, a medical issue that is affecting the health of our nation; it is a criminal one, made increasingly worse by our very methods of dealing with it. But as dire as the problem is, it can be solved. A necessary part of the solution will be viewing the situation with impartial eyes—that is, with a neutral and fresh approach and a willingness to question old ideas. Bad ideas, diagnoses, and methodologies can be corrected only by questioning the premises at their root—something our archaic justice system badly needs today, and something that no one is doing. At best, our lawmakers and our policymakers simply take the system for granted as is, ineffectually treating symptom after symptom via legislative session after legislative session. The root cause must be addressed.

Today, the American prison system has the largest per capita prison population in the world, housing nearly 25% of the world's prisoners (150,000 of which reside in Texas). In
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the land of the free, 756 Americans out of every 100,000 are incarcerated. One in every
31 Americans are under some kind of correctional supervision. How did America go from
being the most productive nation on earth to, as it seems, the most criminal? The answer
lies in America's approach to this issue, via flawed legislation (a result of rampant
misdiagnosis), faulty and unjust courtroom policies, and backwards prisons—all costing
citizens many billions of dollars a year, and leaving them frightened, cynical, and, often,
ashamed of being human. And the problem only worsens.

Simply stated, our justice system is not working—more than helping, it is actually
hurting society. At all levels, the system is operating on scores of unchecked premises,
and it is time to take a long look at them, to identify and question the underlying
assumptions that our justice system is built on, and to determine whether they are right or
wrong; it is time to look at its principles and their implications and see what these
principles are actually achieving today. Moreover, it is time that we determine exactly
what, as a society, we want our justice system to achieve and to identify the principles
that will achieve that most effectively—and then we must institute them. For instance, do
we want our justice system to be a temporary repository and breeding ground for
criminals, a roach's nest of taxpayer subsidized immorality, at a massive emotional,
psychological, and financial cost to our society? If so, we have achieved that. Or do we
want a bustling environment of improvement and productivity, a self-sustaining
institution at little or no cost to the taxpayer, a justice system with a tendency toward
alleviating (rather than propagating) crime? A system that fosters, demands, and rewards
virtue, which means a system that discourages, rejects, and penalizes vice—that is, a
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system that contributes to the overall health of our society? If so, it is time to take a hard
look at our current system and to question its every aspect, to acknowledge that taking
things for granted is not a viable solution to any problem.

Following is a brief (due to space constraints) delineation of the problems, errors,
and unchecked premises of the three levels of our justice system, along with some
solutions to these problems.

Bad Legislation

Year after year, our legislative bodies enact one reactionary measure after another,
exploding the prison population and exacerbating an already dire problem. Criminals are
blamed and damned while the justice system itself is never questioned—and neither is the
cause of crime (which itself is an effect). As the last fifteen years of policy attests, our
lawmakers have given little or no thought to proactive measures, instead favoring
retention over prevention, and giving precedence not to reform (the only way to heal the
problem) but to a range of time. Left unchecked, these problems only worsen with time.
It is never asked whether or not our prisons are effective—that is, whether or not they do
anything other than house and breed criminals (whether they help to eliminate, rather
than propagate, crime, for instance). Prisons and their hidden happenings are simply
taken for granted, never questioned. The incorrigibility of criminals is also taken for
granted. If there is a problem, it is assumed that the full fault lies with criminals alone.
Spiritual, philosophical, and cultural considerations are left unconsidered.

Furthermore, it is never considered whether or not our treatment of criminals (our
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methods and systems for dealing with them) is ineffective. We never consider whether or
not the criminal justice system has failed society—of which criminals, like it or not, are a
part. Our lawmakers and society are in agreement, thinking that criminals deserve no
consideration whatever. Even if this is proper and right, they forget that the innocent
citizens of the country do deserve consideration. But these citizens do not realize that the
current thinking, laws, and policies of our justice system are not helping to heal but are
actually hurting innocent citizens in ever-increasing numbers—just ask those on the
receiving end of our recidivism rates, when new victims are created.

Our lawmakers seem to have one goal in mind: lock 'em up and throw away the key.
They have pursued this course of action diligently, without bothering to question the
implications of this principle, without bothering or caring to know what this policy will
actually achieve. It is obvious that the goal has been to punish, not correct (in Texas, they
even changed the name of the prison system to reflect this: the Texas Department of
Corrections became the Texas Department of Criminal Justice). But punish to what end?

