

Going to Prison In Texas in 2004

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“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” (Section 1 of the XIII Amendment to the U.S. Constitution, *emphasis added.*)

This is not the first time this article has been published. THE VOICE published our first version of this information in late 1980, but much the Texas prison system has changed since then. After over thirty years of representing inmates and their families in prison and parole administrative and legal issues our law firm decided it was time to update the Texas Criminal Defense Lawyers Association as to what our clients and their families should expect when a client must go “do time”. Our purpose is to provide information in order to reduce the fear and uncertainty every “first timer” anticipates at realizing he/she is going to prison. In the past our law firm held private seminars for families and defendants who face going to prison. In the middle 1980's we backed away from doing that work as we were too busy with other types of cases. In the middle 1990's, as our firm expanded, we again started offering individual counseling seminars to clients and families prior to a family member leaving to serve a prison term. We hope the general information we provide will be of assistance to attorneys, their clients and their client's families. In fact, often it is the families that need this information as much, or more, than the client going to prison.

This version also includes a special section dealing with the special issues which women face when they enter the prison system. I very much wish to thank those women who took the

¹) I want to thank the several inmates, ex inmates, and particularly my partner, Dan Lang, who assisted and commented on the draft of this effort. Without their input this article would be lacking in many ways.

time to contribute to this article. They have learned from their time in prison, and in each case are making positive adjustments back into society. The general information set out in this effort applies to all inmates. The special section for women going to prison will have it's own place later in this article.

The best time to provide this information is before the client is in jail or while on bond before conviction. In other words, when the client is on bond, the information should be available with the hope he or she will not need it while recognizing that prison is a possibility.

Throughout this presentation there are three major rules the newly arrived inmate should clearly keep in mind at all times.

Rule 1. Inmates must learn to be self reliant. Do not use others, or allow others to use the inmate.

Rule 2. Be aware that others notice with whom one associates, and understand, what any regular group does as a group will be noted by employees and inmates alike. There are no secrets. Privacy disappears. Learn to be alone.

Rule 3. In prison an inmate has limited control over what happens around him. Do not waste worry or time on issues outside one's control. Things can and do change frequently for no apparent reason. Life in prison is not fair.

All the horror stories one learns about prisons from movies, newspapers, books, or firsthand reports likely have a degree of truth to them. However, most of these horrible incidents are the exceptions to the average daily life one experiences in prison. I know inmates who have served over twenty years in prison without serious problems. The key to success in prison is knowing the culture, and staying out of other people's business.

I. BEFORE JAIL, OR THE PLEA, OR THE TRIAL

“GETTING READY FOR LOCKUP”

Let me begin by strongly recommending to the potential inmate (male or female) to go to the family physician and dentist and get **complete and total medical and dental checkups**. Do this before one goes before the judge to enter the plea, or to be sentenced. Benefits from physician's report include:

- 1) Medical problems may affect the judge's decisions at sentencing.
- 2) The offender will have current medical records as proof of any on going medical issues the jail and the prison should know about.

The client should tell the doctor he may be going to prison, and that he wants everything documented. More about what is needed from this checkup later. In form your dentist that the client may be going to prison and to perform any cleaning and preventative care at this time. Fill any cavities and perform any work that may be needed in the near future. Dental care in prison is not prompt and is more likely to involve pulling a tooth as opposed more modern dental procedures. Prison is not a place for toothaches.

A. The Initial Problem of Health Issues

If medical problems are already diagnosed, and if medication is being taken, then the client should have his doctor prepare a prognosis letter explaining the medical problems, the medication used to treat the problem, and a prognosis which includes any limitations on work assignments or other similar concerns. The prison will not believe a word the incoming inmate says about his health without written medical verification of his claims from a physician. Even then, once the client enters prison, there is no guarantee that quality or nature of medical care or

treatment received in the free world will continue in prison. Once in prison the inmate is both the property and patient of the prison's rules and medical care system.

Frankly, it is this writer's opinion that the prison's medical system is in need of substantial improvement. The care providers are contracted by the State of Texas with state medical schools. For example, the University of Texas Medical School at Galveston, Texas contracts for most of the East and South Texas area prisons. In the Northern and Western sections of the State service is provided by the Texas Tech Medical School.

It is not that these schools fail to supply good medical care in their individual local medical institutions, the problem lies in the quality of services available on the prison units, not at the medical school run hospitals on campus. The health services on the units are primarily nurse driven with doctors available. In this writer's opinion the medical situation is, at best, unfortunate, non caring, and woefully inadequate. Once incarcerated, the prison system is responsible for the inmate's care, and will determine what medications will be administered . The client will not be allowed to take prescriptions into prison. The prison will totally take over from this point forward.

A rather common problem, for example, appears where one suffers from bi-polar disorder or has other similar mental issues prior to arriving in prison. Upon entering prison, the medication previously prescribed may be changed by the prison medical team. At times medication for some mental or physical disabilities may be terminated at the prison. The better the past medical history can be documented upon one's arrival in prison, the more likely the chance of continuing the treatment as occurred in the free world.

Wearing Glasses

If the client wears prescription lenses, we suggest he have his eyes reexamined and that he bring two sturdy pairs of glasses into TDCJ with him. Be aware that any further acquisition of glasses will be done through the prison and apparently, there is a long wait for that service.

B. Other Reasons to have Medical Records Available

When the client checks into the county jail I hope this writing has made clear that he should have the doctor's letter which includes a list of medications being taken, including a statement of why they are necessary. If proper documentation explaining the nature of the illness and medications is not on hand, there may be problems. Here are some examples of why this is such important information to supply to jail and prison. The medical history may affect eligibility for a specific type of job assignment. For example, if the client was injured in a car wreck sometime ago, and he still suffer the results of that incident, then if there is written proof of the medical facts surrounding that matter, he may be able to avoid jobs that require heavy lifting or physical activity beyond his ability. In such a situation one needs to have proof of his injury to show why he should not be assigned certain jobs. Without that verification, there will likely be problems.

Remember, the inmate will find the prison system will not take his word for anything. He must be able to prove it. I suggest when medical letters and records are collected that a copy be made and a set of copies be left with the family. Things do get lost in jails, on buses, and at prisons. This will greatly simplify the process of having to go out and again retrieve duplicate records. It is very important to those that have a need to be aware of the issues

The following sections of this article will not apply to everyone coming into the prison, but this information will be discussed.

C. Child Support

Incarceration does not eliminate one's obligation to pay child support. In fact, the Texas Attorney General can directly "hook up" to the inmate's prison "commissary account" and once a complaint is filed with the A.G.'s office, they can attach his funds on deposit at the prison. The best way to deal with this issue is to have the client's lawyer file a motion to amend child support conditions so the payments are deferred until thirty days after the inmate's release from prison.

D. Social Security Benefits

If social security or veteran's benefits are being received, upon entering prison, those will terminate until the inmate is released from incarceration. Others receiving social security benefits under the inmate's name will continue to receive those benefits.

E. Doing Business

A prisoner is not allowed to operate a business while in prison. If caught engaged in such a practice the offender can be subject to a discipline action and lose classification rank or good time. Besides, running a business is hard once inside the prison since there is no phone access, it is difficult, but we have seen some inmates who could maintain control of certain types of management decisions via weekend visits. Remember that the mail is censored prior to leaving the prison or before being distributed by the prison to the inmate. There are exceptions to this rule. Legal mail to lawyers, the judiciary, and sometimes to elected officials and public service groups such as the ACLU may be exempt from censorship. Legal mail may be opened and inspected for contraband, but may not be read by prison personnel.

F. Quit Addictions

Addictions can cause serious problems in prison. Now, I am not assuming an inmate to

be a drug offender, but, perhaps he smokes cigarettes, or maybe he drinks 10 carbonated beverages a day. Those addictions should be stopped as soon as possible. This is a difficult process, but the sooner one terminates of these addictions, the easier life is going to be, and the less likely one is to get a discipline action for trying to continue his habits out of the sight of the guards.

The Texas prison system is smokeless. That doesn't mean cigarettes are not available. It simply means one is not supposed to have them. Smoking in prison can lead to several varieties of disciplinary violations and can get an inmate beholden to other inmates and guards thereby making life more difficult.

