



**Final Report of the
Joint Committee on Prison Reform.
63rd Legislature December, 1974**

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Legislature - → FINAL REPORT OF
Texas - THE JOINT COMMITTEE ON PRISON REFORM -
of
THE TEXAS LEGISLATURE

December 1974



Senator Chet Brooks
Chairman
Senator Ron Clower
Senator Lloyd Doggett
Senator Bob Gammage
Senator Ike Harris
Senator Bill Meier
Senator Walter Mengden

JOINT COMMITTEE ON PRISON REFORM

(SCR 87, 63rd Legislature, RS)

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AUSTIN, TEXAS 78711

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Vice Chairman
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Representative Anthony Hall
Representative Joe Hernandez
Representative Eddie Bernice Johnson
Representative Chris Miller

TO: Members of the 64th Legislature

The Joint Committee on Prison Reform respectfully submits the final report of its two-year interim study of corrections in Texas as mandated by Senate Concurrent Resolution #87, 63rd Legislature of Texas.

The Committee's report concludes a study which included sixteen public hearings, extensive staff research, and input from its Citizens' Advisory Committee. The staff presented the Committee with working papers totalling over 1,000 pages.

The Committee conducted its study with the following goals in mind:

- (1) To carry out the mandate of S.C.R. 87 to "study needed reforms in the Texas system of imprisonment"
- (2) To describe, by careful and responsible research, the operation of the Texas Department of Corrections
- (3) To make recommendations for change which would provide the greatest protection for society through effective programs of correction and rehabilitation
- (4) To work closely with the Citizens' Advisory Committee on Prison Reform.

In order to proceed with our study, staff members were permitted to correspond with and interview any inmate and TDC employee without censorship by TDC officials. Employees of other state agencies and divisions, including the Texas Health Department, the Texas Education Agency, the Texas Employment Commission, and the Texas Rehabilitation Commission were interviewed in relationship with correctional agencies in Texas. Cooperation by the U. S. Department of Justice produced a number of telephone interviews and personal visits from federal representatives. Virtually every public agency dealing with prisons, correctional management, and inmate rehabilitation were contacted by the committee staff in the course of the study.

TO: Members of the 64th Legislature
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The text of our report, originally drafted by a highly competent and experienced staff of attorneys and researchers, was modified and edited by the full Committee in its final meetings. The revised text is intended to provide a commentary to the recommendations passed by the Committee. However, it should be understood that although the recommendations and text were adopted by the full Committee, not every member necessarily agrees with every word of commentary in the text. The formal recommendations stand as the clearest statement of the conclusions drawn by the Committee.

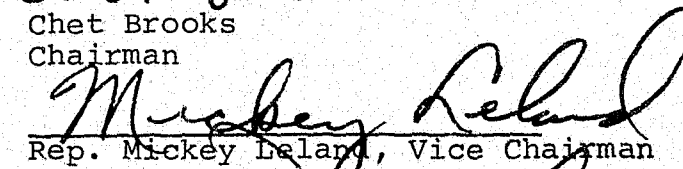
Out of necessity, much is left unsaid in this already lengthy report. The Committee report mentions, but does not detail, the many praiseworthy programs operated by the Department of Corrections. The people of Texas are justly proud of the great progress the Department has made under the leadership of Dr. George Beto and Mr. W. J. Estelle, Jr. Basically, however, the Committee report focuses on those areas in the operation of the system where problems exist in order to accomplish its mandated goal of recommending needed legislative changes. The recommendations included in this report are intended to strengthen and improve the state correctional system. These recommendations suggest a system of corrections which is more effective and more economical while handling public offenders securely and providing greater safety for the public.

Implementation of the recommendations contained herein can significantly reduce the crime rate and recidivism in our state. The Committee hopes that every legislator, state official, and interested citizen will study this report and support recommendations for a stronger and more effective correctional system to the benefit of all the people of our state.

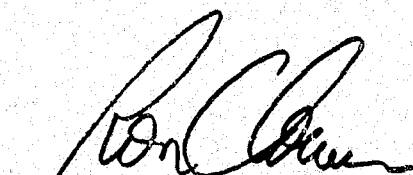
Respectfully submitted,



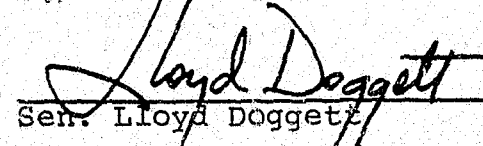
Chet Brooks
Chairman



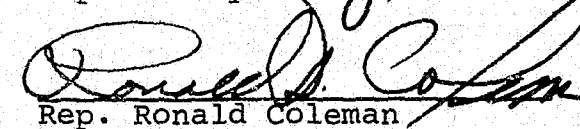
Rep. Mickey Deland, Vice Chairman



Sen. Ron Clower

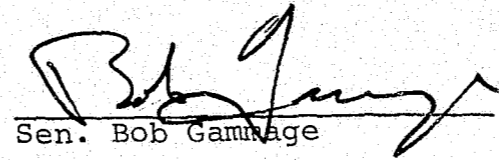


Sen. Lloyd Doggett



Rep. Ronald Coleman

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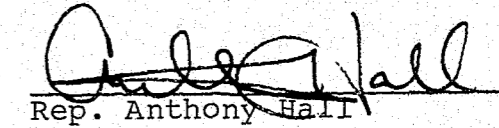

Sen. Bob Gammage

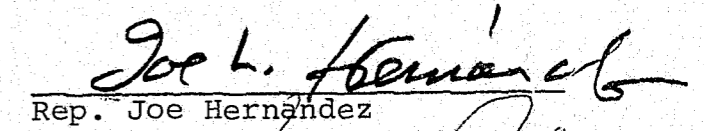
Sen. Ike Harris

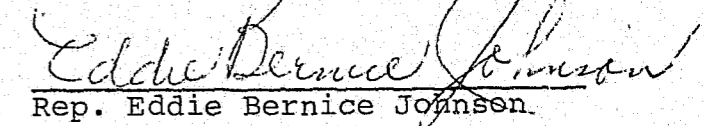
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State of Texas
House of Representatives
Austin, Texas

January 23, 1975

The Joint Committee on Prison Reform
Office of Senator Chet Brooks
Austin, Texas

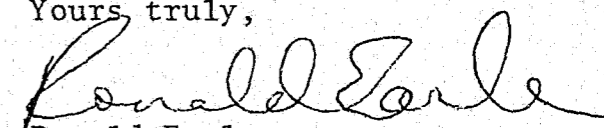
Dear Senator Brooks:

After reviewing the report and recommendations of the Joint Committee on Prison Reform, I wish to applaud the work of the Committee and staff and lend my support to their efforts.

As Governor Briscoe's liaison to the Committee, I will be forwarding an analysis of the proposals to him with my endorsement of the majority of the recommendations.

Both the Committee on Prison Reform and its staff are to be commended for compiling the most comprehensive study yet accomplished on the Texas penal system. It is my hope that this study will lead to the long overdue, humanitarian reform of our prison system.

Yours truly,


Ronald Earle

RE:ej

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The Committee is deeply indebted to the work of earlier members of the staff; John Payton, Wayne Oakes, Genevieve Tarlton, and Erasmo Andrade.

We also wish to express our gratitude to the many students at the University of Texas School of Law, especially those in Prof. Filvaroff's classes, who volunteered many hours of useful service.

All copies of staff working papers and transcripts of committee meetings are on file in the Legislative Reference Library.

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A COMPILATION OF RECOMMENDATIONS

COMMUNITY-BASED CORRECTIONS

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE STATE OF TEXAS DEVELOP A COMPREHENSIVE COMMUNITY-BASED CORRECTIONAL PROGRAM AND PLACE A MORATORIUM ON NEW CONSTRUCTION OR NEW EXPANSION OF LARGE PRISON INSTITUTIONS UNTIL MAXIMUM USE OF COMMUNITY-BASED CORRECTIONS HAS BEEN ACHIEVED.

(2) THE TEXAS DEPARTMENT OF CORRECTIONS EXPAND ITS WORK RELEASE AND WORK FURLOUGH PROGRAMS AND ESTABLISH A COMMUNITY-BASED PRE-RELEASE PROGRAM.

CORRECTIONS IN PERSPECTIVE: THE CRIMINAL JUSTICE SYSTEM

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) LAW ENFORCEMENT AGENCIES BE ENCOURAGED TO HELP CREATE AND SUPPORT A MOVE TOWARD COMMUNITY-BASED CORRECTIONS.

(2) SENTENCING DISPARITIES BE ELIMINATED BY ENACTING LEGISLATION TO GIVE THE TRIAL COURT BASIC GUIDELINES IN ASSESSING PUNISHMENT.

(3) A STATE-WIDE PROBATION SYSTEM BE ESTABLISHED TO ENSURE A UNIFORM, EFFICIENT AND ADEQUATE ALTERNATIVE CORRECTIONAL METHOD.

(4) ALTERNATIVES TO INCARCERATION BE PROVIDED THROUGH PRE-TRIAL DIVERSION.

CLASSIFICATION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE DEPARTMENT OF CORRECTIONS DEVELOP A COMPREHENSIVE TREATMENT CLASSIFICATION PROCESS AT THE UNIT LEVEL BASED ON THE STANDARDS OF THE AMERICAN CORRECTIONAL ASSOCIATION AND OTHER RELEVANT NATIONAL STANDARDS. SUCH A PROCESS SHOULD INCLUDE AN INSTITUTIONAL CLASSIFICATION COMMITTEE WHICH WOULD MAKE INITIAL TREATMENT CLASSIFICATION DECISIONS. THE COMMITTEE WOULD ALSO REVIEW EACH INMATE'S CLASSIFICATION AT LEAST ONCE YEARLY AND WOULD PREPARE PRE-PAROLE SUMMARIES FOR EACH INMATE FOR USE IN PAROLE CONSIDERATION.

(2) THE DEPARTMENT EMPLOY A FULL-TIME PHYSICIAN AND A FULL-TIME PSYCHIATRIST AT THE DIAGNOSTIC UNIT. THE MEDICAL EXAMINATION AND PSYCHIATRIC EVALUATION PROCEDURES SHOULD FOLLOW THE MINIMUM STANDARDS OUTLINED IN THE FEDERAL BUREAU OF PRISONS MEDICAL MANUAL FOR POLICIES AND PROCEDURES.

(3) THE DEPARTMENT RE-EVALUATE THE DIAGNOSTIC TESTING PROCESS TO ENSURE THAT THE TESTING IS PROPERLY CONDUCTED AND THAT THE TESTS USED ARE SUITED FOR THE INTENDED PURPOSE. TESTS SHOULD BE ADMINISTERED IN SPANISH AS WELL AS ENGLISH.

(4) THE DEPARTMENT DISCONTINUE INTERVIEW QUESTIONS RELATING TO DRUG USE UNTIL A DRUG TREATMENT PROGRAM IS INSTITUTED TO JUSTIFY THE QUESTION. INTERVIEWERS SHOULD ALSO BE REQUIRED TO INFORM ALL INMATES PRIOR TO QUESTIONING OF ANY RAMIFICATIONS DISCLOSURE REGARDING DRUG USE, ETC., COULD HAVE ON THEIR CONSIDERATION FOR PAROLE OR ENTRANCE INTO TDC PROGRAMS.

(5) THE DEPARTMENT ADOPT A POLICY ALLOWING INMATES ACCESS TO INFORMATION IN THEIR INDIVIDUAL FILES AND INSTITUTE A PROCEDURE ALLOWING INMATES TO EFFECTIVELY CHALLENGE INACCURATE INFORMATION.

(6) THE DEPARTMENT REDUCE THE QUARANTINE PERIOD USED AT THE GOREE UNIT TO THE MINIMUM PERIOD NECESSARY.

(7) TO THE DEGREE POSSIBLE, INMATES BE ASSIGNED TO UNITS CLOSEST TO THEIR HOMES.

LIVING AND WORKING CONDITIONS

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ALL INMATES RECEIVE A MORE REASONABLE ALLOWANCE UPON RELEASE FROM TDC.