What good is punishment without correction, without instruction? You do not
punish a child without explaining why. If you do, you are not helping the child, you are
hurting him. Punishment without instruction breeds confusion, resentment, and
recalcitrant behavior (the opposite of correction). You say that a man isn't a child? Well,
perhaps not physically. The fact is, if he commits a crime, he has thinking errors, an
obvious lack of proper understanding, a need of instruction if he is to correct the
problem. You say that a criminal does not deserve to be taught? Well, what of our
innocent citizens? Do they deserve the fullest degree of safety, lawfulness, and peace that
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we can achieve in our society? If so, shouldn't we work toward creating a system that helps to achieve this, instead of contributing to its antithesis? Remember that most inmates are going to be released eventually (95% of them). Exactly what kind of people are our prisons producing? Do we really want unreformed inmates paroling to our neighborhoods? Time alone does not beget reformation (the only sure way to curb crime). Harsh punishments certainly do not work, either, to say nothing of the role that justice, or injustice, plays in such a policy.

One of the worst assumptions of our justice system is that time served constitutes justice. Thus, the goal of our present justice system is to mete out time as punishment and reparation. Punishment? Perhaps, but punishment alone does not eliminate the problem, which means that society will likely suffer again at the hands of the punished (there is a 65% chance, since this is the national current recidivism rate). Reparation? At whose expense? It costs Texas taxpayers almost $20,000 a year to house an inmate. It does not cost the inmate a dime. He is not paying a debt—he is debt, a liability in more ways than one. And what is reparation anyway? The only true reparation is recognition and correction of an injustice. The best thing a criminal can do to pay a debt to society is to learn from his mistake, which means to repair within himself the error in thinking that made it possible and thus permanently correct the error. After the fact, the victim's quintessential right is simply not to have been harmed in vain, and that some reduction in future criminalization is gained. This can only be done via rehabilitation.

The present system does nothing to facilitate this focus on rehabilitation. In fact, the system, purposely or not, reinforces the criminals' errors, rewards them, encourages them,
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and facilitates the propagation of them (bad ideas spread like viruses, infecting people at compounding rates). This serves not justice but injustice. In this system, injustice wins. Our lawmakers focus on punishing criminals—and they do punish them, and all society as well. Instead of hatred of criminals, it would be better to hate the ideas that made them criminals in the first place. The goal of a justice system should be reform.

Faulty And Unjust Courtroom Policies

The goal of our courts (the second level of the justice system) should also be justice. In this system, however, justice has been an ideal that has long been out of reach. To illustrate this, consider the following example of two robbery cases, virtually identical in all the circumstances, wherein one jury hands down five years (the minimum), and the other jury hands down a life sentence (the maximum). Is true justice the average of the two and something neither set of criminals and victims received, or one of the two, which one set of criminal received at the exclusion of the other? Either way, there was a miscarriage of justice somewhere! To make the jury sacrosanct as the arbiter of justice is to harness a contradiction. The above example highlights the subjectivity they may use to arrive at their decision. Yet justice is a constant—those who deserve the same must get the same—while subjectivity is anything but constant. This dynamic simply reinforces injustice. As it is said, two wrongs do not make a right. The criminal who is being held accountable for his injustice sees the system itself as hypocritical and enters the prison system embittered by it and resentful of it. This does not contribute to morality, but undermines it, as the prisoner goes to prison to do his time, thinking that unfairness
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(injustice) is a natural part of life.

Backwards Prisons

More inverted principles and injustices follow as we get to the third level of our justice system: the prisons.

The first is a two-sided issue, the first side of which, in a twist of irony, involves the taxpayer. This is the “I-steal-from-you-and-go-to-prison-and-you-subsidize-my-life-while-I'm-incarcerated-for-stealing-from-you” dynamic. In this situation, the criminal still gets something for nothing and the innocent members of society still get nothing or less for $20,000 a year. No? You say that the taxpayers get justice served (a criminal behind bars). Perhaps, and they also get injustice served in at least four ways:

1. As he (our criminal behind bars) steals from their funds by stealing things within the prison system (bleach, burgers, etc.) to fund his shampoo and deodorant habit (things which are not provided by the state)—or worse, steals to support his cigarette and drug habit (which are provided by the state via the prison guards, who are therefore guilty of the same crimes as those whom they guard).