G. Money to Take to Jail

What about the money? How much money and how does it get there? We recommend around \$150 to \$200 is sufficient. One should have that delivered to the jail. Each jail in Texas has their own procedures for this, and your lawyer can assist in this area.

Be sure all incoming monies, both in jail and in prison, are sent by **certified funds**. A postal money order, from the U.S. Postal service, is fine and will be accepted. Some jails will take cash and some jails will only take cash. Money deposited in the inmate's jail account will follow the inmate to prison. Once in prison, to make deposits, certified funds (money orders etc) must be forwarded, or funds must be wired to the Inmate Trust Fund in Huntsville.

H. Preparing the Family

It is the experience of this writer that often it is the families and not the inmate who suffers the greatest emotional trauma upon losing a member to the prison system. Since phone calls, collect or otherwise, are not generally possible for inmates, it is best to stay in

communication with the family by mail and they can, hopefully, visit regularly. This is something your family needs to get used to and the inmate needs to reassure his family that he will take care of himself. The inmate who continues to write home about problems over which the family has no control only enhances the fears and concerns of the family back home. That is not to say that when certain exceptional unfairness or abuse occurs one should not notify the family. Regular visits are the best way to know what is going on within family relationships while a member is incarcerated. While the offender is suffering from the anticipation of going to prison, maximum effort should be made to prepare the family and to see they get valid information about what they are going to be facing and how the prison system works.

II. ADMISSION TO TDCJ-ID

A. Leaving the County Jail

Transfer from county jail to TDCJ generally occurs within 45 days following conviction. This is because after an inmate has been incarcerated in the county jail for 45 days, post-conviction (after sentencing), state law requires that upon the passing of 45 days in county jail the state must pay daily rent to the county holding a convicted felon. As this article is being written the average time for transfer from the county jail to TDCJ is running about 38 days.

So, what's going on during the time while the new offender is in jail? Documents are being prepared by the Court, the District Clerk, the District Attorney and others to be forwarded to the prison. This is called becoming "State Ready". There is a "State Ready Office" which has to collect the admission documents. These documents will be forwarded through the offices of the District Attorney, the District Clerk, and the Sheriff. In some unique cases even the defense attorney will assist in gathering up some of these documents.

B. “Catching the Chain”

Once the documents are in the State Ready Office, the inmate is ready for transport. A pickup order will be issued at that time and the TDCJ transportation department will add the inmate to the manifest when the “chain bus” proceeds on its route to pick up new inmates at the various county jails. At most county jails, there is a particular day of the week when the chain bus arrives, and everyone in jail knows about it. The inmates will generally have some kind of idea, and may even be told which day of the week they are going out. While one may know the day of the week the bus usually arrives, one may not know which week one is leaving. There may be little or no advance notice so families should be prepared to learn that their loved one has left for prison with little or no warning. On rare occasions an offender will be taken from the jail directly to the prison by sheriff’s vehicle. In that event the inmate avoids the experience of “riding the chain” until the next move takes place.

One of the most important reasons for understanding how long the inmate will be in the county jail is that when that chain bus arrives, the inmate must understand the rules are now going to change. The local jail visitation rights, the phone calls, the status one may have enjoyed as a trustee in the county jail, are all going to change. One morning at 4:00 or 5:00 A.M., the inmate will be abruptly awakened. He will be told the chain bus is waiting. They are going to be ready to take inmates to TDCJ, but there are a few more rude awakenings to undergo prior to departing.

Each inmate will be stripped naked. Each inmate will be strip searched in order to ensure no one is bringing in contraband. TDCJ clothes will be issued, not the whites that are worn in prison, but some clothes just for the purpose of transport. County jail uniforms stay with the

county.

Then chains will be issued to the inmates and they will be shackled to each other at the time of bus boarding. They will exit the bus in this same manner. New inmates will need to become accustomed to this process for every bus ride while incarcerated. Actually, that is why they call it the “Chain Bus.”

C. Commissary

At the first transfer unit assignment one can go to commissary, and if the instructions in this writing are followed regarding having money placed in that account in the county jail, one should have no trouble with commissary purchases. This first commissary visit may occur soon or, if sent to a transfer facility, it may be delayed several days. The supplies bought at the commissary will probably need to last a couple of weeks. We encourage new inmates to get those things that are important, such as envelopes which are pre-stamped, and do not forget hygiene items. Immediately write the assigned TDCJ number on these items so they cannot be pilfered. In fact, get into the habit of putting your TDCJ number on everything you own. Purchase improper some legal pads, pencils (2 or 3), deodorant (because it is not issued by the prison), and toothpaste. The prison only issues toothpowder and many inmates prefer toothpaste. It is reported that indigent women in the Gatesville area are provided toothpaste.

D. Race relations

One of the most regrettable issues in prison life all over the United States is pervasive racial animosity. It would be improper, not to mention politically incorrect to lay blame for this on any individual. It is sufficient to remember that in prison race is among the greatest of serious problems. Each inmate must determine how he or she will deal with this issue. The U.S.

Supreme Court proclaimed that there will be integrated cell assignments in our prison systems. The only exceptions to this rule are for security or other valid penal causes. Gangs in prison are racially based, and can be violent. Disagreements regularly arise over one's race and culture. Again, this is not just a problem in the Texas prisons, rather it is a problem in every prison in the U.S.A. At the same time, I have come to seriously contemplate whether many prison administrators give tacit approval to racial separation in order to, "keep the enemy divided". Inmates seem to let their negative pride override the logical prospect of power that inmate unity could bring to the prison system. It appears that both inmates and administrators are at fault in this regard, but I do not believe that the situation will change in my lifetime.

The above information brings us to the point where the inmate is going to leave the jail and enter the prison system. Now we will look at what will happen when the day of transfer arrives.

III. GETTING TO PRISON

RECEPTION AND DIAGNOSTIC PROCESS

A. Receiving and Screening

As previously indicated, there are seven male inmate reception centers across the state, and a reception center in Gatesville for women. Women will travel in a van or other vehicle separate from male inmates to the Gatesville Reception Center. Depending upon the county where one is jailed and other factors, one may be sent through two or three prisons before getting to the first unit of permanent assignment. A few special cases will go directly to the Byrd unit for actual admission into the Texas prison system.

How an inmate performs in the reception and diagnostic process determines in great part

how he will be viewed by other inmates and prison employees. Initial impressions are very important for the new offender. A bad reputation earned at reception and diagnostic facilities is difficult to repair and makes life much harder while in prison. Getting off on the wrong foot at the beginning of one prison term is not the thing to do.

A male inmate can spend as much as two years in a “transfer unit” before being transferred to a regular unit or before reaching the Byrd unit in Huntsville where the official diagnostic procedures are done. The male offender then travels to the Goree unit (Huntsville) to complete classification.

Once involved in the admission process at the transfer facility, the offender will be given some written material including a rule book, a disciplinary handbook, and a visitation handbook. The inmate will be escorted to either a cell or a bunk where he will spend the night, and depending upon what time the preceding concluded, where he may spend a good part of the next day. Once in the cell, he should he should carefully read the disciplinary and the visitation book. One should become very familiar with them, but it is important to remember that prisons do not always operate as the rule books suggest. The interpretation of these rules can change and change often. One should know the rules, but remember that what one rule means at unit #1 may not be exactly how that same rule is interpreted in unit #2. The only rule that really counts is whatever the individual guard says it is. Whatever the “Boss” (guard) says the rules are that is what they are. The rules in TDCJ have a habit of changing, if not every two years when the legislature meets, then whenever the warden decides a change is needed. A security lapse can bring about massive change overnight. Prison society is a hard place to find fairness or justice. One should get used to seeing things done unfairly.

TDCJ gives inmates rule books for several reasons. One reason is to observe what a new offender is going to do with the book. Many inmates dump them in the trash. This is a poor choice. Keeping the book shows prison employees that the inmate keeps up with his obligations under the rules. Rule changes and updates must be published for inmate review. One can “keep up” by reading the unit bulletin board. As a matter of fact, it is a good idea to make it part of one’s routine to go to that bulletin board on a regular basis and read the information contained on it. Postings are placed there for the benefit of the inmates. Knowledge is power. The more one knows the more prepared one will be as one adjusts to this new life.