(2) THE DEPARTMENT STUDY THE POSSIBILITY OF PROVIDING SOME FORM OF ALLOWANCES AND INCENTIVES TO INMATES WHILE INCARCERATED WITH SPECIAL CONSIDERATION TO THE PROBLEMS OF INDIGENT INMATES.

(3) A STUDY BE CONDUCTED BY AN OUTSIDE AGENCY OR GROUP OF VARIOUS AGRICULTURAL AND INDUSTRIAL OPERATIONS IN ORDER TO DETERMINE WHICH PROGRAMS OFFER THE GREATEST VOCATIONAL TRAINING POTENTIAL AND THE GREATEST COST BENEFIT TO THE DEPARTMENT. OPERATIONS WHICH OFFER MINIMAL VOCATIONAL TRAINING OR HAVE MARGINAL COST BENEFITS SHOULD BE RE-EVALUATED.

(4) EACH PRISON UNIT SHOULD ESTABLISH A PROCEDURE FOR PERIODIC INSPECTIONS FOR CLEANLINESS, SAFETY, AND HEALTH. HEALTH PERSONNEL AND OTHER MEMBERS OF THE UNIT'S STAFF SHOULD CONDUCT THESE INSPECTIONS AND REPORT THEIR FINDINGS TO THE TDC ADMINISTRATION.

(5) IT SHOULD BE THE DUTY OF THE ASSISTANT DIRECTOR FOR MEDICAL SERVICES (AN ADMINISTRATIVE POSITION REQUESTED BY TDC IN THE 1975-1976 BUDGET REQUEST) TO ESTABLISH STANDARDS FOR CLEANLINESS, HEALTH, AND SAFETY FOR THE ENTIRE SYSTEM AND CONDUCT INSPECTIONS TO ASSURE COMPLIANCE.

(6) THE TEXAS DEPARTMENT OF HEALTH SHOULD CONDUCT YEARLY INSPECTIONS OF THE PRISON SYSTEM TO ENFORCE STATE HEALTH AND SAFETY STANDARDS IN ACCORDANCE WITH STATE LAW.

(7) IN DEVELOPING STANDARDS AND UPGRADING THE ENVIRONMENT IN EACH PRISON UNIT, SPECIFIC ATTENTION SHOULD BE DEVOTED TO:

- a. INSPECTION AND REPAIR OF EXISTING FACILITIES;
- b. DEVELOPMENT OF INSPECTION AND MAINTENANCE PLANS FOR ALL WORK AREAS;
- c. DEVELOPMENT OF GUIDELINES RESTRICTING FIELD LABOR DURING EXTREME HEAT OR COLD;
- d. DEVELOPMENT OF TRAINING PROGRAMS FOR STAFF AND PRISONERS IN MATTERS OF PERSONAL HEALTH, FIRST AID AND SAFETY;
- e. DEVELOPMENT OF EMERGENCY PLANS FOR INDUSTRIAL ACCIDENTS.

(8) A PROGRAM SIMILAR TO WORKMEN'S COMPENSATION BE CONSIDERED FOR ALL PRISONERS WHO WORK IN TDC AGRICULTURAL AND INDUSTRIAL OPERATIONS.

RACE RELATIONS

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE LEGISLATURE SHALL COMPEL TDC TO END FOREVER DISCRIMINATION BASED ON RACE, RELIGION, NATIONALITY OR SEX IN ITS TREATMENT OF INMATES AND ITS EMPLOYMENT POLICIES.

(2) THE DEPARTMENT ORDER ALL UNIT WARDENS TO ELIMINATE RACIAL AND ETHNIC SEGREGATION IN THEIR UNITS AND TAKE STEPS TO ENFORCE ITS DIRECTIVE.

(3) THE LEGISLATURE REPEAL THOSE SECTIONS OF THE STATE LAW ALLOWING SEPARATION OF INMATES BASED ON RACE.

(4) THE DEPARTMENT DEVELOP A NEW AFFIRMATIVE ACTION PROGRAM FOR THE EMPLOYMENT OF MINORITIES AT ALL LEVELS THAT SIGNIFICANTLY EXCEEDS THE GOALS OF ITS PRESENT PLANS.

(5) THE DEPARTMENT REQUIRE TRAINING FOR ITS EMPLOYEES IN HUMAN RELATIONS AND THAT IT TAKE FIRM ACTION AGAINST THOSE EMPLOYEES WHO DO DISCRIMINATE.

(6) THE DEPARTMENT PROVIDE A COPY OF ITS RULES AND REGULATIONS TO EACH INMATE, IN ENGLISH, SPANISH, OR ANY OTHER NECESSARY LANGUAGE, AND THAT IT DEVELOP BILINGUAL PROGRAMS AVAILABLE TO INMATES AT ALL OF THE UNITS.

DISCIPLINE

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ALL OF THE RULES OF CONDUCT TO WHICH INMATES ARE SUBJECT BE MADE AVAILABLE TO EACH INMATE IN THE FORM AND MANNER NECESSARY FOR ADEQUATE COMPREHENSION.

(2) THESE RULES SHOULD BE DESIGNED TO PROTECT AN IMPORTANT INTEREST OF THE UNIT AND SHOULD USE THE LEAST DRASTIC MEANS OF ACHIEVING THAT INTEREST.

(3) THESE RULES SHOULD BE SPECIFIC ENOUGH TO GIVE INMATES ADEQUATE NOTICE OF WHAT IS EXPECTED OF THEM AND BE ACCOMPANIED BY A STATEMENT OF THE RANGE OF SANCTIONS THAT CAN BE IMPOSED FOR VIOLATIONS.

(4) UNIFORM DUE PROCESS PROCEDURES SHOULD BE ESTABLISHED FOR DEALING WITH MINOR AND MAJOR VIOLATIONS OF RULES OF CONDUCT.

(5) A REVIEWING BODY OR OFFICE INDEPENDENT OF TDC SHOULD BE PROVIDED TO ENSURE IMPARTIAL REVIEW OF CONVICTIONS OF MAJOR AND MINOR VIOLATIONS WHEN APPEALED AND TO RESPOND TO OTHER INMATE GRIEVANCES.

(6) THE LEGISLATURE STRENGTHEN HOUSE BILL 1056 SO THAT THE BUILDING TENDER SYSTEMS CAN FINALLY BE ABOLISHED.

ACADEMIC AND VOCATIONAL EDUCATION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) STUDENTS BE ALLOWED TO ATTEND CLASSES ON A FIVE DAY A WEEK BASIS FOR TWO OR THREE HOURS A DAY FOR UNITS OF SKILL ACQUISITION, TO BE ESTABLISHED BY TEA GUIDELINES FOR WSD.

(2) PLACEMENT OF STUDENTS IN CLASSES BE A DIRECT FUNCTION OF NEED RATHER THAN OF AVAILABLE VACANCIES.

(3) TDC DEVELOP A WRITTEN POLICY OF ITS COMMITMENT TO EDUCATION INCLUDING OPERATIONAL PRIORITIES OF INMATE TIME DISTRIBUTION BETWEEN EDUCATION AND REGULAR WORK ASSIGNMENTS.

(4) THE WSD BOARD BE EXPANDED TO INCLUDE NON-TDC BOARD MEMBERS, AND THE WSD SUPERINTENDENT BE INVITED TO ATTEND ALL BOARD MEETINGS.

(5) WSD SEEK AN IMMEDIATE FIVE-DAY-A-WEEK COURSE SCHEDULE FOR ITS SPECIAL EDUCATION PROGRAM, IF NECESSARY BASED ON A SYSTEM OF PERIODS OF SKILL ACQUISITION.

(6) WSD DEVELOP MORE COMPREHENSIVE LEARNING DISABILITY CATEGORIES AND PROCEDURES TO IDENTIFY THEM.

(7) WSD SEEK A MORE BALANCED STAFF CERTIFICATION RATIO.

(8) WSD RE-EVALUATE THE STANDARDS OF THE MATERIALS USED IN SPECIAL EDUCATION CLASSES.

(9) WSD IMMEDIATELY SEEK TEA SPECIAL SERVICE ASSISTANCE IN EXPANDING ITS BILINGUAL FACULTY AND FUNDING.

(10) WSD CONDUCT A NEEDS ASSESSMENT OF THE TDC POPULATION TO DETERMINE THE POTENTIAL NUMBER OF SPANISH-SPEAKING MONOLINGUAL AND BILINGUAL INMATES AND THEIR EDUCATIONAL NEEDS.

(11) TDC REVIEW ITS POLICY ON THE ACCESSIBILITY OF LIBRARY BOOKS FOR COLLEGE STUDENTS.

(12) VOCATIONAL PROGRAMS SHOULD BE SIGNIFICANTLY EXPANDED TO ALLOW MORE STUDENTS TO PARTICIPATE; PROGRAMS FOR WOMEN SHOULD BE EXPANDED TO INCLUDE A BROADER CATEGORY OF OPPORTUNITIES.

MEDICAL SERVICES

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE DEPARTMENT SHOULD DEVELOP A MASTERPLAN FOR DELIVERY OF MEDICAL SERVICES OUTLINING SPECIFIC PLANS TO IMPLEMENT THE RECOMMENDATIONS OF THE TEXAS HOSPITAL ASSOCIATION REPORT. THIS MASTERPLAN SHOULD INCLUDE THE IMPLEMENTATION OF A PLAN TO UPGRADE MEDICAL SERVICES TO A POINT WHERE MINIMUM HOSPITAL ACCREDITATION STANDARDS COULD BE MET.

(2) THE DEPARTMENT SHOULD ANALYZE THE INVENTORY OF FACILITIES AND HARDWARE AT THE "WALLS" HOSPITAL AND EACH PRISON UNIT TO ASSURE THAT EACH FACILITY HAS NECESSARY EQUIPMENT AND THE OUTMODDED EQUIPMENT IS REPLACED.

(3) THE DEPARTMENT SHOULD DEVELOP SYSTEM-WIDE PROCEDURES FOR EACH UNIT REGARDING MAINTENANCE OF EQUIPMENT, BASIC HOUSEKEEPING, AND STERILIZATION AND STORAGE OF SUPPLIES AND HARDWARE.

(4) THE DEPARTMENT SHOULD IMMEDIATELY:

(a) DEVELOP ALTERNATIVES FOR CONFINING MENTAL CASES IN SEGREGATION OR IN THE GENERAL POPULATION.

(b) ACQUIRE AND ASSEMBLE APPROPRIATE EMERGENCY EQUIPMENT AT EACH INSTITUTION.

(c) RENOVATE AND EXPAND UNIT INFIRMARIES.

(5) THE DEPARTMENT SHOULD DEVELOP PREVENTIVE HEALTH CARE PROGRAMS COVERING (a) BASIC HEALTH EDUCATION FOR INMATES; (b) INSTRUCTION FOR INMATES AND PERSONNEL IN FIRST AID AND DETECTION OF ILLNESS; (c) SCREENING PROGRAMS FOR SPECIFIC DISEASES, SUCH AS SICKLE CELL ANEMIA AND TUBERCULOSIS, WHICH WOULD BE MANDATORY ONLY WHEN THE DISEASE IS A SIGNIFICANT THREAT TO THE POPULATION; (d) IMMUNIZATION ON A PERIODIC BASIS FOR CERTAIN DISEASES, SUCH AS INFLUENZA; (e) PERIODIC COMPREHENSIVE PHYSICAL AND DENTAL HEALTH EXAMINATIONS FOR ALL PRISONERS. BASIC HEALTH EDUCATION PROGRAMS SHOULD COVER PERSONAL HEALTH WITH SPECIAL EMPHASIS ON NUTRITIONAL NEEDS. THESE CAN BE COMMUNICATED THROUGH PAMPHLETS, INDIVIDUAL COUNSELING AND GROUP INSTRUCTION UNDER THE DIRECTION OF A TRAINED DIETICIAN.

(6) THE DEPARTMENT SHOULD REQUIRE THAT PREVENTIVE CARE MEASURES BE ESTABLISHED WITH ADEQUATE RECORD KEEPING AND FOLLOW-UP PROCEDURES.