2. By their having to subsidize his life in the first place, as a ransom for him not to plunder them.

3. By being victimized by a non-rehabilitated ex-con at the wrong end of a dark alley—an ex-con who was indoctrinated by our criminal behind bars.

4. By being victimized by our criminal himself, freed after serving his thirty flat years (at a cost of $600,000 to you and other taxpayers) at the other wrong end of
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a dark alley.

Many taxpayers probably see this situation as a necessary evil. But this is simply another unquestioned assumption. Taxpayers do not have to subsidize the lives of criminals, because prisons can be, should be, and ought to be self-sustaining enterprises.

For instance, consider the other side of the subsidization issue. In the present system, criminals come to prison and get something for nothing, which is what makes virtually all of them criminals in the first place. This situation serves only to reinforce the same criminal predispositions—the same vices and mentality (the “something for nothing” or “steal value” mentality) that result in criminal behavior.

There are three kinds of criminals: stealers of value (theft, fraud, burglary, robbery, and sex crimes); destroyers of value (murder, DWI, arson, manslaughter, violent assault); and corrupters of value, comprised mainly of drug dealers. All criminals have in common the inability, or a lack of a proper understanding of how, to be properly productive, or else to respect the fruits of other people's productivity. In the majority of cases, criminalism is the result of a lack of existential efficacy, and the subsequent belief that one must take value, whether by stealing, destroying, or corrupting, as one cannot create it.

Sadly, our justice system reinforces the “steal value” mentality. One way they do this is through instituting slavery in the prison, and thus stealing value from prisoners by failing to justly reimburse their labors. By doing so, prison legitimizes the “steal value” mentality in the eyes of prisoners and hence reinforces it. Again, prison reinforces the prisoner's idea that injustice, whether giving or receiving, is simply the way of the world. Another way the steal value mentality is reinforced is through the poisonous, heretofore
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unquestioned assumption that criminals, when they come to prison, lose their capacity for productivity. In fact, it is the opposite that a criminal should lose—when he comes to prison, a criminal should lose his capacity for non-productivity. A prisoner should have to work to support himself; he should have to earn his bread and water. If he were free, he would have to do this, like every other man, or starve, or steal to support himself, which is what most criminals decided to do, and which is one reason why, while in prison, they should learn, more than any other thing, how to support themselves.

In prison, reform should be our highest goal, and thus productivity should be demanded, fostered, and facilitated, as productivity is the gateway to morality and virtue. Rehabilitation is the creation of value where no value previously existed. Value is created through productivity. Prison should not subsidize criminalism by using its *modus operandi* (taking value) to fund its adherents' lives, but should induce rehabilitation by fostering the creation of value. When prisoners' value creations are validated by real employment (not the "take value" slave labor demanded now), they'll develop self-esteem, and then, esteem for others. They'll demand adherence to their own property rights (which the creation of value—and rehabilitation—necessitates), and will adhere to others' property rights. Only when a man can grasp the concept of self (contained in the essence of their own value creations, and the values of character required to create them), can he develop a respect for others. Creating value is the opposite of stealing and destroying it, and, when it is fostered, loads the dice in favor of virtue and ultimate reformation of character. This goes for every kind of criminal. The goal of our justice system should be to incentivize virtue and morality and disincentivize vice and
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immorality. The primary means of doing this is through opening every avenue for productivity—using capitalism as an agent of rehabilitation, and applying it as widely as possible.

As a side benefit, prisons can become self-sufficient, and "dividends" can be paid to society in the form of victims' restitution outlays. Moreover, this model will come closer to a perfection of justice—where it is so conspicuously absent—than any other schema. Free markets, and their attention to reason and critical thought, have trumped, as regards to justice, any political model to date.

This paper seeks to advocate the principle that rehabilitation is synonymous with creation of value, and that very principle should be applied within a prison that fosters and facilitates it. Prisons can and should be inhabited by men who are properly productive and striving for morality. The prison itself should be in all ways a vibrant marketplace, helping men learn how to help themselves.