Okay, so now the new offender has spent the first night in prison. This may have been the longest night of one’s life. Listening to the sound of the cell door slamming shut, one will think “I am alone, I am in prison, what now?” It all finally soaks in... the longest night of one’s life. The next day the inmate is going to be taken down to another room, and then another room, and during this process the offender will sit, and wait, then sit and wait again. The inmate may be taken back to “the house” (one’s cell) and wait. He should get used to this. It is part of the new life. The first receiving and screening is going to be an inventory process of what items the inmate brings from outside the prison. Then a TDCJ number will be assigned to him. This is an extremely important number and should be memorized immediately. It takes the place of a name. There are many duplicate names in prison, but numbers are exclusive to each inmate. Family cannot write letters to inmates unless this number is placed on the envelope. Everywhere he goes on the unit they are going to ask for the inmate’s TDCJ number. Forget about names. Every time an inmate passes through a gate they will ask for his number. Consider it to be the inmate’s new name for the duration.

B. Photographs, Fingerprints, and Tattoos

After completing the process of getting the TDCJ number and having the required initial information placed on the prison records, the inmate will proceed to an inventory room where he will be fingerprinted and have his pictures made.

Then he will be told to “get out of it”, which means taking off one’s clothes. He will again be naked, and standing in front of a clerk (this person could be male or female) that is looking at him. That prison employee is going to note every scar, birthmark, tattoo, or other unusual physical thing about his body. It is a hard task to have someone staring at every part of one’s body while turning him around slowly. If the inmate has tattoos the employee will catalog every tattoo, its location, what it depicts, and will estimate how old it is. They will record every mole, every scar, every identifying mark be recorded on a document that will become his travel card. Every place the inmate goes, the inmate travel card will accompany him. This tattoo issue is important. For example, if an inmate has tattoos and two years after entering the prison a guard notes redness around a tattoo, he might assume it is a new tattoo. He may haul the inmate to, what is called center hall, and look at the travel card to compare the inmate’s tattoo to the inventory on the travel card. He will be given a (disciplinary) case if the tattoo is found not to be on the travel card.

C. Physical Examination

The inmate will be examined by the TDCJ doctor. This will occur in 4 or 5 visits back and forth to the doctor to receive an EEG, an eye test, a physical examination, blood work, x-rays, and even a very thorough dental exam. Now one can begin to understand why it was so important that the medical records were collected and forwarded from the sheriff’s office.

Next, is the interview by a psychologist. This visit with the psychologist is very important. For sex offenders this may be the most important visit. The psychologist should be willing to discuss how one should deal with other inmates regarding the nature of the crime. They will also interview the inmate regarding any other kind of mental illness noted from the medical material located by the prison, or from that which we indicated should have been pre-arranged and sent to the prison by the sheriff. Finally, there will be a visit to an education testing office. Take this interview and the testing administered seriously. It will play an important role as one progresses through the final diagnostic steps.

D. Psychological Issues

All inmates are given an education achievement (EA) test. This EA score will go on the travel card just like the tattoo inventory did. The test results will determine whether the inmate is required to attend half of each day at the Windham school. If the inmate does not achieve the 12.0 level, meaning high school graduate educational attainment, then he will be required to attend school. It does not matter if he has, in fact, already received a high school diploma. What matters is the score on the test. **It is, however, important to the Texas Parole Board that inmates considered for parole have acquired a GED or diploma. Inmates should take full advantage of this opportunity.**

After this testing, the inmate will undergo two very important interviews. The questions one is asked in both interviews will be essentially the same, but the style of the interview will be completely different. These are the Sociology I and II interviews. Sociology I is generally done by a clerk. The interviewer may be a man, but generally it is a woman. She is going to sit there and ask about the inmate's crime, why he did it, how he felt about it, whether he liked his mother

and father, and similar types of questions. If one's case is on appeal, one should discuss with his/her lawyer if questions of this nature should be discussed with prison employees. A simple, "My lawyer has advised I not speak of the facts of the case because of our appeal" should be sufficient to satisfy the inquisitor. This sociologist will make every effort to be very friendly so they can encourage the inmate to talk. Remember that anything said will be available for review by the Board of Pardons and Paroles. This is not the time to discuss fantasies and event known only to oneself.

After completing the Sociology I interview the inmate will return to his "house" (which is what one's cell is called). At a later time he will return to the interview area and repeat the same interview, with the same questions, but this time with a different person. This is the Sociology II interview. This person may be belligerent and difficult. This is sometimes referred to as a "Mutt and Jeff" routine. The inmate should behave in the same calm, polite, manner as he did with the Sociology I interviewer. This second interview is designed to see how the inmate handles his anger and frustration. The interviewer will try to push buttons in order to observe the inmate's reaction. Do not get angry! The inmate's reaction helps the interviewer determine which type of prison unit the inmate will be assigned. An angry reaction to the "button pushing" will get the inmate assigned to administrative segregation or a maximum security unit. In most cases, a calm, controlled and respectful reaction will increase the possibility of being placed in a minimum security unit.

Sometime after the Sociology I and II interviews are completed, a committee will meet in another part of the prison that determines where the inmate will be assigned. The inmate will be brought before this committee and be told to which unit he will be assigned.

IV. CLASSIFICATION

Classification depends in part on a number of factors: what crime was committed, criminal history, age, etc. All of these factors go into it. But classification and time earning credits, (good time as it is called,) are going to be the next series of topics we will be discussing.

A. The Nature of Your Crime

There are certain crimes for which good time has very little meaning. Those crimes are called 3g crimes. If the crime committed is called an “aggravated crime,” which we will discuss in more detail later, good time does not mean a lot except in light of classification and the benefits attached to that. “Good time” can be an important factor for the purposes of parole or discretionary mandatory supervision unless the crime involves a weapon or is a crime of serious violence. Losing good time, however, will harm any inmate, including 3g offenders. Losing good time can result in losing the opportunity to be considered for parole

B. What are the “G” Levels?

The first important classification for time earning classification is the custody classification. This has recently changed and it may change again. So, as previously suggested, it is best not to assume that any rule will continue without change. In the past there were fairly simple classification categories, minimum-in, minimum-out, medium-custody, close custody, and administrative segregation. After the “Connally Seven” escapes the rules regarding classification were revamped into the present incarnation.

We have now come to what is called the “G” levels. The optimum level is a G1, which means a General Population Level One. One must be within 24 months of parole or discharge date for this classification. So here in the beginning one is not about to be called a G1.

The most frequent assignment is a G2, General Population Level 2. If one is serving a sentence that is 50 years or more, or if it is a 3g on which 10 years has not yet been served, one cannot get into this G2 level. That eliminates most of the aggravated inmates. But the people with the lower classification of crimes, which we will discuss here later, will fall into this G2 level.

The next level is a new level, G3, General Population Level 3. This has to do with those people who have had disciplinary, escape, or other types of problems which we will also discuss in another area.

There are G4 inmates, General Population Level 4. Which are people who have not had enough time in their security precaution designator levels. Finally, the most aggravated inmates will be in G5, General Population Level 5. There is a further designation of custody level for inmates who need to be protected by the system and those are Protective Custody. Those who have a history of assaulting either other inmates or staff end up in administrative segregation.

C. Where Am I Going?

The prison system has now adopted a unit level assignment. Level One units are trustee camps. Only after one has been in the prison long enough to move out of the transfer unit and be promoted can one be assigned to a trustee camp. One must earn this assignment. Generally, only after a year can one achieve the trustee level and be promoted and be eligible for a level one unit assignment. However, lately some inmates have gone from diagnostic to trustee camps.

Level two units will only house those inmates classified as level G1 and level G2. The level three units will only house inmates who are G1 through G3. Level 4 units will only house those inmates who are G1 through G4. Finally, the Level 5, the big units, will house inmates

who are G1 through G5 plus administrative segregation. There are a handful of those units. Then there is a special type of unit, the administrative units, which are better known as the “super seg.” We have a handful of those across the state and they house a low number of inmates who, by their behavior, need to be segregated from the population.