(7) THE USE OF TRAINED INMATE HELP SHOULD BE A PRIMARY EFFORT IN IMPLEMENTING THE PREVENTIVE CARE PROGRAMS.

(8) THE USE OF VOLUNTEER HEALTH PROFESSIONALS FOR PERIODIC SCREENING EFFORTS SHOULD BE ENCOURAGED AND COORDINATED BY THE DEPARTMENT.

(9) RESULTS OF PREVENTIVE CARE PROGRAMS INVOLVING TESTS OF INDIVIDUAL PRISONERS SHOULD BE COMMUNICATED TO EACH PERSON IN A PROFESSIONAL AND CONFIDENTIAL MANNER.

(10) THE DEPARTMENT SHOULD ESTABLISH AT THE EARLIEST POSSIBLE TIME STANDARD PROCEDURES FOR HANDLING OF MAJOR DISASTERS AND HEALTH CRISES, AS WELL AS COMMON EMERGENCIES OF INDIVIDUAL PRISONERS. THESE GUIDELINES SHOULD DETAIL PROCEDURES FOR RESPONSE, INCLUDING THE PLACEMENT OF CASES IN CIVILIAN HOSPITALS. INDIVIDUAL EMERGENCY STANDARDS SHOULD DEAL WITH THE RECOGNITION OF SERIOUS CONDITIONS AND THE STEP-BY-STEP FIRST AID HANDLING OF THEM WITH PROCEDURES GEARED TO VARYING LEVELS OF MEDICAL PROFICIENCY ON THE PART OF THE PERSONNEL INVOLVED. SUCH PROCEDURES SHOULD BE READILY AVAILABLE TO ALL INFIRMARY PERSONNEL AND SHOULD RECEIVE INITIAL AND FREQUENT PERIODIC REVIEW IN TRAINING SESSIONS. IN ADDITION, THERE SHOULD BE A REGULAR REVIEW FOR MAKING SURE THAT THE EMERGENCY PROCEDURES REFLECT CURRENT MEDICAL KNOWLEDGE.

(11) THE DEPARTMENT SHOULD PROMULGATE MINIMUM STANDARDS FOR EMERGENCY EQUIPMENT FOR ALL INSTITUTIONS WITH ROUTINE CHECKS AT FREQUENT INTERVALS TO ASSURE THAT THE EQUIPMENT IS PRESENT AND IN WORKING ORDER.

(12) EACH PRISON UNIT SHOULD ENSURE THAT IT HAS AVAILABLE WITHIN A FEW MINUTES' NOTICE AN AMBULANCE OR SIMILAR VEHICLE THAT WILL ALLOW TRANSPORTATION OF AN ILL INDIVIDUAL IN A SUPINE POSITION WITH ADMINISTRATION OF WHATEVER LIFE-SAVING TECHNIQUES MAY BE NECESSARY, SUCH AS OXYGEN OR INTRAVENOUS FLUIDS.

(13) EACH PRISON UNIT SHOULD REVIEW ALL ITS EMERGENCY EQUIPMENT AND SUPPLIES, AND ENSURE THAT THEY ARE IN PROPER CONDITION. IN PARTICULAR, EMERGENCY KITS, CONTAINING STANDARD LIFE-SAVING DRUGS AND OTHER APPROPRIATE GOODS, SHOULD BE PREPARED AND READILY AVAILABLE IN EACH MEDICAL FACILITY.

(14) THE DEPARTMENT SHOULD EMPLOY A GROUP OF CONSULTANTS, KNOWLEDGEABLE IN THE FIELD OF MEDICAL RECORDS AND INFORMATION STORAGE PROCESSES, TO DEVELOP A SYSTEM OF MEDICAL RECORD-KEEPING. THE AIM SHOULD BE A SYSTEM THAT IS UNIFORM, COMPREHENSIVE AND COORDINATED. RATHER THAN ADOPTING AN EXISTING SYSTEM WHOLESALE FROM ANOTHER HEALTH CARE SETTING, THE CONSULTANT GROUP SHOULD SEEK TO DEVISE A PROCESS THAT WILL SUIT THE SPECIAL NEEDS OF THE PRISONS IN THIS STATE. A PROBLEM-ORIENTED APPROACH SHOULD BE CONSIDERED.

(15) EACH PRISON UNIT SHOULD CONDUCT PERIODIC MEDICAL RECORD REVIEWS AS PART OF ITS ONGOING QUALITY CONTROL PROCESS.

(16) THE DEPARTMENT'S RULES SHOULD ENSURE THE CONFIDENTIALITY OF INMATE MEDICAL RECORDS. RECORDS SHOULD NOT BE RELEASED WITHOUT THE CONSENT OF THE PATIENT.

(17) A FULL-TIME PHYSICIAN ASSIGNED TO THE DIAGNOSTIC UNIT SHOULD CONDUCT ALL INTAKE PHYSICAL EXAMINATIONS.

(18) THE SCOPE, CONTENT, AND METHODOLOGY OF THE INTAKE PHYSICAL EXAMINATION SHOULD BE REVIEWED BY THE DEPARTMENT IN ORDER TO ASSURE PROMPT DISCOVERY AND TREATMENT OF MEDICAL CONDITIONS, EFFECTIVE FOLLOW-UP, AND ACCURATE AND THOROUGH RECORDING.

(19) A FULL PSYCHIATRIC SCREENING SHOULD BE GIVEN EVERY INCOMING PRISONER BY A QUALIFIED PSYCHIATRIST.

(20) THE DEPARTMENT SHOULD ESTABLISH PROCEDURES AND RULES TO GUARANTEE THE ACCESS OF ALL PRISONERS TO SICK CALL, WHETHER IN GENERAL POPULATION OR SEGREGATION.

(21) TO THE GREATEST DEGREE POSSIBLE, SICK CALL SHOULD BE CONDUCTED BY A PHYSICIAN WITH THE AID OF A MEDICAL ASSISTANT.

(22) FOR THOSE SITUATIONS IN WHICH NON-PHYSICIANS SCREEN PRISONERS, THE DEPARTMENT SHOULD DEVELOP STANDING ORDERS TO GUIDE THE HANDLING OF THE MOST COMMON SICK CALL COMPLAINTS.

(23) THE DEPARTMENT SHOULD REQUIRE THAT SICK CALL EXAMINATIONS BE COMPREHENSIVE AND MEDICALLY APPROPRIATE, WITH THE RESULTS RECORDED IN SUFFICIENT DETAIL, INCLUDING HISTORY, SYMPTOMS, DIAGNOSIS AND TREATMENT PRESCRIBED, AS WELL AS THE EXAMINING HEALTH WORKER'S NAME. IN ADDITION, THE MEDICAL RECORD SYSTEMS SHOULD BE REVISED TO MAKE AVAILABLE AT THE TIME OF SICK CALL EXAMINATION ALL OF THE PERTINENT MEDICAL INFORMATION FOR THAT PARTICULAR PRISONER.

(24) STAFFING AT EACH PRISON AND IN THE HOSPITAL SHOULD PROVIDE MAXIMUM COVERAGE TO MEET THE NEEDS OF THE HEALTH PROGRAM. ALTHOUGH THE BULK OF CARE IS PROVIDED IN THE DAYTIME, SOME QUALIFIED HEALTH PROFESSIONALS SHOULD BE ON DUTY AT ALL TIMES.

(25) STAFF SALARIES SHOULD BE COMPETITIVE WITH LOCAL SALARIES FOR EQUIVALENT JOBS.

(26) ADEQUATE MALPRACTICE COVERAGE SHOULD EXTEND TO ANY HEALTH WORKER IN THE SYSTEM.

(27) PHYSICIANS SHOULD BE ASSIGNED AT EACH PRISON UNIT AND SHOULD ASSURE A GREATER ROLE IN THE DAY-TO-DAY TREATMENT AND CARE OF PRISONERS; THEY SHOULD MAKE ROUNDS ROUTINELY WITH THE

MEDICAL ASSISTANTS; THEY SHOULD EXERCISE GREATER SUPERVISION OF STAFF ACTIVITIES.

(28) RESIDENT PHYSICIANS SHOULD BE USED ONLY IN CONJUNCTION WITH CLOSE SUPERVISION FROM STAFF PHYSICIANS.

(29) REGISTERED NURSES SHOULD BE HIRED TO STAFF THE HOSPITAL.

(30) MEDICAL ASSISTANTS SHOULD HAVE FORMAL TRAINING TO UPGRADE SKILL LEVELS; THE DEPARTMENT SHOULD UTILIZE THE FEDERAL BUREAU OF PRISONS PROGRAM TO THE DEGREE POSSIBLE FOR SUCH TRAINING.

(31) THE DEPARTMENT SHOULD DEVELOP COMPREHENSIVE STAFFING PLANS AND REQUIREMENTS IN LINE WITH ACA AND OTHER RECOGNIZED STANDARDS.

(32) THE DEPARTMENT SHOULD REVIEW RECRUITING METHODS FOR HIRING CIVILIAN HEALTH PERSONNEL AND DEVISE NEW METHODS FOR RECRUITMENT; THE DEPARTMENT SHOULD ALSO FORMULATE STANDARDS FOR SELECTION OF PRISONERS FOR HEALTH FACILITY JOBS.

(33) INMATES SHOULD NOT BE USED IN PROFESSIONAL CAPACITIES FOR WHICH THEY HAVE NOT RECEIVED FORMAL TRAINING AND CERTIFICATION. THE PRACTICE OF USING INMATES AS R.N.'S, SURGICAL ASSISTANTS, AND SURGEONS SHOULD BE ENDED IMMEDIATELY.

(34) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR EFFECTIVE TRAINING OF INMATE PERSONNEL AND SHOULD PROVIDE REASONABLE PAY AND SUPERVISION. INMATE HEALTH TRAINING PROGRAMS SHOULD SEEK TO MAXIMIZE THE USEFULNESS OF INMATE PERSONNEL WHILE PROVIDING PRISONERS WITH MEANINGFUL AND MARKETABLE SKILLS FOR USE IN THE FREE WORLD.

(35) THE STATE SHOULD DEVELOP INCENTIVES TO FREE WORLD EMPLOYERS TO ENCOURAGE THE HIRING OF PRISON-TRAINED HEALTH WORKERS UPON RELEASE.

(36) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR STAFF EDUCATION AND ORIENTATION ON PRISON GOALS, STRUCTURE AND THE CONTEXT IN WHICH HEALTH CARE IS DELIVERED.

(37) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR EDUCATING INMATES ON THE USE OF PRISON HEALTH PROGRAMS AND ON BASIC HEALTH EDUCATION.

(38) THE DEPARTMENT SHOULD ATTEMPT TO DEVELOP A SOURCE OF REGULAR GYNECOLOGICAL SERVICES ON A CONSULTANT BASIS. (DR. GRAY INDICATED THAT A PHYSICIAN MAY BE HIRED IN DECEMBER WHO COULD PROVIDE SUCH SERVICE AT GOREE ONE DAY PER WEEK.)

(39) "PAP" TESTS SHOULD BE GIVEN ON A ROUTINE BASIS.

(40) THE DEPARTMENT SHOULD PROVIDE ALL TYPES OF CURRENTLY ACCEPTED CONTRACEPTIVES TO WOMEN PRISONERS IN CONJUNCTION WITH RELATED EDUCATIONAL PROGRAMS ON THEIR USE. ORAL CONTRACEPTIVES SHOULD NOT BE PRESCRIBED WITHOUT ADEQUATE EVALUATION AND TESTS. THEY SHOULD BE STARTED THREE MONTHS AHEAD OF RELEASE.

(41) INSTRUCTION IN PRE- AND POST-NATAL CARE SHOULD BE GIVEN TO PREGNANT WOMEN, AND EVERY EFFORT SHOULD BE MADE FOR THE MOTHER TO SPEND AS MUCH TIME AS POSSIBLE WITH HER NEWBORN CHILD. THE DEPARTMENT SHOULD SET FORTH GUIDELINES FOR PLACEMENT OF A CHILD. MOTHERS WITHOUT FAMILIES TO CARE FOR NEWBORN CHILDREN SHOULD RECEIVE APPROPRIATE COUNSELING AND ASSISTANCE IN DEVELOPING ALTERNATIVES FOR PLACEMENT.