Justice systems should be just, no more and no less; that is, they should be healthy systems within their respective societies that contribute to goodness, virtue, justice, and morality.
A PROPOSAL: FAITH-BASED UNIT

September 7, 2016
A Proposal: Faith-based Unit

In 1995 Carol Vance and Chuck Colson would visit the first Christian-run prison in the world. This prison (Humaita Prison) was located in Sao Paulo, Brazil. The prison had been transformed from one condemned by the Brazilian government because of its high recidivism rate (75%), to a model for prison's worldwide. Its recidivism rate had been reduced from 75% to 10%, and this drastic reversal could only be contributed to the work of God.

At the time, Carol Vance was the director of the Texas Department of Criminal Justice (TDJC), and Chuck Colson was the founder of Prison Fellowship Ministries. Colson's vision had been formed from his stay in federal prison (Alabama's Maxwell Prison) for his involvement in the Watergate affair. While in prison Colson had made a conscious decision to help change the lives of men locked up in America. Vance and Colson, along with others, went to observe what was transpiring in this prison to determine if it might have an effect in America. After their initial visit they were encouraged and decided to launch an attempt at finding someone one who would be willing to try it in America. Texas would take them up, and the Carol Vance Unit would become a faith-based prison where the worldview of prisoners would hopefully be changed.

Prison's throughout America and the world have typically been void of constructive programs that would equip prisoners to reenter society with the hope of a better life. Here in Texas, those in control have instituted what has become known as faith-based living areas. These areas are set aside for prisoners who would like to change their lives. There are certain programs that they must complete in order to graduate the
A Proposal: Faith-based Unit

overall program, but the only requirement is they show up; participation is not required. Another problem is that there exists little or no accountability; there is no retribution for behavior that is not conducive to the programs objectives. These men continue to exhibit the same behavior. It is my belief that those who fail to conform to the program should be removed. I cannot speak for the other units, but here at Darrington I see little or no change in the men on the faith-based living area.

It will be the thrust of this proposal to develop a plan for a faith-based initiative that would encapsulate the entire unit. There was a study performed at the University of Pennsylvania that revealed five spiritual transformation themes that are consistent with characteristics long associated with offender rehabilitation: 1) I'm not who I used to be; 2) spiritual growth; 3) God versus the prison code; 4) positive outlook on life; and 5) the need to give back to society. We are made in the image of God (Gen. 1:26), but we all fall short of that image. But through what Jesus Christ did for us on the cross at Calvary we all have the opportunity for a new life. It is through conversion (being born again) that we can put off the old and put on the new (2 Corint. 5:17). This writer understands the obstacles that have to be overcome, but with the help of the administration and volunteers they can be overcome.

There is presently a program—Southwestern Baptist Theological Seminary (SWBTS)—in place at the Darrington Unit, training men to go out into the prisons of Texas with the intention of changing the prison culture. Change occurs through conversion, and it is my intention to prove that true conversion will change the lives of men. The key is conversion, because genuine conversion is a change in the heart of the
A Proposal: Faith-based Unit

recipient. Some believe we can fake it to make it, but I can assure you that true
conversion cannot be faked.

It will be years before an evaluation can be determined on the program now in
place. The program that is now on going at the Carol Vance unit has showed some signs
of success. The men involved in the program are monitored “around the clock” for 16 to
24 months in the prison environment and then an additional 6 to 12 months upon release.
Of those who successfully completed this program it has been reported that the
recidivism rate was 8% up to three years out, whereas those who did not complete the
program was significantly higher at 35%. It is my belief that with conversion and a strict
regiment of faith-based initiatives that a man can return to society and become a
productive citizen.

What will follow is a proposed outline of how this writer envisions this prison
(program) to be structured, because along with conversion, structure is another key
ingredient to the success of this initiative. On May 9, 2016, SWBTS graduated their
second class of offenders with a Bachelors Degree of Science in Biblical Studies. Lt.
Governor Dan Patrick would proclaim that the program at the Darrington unit was the
flagship of programs now in place in Texas.

The big difference between the Carol Vance unit and what is being proposed
here is the people on this unit will not be placed there by the parole board, nor will they
be leaving upon completion, but will become teachers and mentors for those that follow
them. The people who go to the Carol Vance unit understand that they will be released.
What is being proposed here is a prison where men can learn to accept responsibility for
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their actions and to be held accountable for their behavior inside prison.