D. Earning Time Credit

Everyone gets one days credit for each day spent in prison. Even if the inmate is the worst inmate in the system day for day time is granted. However, depending upon the nature of one’s conviction or criminal history, knowing the rules about earning good time may or may not be of interest. If one is convicted of a crime of violence usually referred to as a “3(g)” crime good time may have only academic interest, although as previously mentioned, losing good time can have serious consequences. The great majority of these crimes require a judicial finding that a weapon was used in the offense, but that is not always true. For example, convictions of indecency with a child may not have involved use of a weapon, but good time does not affect the release date of an inmate so convicted. If one is not convicted of a crime of violence, or if a weapon was not involved in the crime, good time may have a considerable effect upon the amount of time served. When no weapon or crime of violence is involved, good time credit can apply toward both parole eligibility and toward discretionary mandatory supervision. Good time credit can accelerate the date one gets to return home. If an inmate has established himself as a model inmate, and has earned one of the higher classifications, he is earning good time at a pretty rapid rate. What is that rate? As in the military, inmates enter the prison at a lower rank. Unlike the military, however, the rank at entry is not the lowest, but is called Line Class I. There are two classifications lower than that, the Line Class 2 and Line Class 3. It is our hope that the

inmate will never see either of those ranks, because one must seriously misbehave to get into those classifications. Traditionally, to be promoted to a level above Line Class 1 takes a minimum of 6 months, as does each promotion. One will be eligible for promotion to what is called State Approved Trusty (SAT) Level 4. Then six months later can go to SAT 3 and then SAT 2, and eventually SAT 1. Few inmates stay in prison long enough to ever reach SAT I. While in jail before coming to prison the offender gets credit at a rate of 20 days of good time (GT) for each 30 days in jail. The good time credit, however, is not credited to the inmate until he actually arrives at the prison. Misbehavior in the county jail can result in the Sheriff asking the prison to withhold good time credit in jail, and most usually the prison will follow the Sheriff's request.

Here is a chart which explains the classification levels. As far as the prison is concerned, all months have thirty days:

Time Earning	Good Time	Work Time	Visitation Privileges	Earning Capacity
SAT I	30 days GT for 30 days served	15 days GT for 30 days served	Eligible for 1 contact visit per week	75 days total flat and good time
SAT II	Same as above	Same as above	Eligible for 1 contact visit per week	Same as above
SAT III	Same as above	Same as above	Eligible for 3 contact visits per month	Same as above
SAT IV	25 days GT for 30 days served	Same as above	Eligible for 2 contact visits per month	70 days total flat and good time
Line Class I entry level rank	20 days GT for 30 days served	Same as above	Eligible for 2 contact visits per month	65 days total flat and good time

Line Class II	10 days GT for 30 days served	Same as above	No contact visits	55 days total flat and good time
Line Class III	No GT -0- days	No GT -0- days	No contact visits	30 days total flat no good time

Time earning rates effective for crimes with offense dates on or after 9-1-1987. Contact visits are based upon institutional behavior and custody levels. There may be differences from one unit to another.

There are different good time earnings assigned to each of those. When starting out as a Line Class 1 one will earn 20 days of good time for every 30 days of calendar time that passes. Rather than say calendar time, inmates say “flat” time. So for every 30 days of flat time that passes you are gaining 20 days of good time.

Jobs are assigned at the reception center, and the most common job is on the hoe squad. This is also known among inmates as the largest weed eater in the world. There will be little time credit reward for that. Please refer to the attached chart. For every 30 days one works, 20 days of good time and 15 days of work time will be credited. So every month that goes by one can get 60 days of time earning credit. As can be seen from the chart, each promotion adds a certain number of days until eventually when SAT3 level is achieved, where one can begin to earn the maximum amount of time which is 75 days for every month that goes by.

E. Old Timers and New Inmates

The new TDCJ arrival will find inmates who have been there a long time. These “old timers” may be overheard discussing other types of good time earning capacity not discussed in the above sections. Inmates who come in today are not entitled to bonus time, education time, and that kind of thing. When discussions of “bonus time” or time credit other than what was just previously explained are heard, the new inmate should realize that those discussions will not

apply to him. Many changes have occurred in the task of counting time credit and many methods may be used to calculate the time credit of an “old timer.” Do not concern yourself with the conditions under which others are serving time. It is quite possible they do not know themselves.

Each level of time credit gets a number of contact visit privileges associated with it. Visitation is not a right. It is a privilege. The warden of the unit has total control over visitation on his unit. Who comes to visit, and the conditions associated with visitation are under the control of the unit warden, and will be discussed in the next section of this article. An inmate who enters the unit as a Line Class 1 will be eligible for one contact visit per month. Any other visits which are received in the month will be non-contact. This means it will be like in the county jail. The inmate will sit on the other side of a divider, glass, chain link fence, etc. and talk to his family through telephone handsets. One good thing about prison visits is that they are considerably longer than what was enjoyed in the county jail. Most county jails limit visits to 15 or 20 minutes. In Texas prisons, visits will be 2-hours every time. A warden may, if he chooses, allow a four hour visit if the family lives far away from the unit. Unlike county jail, telephone calls from the inmate to family members are very rare.

F. Visitations

Once you have undergone the initial admission and processing, the inmate will be allowed visits on the weekends. There are some inmates who are limited to non-contact visitation with friends and family. This will depend upon criminal history and overall classification. Most inmates are allowed contact visits. As one gets promoted he will be permitted to have more contact visits. The first promotion to SAT4 allows two contact visits per month. At the SAT3

level, three contact visits per month are allowed. One may hear many inmates make references to SAT1 and SAT2. Those inmates have been in the system for quite some time and eventually the unit warden and the classification board thought highly enough of them to promote them to that level. The only real benefit to SAT1 or SAT2 is that a contact visit is allowed every weekend. If there are 5 weekends in the month, 5 visits are allowed.

There are a number of wardens around the state who have decided they will allow everyone that comes to the gate to have a contact visit. If they are on the inmate's visitation list, which was prepared back in the beginning, then he may have a contact visit. Only inmates classified as SAT1 or SAT2 are allowed all contact visits as a policy.

When one enters TDCJ remember to bring the names and the addresses of family and loved ones. The inmate will need this information for everyone he wants listed on a visitation list. In order to include a loved one on the inmate's visitor list, the inmate must provide the prospective visitor's full name and address just as shown on the visitor's drivers license or identification card. If one lacks the necessary information upon arrival at the prison, one cannot start the process of building a visitation list. **Those people not listed on an approved visitation list cannot visit.** Once a list is established, one cannot make changes to that list for 6 months. So, for example, if a new offender lists his mother on the list, but forgets to list his older sister, the older sister will not be allowed to visit until the visitation list is amended after six months. Keep the names and addresses of loved ones private and keep them secure. One does not want other inmates to know family members or their addresses. Names and addresses of loved ones can be used in scams and extortion schemes.

G. Security Precaution Designations (SPD'S)

Security Precaution Designations, SPD's, are undesirable notations placed behind an inmate's name after all other classifications have been listed. There are four SPDs and each means the inmate has something in his record which is a potential problem to the prison.

1) "ES" stands for escape.

2) "HS" indicates an inmate who has taken someone hostage.

3) "SA" indicates there has been an assault on staff

4) "SR" which is a restraint precaution designator. This designation indicates that the inmate has gotten out of his handcuffs, or has managed to open the door on his cell, and was caught doing it.

Inmates with an SPD designation receive a G4 custody classification. After 10-years, it is possible to move up to G3, but once labeled with an SPD, one cannot achieve higher than a G3 classification. In summary, there are four reasons one may find oneself in deep trouble: escape, hostage, staff assault, and need for restraint. I offer a piece of advice about staff assault. "Staff assault" doesn't necessarily mean reaching out and poking the boss in the nose. All that is necessary for this label is to reach out and brush his shoulder and he has been assaulted. **The definition of staff assault is an inmate simply touching an employee.** Never touch a prison employee whether he/she wears a uniform or street/civilian clothes. Once that occurs, the inmate has problems and an SPD. He probably will be assigned to administrative segregation, and all kinds of problems and bad things happen as a result.