(42) PROCEDURE SHOULD BE ESTABLISHED WHEREBY PREGNANT INMATES MAY OBTAIN AN ABORTION.

(43) THE DEPARTMENT SHOULD STUDY ALTERNATIVE METHODS OF HANDLING AGED AND SERIOUSLY DISABLED INMATES.

(44) THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, WITH THE AID OF PRIVATE CONSULTATION, SHOULD BE DIRECTED TO CONDUCT A COMPREHENSIVE REVIEW OF THE TREATMENT OF THE MENTALLY DISTURBED OR RETARDED INMATES. A COMPLETE OVERHAUL OF THE PRESENT TREATMENT OF THESE INMATES IS NEEDED.

(45) NO INMATE SHOULD BE DENIED TRANSFER TO JOHN SEALY OR OTHER CIVILIAN HOSPITALS FOR DIAGNOSIS AND TREATMENT. UPON THE RECOMMENDATIONS FOR TRANSFER MADE BY THE TDC MEDICAL DEPARTMENT, THE INMATE SHOULD BE TRANSFERRED TO THE OUTSIDE HOSPITAL WITH AROUND-THE-CLOCK SECURITY PROVIDED IF NECESSARY.

(46) THE DEPARTMENT SHOULD REVIEW ITS TRANSFER PROCEDURE TO ENSURE THE PROMPT AND COMPLETE TRANSFER OF ESSENTIAL MEDICAL INFORMATION TO THE RECEIVING HOSPITAL.

(47) THE DEPARTMENT SHOULD FORWARD TO THE JOINT COMMITTEE ON PRISON REFORM AS SOON AS POSSIBLE, A COMPLETE RESPONSE TO THE REQUEST FOR ADDITIONAL INFORMATION CONCERNING MEDICAL

EXPERIMENTATION AND RESEARCH TO THE DEPARTMENT ON AUGUST 1, 1974.

(48) THE DEPARTMENT SHOULD TERMINATE AND PROHIBIT ALL MEDICAL EXPERIMENTATION AND RESEARCH PROJECTS OR, IN THE ALTERNATIVE:

- (a) PROHIBIT ALL DANGEROUS PROJECTS, REGARDLESS OF THEIR OWN MERITS.
- (b) ENSURE THAT PROCEDURES FOR SECURING CONSENT FROM SUBJECTS INVOLVE NO COERCION.
- (c) STOP PROVIDING FINANCIAL COMPENSATION TO PARTICIPANTS.
- (d) SHOULD NOT ACCEPT OR CONTINUE ANY PROJECTS UNLESS THEY ARE REASONABLY SAFE, THE USE OF HUMAN SUBJECTS IS NECESSARY AND APPROPRIATE, AND RESULTS ARE LIKELY TO PROVIDE MAJOR ADVANCES IN THE FIELD.

(49) AN AUTOPSY SHOULD BE CONDUCTED AFTER ALL INMATE DEATHS OR, IN THE CASE OF DEATHS THAT ARE CLEARLY FROM NATURAL CAUSES, A SUITABLE REPORT SHOULD BE PREPARED DOCUMENTING THE CAUSE OF DEATH AND OUTLINING THE BASIS FOR CONCLUDING THAT THERE IS NO NEED FOR AN AUTOPSY.

(50) THE DEPARTMENT SHOULD DEVELOP A PROCEDURE FOR INFORMING INMATES AND THE PUBLIC CONCERNING ALL INMATE DEATHS IN ORDER TO END RUMORS AND SUSPICIONS THAT SO OFTEN SURROUND SUCH DEATHS.

TREATMENT OF THE MENTALLY ILL

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, IN CONJUNCTION WITH THE TEXAS MENTAL HEALTH ASSOCIATION, CONDUCT A COMPLETE EVALUATION OF THE PSYCHOLOGICAL SERVICE NEEDS OF THE DEPARTMENT OF CORRECTIONS AND RECOMMEND A PROGRAM FOR IMPROVEMENT.

(2) THE DEPARTMENT DEVELOP PLANS TO UPGRADE MENTAL HEALTH STAFFING AND FACILITIES TO MEET MINIMUM STANDARDS SUCH AS THOSE PROMULGATED BY THE AMERICAN CORRECTIONAL ASSOCIATION.

(3) THE DEPARTMENT IMMEDIATELY PROHIBIT THE PLACEMENT OF MENTALLY ILL INMATES IN SECLUSION OR IN OTHER CONFINEMENT CELLS, IF CLOSE SUPERVISION OF THE MEDICAL DEPARTMENT IS NOT PROVIDED.

(4) THE DEPARTMENT DISCONTINUE THE BEHAVIOR MODIFICATION PROGRAM RECENTLY INSTITUTED AT THE TREATMENT CENTER.

(5) PROVISIONS BE MADE FOR THE TRANSFER OF INMATES REQUIRING INTENSIVE PSYCHIATRIC TREATMENT TO THE RUSK STATE HOSPITAL. TIME SPENT AT RUSK SHOULD COUNT TOWARD THEIR PRISON SENTENCE.

WORK RELEASE AND WORK FURLOUGH

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE TEXAS LEGISLATURE AUTHORIZE THE DEPARTMENT TO IMPLEMENT FURLOUGH PROGRAMS FOR EDUCATIONAL AND VOCATIONAL AND EMPLOYMENT-SEEKING PURPOSES.

RELIGION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE NUMBER OF CHAPLAINS BE INCREASED SO THAT TDC MEETS THE AMERICAN CORRECTIONAL ASSOCIATION'S STANDARDS OF ONE CHAPLAIN FOR EVERY FIVE HUNDRED OFFENDERS.

(2) AN IMMEDIATE CONCERTED EFFORT BE MADE BY TDC TO HIRE BLACK AND MEXICAN-AMERICAN MINISTERS.

(3) AFFIRMATIVE ACTION SHOULD BE TAKEN TO HIRE MINISTERS OF ALL MAJOR FAITHS, JEWISH, CHRISTIAN, AND ISLAMIC.

(4) AT THOSE UNITS WHERE MUSLIM OR JEWISH INMATES ARE HOUSED, NON-PORK PROTEIN SUBSTITUTES SHOULD BE MADE AVAILABLE.

RECREATION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) INDOOR AND OUTDOOR FACILITIES FOR RECREATIONAL ACTIVITIES BE PROVIDED AT EACH UNIT.

(2) EACH UNIT HAVE A FULL-TIME TRAINED AND QUALIFIED RECREATION DIRECTOR EMPLOYED BY TDC WITH RESPONSIBILITY FOR THE TOTAL RECREATIONAL PROGRAM OF THAT FACILITY.

(3) AT EACH UNIT, THE FOLLOWING PERSONNEL SHOULD WORK UNDER THE SUPERVISION AND GUIDANCE OF THE RECREATION SUPERVISOR: ONE ARTS AND CRAFTS TEACHER, ONE MUSIC TEACHER, TWO RECREATION AND PHYSICAL EDUCATION TEACHERS, AND FOUR CORRECTIONAL OFFICERS.

(4) A BROAD RANGE OF RECREATIONAL ACTIVITIES BE MADE AVAILABLE TO INMATES IN ORDER TO MEET A WIDE RANGE OF INTEREST AND STIMULATE THE DEVELOPMENT OF THE CONSTRUCTIVE USE OF

LEISURE TIME WHICH WOULD BENEFIT THE OFFENDER WHEN HE OR SHE IS REINTEGRATED INTO THE COMMUNITY. ACTIVITIES SHOULD INCLUDE MUSIC, ATHLETICS, PAINTING, WRITING, DRAMA, HANDICRAFTS AND SIMILAR PURSUITS.

VISITATION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) TDC NOT LIMIT THE NUMBER OF VISITORS AN INMATE MAY RECEIVE OR THE LENGTH OF SUCH VISITS EXCEPT IN ACCORDANCE WITH REGULAR INSTITUTIONAL SCHEDULES.

(2) TDC PROVIDE ALL POTENTIAL VISITORS WITH RULES GOVERNING VISITATION.

(3) TDC SHOULD IMMEDIATELY INFORM FAMILY MEMBERS WHEN AN INMATE HAS BEEN PLACED IN A SEGREGATIVE STATUS WITHOUT VISITATION RIGHTS.

(4) VISITATION RIGHTS BE WITHDRAWN ONLY IN THE MOST EXTREME CASES.

(5) VISITATION OF INMATES BE ENCOURAGED BY PROVIDING TRANSPORTATION FOR VISITORS FROM TERMINAL POINTS OF PUBLIC TRANSPORTATION.

(6) VISITING CONDITIONS BE MADE MORE CONDUCIVE TO THE STRENGTHENING OF FAMILY TIES BY PROVIDING ROOMS FOR VISITS THAT ALLOW EASE OF COMMUNICATION IN AN ENVIRONMENT AS FREE FROM INSTITUTIONAL FACTORS CONSISTENT WITH SECURITY CONSIDERATIONS AS POSSIBLE. THE POSSIBILITY OF CONJUGAL VISITS SHOULD BE EXPLORED.

(7) IN ALL VISITING SITUATIONS WHICH REQUIRE SUPERVISION, THIS SHOULD BE DONE IN AN UNOBTRUSIVE MANNER SUCH THAT CONVERSATIONS BETWEEN INMATES AND VISITORS ARE PRIVATE.

(8) REPRESENTATIVES OF THE MEDIA SHOULD BE ALLOWED ACCESS TO ALL CORRECTIONAL FACILITIES FOR REPORTING ITEMS OF PUBLIC INTEREST CONSISTENT WITH THE PRESERVATION OF THE OFFENDER'S PRIVACY.

CORRESPONDENCE

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE VOLUME OF MAIL AN INMATE MAY SEND AND RECEIVE MAY NOT BE UNREASONABLY RESTRICTED.

(2) MAIL EITHER BE EXAMINED FOR CONTRABAND IN THE PRESENCE OF THE INMATE OR THAT A FLUOROSCOPIC DEVICE BE USED TO INSPECT SEALED LETTERS AND PACKAGES.

(3) THE MAIL PRIVILEGE BE RESTRICTED ONLY AS PUNISHMENT FOR AN OFFENSE RELATED TO THE ABUSE OF THE MAIL.

(4) REASONABLE AND UNIFORM PUBLICATION GUIDELINES SHOULD BE PROMULGATED BY THE BOARD OF CORRECTIONS.

(5) INMATES BE ALLOWED TO SEND UNCENSORED LETTERS AND OTHER COMMUNICATIONS TO THE MEDIA.

(6) INMATES BE ALLOWED TO PUBLISH UNCENSORED ARTICLES, OR BOOKS ON ANY SUBJECT.

LEGAL SERVICES AND MATERIALS.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE CONSTITUTIONAL REQUIREMENTS OF THE WOLFF DECISION BE IMMEDIATELY IMPLEMENTED BY ESTABLISHING A SINGLE LEGAL AID OFFICE INDEPENDENT OF TDC. UNTIL ADEQUATE ALTERNATIVES ARE PROVIDED, INMATES SHOULD NOT BE DISCIPLINED FOR GIVING LEGAL ASSISTANCE TO ONE ANOTHER.

(2) ADDITIONAL ATTORNEYS BE HIRED FOR THE INMATE LEGAL ASSISTANCE PROJECT.

(3) INMATES BE PERMITTED TO CORRESPOND WITH ATTORNEYS OTHER THAN THE ATTORNEY OF RECORD FOR THE PURPOSES OF SOLICITATION OF LEGAL ASSISTANCE.

(4) LEGAL CORRESPONDENCE TO ATTORNEYS SHOULD NOT BE OPENED IF IT CAN BE SCREENED WITH A FLOUROSCOPIC DEVICE. IF THIS MEANS IS NOT ADEQUATE, MAIL SHOULD ONLY BE OPENED, BUT NOT READ, IN THE PRESENCE OF THE INMATE.