What would a faith-based unit look like and what are its benefits to the State of Texas and its citizens.

Faith-based Unit:

Who gets to go?

1) Must earn your way there.
   a) conduct
   b) Religious participation/recommendations

• 2) Will all religions be accepted?
   a) Yes, but the curriculum will be Christian since America is a Christian nation.
   b) The particulars will be decided by those in authority.

• 3) What are the benefits to TDCJ?
   a) A safe work environment for its employees;
   b) Cost effective. TDCJ may forgo some of the departments that will not be needed (segregation, gang control).
   c) A productive workforce, since everyone will be required to work.

• 4) What are the benefits for the taxpayers/society?
   a) Cost
   b) The thought that the parole board is releasing a redeemed man.

• 5) What are the benefits for the offenders?
   a) A structured environment where their day-to-day activities are in place.
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b) An environment conducive to studying about Christ and how to become more Christlike.

c) They will learn how to live a moral life that will gain the respect of not only their families but also their peers.

- 6) Requirements that the participant must agree to.

a) If they do not have a GED they must attend school.

b) If they have a GED or High School diploma they will be encouraged to attend college level classes, or to tutor those who need it.

c) If they have a college degree or our working on one, they must tutor others.

d) Those who do not which to attend college must learn a trade unless they already have an employable skill, then they can help train others.

e) Church attendance/Sunday school are mandatory unless with an excused absence.

f) Must work—slacking will not be tolerated.

g) Must be willing to give of yourself. Each man will be held accountable for his contributions to the community. The environment will be dynamic, and men will be encouraged to set goals (long and short term goals). We want to develop a community that other men want to be a part of. In so doing we will be developing men with moral character, men the parole board will feel comfortable in releasing. This will in essence create an environment system-
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wide, where character is being changed, which will ultimately help change the
culture in prison.

h) Faith-based wings are a great contribution to this institution, but they are
limited because of outside influences, and in some cases they lack discipline. It
is imperative that the Christian's life is disciplined at all times, because once they
learn a certain behavior will not be tolerated, the behavior can be changed/or the
individual will have to suffer the consequences.

• 7)Other programs

a) With the help and approval of TDCJ officials, other programs would be
developed and instituted by offenders (at no cost to taxpayers), that would be
conducive to developing the character of men who possess high moral values.
These programs would be biblically motivated, relying solely on the Bible for
direction and instruction. These programs could be overseen by the Chaplaincy
department already in place, along with willing Christian volunteers.

• 8) The one overriding characteristic of this program would be
discipline/structure

a) This is a dynamic that has been absent in the lives of most men in prison.
Certain types of behaviors would carry zero tolerance, and these behaviors
would be established by a hierarchy. There would exist no room for doubt about
there consequences. Men striving for perfection must be willing to accept full
responsibility for their behavior.
SUGGESTIONS FOR PRISON REFORM

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SUGGESTIONS FOR PRISON REFORM

Incarceration is an interesting reality in these United States and sadly, mostly ineffectual. Perhaps its most interesting and relevant feature is the persistent and pervasive state of confusion in which it resides and thrives. This inherent vegetative state of confusion is pervasive throughout the entirety of our American criminal justice system. Criminal justice practice and policy within our society is arguably one of the world's most contradictory and banal. It is thought that our criminal justice system with its elaborate, extensive, and expensive penal system component serves to ensure and even enhance our quality of life and society as a whole. We as Americans even exalt our system of justice as vastly superior to that of the rest of the world's and yet we are by in large utterly ignorant to the confused and contradictory state of its existence.