H. Unit Classification and Other Committees

Inmates must appear before several important committees. First, one will see the Reception and Designation R & D) committee. Then following the bus ride to the new unit,

inmates will be led to the Unit Classification Committee, UCC. This committee is made up of the warden or the assistant warden, the building major or his designee, someone from the medical department, and someone from the education department. They visit with the inmate and are in possession of the inmate's complete file. **Unless one's attorney instructs otherwise, this is one of the few times we would recommend that the inmate discuss his case with anyone in prison.** The only time inmates should discuss their case, their personal business, is if the people with whom the inmate is conversing have the inmates file in front of them. If the inmate is in some other part of the prison and the interviewer do not have the inmate's file, **THE INMATE SHOULD NOT DISCUSS HIS CASE.**

I. Conduct When Before a Committee

When the UCC meets with the inmate, they are making several decisions which will be very significant to the inmate's stay at that unit. For example, they will determine what bunk he will be sleeping on (top or bottom), and whether he is in a one man cell, a two man cell, or a dormitory. The next issue is a job assignment. One should be forthright with the members of these committees. Look them straight in the eye. There are some clear rules regarding when and with whom to make eye contact while in prison. Remember that guards wear gray uniforms and they are the immediate "bosses." Civilians employed in the prison as well as wardens and officials generally wear civilian clothes. Inmates wear white. It is a world unlike any other world one could imagine.

If the person is wearing civilian clothes or a gray uniform, **ALWAYS LOOK THEM IN THE EYE.** If the person is wearing a white uniform, i.e. an inmate, **unless the inmate knows the other offender very well, NEVER LOOK HIM IN THE EYE.** One should look at their

forehead, their left ear, just some other place. When one looks an inmate straight in the eye it is often taken as intimidation and a fight could start. Once this is understood, the inmate can go on to the assignments given by the UCC and he can learn how to behave.

V. SOME SPECIAL CONSIDERATIONS FOR WOMEN

(And some useful information for men as well)

A well educated woman and friend of mine who served a substantial number of years in the Texas prison was kind enough to review this work, and to suggest special comments directed toward what women should know about entering prison. I wish to thank her for the time she took to review and comment on this work, and particularly for her input into this section of the article.

In the men's units there are "gangs". Women have their form of "gangs" too, but more often women gather together in groups that are based on "relationships". A woman entering the Texas prisons should be just as cautious of quickly forming close relationships with other women or groups of women as should men be careful when considering the offers to join a gang. In either case, BEWARE!!

Gang members exist on the women's units, but are not as prevalent as on the male units. "Relationships" seem to be the norm on the female units. In many ways, the "approach" can resemble the invitation to be in a gang, but it's a one-on-one relationship. Women are more emotional creatures and the stronger women will play on the emotions of the weaker ones, and will particularly set the traps for a new offender. The "pitch" may be for protection, for so called "friendships", or need to ease the loneliness by having an emotional closeness with another person, and this can include a sexual relationship. The advice is DO NOT GET CLOSE TO ANYONE for any reason.

New offenders are prime targets and if it is seen (and it is hard not to be seen) that the new offender goes to the commissary on a regular basis, has mail and visits on a regular basis, there are plenty of women that have been there for a long while and they look for this. Perhaps they don't have the support and the assistance the new inmate has, and perhaps they are looking for that. Don't go for it. Take your time, watch those who try to befriend others, and carefully, over months of observation, pick your friends carefully.

It is suggested that women in prison are notorious for taking a personal relationship with another inmate extremely seriously. Do not think that the approach from another female inmate is really about "love" or "caring" because it is not. It is about control! If the "user" feels that the other party is pulling away, wants out of the relationship or that there is an interest somewhere else, watch out. If there is a threat of loss of control of the relationship, there are instances where the inmate pulling away has been beaten up or cut up over an attempt to cool off a relationship with another inmate. **Women in prison can be very petty and jealous.** This can lead to very dangerous relationships.

Women also intimidate or try to loudly "out talk" others by getting in their face. If this happens, do not respond by saying anything and do not react. Reaction is exactly what the other party is looking for. An angry response or reaction gives the other offender the excuse to start a fight. If the frustrated offender observes that her "soul mate" is going to enforce the rules and "go to rank" about the situation, expect to be ridiculed, but continue to mind one's own business. Ultimately following this advice will result in respect and others will stop trying to bait the newer inmate.

As has been explained previously, do not give anything to anyone. This is true of your

personal property, goods obtained in commissary, or other objects. Such transfers often wind up being discipline actions based on what is called “trafficking and trading”. Discipline actions can cause good time to be lost and a parole date to be delayed.

Before one gets to prison one should make up their mind about what kind of conduct and activity is the best for that individual, and what goals are really important. For example, the woman who assisted with this section of this article was told when first in prison not to ever go to see the psychologist because that will keep you from making parole. THAT IS ABSURD!! The incorrect presumption here is that inmates who need psychological assistance may be too “crazy” to parole. According to this prison myth, going to the psychologist will just give the Board a record of a history of mental problems. That is not the case. Going to the psychologist was the smartest thing my friend did during her early days in prison. The best way to avoid making similar mistakes in the future is to be able to understand why and what mistakes happened in the past.

The best advice for newly entering men and women inmates is to OBSERVE, OBSERVE, OBSERVE. While observing, always keep in mind that the new inmate is also being observed, not just by other inmates, but by those who guard and manage the prison as well.

Never comment on an incident which the inmate had nothing to do with. If it “isn’t your business”, just avoid having anything to do with it. If the offender finds oneself in a situation which does involve the offender, then take time to make the correct decision about what to do about the incident.

VI. STANDARDS AND BEHAVIOR

A. Keep your business to yourself.

I again recommend to the reader that inmates not discuss their case with anyone other than officials and committees, and then only when one's file is on the table. **Of course if your case is on appeal do not discuss your case with anyone without your lawyer's consent.** If one starts talking about their case, those inmates are potential witnesses against you for any admission you make if your case does get reversed. Secondly, there is a pecking order in the prison. Everybody needs someone to look down on, and this rule is true in prison. The inmate who used a child for sex is the lowest of the low. Inmates should not discuss the facts of their case, nor events surrounding the case. For example, if the conviction is of a sex offense involving a child, the last thing in the world that should be done is to tell another inmate. It is no one else's business anyway. **Inmates should keep their affairs to themselves.**

B. Old Joe or JoAnn wants to be my buddy

The best advice I can give in this area is that when an inmate tries to warm up to another, or do a favor, or ask a favor, it could lead to trouble. For example, if someone says, "take this envelope down the hall to that cell down there", **don't do it.** One never knows where a simple action like that might lead. What if the contents of that envelope include an escape plot? If the escape plan is later discovered, and it becomes known an inmate acted as delivery boy for the plot by passing the plan from one inmate to another, it puts each inmate in the conspiracy as far as the prison is concerned. Getting out of that kind of trouble could be real problems for the innocent inmate, and could include new criminal charges. The point here is this: one goes into the prison alone, and one comes out alone. Nobody can do time for another. The rule is, "Do your own time."

At times a corrections officer will allow himself to "warm up" to certain inmates. If this

appears to be happening watch out because it is dangerous for both the guard and the inmate. Guards, like inmates, have good days and bad days. Guards are not supposed to have private interaction with inmates. The guy who was the friendly corrections officer that was kidding around yesterday is going to be the same one that writes you a discipline action today for the same behavior that was previously considered acceptable.

C. Hygiene and Grooming

If the new inmate is thrown in a cell situation with someone that fails to meet good standards for cleanliness and good grooming, the first thing to do is to talk to that person to see if the matter can be resolved. If not, then the next step is to, “go to someone with rank.” “Rank” is someone at the level of lieutenant or above. **One should never go to a corrections officer with a complaint. Corrections officers are not going to want to do the paperwork. A lieutenant or a captain should be called in.** The inmate can talk with him about the situation and see if the ranking officer can help with that problem. If that is not successful, the inmate can try to get a new cell assignment. However, a new cell assignment is not easily accomplished.

It is a common error for other inmates to gang up on an inmate who does not maintain an acceptable level of cleanliness or grooming. It is a terrible mistake to get involved in such an effort to fix the problem. There is a high likelihood that the attacking inmates will get a disciplinary action and it will cost each of them a loss of class or time credit. Once time credit is lost, it will probably never be regained. In prison there is too many acts of retaliation among the inmate population, and among inmates and employees. Seldom does the inmate ever win in these situations.

One of the daily rituals in regular TDCJ facilities is the daily change of clothing. As we

said earlier, a set of boxer shorts, socks, and a set of white pants and shirt will be issued and each day there is a time at which these will be exchanged for a clean set. Clothing exchange may deviate from the norm in transfer facilities. Another exception to clothing exchange occurs if the unit is going through a “lock down”, when entry, exit and movement within the prison is restricted and inmates are required to remain, for the most part, inside their cells.