(5) TDC ADOPT A UNIFORM POLICY FOR THE OPERATION OF THE WRIT ROOMS AT ALL OF THE UNITS. HOURS SHOULD BE ADEQUATE FOR THE PREPARATION OF LEGAL DOCUMENTS.

(6) THE IMPROVEMENT OF THE WRIT FACILITIES INCLUDE ADEQUATE LIGHTING AND WORK AREAS, COMPLETE AND UP TO DATE REPORTERS, THE EMPLOYMENT OF A WRIT ROOM LIBRARIAN WITH SOME KNOWLEDGE OF LEGAL MATERIALS, THE INSTALLATION OF PERSONAL LOCKERS FOR THE STORAGE OF LEGAL MATERIALS, AND THE TIMELY SERVICE OF A NOTARY PUBLIC ON A REGULAR BASIS AND WITHOUT OPPORTUNITY FOR READING BY TDC OFFICIALS.

(7) INMATES BE ALLOWED TO USE LEGAL MATERIALS IN THE CELLS, AND THAT PHOTOCOPYING FACILITIES BE PROVIDED IN THE WRIT ROOM.

(8) THE SENDING OR RECEIPT BY INMATES OF "PRIVILEGED MAIL," THAT IS, MAIL TO OR FROM THE COURTS, JUDGES, ATTORNEYS, AND STATE AND FEDERAL OFFICIALS, SHOULD NOT BE RESTRICTED OR STOPPED, EVEN TEMPORARILY, REGARDLESS OF AN INMATE'S STATUS. IN-SO-FAR AS TDC RULES AUTHORIZE SUCH UNCONSTITUTIONAL LIMITATIONS, THEY SHOULD BE PROMPTLY CHANGED.

PERSONNEL

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE DEPARTMENT MAKE EVERY EFFORT TO COMPLY WITH THEIR OWN MINIMUM EDUCATIONAL REQUIREMENTS FOR THE VARIOUS JOB POSITIONS. CONSIDERATION SHOULD ALSO BE GIVEN TO UPGRADING THE REQUIREMENTS. HORIZONTAL ENTRY SHOULD BE PERMITTED TO FILL THOSE POSITIONS WITH HIGH EDUCATIONAL REQUIREMENTS.

(2) A RE-EXAMINATION OF THE ROLE OF THE CORRECTIONAL OFFICER IN TDC SHOULD BE MADE IN ORDER TO MAKE THE JOB MORE MEANINGFUL AND PRODUCTIVE IN THE REHABILITATIVE SENSE.

(3) A RE-EXAMINATION OF THE RELATIVE AND ABSOLUTE SALARIES AND EMOLUMENTS OF EACH POSITION IN TDC SHOULD BE MADE IN ORDER TO LESSEN THE CURRENT DISPARITIES.

(4) THE LEGISLATURE SUPPORT TDC'S REQUEST FOR ACROSS-THE-BOARD SALARY INCREASES TO ATTRACT AND KEEP QUALIFIED PERSONNEL.

WOMEN IN PRISON: THE GOREE UNIT

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) VOCATIONAL EDUCATION CLASSES AT GOREE BE EXPANDED AND DIVERSIFIED TO INCLUDE A WIDER VARIETY OF JOB TRAINING. SUCH TRAINING SHOULD BE DESIGNED TO EQUIP WOMEN TO OBTAIN USEFUL, AVAILABLE EMPLOYMENT UPON RELEASE, INCLUDING EMPLOYMENT IN FIELDS OF NON-STEREOTYPED JOBS AS RECOMMENDED BY THE AMERICAN CORRECTIONAL ASSOCIATION'S MANUAL OF CORRECTIONAL STANDARDS.

(2) THE SENIOR COLLEGE PROGRAM BE EXTENDED TO GOREE AND THE NUMBER AND VARIETY OF AVAILABLE JUNIOR COLLEGE COURSES SHOULD BE EXPANDED.

(3) ROUTINE PHYSICAL EXAMINATIONS, INCLUDING A COMPLETE GYNECOLOGICAL EXAMINATION, BE MADE A PART OF THE MEDICAL PROGRAM.

(4) IMMEDIATE STEPS BE TAKEN TO PROVIDE FULL AND ADEQUATE COUNSELING TO WOMEN INMATES AND TO ASSURE PROFESSIONAL AND HUMANE TREATMENT OF WOMEN WHO ARE MENTALLY ILL.

(5) PROMPT STEPS BE TAKEN TO PROVIDE WOMEN INMATES WITH ADDITIONAL LIVING QUARTERS AS RECOMMENDED BY THE WOMEN'S CORRECTIONAL ASSOCIATION, TO THE EXTENT THAT OVERCROWDING AT GOREE IS NOT ADEQUATELY RELIEVED BY TRANSFER OF APPROPRIATELY SELECTED INMATES TO ALTERNATIVE CORRECTION PROGRAMS.

(6) PERSONNEL AT GOREE BE SENSITIZED TO THE CHANGING STATUS OF WOMEN IN SOCIETY THROUGH ORIENTATION SESSIONS AND EVERY EFFORT BE MADE TO ELIMINATE THE PATERNALISTIC ATTITUDES EXPRESSED BY MANY UNIT STAFF MEMBERS.

COSTS AND RESULTS OF INCARCERATION

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE LEGISLATIVE BUDGET BOARD CONDUCT A COST-BENEFIT ANALYSIS OF TDC'S TOTAL ECONOMIC ACTIVITIES TO MAKE RECOMMENDATIONS CONCERNING MORE EFFECTIVE METHODS OF OPERATION.

PAROLE

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ENTERING INMATES AT DIAGNOSTIC SHOULD RECEIVE MORE EXTENSIVE PSYCHOLOGICAL TESTING THAN THE IQ AND EDUCATIONAL ACHIEVEMENT TEST NOW GIVEN. TDC SHOULD PROVIDE SUITABLE TESTS IN SPANISH AND SHOULD EXPAND THE BILINGUAL EDUCATION PROGRAMS.

(2) TDC SHOULD EXPAND ITS VOCATIONAL PROGRAMS BOTH IN NUMBER OF CLASSES AND NUMBER OF STUDENTS. PARTICULAR EMPHASIS SHOULD BE GIVEN TO PROVIDING EXPANDED VOCATIONAL EDUCATION PROGRAMS FOR WOMEN.

(3) THE LEGISLATURE SHOULD INCREASE THE AVAILABLE PAROLE COUNSELORS, PAROLE HEARING OFFICERS, AND FIELD OFFICERS UNDER THE BOARD'S SUPERVISION, AS REQUESTED BY THE PAROLE BOARD IN ITS BUDGETARY REQUEST FOR THE FISCAL YEARS OF 1976 AND 1977.

(4) THE ROLE OF PAROLE COUNSELORS SHOULD BE EXPANDED TO INCLUDE GROUP AND INDIVIDUAL COUNSELING FOR THOSE INMATES WHO NEED OR REQUEST SUCH HELP.

(5) THE BOARD OF PARDONS AND PAROLES BE ENLARGED AND THAT THE MEMBERSHIP OF THE BOARD REPRESENT A GREATER CROSS SECTION OF THE STATE, BOTH RACIALLY AND GEOGRAPHICALLY.

(6) TDC SHOULD SUPPLY INFORMATION TO THE BOARD REGARDING THE INMATE'S WORK RECORD, PARTICIPATION IN EDUCATIONAL AND VOCATIONAL PROGRAMS, AND DISCIPLINARY PROBLEMS. TDC'S OPERATIVE VETO POWER SHOULD BE ELIMINATED

(7) THE POINT INCENTIVE PROGRAM SHOULD BE USED ONLY AS A MEASURE OF THE INMATE'S ADJUSTMENT TO SOME PROGRAMS IN TDC AND NOT AS A CONTROL OF AN INMATE'S ELIGIBILITY FOR PAROLE.

(8) THE WARDEN'S EVALUATION AND THE PIP SHOULD REFLECT ONLY BACKGROUND INFORMATION ON THE INMATE'S PRISON BEHAVIOR AND SHOULD IN NO WAY BE USED TO DENY PAROLE.

(9) THE BOARD'S PRESENT USE OF FORM NOTICES OF PAROLE DECISIONS IS INSUFFICIENT AND SHOULD BE ELIMINATED AT ONCE. THE BOARD SHOULD GIVE THE INMATE FULL EXPLANATIONS FOR DENIALS OF PAROLE AND INCLUDE SUGGESTIONS ON HOW THE INMATE CAN IMPROVE HIS CHANCES IN THE FUTURE.

(10) TEXAS SHOULD INSTITUTE A FORM OF MANDATORY SUPERVISION FOR ALL INMATES. EACH INMATE SHOULD HAVE SOME SUPERVISION FOR A PERIOD OF TIME AFTER HIS RELEASE FROM PRISON, DEPENDING ON THE INDIVIDUAL INMATE'S NEEDS. SEVERAL POSSIBLE METHODS ARE SUGGESTED:

- (a) IF AN INMATE DOES NOT MAKE PAROLE EARLIER, HE WILL ENTER INITIALLY INTO INTENSIVE SUPERVISION UPON RELEASE FROM TDC. TOTAL SUPERVISION TIME WOULD BE EQUAL TO THE GOOD TIME ACCUMULATED WHILE IN PRISON. THE DISCHARGEES SUPERVISING OFFICER WOULD HAVE THE POWER TO RECOMMEND DECREASE OR INCREASE IN SUPERVISION AS DEEMED NECESSARY.
- (b) THE MAXIMUM PERIOD OF MANDATORY SUPERVISION SHOULD NOT EXCEED THE EARNED GOOD TIME THE INMATE ACCUMULATED WHILE IN PRISON. THE BOARD COULD, IF RECOMMENDED BY THE SUPERVISING OFFICER, TERMINATE THE SUPERVISORY PERIOD AND RECOMMEND COMPLETE PARDON TO THE GOVERNOR.
- (c) THE BOARD WOULD REVIEW THE PERSON'S CASE ON A REGULAR BASIS, E.G., EVERY YEAR, TO SEE IF THE PERSON CONTINUES TO NEED SUPERVISION AT THAT TIME. THE MAXIMUM TIME FOR SUPERVISION OF ANY SORT WOULD BE THE EQUIVALENT OF THE GOOD TIME EARNED WHILE IN PRISON.

- (d) THE BOARD WOULD REVIEW THE PERSON'S CASE UPON RELEASE AND SET A MAXIMUM LENGTH OF TIME FOR SUPERVISION, WHICH COULD BE SHORTENED OR LENGTHENED AS THE SITUATION REQUIRED.
- (e) THE MAXIMUM LENGTH OF TIME FOR SUPERVISION WOULD BE STATUTORILY SET, E.G., TWO YEARS. LONG PERIODS OF SUPERVISION SHOULD BE AVOIDED IN SETTING THIS MAXIMUM.

(11) CONDITIONS IMPOSED ON THE INMATE LEAVING PRISON UNDER MANDATORY SUPERVISION OR ON PAROLE SHOULD BEAR SIGNIFICANT RELATIONSHIP TO THE INDIVIDUAL'S REASONS FOR COMMITTING THE CRIME.

(12) THE BOARD SHOULD PERMIT TRIAL OFFICIALS AN ENFORCED MAXIMUM OF TEN DAYS TO REGISTER A REASONABLE PROTEST AGAINST THE PAROLE OF A PARTICULAR INMATE.

(13) A THREE-MEMBER COMMISSION SHOULD BE ESTABLISHED TO HOLD REVOCATION AND OTHER HEARINGS FOR THE BOARD, AS REQUESTED BY THE BOARD OF PARDONS AND PAROLES IN ITS BUDGETARY REQUEST FOR FISCAL YEARS 1976 AND 1977. THIS COMMISSION WILL BE ENDOWED WITH DECISION-MAKING POWERS TO TAKE SOME OF THE BURDEN OFF THE BOARD.