The electorate, and public at large, are clear in their expectations regarding criminal justice response. So too, are the actors and operators within our criminal justice and penal systems. All claim a shared set of values and goals, yet each have differing expectations and motives based solely upon their own self interest. There is an inherent symbiosis amongst these various entities, and it is unclear who develops whose expectations. An interesting dynamic at work, for sure. Nevertheless, each attempts to influence the other purely in the service of their own interest. However, there is a disparity between their interests which escapes discussion. This disparity demonstrates an absence of coherence, and yet such is not readily apparent, perhaps because of their differing interest and expectations. This exaggerated state of confusion—with its competing interests, expectations, and motives—has fostered and birthed a system susceptible to corruption, exploitation, and inefficiencies.
Suggestions for Prison Reform

Incarceration as it is today fosters a sense of hopelessness amongst almost all those within its reach, which presently encompasses millions of Americans. This hopelessness is the result of poor performing criminal justice systems and the populace's ignorance of the conflict between their interests and the interests of a massive prison industrial complex. This becomes most apparent in the cost of return ratios, the attitudes of the criminal justice system's operators, and the attitudes purposely fostered among the public at large. Sadly, those most adversely affected by this national tragedy are the millions of children and family members of those incarcerated, as well as their communities. This too unduly burdens our quality of life as Americans and sadly, our standing within the world's community of nations. Those who profit most from such misery are mostly indifferent to the dismal return their efforts produce because of inappropriate oversight and expectation development pervasive throughout the entirety of the criminal justice system. U.S. Attorney General Eric Holder, prior to his departure from office, asserted in national speech about the current state of the American criminal justice system, that “the jig is up, our criminal justice system is broken and in need of repair.” Unfortunately, he did not offer much in the way of specifics, but in light of recent events it quickly becomes evident what some of the issues are: race, a failed war strategy against the problem of drugs, and the huge industrial complex that has developed around incarceration.

I have been incarcerated for seven years and in this time I have been assigned to five different units within the Texas Department of Criminal Justice System (TDCJ). Having had no prior experience with incarceration or the criminal justice system I
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possessed no valid frame of reference in which to develop expectations or interpret my experiences coming into the system. I am, however, a veteran so I believed this experience would benefit me to some extent. There are after all many similarities between the two. Both experiences involve large groups of individuals from varied backgrounds (staff and inmates) and both are parts of large bureaucratic operations with strict standards of conduct (both official and unofficial such as those unique to prison). My expectations were profoundly incorrect and I found myself wholly ill-equipped for what confronted me.

After being incorporated into the TDCJ system over these intervening years, I have had to learn a lot in order to adapt. An inmate must learn quickly to identify and understand the various dynamics that are unique to each unit. In fact, identifying and understanding the dynamics of each unit are essential to survival, peace of mind, and ultimately, the overall success of their incarceration. Strangely, the operation of each unit is unique and distinctly different from one another. The primary defining influences of a given unit's operation are the cultural realities of the indigenous population of local communities who comprise the bulk of its workforce and the unit leadership. Unit leadership, ultimately, has the greatest influence upon operations in addition to the prevailing attitudes of the staff and inmate population.

Attitudes reflect leadership: this is an important truth that applies to unit staff and populace as well. An individual corrections officer's attitude is shaped early in their career and evolves little over the course of their career. This is perhaps how or why flawed reasoning, practice, and attitudes become so entrenched within penal systems. An
Suggestions for Prison Reform

An individual corrections officer will invariably progress through the rank structure, and some eventually will obtain senior administrative positions. A unit's line officers today will be a unit's Lieutenants, Captains, Majors, and even Wardens tomorrow. Their attitudes and ethics were influenced and shaped by the prevailing attitudes and ethics of those around them; both inmate and other staff. As a result of this reality there exists a pervasiveness to flawed reasoning and professionalism that permeates the entirety of many penal systems.

There are organizational stratagems that could act as a check to interrupt the pervasiveness of unprofessional and counterproductive staff reasoning and actions. Hiring requirements, for example, could be strengthened by requiring advanced degrees for senior unit level positions. A bifurcated hierarchy at the unit level would complement such a structure. For example, Wardens should be hired from outside the system and not required to have Correctional Officer experience. So too should senior administrators have advanced degrees or expertise in relevant areas of study or training such as business, social work, sociology, criminology, etc. Performance based compensation packages might also prove effective in not only performance but recruitment as well. This kind of structure would not eliminate or stifle professional development for lower level correctional staff, but would instead act as a check to interrupt the cycle of unprofessionalism and soured attitudes that presently exist. So too would such promote and ensure greater overall operational efficiency.

This is not a novel concept because such would mirror plenty of other similar and successful models. The military is perhaps the best example, but certainly not the