D. What is a Prison Lockdown?

A lock down occurs when there has been a riot on this or possibly other units, a prison break, or some major crime has occurred and security has been heightened. The lockdown may involve one or more units. It can even be system wide. During a lock down, the inmates will be staying in their cells as opposed to coming out for the normal daily schedule. Sometimes the food is brought up and served on the cell block.

Lock down status can last hours or days and weeks. At these times, clothing will not be exchanged every day. In the commissary section, deodorant was mentioned. Times such as lock down are when this deodorant purchase is really important. It pays to develop good hygiene habits. It can get very unpleasant in a dormitory or a cell for an extended period of time without being able to change one’s uniform.

Necessities

If the inmate has money or means when he goes into prison, the necessities are not that big of an issue. But necessities are also issued by TDCJ, such as toilet paper, toothpowder, soap, razors. Razors are sometimes issued from the prison and collected by the staff after the inmate has had time to shave. The reason they are collected is obvious. Razors are a good means of making weapons, and if one is caught making a weapon at best he will get a discipline

action, and at worst will be charged with the crime of having a weapon in a penal institution. At other units razors are issued on a weekly basis and can also be purchased in the commissary.

The way to get necessities is to notify the appropriate employee.

V. LIVING ARRANGEMENTS

A. Dorm Living and Cell Blocks

Some prisons have dorm-like living conditions. The bunks in a dormitory setting are pretty close together. This room will house about 80 inmates. When the inmate first goes into prison he will be housed in a dorm. Eventually he is going to be in a higher classification, after being in the prison for awhile, one may find he is going back to a dorm or a cubicle.

At first, inmates reside in unclassified dormitory space. Under their beds are small boxes where all personal property will be stored. We will discuss this in more detail a little further along.

This assignment is the inmate's living area. The person on the opposite bunk (top or bottom) is called a "cellie" (like a roommate). Even though the inmate may be in a dorm setting, that individual is still his "cellie". In time, the Classification team will assign most inmates to a two man cell. One may also be placed in a dormitory or a cubicle that has low (about 3 feet high) walls. Single cells are generally reserved for restrictive maximum security situations.

There are prison units in the system, particularly in the older more highly classified prisons, where there are rows of cells as one sees in movies about prisons rather than dorms. As one walks down the row one should not go looking over to see what is going on in cells on the row. In prison, when it comes to prisoner privacy, what is going on at a cell row is none of the non-resident inmate's business. If one does see something, the best advice is to keep quiet about

it. If asked about what was seen most will advise that the response be, “I didn’t see anything”.

B. The “Chow Hall”

The food in most “chow halls” in the TDCJ system is tolerable. The calorie content, fat, starch and cholesterol levels are high. They serve a great deal of pork while beef is less often available. As is the case in most institutional settings most meat and vegetables are overcooked. Service is cafeteria style. The dining hall is a place where one must remain alert. Dining areas are places where large number of inmates have to congregate and where inmates gather in larger and more anonymous groups trouble can occur. Everyone is cognizant of the statue depicting three monkeys representing the adage “hear no evil, see no evil, speak no evil.” In prison one should be aware of everything that is going on. One should develop their sense of what is happening on both sides and behind them. Most importantly, inmates want to pay attention to when the noise stops. In prison, noise seldom stops. When the constant din of noise ceases, something dramatic is about to happen. Be prepared to move quickly away from the center of the room and areas of activity toward the walls away from the commotion. You probably will not be the only one trying to follow this advice. Do not get involved. Later, when you are asked what happened, you can say you do not know because you were just trying to get away to a safe and clear place. The inmate’s policy should be, see (be aware of) everything, hear everything, but say nothing.

D. Day Rooms

An enlightened inmate will avoid is the day room. There are not many things which can benefit an inmate there. Here is an explanation of conditions in the Day Room. Consider two televisions 15 yards apart, on different channels, both turned to maximum volume. The

televisions are almost always on sports. If one likes basketball, baseball, or football there will be a great deal of that on the TV but the viewers do not select many movies or educational programs. The furniture consists of stainless steel tables and benches or chairs. The most popular pastime other than watching television is dominoes. When inmates play dominoes, it is a prison tradition to slam the dominoes against the steel table. The racket made by this eventually gets to where it really rides on the nerves. Several people slamming dominoes on a multiple of steel tables in addition to two competing televisions can make a great deal of noise. There are a number of discipline actions that result from inmate interaction in the day room. When a fight breaks out, everyone in the room will be subject to a possible discipline action, or else those present may have to testify in discipline actions. Either way the inmates involved lose.

E. Recreation Yard

Another place you may have the opportunity to go is the weight room/gym. At one time there were boxing matches in the gym, but this has, for the most part been discontinued. At many units the gym/weight room is outside in the Recreation Yard where one may also find a basketball, volley ball and hand ball courts. Many inmates also get exercise by walking around the fence of the "Rec Yard." One should not spend a lot of time in the recreation yard. If one wants to stay healthy, one can do a certain amount of exercising in the cell. If you do spend time there, try to avoid contact with other inmates, especially groups of inmates. The recreation yard is a place for inmates to meet, a place for trouble to develop, and a place where, just as in the day room, the innocent can be caught up in adverse activity which otherwise would be avoided. For example, one may be innocently involved in a conversation with another inmate when a riot break or out on the other end of the yard. TDCJ has a long history of disciplining everyone on

the yard when trouble occurs. Stay alert and if trouble starts, get away from it.

Learn to do time alone. One can read or work on improving reading skills. Inmates can use the library and discover what books are of interest. The new inmate should find something to do by oneself. We have mentioned one should not make friends too fast. The last thing in the world one needs to do is to make friends with the wrong person too quickly. Learn about being alone and learn to conduct affairs by oneself. If someone is to be included in one's affairs, then include someone that is known, and who has a history of minding his own business. Remember, inmates and inmate gangs do blackmail other inmates in prison.

F. Commissary

When at the commissary, follow one of the primary rules suggested about being in prison. One should do one's own time, and take care of one's own business. At the commissary don't buy a lot of stuff for other people. One should make oneself the priority.

The Texas prison commissaries work like a debit card. Each inmate has an identification card and one will be able to use it like a debit card to make commissary purchases. Whatever the balance on a commissary account is what the individual inmate will have to spend. If our advice about having money in jail before entering the prison is followed, one will have money on the prison books when one enters prison or very shortly thereafter. Otherwise, upon entry the inmate should immediately contact those who can help his support and have them send money to the TDC trust fund. If one has money in the trust fund, then it can be used at the commissary. However, there is a limit for spending of \$75.00 per two week period.

When a purchase is made at the commissary one will be issued a receipt. Once the receipt is issued one should verify the receipt against purchases, and then, unless there is a

specific reason for keeping it, destroy the receipt. Do not drop it in the trash where it can be found by other inmates. Take it back to the cell and flush it down the toilet. This receipt has valuable information on it, such as one's TDCJ number, balance in account, how much the individual spends at the commissary, etc. That is all information other people can use. With that information, the unsuspecting inmate can be set up. An inmate whose business is known is ripe for being blackmailed, threatened, or used. An inmate with money can be "had" by others who know how to work the system. The rule here is do not leave those commissary receipts lying around. However, keep property slips for new commissary items that must be listed on one's inventory. There are times when objects bought at the commissary do not make it to one's property list. By keeping these particular slips one can have proof of purchase. Keep all property slips and inventory sheets for one's own protection.

G. Hall Rules

The hall in the prison has lines on each side of the wall. The middle of the corridor is reserved for employees of the prison. The only time inmates are allowed to walk in the middle of the corridor is when being escorted by guards. Inmates stay on the inside against the wall within the lines of the walkways.

Inmates walk one direction ∞

HALL

Area where employees walk

Inmates walk other direction 5

Again, inmates do not walk in the middle unless one is being escorted in the middle by a couple of guards. So, keep hands to yourself and “stay on the wall” as they say.

Now let’s review this section. The recreation yard is a place where trouble can happen, and one can get exercise in the cell. I recommend one develop an exercise program that can be done alone. Commissary, watch out for being taken advantage of as a result of what can be learned from your receipts at the commissary.