CIVIL DISABILITIES

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) THE PRESENT AUTOMATIC IMPOSITION OF DISABILITIES SHOULD BE ENDED UPON COMPLETION OF SENTENCE.
- (2) THE LEGISLATURE SHOULD REVIEW STATUTES WHICH REQUIRE DENIALS OF PROFESSIONAL LICENSES WHEREIN THERE IS NO RELATIONSHIP BETWEEN THE DESIRED OCCUPATION AND THE CRIME.
- (3) THE LEGISLATURE SHOULD ENACT AN EXPUNCTION STATUTE TO REMOVE EXISTING CIVIL DISABILITIES AND MAKE RECORDS OF CONVICTION CONFIDENTIAL AFTER A REASONABLE PERIOD OF TIME IF THE EX-INMATE MAINTAINS A CLEAR RECORD. THE RECORDS OF THE CONVICTION SHOULD BE SEALED, OBTAINABLE ONLY BY A COURT AFTER A SUBSEQUENT CONVICTION TO AID IN SENTENCING.
- (4) ALL STATE AGENCIES SHOULD CONSIDER THE EMPLOYMENT APPLICATIONS OF EX-OFFENDERS ON THE SAME BASIS AS THOSE OF OTHER APPLICANTS.

YOUTH CORRECTIONS

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) TYC SEPARATE STATE SCHOOLS FROM STATE HOMES AT EVERY POSSIBLE OPERATIONAL AND PHILOSOPHICAL JUNCTURE.
- (2) TYC CONTINUE THE POLICY OF DE-INSTITUTIONALIZATION.
- (3) TYC ESTABLISH CONSISTENT POLICIES FOR STATE SCHOOLS; TYC ESTABLISH CONSISTENT POLICIES FOR STATE HOMES.
- (4) TYC PERMIT INTERGRATION OF THE SEXES AMONG YOUNGER CHILDREN.
- (5) TYC EXPAND THE EDUCATIONAL PROGRAM.
- (6) TYC CONTINUE ITS MOVE TOWARD COMMUNITY-BASED CORRECTIONS.

COMMUNITY-BASED CORRECTIONS

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT THE STATE OF TEXAS DEVELOP A COMPREHENSIVE COMMUNITY-BASED CORRECTIONAL PROGRAM, AND PLACE A MORATORIUM ON NEW CONSTRUCTION OR NEW EXPANSION OF LARGE PRISON INSTITUTIONS UNTIL MAXIMUM USE OF COMMUNITY-BASED CORRECTIONS HAS BEEN ACHIEVED.

This recommendation, based on two years of Committee review of the current operations of the Texas Department of Corrections and of alternative correctional programs successfully employed in other states, is offered not as a "cure-all" or palliative, but as a necessary step in controlling Texas' growing inmate population. As of 1973, Texas had one of the largest inmate populations per capita in the nation. Why Texas incarcerates such a massive number of offenders is not clear. Some have suggested that Texas has a "different kind of offender," a more violent kind of criminal from a more violent atmosphere. Others have postulated that Texas' heritage of dealing sternly with offenders is responsible for judges and juries putting more people in the penitentiary for longer periods of time. For whatever reasons may exist, one fact remains clear: in Texas the judge only has the option of placing the convicted felon either on probation or in prison. No other alternatives for the adult offender exist, be he or she a drug addict, rapist, grand larcenist, or drunk driver.

Prison is expensive for the state, for the inmate, for the inmate's family, and for the inmate's community. In dollar terms, keeping Texas' 17,000 inmates fed and housed, providing them with treatment, and building new prisons, last year cost the citizens of our state \$32 million. With an increase of 5,000 prisoners over the last ten years and an expected increase of another 15,000 over the next ten, corrections promises to become one of the greatest state expenses of the 1970's. Rising costs of institutionalization coupled with the rising number of offenders sent by the courts to the prisons have created one of the most expensive and least efficient social services the state provides. President Nixon bluntly stated that the American system of corrections is a "convincing case of failure."

While no state has yet found ready solution to the problem of crime, many states have successfully developed alternative correctional programs. Using the most workable concepts of parole, probation, half-way house centers, and juvenile court counseling, professionals in the field of treatment have created an array of programs known by the general title of community-based corrections. Starting with the general observation made by Wardens and correctional officials throughout the country that a significant percentage of inmates should never be committed to prison for "corrections," community leaders, working with court officials and trained correctional counselors have been successful in reducing the rate of return to crime and prison (recidivism) by correcting the offender within his own community. Although his approach is no longer considered either experimental or radical in many other states, Texas has much to learn.

Texas' 125-year old prison system houses its 17,000 inmates in fourteen institutions, nine of which were built before 1920. Of most concern, however, is the fact that all but one of the prison units (in Huntsville, Texas) are located in rural locations throughout east Texas. Access to appellate courts, to adequate medical care, to psychiatric help, and to visitors is frequently made almost impossible by the prison system's distance from urban areas. It is the thesis of community-based corrections that crime and criminals are an unfortunate and undesirable part of the community, but are nonetheless part of the community. To gather together the thousands of offenders annually convicted by Texas juries and to place them in various isolated prison farms serves only to hide the problem of corrections rather than to render it available for solutions. Bringing the most effective technicians and methodologies to bear on this community problem is what community-based corrections is all about.

Community-Based Corrections: Operations

The basic premise of community-based corrections is that a significant percentage of criminal offenders could be treated in programs which permit the offenders to remain within reasonable access to the community and its resources. The Director of the Texas Department of Corrections, W.J. Estelle, Jr., has estimated that as many as 40% of Texas' present inmate population could be more effectively treated in the community. Since 95% of Texas' inmates will eventually be released and since about 75% of all Texas offenders are incarcerated for non-violent crimes, community-based correctional programs offer a great potential. An important assumption essential to the success of community-based corrections is that the state's and community's criminal justice systems be able to coordinate their activities to treat the offender rather than to act as autonomous seats of control to process the offender. Unless the courts, the police, the correctional system, and the community itself can make an effort in concert, corrections will remain a hidden function of a virtually unseen governmental sub-unit. That so many other states and counties have made this commitment and have been successful in operating their programs seems a good indication of the magnitude of the problem which led them to their decision and to their successes.

There are seven primary kinds of community treatment programs: pre-trial intervention, work-release, court residential center, half-way houses, pre-release centers, probation, and parole. In Texas, **parole** is not a function of the correctional system, but is chartered through the Governor's office. Because of the distinction between the parole office's function and that of the Department of Corrections, the incarcerated inmate frequently finds himself unable to establish clearly under which jurisdiction he should make inquiries concerning his parole. To make matters worse, TDC retains the right to administratively veto any inmate's right to be considered for parole. The two programs should be separate and contain no overlapping or veto powers. In many ways, parole can be considered as the most open of the community-based treatment programs. However, some of the most important of the alternative correctional programs place a strong emphasis on residential counseling and treatment.

Probation is another community-based correctional alternative to incarceration administered through the courts rather than through TDC. Convicted offenders are placed on behavior restrictions similar to those of parole and are supervised by probation offices. (The locally administered probation system has drawn much criticism as being inadequate and ineffective.)

Pre-trial intervention is designed primarily for the young and first offenders. Prior to any formal court response, the offender is placed in a short-term counseling program during which time his social needs are assessed. He is given the opportunity to find a job and is reviewed by the court at the end of his counseling period for determination of further court action or dismissal of charges. **Work release** programs permit the offender incarcerated in a local facility to hold a job in the community and to reside at the correctional facility. Under this program, the inmate can create a program-supervised employment experience and earn enough financial assistance to his family to create a more stable environment prior to his release.

Court residential centers, like the impressive Ft. Des Moines, Iowa, program place 50-80 offenders in a living area within the community and offers intensive diagnostic and rehabilitational counseling. Emphasis is placed on identification of personal problems in relation to the crime. Residents are allowed to work in the community after a few weeks, but must return to the center in the evening for residential treatment.

Halfway houses are well-established transitional programs which have usually been used to reintegrate the offender into society after his incarceration. Community-based treatment uses halfway houses to act in lieu of incarceration. Halfway houses are generally smaller than court residential centers with 10-30 participants and focus more on the inmate's behavior than on his crimes. Inmates may be released to work or eventually live in the community and return for periodic counseling.

Pre-release centers have become relatively standard programs with departments of correction. Designed to allow incarcerated inmates who are returning to society to spend a few weeks in contact with the community, pre-release programs should prepare those who are about to be paroled or released an opportunity to look for a place to live, to find a job, and to establish the contacts necessary for re-entering society.

A number of these programs are today available on a limited basis to some offenders in Texas. For example, the Texas Department of Corrections operates a work release program which permits inmates to work in private industry for eight hours a day and to return to the prison units at night. Although the Texas legislation permitting work release programs is one of the most flexible in the country, only 1/2 of 1% of all TDC inmates were permitted to participate in the program as of the close of the 1973 fiscal year.

A large number of halfway houses are in operation in Texas, including one of the Justice Department's narcotics programs in Houston. The Parole Board states in its most recent budget request to the Legislature that it plans to apply for funds from the Governor's Criminal Justice Council to purchase halfway house services.

TDC operates pre-release programs on the Jester, Wynne, Goree, and Ferguson units. However, the program is designed to bring members of the community into the prison with little opportunity for inmates to travel into the community. Inmates not on parole have little opportunity to adequately prepare for a vocation or a residence. The present pre-release program has been in operation for ten years with little change in design during that time. TDC should give serious consideration to relocating its pre-release centers in several of Texas' urban areas rather than on the prison farms.

In summary, even with the few community-based programs which presently exist in the state, Texas falls behind many other states. Of particular importance, however, is the need to provide alternatives to the system of rurally located, agriculturally based, large institutions presently operated by the Texas Department of Corrections. Correspondingly, an immediate halt to further construction or expansion of large prison facilities

should be initiated immediately. TDC is currently building a \$20 million prison in Tennessee Colony, Texas, located about a hundred miles from any sizeable community. Groups such as the American Correctional Association and the National Advisory Commission on Criminal Justice Standards and Goals have taken the stand that further construction of major prison facilities should cease until all other alternatives have been fully developed.

Community-based Corrections: Costs

Prison is the most expensive type correctional program available in the United States. According to the 1967 report of the President's Commission on Law Enforcement and the Administration of Justice, the cost of keeping one inmate in prison per year was about \$11,000, including loss of earnings, the cost of welfare for the inmate's family, and the loss of taxes the inmate would pay. The figure has more than likely increased due to inflation. The Law Enforcement Assistance Administration has estimated that the cost of building high security prison facilities averages \$15,000-\$20,000 per bed.

The Director of the U.S. Bureau of Prisons recently stated concerning community-based corrections:

The economic argument alone is persuasive for moving (first offenders) into community based corrections. The cost of keeping an offender in the community is about \$500 a year. If you put him in prison, the price rises to about \$10,000 a year, if you add on the indirect cost such as welfare for the family and all related social costs.

Prisons are expensive both to maintain and to construct. The cost of building Texas' high security prison facilities is over \$10,000 per cell.

The annual cost of operating TDC could rise from the \$32 million appropriated for 1975 to as much as \$68 million in 1977 if TDC's budget request for the coming biennium is approved. For the same two year period, the population will have increased by an estimated 1,400 or 8%.

TDC operates an extensive farm program receiving one of the largest cash farm subsidies paid in the United States. Last year TDC's agricultural and industrial operations showed a loss of \$25 million. Construction costs for last fiscal year amounted to \$14,556,347. These enormous cash outlays are unnecessary in community-based corrections. Without large prison facilities and farm equipment, community treatment programs spend most of their funds on professional services, rent, and, in some cases, food costs. The Capital Area Planning Council's **Regional Community Corrections Program** study estimates that institutionalization of an adult inmate in a large prison is fourteen times as expensive as keeping him on parole. Although residential treatment programs cost considerably more than parole, they are still less expensive than imprisonment. In reference to one specific program, the National Institute of Law Enforcement and Criminal Justice states that because of wages earned by inmates on work release programs, costs averted by pre-trial and post-sentence incarceration diversion, "it appears that the financial benefits from the project at least balance the financial cost of the project."

Community-Based Corrections: Efficiency

Calculation of the "success" rate of correctional programs is difficult because of the variety of measures one may choose to use. Recidivism rates are generally regarded as the

best indicators of a program's success or failure, but lack of a standardized method of computation makes comparison of programs difficult to evaluate. Although TDC claims a 20% recidivism rate, a more realistic estimate based on a Committee computer study of TDC raw data is actually 35.5%.

It is generally recognized that the recidivism rate enjoyed by community-based correctional programs is significantly lower than that of traditional correctional institutional programs.

Comments regarding the success of community-based corrections programs note that using cost/effectiveness ratios, community-based corrections offer more "correction" per dollar than any of the other programs. The U. S. Bureau of Prisons states that "(o)f over 200 individuals referred and accepted by the Bureau's CTC's (community treatment centers), nearly two-thirds adjusted successfully in the center program."

The California Youth Authority's Community Treatment Project in its sixth year (1974) evaluated its program and found that at the end of fifteen months of parole exposure, only 20% of the experimental group had been subject to parole revocation, as compared to 52% of the control group.

Cost and efficiency are measures of tangible results of a social services program. Yet, as important as these measures are to the continuation and expansion of community treatment programs, they cannot measure the value of diverting a non-violent offender from spending several months or years on a prison farm. As criminals are begun to be viewed as citizens who must change their behavior, the demand for humane treatment will increase. As Norman A. Carlson, Director of the Federal Bureau of Prisons, recently stated, "I think we can all agree that, consistent with the public interest, we want to maximize the use of community-based programs..."

That prison farms may someday be regarded with the same curiosity as we regard dunking stools and whipping posts seems to be the assured course of corrections. How soon that transition is made and the manner in which it is effected are the questions which the Legislature and citizens of Texas must begin to consider.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE STATE OF TEXAS DEVELOP A COMPREHENSIVE COMMUNITY-BASED CORRECTIONAL PROGRAM, AND PLACE A MORATORIUM ON NEW CONSTRUCTION OR NEW EXPANSION OF LARGE PRISON INSTITUTIONS UNTIL MAXIMUM USE OF COMMUNITY-BASED CORRECTIONS HAS BEEN ACHIEVED.

(2) THE TEXAS DEPARTMENT OF CORRECTIONS BE ENCOURAGED TO EXPAND ITS WORK RELEASE AND WORK FURLOUGH PROGRAMS AND ESTABLISH A COMMUNITY-BASED PRE-RELEASE PROGRAM.

A BRIEF HISTORY OF CORRECTIONS IN TEXAS

The Texas Department of Corrections is charged with the responsibility of operating the state prison system. This system operates fourteen units on more than 100,000 acres of land, and employs over 2,500 persons to oversee more than 17,000 inmates. Total assets in 1973 exceeded \$81 million. Income from industrial and agricultural sales was approximately \$11 million. The system has its own school district and has many programs aimed at treatment and rehabilitation. Although today's system is a huge, complex operation, its historical development reveals a long and sometimes bitter struggle to provide humane and enlightened custody of the public offender.

In 1829 the Congress of the Mexican State of Coahuila and Texas adopted resolutions to set up the first prisons in Texas. These were to be of the panoptic type—that is, built so that a guard on duty was in such a position that he could see all prisoners at all times without being seen by them. Contractors were to build these prisons at their own expense, equip them with tools and machinery, and operate them with convict labor for the production of goods, which would be sold, the proceeds being used to reimburse the contractors.

It was to be the contractors' duty to teach all prisoners an honorable trade—weavers were to be furnished with looms, ceramic workers with potter's wheels, and so on. Upon release, each prisoner was to be sent to the town of his choice, where he would be under "immediate inspection of the local authorities." He was to be entitled to thirty dollars from the contractor, plus the tools of his trade.

Decree 93 of the Congreso del Estado de Coahuila y Texas was unsuccessful in establishing a viable prison system and only five log cabin prisons, of one and two rooms, were built before Texas won its independence. After the Republic was established, prisoners were confined in county jails, if any existed. Rehabilitation of the prisoner figured little either in the design of the jails, or in the sheriff's administration thereof. The sheriff was probably more interested in the prospect of fees, for the Congress of the infant Republic had just appropriated \$15,000 to meet the obligations incurred under the statutory subtitle "Sheriffs—Fees—Keeping Prisoners." So open to criticism was the conduct of many early-day sheriffs in their treatment of prisoners that courts frequently ordered defendants whipped and turned loose on society. In those days, many outlaws from the United State and Mexico fled to Texas, where enforcement of law and order soon became a serious problem. Texas resorted to harshness of punishment in an effort to cope with the situation. "For murder, arson, rape, robbery or burglary, on conviction thereof, he shall receive death." So ran the words of the statute. For stealing anything of the value of \$20 or more, the penalty was restoration of the full value wrongfully taken, plus thirty-nine lashes on the bare back, plus branding of the right hand with the letter "T," for "thief."

After Texas joined the Union, the First Legislature on May 11, 1846, voted to establish a state penitentiary and authorized the Governor to appoint one to three commissioners and a superintendent. This commission was authorized to purchase not more than 100 acres for the construction of a prison. It bought 97.3 acres for \$493 at Huntsville, the present site of the main unit of the state prison system. In 1849 the penitentiary with 225 cells began operation with a convict population of three. Prisoner No. 1 was listed as William G. Samson, admitted October 1, 1849, from Fayette County on a three year sentence for cattle theft.

Texas adopted the "Auburn System"—the system of penitentiary discipline developed in Auburn, New York, in the 1820-30's. At Auburn Prison, the prisoners were locked in small separate cells at night, but worked together silently during the day. This arrangement was called the congregate or silent system. In Pennsylvania, a rival system of prison discipline was developed in the 1820's. The prison cell was larger than those in the Auburn System and within this cell the prisoner worked, ate, and slept alone. The convict was allowed outside his cell only for exercise. This arrangement was called the separate or solitary system. From 1830 to 1870, twenty-three states adopted the Auburn System, including Texas in 1848, becoming the twelfth to do so.

The system was scarcely a year old when it had its first investigation, the forerunner of many others to come. The Legislature was worried about the expenses of prison operation and about getting useful work out of the prisoners. In 1854 a cotton and woolen mill was set up. It was in full operation at the onset of the Civil War and was a valuable asset to the Confederacy. It is the oldest continuous enterprise of the system.

The Legislature in 1870 passed a law that forced the Governor to lease the prison to the highest bidder. From 1870 to 1883 the whole system was leased to different contractors. The number of convicts ranged from 489 in 1870 to 1569 in 1878, the date of the last contract for leasing the whole system. The price paid by the lessees under the last contract was approximately \$3.00 per man per month with the contractors paying all expenses for guarding and maintenance of the prisoners. This method of disposing of convicts proved to be very unsatisfactory because of the brutality of the system of guarding, housing and feeding. The nature of this lease system was described by one author:

Wooden huts of one story usually housed a hundred or more on crude bunks strung around the walls. The danger of escapes frequently compelled the authorities to shut these up tight at nightfall, and they soon became very foul. Water was usually scarce, and bathing almost impossible; other sanitary arrangements were invariably crude, and disease was rampant. Food was plentiful or scarce as the economy of the lessee determined. Heat was usually lacking although rickety stoves or open fires sometimes added much smoke and a little warmth during the cold nights of the winter months. The fear of escapes was the controlling factor in discipline. Various devices for shackling the feet were tried, and in desperate cases heavy iron balls were added to the chains. Striped garments were everywhere in use, and the convicts had not such picayune tastes regarding their footwear as northern prisoners had; they were glad to get any at all.

These abuses were uncovered and brought on another investigation. As a result, leasing was abandoned in 1883.

The new system was called a "contract lease." Convicts were leased to planters, railroads and the like, under bids and in such number as lessees wanted. The State furnished the guards; the lessees furnished food, clothing and housing facilities. A rate of \$6 to \$9 per month was obtained under this method. This system also proved unsatisfactory and the state in 1898 began furnishing the food and clothing. Under this method the state received from \$29 to \$35 per month. This "contract lease" system, supplemented in-

creasingly by state control and operation, continued down to 1909, when the scandals and abuses of the system so aroused public opinion as to force its abolition.

As early as 1866, the Governor urged that a new penitentiary be built to aid in the development of the iron industry in Texas. At Rusk a site considered ideal for an iron furnace was found, but progress was so slow that the prison was not ready for occupancy before 1883. The foundry was operated for fifteen or twenty years, and iron pipe was manufactured and shipped out on the spur line also owned and operated by the prison system. All sorts of trouble drove the state out of the iron business. Government ownership of railroads proved equally unprofitable and unmanageable, even on the prison's miniature railroad system. Its thirty-one miles of track, one locomotive, and one flatcar were soon taken over by the Southern Pacific on lease. It is estimated that the Rusk experiment lost over two million dollars under prison management. Investigators pronounced its history a "record of financial disaster."

In 1885 farming was started with the purchase of 2,500 acres as the Harlem Farm in Fort Bend County. The farm operations had been conducted by a system of "farming on shares" with landowners who supplied the seed, tools, machinery, and mules. State ownership of farms displaced the sharecrop system and the Texas prison system gradually grew in size. In 1909 there were six farms in operation: Harlem, Clemens, Ramsey (purchased in 1908 at \$13.75 per acre from vendors who had bought it two years earlier at \$5 an acre, providing political scandals for some time to come), Imperial, Goree and Wynne. The farm operations have been expanded until the present system comprises some 100,000 acres and produces much of its food supply. To increase efficiency, mules were replaced by tractors in 1947.

Education underwent a slow evolution in the Texas prison system. In 1878 the chaplain in Huntsville organized a Sunday school and three classes in primary reading. The directors were authorized in 1879 to employ a teacher for the prison school, but circumstances prevented carrying out this provision. In 1885 the first system of convict education was authorized—the Legislature appropriated \$500 for the selection of "moral and useful books"—but progress was unsatisfactory as were other prison conditions. It was not until 1956 that the General Education Development Program was instituted and in 1969 the Windham School District was formed.

During this early period the prison system was under the "exclusive management and control" of the Board of Prison Commissioners. The three members of the board were appointed by the Governor, with the advice and consent of the Senate, for a term of three years. A superintendent handled the detailed management of the system until 1910 when the Board of Commissioners assumed full responsibility. Apparent failures and abuses stemming from divided authority, poor and sometimes dishonest bookkeeping, and strong partisan and local influence made cries for reform inevitable. Governor Thomas M. Campbell was elected in 1906 with a platform for prison reform. Various investigating committees recommended sweeping changes in 1902, 1910, 1913, 1915, 1919, 1923, and 1925. In 1924, the Committee on Prisons and Prison Labor condemned inadequate medical care, education and recreational facilities. They found cruel, unusual and brutal punishment; inefficient management and unqualified personnel; inhumane conditions; and no alternatives to incarceration. Recommendations included relocation of the prison out of rural east Texas and sale of the prison farms; adequate mental health and medical treatment facilities; transfer of management to the Legislature; payment of adequate wages to prisoners; abolition of cruel punishment; and revision of the parole and pardon system. Such outcries did have a slight effect—from 1924 to 1925 many of the methods of punishment were abolished, mainly the dark cell, the window, and the practice of hanging in chains. However, schools and recreation made little headway during this period, with Huntsville being the only facility that had a library.

Substantive reform had to wait for the administration of Governor Dan Moody. In 1927 he secured legislation abolishing the Board of Prison Commissioners and authorizing a nine-person board to supervise a general manager responsible only to that board. This system of management is still being followed, with the Legislature in 1957 changing the name of the Texas Prison System to the Texas Department of Corrections and the manager's title to director.

Although surface reforms were effected, the conditions within the prison system were deplorable. In 1944, Mr. Austin MacCormick, head of the Osborne Association, was asked by the Texas Prison Board to make a survey of the prison system and report his findings and recommendations. He undertook a Texas survey, made a detailed study of the prison system's administration and operations, and prepared a written report for the Board that covered what he considered the most crucial weaknesses of the system: inefficient administration, poorly qualified personnel, antiquated farming methods, paucity of industries, bad living and working conditions, brutal discipline, heel-string cuttings and other forms of self-mutilation by prisoners, an excessive escape rate, inadequate medical services, and an almost total lack of rehabilitation programs. In 1947, he became convinced that no significant progress would be made until an aroused public demanded it. He sent a long telegram to Governor Beauford Jester citing the main points in his 1944 report and stating that little corrective action had been taken since then. He rated the prison system, especially its farm units, as among the worst in the United States.