One can buy basically the same types of necessities and food in the commissary that one can purchase at a convenience store. In the halls walk between the wall and the lines. Do not walk in the middle.

I. Dealing With Personal Property

When one enters the prison all personal property will be inventoried. This inventory will determine what property the offender can keep while in prison. There is a prison discipline offense known as Possession of Contraband. If property found in the possession of an inmate is not on his inventory sheet, then there is going to be a problem. Each inmate has an approved property list, or if one has property which authority has not authorized be purchased via the commissary, one can receive a discipline case for having property that constitutes contraband.

The amount of property one can have depends on what one brought in, or what purchases have been prison authorized (i.e. radio, fan). It is important when property is

inventoried that one:

- A. Make sure all property is on the list, and
- B. Don't bring stuff that isn't needed.

If one possesses property of personal interest or emotional value, there is a good possibility someone else will like it and they will try and take it.

Different prison units have different types of storage space. A problem developed in TDCJ for inmates being transferred from a unit with a good amount of storage space to a unit with less space. In some cases there was no room for all of the inmate's belongings. Therefore, TDCJ developed a regulation limiting each inmate to an area of approximately 1 _ square feet to store all commissary and related items. This is important because one doesn't want to be buying more than can be stored. If one can't fit his property into the limited area provided, prison employees are authorized to take it away from the inmate.

These regulations might be enforced with some latitude. For example, if one has a complicated legal case that is on appeal, one can apply for more space in which to store the legal material. But this is a cumbersome process and if the additional space is not absolutely necessary, do not get involved with applying for more space.

One can have a lock on the assigned TDCJ "lock box", which is another name for the storage space. This lock is sold at the commissary for ten dollars. The Correction Officers (COs) have a master key to all the locks, so they can search the lock boxes as necessary. The advantage to having a lock is so you can keep materials private. This is particularly true of legal documents. One does not want anyone else knowing about one's case. So, keep those documents private.

VI. Introduction to Gangs and Contraband

A. What are gangs about

Gangs are a major problem in prison.² Gangs usually form around racial lines. It is very important for a new inmate to remember upon entering prison that he is viewed by the gangs as a new prospect. It is not unusual that a new arrival will be approached by another inmate who will try to get the newcomer indebted to him in some way or to recruit the new inmate into a gang. They may offer protection from assault or blackmail. **Watch out!** It is important to reject these entreaties. The gangs demand total loyalty. Gangs will demand money, sex, or participation in some criminal act to be performed in prison. Avoid membership in a gang.

There is a way out of gang membership, but we have had clients who, after being identified as gang members, stayed in administrative segregation for as long as seven years before qualifying for this relief. The program is called the GRAD program. This is a decertification program. There is a very long list to gain entrance into the program and it can take years to qualify. It is a very difficult process to get the label of a gang member or gang associate removed once the inmate is identified as a gang member.

Gangs are the source of many criminal cases. Inmates in gang are much more likely to get criminal cases while in prison. The inmate will go directly to administrative segregation once identified as a gang member. Perhaps of greatest importance, it will be very difficult for a gang member to be approved for parole once a gang tag is applied. Not only are gang member considered to be poor parole risks, they usually have disciplinary problems and the parole guidelines are heavily weighted against gang participants.

²) For women, there is another form of “gang” described by those assisting in this article. This will be discussed under the section dealing with special issues for women.

B. How do gangs recruit?

What about the young person who comes into prison and is threatened by others. Recognizing and capitalizing upon the fear that a new inmate feels when entering prison, a gang member will approach the inmate to ask if he is interested in joining a gang. The pitch is to offer protection. The gangs are preying upon these individuals in hopes their fears will cause them to join up with a gang. A lot of people will get involved with a gang precisely for protection. The problem is that gangs don't do anything out of the goodness of their hearts. We have handled numerous cases where people have gotten into gangs and found there was no protection. In some cases the gangs would just use the new members. In some instances, the new members would be traded to other gangs in return for privileges and benefits. If one does join a gang, the gang requires total loyalty. If a new inmate does not have the money to pay them, they may demand that you provide them with some benefit in the form of sexual favors, or other illegal acts or deeds. To refuse the demands of ones gang is to incur the same or worse treatment than that which one joined the gang to avoid.

In prison, new criminal offenses can result in a new indictment, and if convicted of a crime in prison, the sentence for that new crime will be stacked on top of the current sentence. If a member fails to perform a hit or other illegal act required by the gang, the offender will get on the gangs list to be punished because of the failure to perform the order given. There are numerous down sides to membership in gangs. There are many inmates in gangs right now that want out. They realize the gangs are not providing what was offered.

C. Jail House Lawyers

Stay away from "jail house lawyers", often called "writ writers". These are inmates who

are self taught as lawyers. They seldom, if ever, have any actual legal background. Watch out when relying upon their representation or assistance. The law has changed regarding how many times you can challenge through post conviction legal actions the conviction that sends one to prison. One generally gets only one chance at a writ of habeas corpus. If this one writ is not professionally done, end results can be horrible. One could waste this opportunity on a frivolous claim while a valid cause would be forever lost. Inmates should avoid allowing jail house lawyers from being involved in their case. In addition to the legal ramifications, using a jail house lawyer gives another inmate information about you and your case that can be used to your detriment. This writer must admit that in over 30 years of practice in this area I have learned some things from jail house lawyers. However, I have spent more time correcting their work than learning from their expertise. The new convict only gets one opportunity for an appeal or one writ of habeas corpus, so it is best not to use a jail house lawyer with no legal education as the vehicle to travel down the post conviction road.

The prison does have a public defender service. Several lawyers in our firm have worked in that public defender service at various times. While it is a fact that the TDCJ has economic control over that office, there have been some excellent lawyers employed in that office. If one cannot afford a lawyer, and have a case, the prison may be willing to provide one.

VII. Dealing with complaints

In the limited space we are allotted for this article there are things we cannot cover, but we will briefly mention how to deal with a situation where one believes there has been mistreatment, or unjust treatment. There is a policy that allow an inmate to file a request for assistance or information. It is called an "I 60". This is also the form for filing a grievance. If

something goes wrong, and you want to complain about it, the prison has a grievance process. Again, in this area, we suggest you stay away jailhouse lawyers.

If you are seriously mistreated and want to file a law suit against the prison or its employees, current law generally requires that one must exhaust all administrative grievance remedies before you can go into court. It does not matter whether it is a medical problem, a job loss, or lost good time through a disciplinary action, one must exhaust all administrative grievance procedures by oneself and there should be no fear to file a grievances if one believes it to be justified.

VIII. PROGRAM PARTICIPATION

A. "ITP"

We are headed now in the area where one can start helping oneself to get out. Participating in programs is not only the way to improve ones life during and after prison, it is the beginning of demonstration that one is worthy of parole. The process of getting into programs starts almost immediately. Within the first 180 days of incarceration, a sociologist or a counselor prepares the inmate's Individualized Treatment Plan (ITP). This plan is placed into the inmate's file. The prison will expect an inmate to complete the ITP courses recommended in the Individualized Treatment Plan. Prison programming is extremely important when it comes to the Parole Board. I have had Parole Board members tell me that their policy is that an inmate's failure to accept or participate in a program can cause one to fail to be paroled. So whatever they put on that ITP is needed, the offender wants to follow the direction given. It may sound like nonsense, but one wants to pay close attention to the direction one has been pointed. Otherwise the inmate will be telling the Parole Board he is not interested in being released. However, if it

is impossible to get into a program in the ITP, do not panic. The Parole Board recognizes that it is not always possible to get into the courses one needs according to the ITP. If an inmate demonstrates that he has done all within his power to participate, the Board will not hold factors beyond his control against him.

B. Self Help

The other kinds of programming are formal programs and a lot of self help programs. Eighty five percent of the people in prison are there because of some kind of substance abuse. The case may not be DWI, or possession of cocaine. It may be a burglary charge with no drugs involved at all, but a program such as A.A. or N.A. (narcotics) at least tells the Parole Board that one is interested in improving oneself.

A number of programs are designed to compliment the one thing that is common to all the programs. This is cognitive intervention, which is a process of changing criminal thought patterns. Changing the criminal thought pattern is what the prison is going to tell you that is the purpose of the correctional system. The prison offers good programs such as Changes, and Voyager. Inmates should make every effort to get into programs and take everything they are offered.

Never turn down a program. In fact, refusing any activity can lead to the inmate finding himself removed from the parole eligibility list. Even if you are positive you do not need a program or even have already completed it, do not make any statement that indicates you do not want to participate in any program that is offered to you. How one spends his time is important.

C. Chaplaincy

The chaplaincy is the group of ministers in the prison. They represent most religious

denominations of the world. Those ministers who work in prison have a great challenge, and while they are limited by the prison in their ability to be as helpful as many would like, they are there to assist. If there is an emergency, the Chaplain is the person the inmate should seek out if the issue is a personal problem. It will be the Chaplain who will come to an inmate with a message of a death in the family, it is the Chaplain who can arrange a special telephone call home in a family emergency.

At the same time, religious services are times when many inmates gather in a single location, and as explained previously, that can be the opportunity for improper information to pass from one group to another. Gang use religious services to pass information. One should not get caught up in this kind of behavior. The prison is aware of this, and the inmate should avoid involvement in activity which could lead to improper conduct or prohibited activities when engaged in worship services.

Our office has had many interactions with ministers of various denominations in the prison, and for the most part, they have been helpful. Getting to know these professionals is something the inmate and family may well wish to do.

VIII. PAROLE AND MANDATORY SUPERVISION

This topic of the article could be a book by itself, so I am only going to hit the high points. Getting out of prison is every inmate's goal. Parole and mandatory supervision are the two most likely methods leading back to the free world. After September, 1996 all mandatory supervision is discretionary with the Parole Board. Parole eligibility is determined in two ways. Initially one's parole eligibility is determined by statutes. If a conviction involved a weapon or was one of several serious violent crimes, one will not be considered for parole until one half of

the sentence is earned applying day for day credit. If the conviction is for a non-violent crime and no weapon finding was made, one must earn one-fourth of the sentence with good time being applied to that calculation. Each parole consideration, after that initial consideration, is determined by the decision of the parole panel who last voted the case.

A. Parole Panels

Recently, the Texas Board of Pardons and Paroles has gone through substantial statutory changes. There are now seven members of the Board, and eleven Commissioners who vote with Board Members. Each panel has one Board Member, and two Commissioners. To be paroled, most inmates need two of the three votes on that panel.

If the conviction falls under one of the crimes known as Senate Bill 45 cases there is a different rule. Senate Bill 45 cases include:

- 1) A life sentence arising from a capital murder charge,
- 2) an aggravated sexual assault,
- 3) indecency with a child by touching

The statute regarding Senate Bill 45 cases requires two thirds of the seven board members to favorably consider the case. However, that is not exactly how things work. Since two thirds of seven equals a number that is more than four but less than five, the Board of Pardons and Paroles has adopted a rule which requires that one subject to parole consideration fails if there are three negative votes out of the seven. In other words, if convicted of the three above mentioned crimes, then all seven Board Members vote the parole case. If three of them vote to deny parole, one will not be paroled. At this writing this issue has not been tested in the courts.

B. Parole

Unless one is convicted of an offense listed as a “3(g)” offense, one will be parole eligible when earned credit equals one-fourth of the total sentence with credit for any good time earned applying to that time. Being parole eligible does not mean one will automatically be paroled. It means you have a chance to be paroled. If you have what is called a 3(g) sentence, meaning a weapon was involved, or a serious crime of violence is involved without a weapon, such as aggravated sexual assault, then one has to earn one-half of the total sentence before being considered for an initial parole hearing.

In Texas to terminate a sentence, one must serve each and every day imposed in the judgment. For example, even if good time credit toward parole eligibility is acquired, that good time credit is not deducted from the sentence termination date. So, if one has a ten year sentence, and is released after three years of flat time credit, one will still owe seven full years under supervision. As far as serving a ten year sentence, ten years means ten years—day for day.

Few inmates make first parole, so no one should not count on that relief. After one is denied parole the Parole Board will set the next date for one to be again considered for release. However, the Board may set off the next parole consideration for up to five years if the conviction is for a “3(g)” crime. Another option is for the Parole Board to determine that the offender is not going to be given parole, in that case the vote will be what is called a “serve-all”.

C. Mandatory Supervision

So long as one is not in prison with a history or conviction of crimes of violence, or crimes involving the use of weapons, mandatory supervision could be an option for early release. Discretionary mandatory supervision applies when one’s flat time (day for day time) plus good time earned equal the whole of one’s sentence. Once this is attained, the person is eligible to be

considered for mandatory supervision. This is true even if that offender has been given a “serve all” as a parole vote. For example, let’s assume the inmate

has a five year sentence:

flat time earned 2.4 years

good time earned 2.6 years

total time earned 5.0 years

It is at this point that mandatory supervision will be considered. The inmate is entitled to be notified at least 30 days in advance of the board considering a mandatory supervision case in order for the inmate to supply such information as may be beneficial to the parole board. If the vote is favorable, the inmate may be released to conditions similar to that of being paroled for a length of time on supervision equal to the good time earned. Thus, in the above hypothetical, if mandatory supervision was granted, the inmate would be on supervision for 2.6 years.

IX. SHOULD THE FAMILY JOIN INMATE SUPPORT GROUPS?

There are a number of inmate support groups. These are various groups of people who are active in trying to improve the problems and alleviate some of the emotional trauma inmates and families suffer as the result incarceration. The prison does listen, but it is our opinion the prison’s view of these groups is that they represent as much an annoyance as a benefit. It is this writers belief that the prison only takes these groups as seriously as the political climate requires.

Certainly being a member of such a group may be an asset to certain people who have a loved one in prison. It is our opinion that these groups do have shortcomings, but we do not discourage membership. They are family support groups and as such help people who have loved ones in prison realize that they are not alone. They can provide insights to dealing with problems

common to families of those who are incarcerated. These organizations are not designed to be prison reform groups. The primary interests of members is to get their individual loved one who is an inmate out of prison. After that occurs, they usually lose interest in remaining involved in prison family organizations. I have seen any number of these groups rise and fall. Deciding whether and which group to join is an individual decision. It is the observation of this writer that law firms whose interest is prison reform, and inmate support groups have little in common. The choice of joining or participating in one of these groups is up the family involved. Membership will not likely hurt the inmate, but how much good membership in an inmate family organization will help the inmate's situation is a matter of conjecture.

CONCLUSION

After practicing post conviction criminal law in Texas for over thirty years I have come to the conclusion that in this state neither prisons, nor the attitudes of prison employees are going to change to any great extent. Being employed at the prison definitely requires hooking up to the "good ole' boy" team if one wants to be considered for the serious promotions. Today I see the same types of problems with the Texas prison I saw when I was first employed there in 1973. There are some improvements, but there are also many new problems to replace those which were resolved by the Ruiz civil rights suits. The economics of doing business with state and federal prisons has become an industry that has gotten too closely intertwined with government. This appears to be something that should cause great concern, but I do not see substantial improvement on the horizon. Prisons have become such an important factor in the economic survival of some small Texas towns that some of those communities might fail but for the fact they have one or more prisons to provide employment for the local work force. Few correctional

officers I have known over the last thirty plus years enjoy what they do for a living. Few inmates want to be in prison. The combination and interaction of these two groups makes for a negative mix in the work place. As a result, the society that exists in prison is less than positive.

The best suggestion I know for someone entering prison for the first time is keep to yourself, do not discuss your case, learn to occupy your time alone and in a positive way, and take advantage of every positive opportunity that comes your way. By all means do not allow yourself to become obligated to another inmate. Prison is a cold, hard, place to be, but you can get through it, and this episode of life will one day be past history for over 95% of everyone who has to enter our prison system. Prison can be a real wake up call to the degree that it might be a turning point (good or bad) in an individual's life.

There are many inmates, mostly past drug addicts, who told me that having to go to prison saved their lives. All I have to say in response to that kind of statement is how unfortunate the only means to save themselves had to require being in prison.

When I was a young man we had to deal with the military draft. Once in the military, young men usually "got the message", and the military became the vehicle that pushed an individual into being a responsible citizen. Today we no longer have the draft, and the element of drugs have been added to our social mix. Today we send the same young people that used to get drafted to prison. I have concluded the military did a much better job of turning out responsible people than is currently produced in our prisons.