O. B. Ellis assumed the duties of general manager in 1948 and proceeded to transform the system. In 1949, the Legislature appropriated \$4,196,075 to start the modernization program. From 1950 to 1955 vocational training programs were started to enable inmates to develop useful skills. In 1956, the General Education Development Program was initiated and the first chapel was completed at Huntsville. In 1958, a pre-service training school was started to assure qualified and competent personnel to oversee the new programs and projects being developed and implemented within the system. The Point Incentive Program, designed to encourage inmates to participate more fully in self-improvement activities, was put into operation in 1959. Throughout this period, new facilities were constructed and existing facilities modernized.

In 1962, George Beto accepted the position of director of the Department of Corrections. 1963 marked the opening of the pre-release center to prepare those inmates whose release or parole dates are imminent for return to society. In that year the industrial department was authorized and a cooperative effort between TDC and Sam Houston State Teachers' College led to the formation of the Institute of Contemporary Corrections and the Behavioral Sciences. For better testing, classification and rehabilitation of offenders, the Diagnostic Center was opened in 1964. Educational opportunities greatly expanded in 1965 with the beginning of the Adult Basic Education Program and the enrollment of sixty-one inmates in Alvin Junior College. In 1969, two major developments occurred: the Work Release program began and the Windham School District was formed. And in 1971, the Staff Counsel for Inmates program began, a work furlough program for females was approved, the Department of Public Welfare began direct contact with inmates, and a Division of Research, Planning and Development was established to coordinate efforts at reform.

The progress achieved under O. B. Ellis and George Beto was substantial. Mr. MacCormick, whose telegram had signaled the end to the archaic prison system, reviewed the progress made up to 1968:

... I saw the Texas Prison System come up from close to the bottom of the rating list to its present position in the top half-dozen, and in many ways in the 'top half.' Under Dr. Beto, it is going steadily forward. Nothing in my entire career of 50 years in the correctional field has given me

such satisfaction as the remarkable transformation that has taken place. . . .

In 1972, W. J. Estelle, Jr., succeeded George Beto as director and continued reform of the system. In that year the first vocational training program for females was established at Goree and psychological counseling began at the Jester Pre-Release Center. In 1973, a Community Services program was started to actively aid inmates in obtaining employment upon release.

In the 125 years since the Texas Prison System was founded, great progress has been made. The most barbarous practices and conditions have been eliminated and an emphasis on rehabilitation has largely replaced that of punishment and retribution. However, much remains to be accomplished. The public, the Legislature and the Department of Corrections must continue the partnership which led to reform, so that the next 125 years will reveal the same remarkable evolution which has taken place since those first three prisoners walked through the gate at Huntsville in 1849.

During the history of the prison system, few alternatives to incarceration were available: probation, pardon, or parole. This lack of alternatives may very well have contributed to the overcrowding and inhumane conditions within the prisons.

The first legislation for adult probation was in 1878 in the state of Massachusetts. The U.S. Congress provided probation to the Federal courts in 1925. Texas was one of the last states to develop a system—it was first authorized in 1947 although no funds were provided for the program.

The concept of probation in Texas had its beginnings with the Suspended Sentence Law enacted in 1913. By its terms, the person whose sentence was suspended by the act of the judge or the jury was free to come and go without any restraint or supervision. The only way such suspension could be revoked was for the individual to be indicted, tried, and convicted of still another felony. The Suspended Sentence Law was long subject to claims of abuse, either real or supposed, and the lack of supervision made it inappropriate in many cases. In 1947, the Legislature enacted the Adult Probation Law which permitted the judge (not the jury) to grant probation to individuals convicted of certain felonies. No provision was made for probation officers and any probation services were voluntary. In the mid-fifties, several counties asked the Legislature to enact legislation enabling them to hire county probation officers and in 1957, the first professional probation officers were employed.

In 1965, the new Code of Criminal Procedure eliminated the Suspended Sentence Law and expanded the Adult Probation Law to make it cover all crimes, both felonies and misdemeanors, and gave the power to grant probation to both the judge and the jury. Unfortunately, because the responsibility for probation services was fragmented by placing it on the counties, progress continued to be unsatisfactory. As a consequence, as late as 1971, of 254 counties in Texas, only 98 provided any degree of probation services at all. In a report prepared for the Texas Urban Development Commission, Professor T. C. Sinclair made the following analysis of probation in Texas:

To date probation in Texas has been deficient and its deficiencies may influence judges to impose prison sentences rather than grant probation. A state statute does provide for probation although some areas, starved by insufficient funds, have not implemented the statute. In some areas, then, where no probation officer is available, a probated sentence has been in effect a suspended sentence. . . . Localism blocks possible promotion or lateral movement of able probation officers. Although the

statute prescribes a caseload "not substantially exceeding seventy-five probationers," in practice loads of three or four hundred are not unusual. In other words the probation system as it works seems designed for failure, and yet probation when it functions properly offers the greatest hope for rehabilitation.

The development of pardons and parole is intertwined in Texas. Parole was first introduced in the United States at the Elmira Reformatory in New York State in 1876. By 1900, parole had been introduced in twenty states and in forty-four by 1922. The first Adult Parole Law was enacted in Texas in 1947. Prior to that time, conditional releases from the Texas Prison System were by executive clemency in the form of "conditional pardons" or "executive paroles."

For a long time Texas placed almost complete pardoning power in the hands of the Governor. From the original Constitution of 1845 and through the Constitutions of 1861 and 1866, the original section on pardons underwent little change. Originally, the general scope of the pardoning power in Texas was very broad. The courts were careful to restrict the power to pardon to the office of the Governor. Whenever the power to discharge convicts was conferred upon other officials, the statutes were held invalid. The most recent example was the attempt to give courts the power to resentence persons convicted of an offense involving the use of marijuana.

Because the Governor had neither the time nor the ability to handle all aspects of this pardoning power, the Legislature in 1893 created the Board of Pardons Advisors. This two-man board was to operate at the will of the Governor, with the only condition being that its functions must be consistent with the Constitution. In 1929, the name of this board was changed to the Board of Pardons and Paroles, and a third member was added.

Out of indiscriminate use of the power to pardon by certain Governors (between 1915 and 1917 Governor James E. Ferguson granted 1,774 pardons and 479 conditional pardons; 1917-21, Governor W. P. Hobby granted 1,119 pardons and 199 conditional pardons; 1925-26, Governor Miriam A. Ferguson granted 384 pardons and 777 conditional pardons) there grew a great demand to place some restrictions upon the Governor's pardoning power. In 1936 the Constitution was amended to create a constitutional Board of Pardons and Paroles. This amendment limited the clemency powers of the Governor by providing that in all cases except treason and impeachment the Governor should have the power, after conviction, to grant reprieves, commutations of punishment and pardons only upon the written signed recommendation and advice of the Board of Pardons and Paroles or a majority thereof.

Thus, parole in Texas prior to 1947 consisted of a "conditional pardon" or what might be termed "executive parole." This amounted to the Governor's exercising his power to pardon by releasing prisoners prior to the completion of their sentence with the stipulation that violation of the rules of conditional pardon would result in its revocation. In 1947 the Legislature enacted an Adult Parole Law. This statute authorized the Board to release on parole, with the approval of the Governor, any person confined in any penal or correctional institution in Texas with the exception of any person under sentence of death. The Legislature, however, appropriated no additional funds for parole operation, which resulted in continuation of the use of the "conditional pardon."

Prior to 1958, the only supervision given to men released on parole or conditional pardon was supplied entirely by volunteers. When the number of paroled persons grew to more than 2,000, the limits of a completely voluntary system became increasingly apparent. Recognizing this, the Legislature in 1957 established a Division of Parole Supervision under the Board of Pardons and Paroles and made a proper appropriation of operational funds. By September,

1958, twenty district offices located throughout the state were open and operating. Each Legislature since then has strengthened the parole system with increased appropriations for operation and personnel. Yet, the need for increased services and more efficient organization will demand continued attention and reform if the parole system is to successfully reintegrate the offender into the community. Other alternatives to incarceration also must be developed if the Texas correctional system is to accomplish its goals—incarceration, probation and parole cannot by themselves solve the ever changing problem of crime and society.

CORRECTIONS IN PERSPECTIVE: THE CRIMINAL JUSTICE SYSTEM

"Corrections" is but one aspect of the criminal justice system. This "system" is society's total response to that class of behavior labeled criminal and it ideally functions to define, inhibit, reduce and treat such behavior. Presently, the criminal justice system creaks along attempting to solve complex problems with archaic structures, conflicting philosophies, fragmented organization and insufficient resources. The wonder is not that it functions so badly, but that it functions at all. Law enforcement, the judiciary and the prisons are too often viewed as separate and independent. Little thought is given to the need for an efficient, integrated system able to fulfill society's needs.

Prison reform cannot be isolated from these interrelated components of the system. If prisons are to become true "correctional" institutions and if returning offenders as productive members of society is a realistic goal, then reform must stretch back into the initial stages of the process and must be maintained throughout its workings.

The police are perhaps the most conspicuous representatives of the system to the general community. Because law enforcement is the initial mechanism encountered in the system, it often sets the tone for the entire process. Too often this tone is one of retribution, rather than rehabilitation. Police are forced to take a short range view of problems confronting the community—victims of crime want immediate solutions and violence must be stopped quickly. Corrections, on the other hand, must take the long range view. If offenders are not to be entirely alienated making any correctional efforts impossible, then the law enforcement mechanism must be humanized and made more efficient. True deterrence does not result from severity of punishment, but from certainty of apprehension. Police support of community-based corrections, their cooperation with probation and parole agencies, and their efforts in improving law enforcement will have a strong bearing on correctional reform. Unless the police willingly assume the increased responsibility which a community-based correctional program will impose, neither the community, nor the correctional authorities will be eager to create innovative programs or experiment with progressive ideas. The law enforcement agencies must be integrated into the planning and implementation of any correctional reform effort, and any such effort will fail unless every aspect of the system receives the input and support needed for improvement.

The judiciary, the second aspect of the criminal justice system, performs the most crucial function within the system. The courts act as both participant and supervisor of the process—determining guilt or innocence, protecting individual rights against overstepping by either law enforcement or correction, as well as calling into action the different correctional alternatives through sentencing decisions. Correctional reform is possible only if courts are able to make these sentencing decisions rationally. In order to select the proper correctional method, alternatives to incarceration must be available. Pre-trial diversion and effective probation services can relieve pressure on prisons and provide faster reintegration into the community. The present fragmented probation system provided on the county level must be replaced by a state-wide probation system which can provide the necessary guidelines and resources to make probation an effective tool of correctional reform. The range of probation services must be increased to provide individualized programs capable of meeting the individual offender's needs. Perhaps most important, sentencing disparities must be minimized. Offenders guilty of the same offense should be able to see some correspondence between their offense and their punishment. Arbitrary and capricious sentencing can make correctional efforts even more hopeless, as well as angering or insulting the law enforcement agencies. Because of the crucial function performed by the courts, communication and cooperation must be fostered between the correctional and judicial branches.

The correctional branch is often the most ignored and forgotten aspect of the system. Hidden away from the general community, the prisons house the failures and rejects of society. The correctional system is the last resort, but it cannot be divorced from the police and the courts. It is not only the inheritor of the convicted offender channeled through the law enforcement and judiciary systems, but it is also the inheritor of the problems created by the many defects in those systems. When the correctional system does nothing to rehabilitate the offender but merely functions to further alienate the offender and provide education in advanced criminal techniques, the vicious circle becomes a vicious spiral. As the President's Task Force on Prisoner Rehabilitation saw:

Our point is that improvements in the correctional system are necessarily tactical maneuvers that can lead to no more than small and short term victories unless they are executed as part of a grand strategy of improving all the nation's systems and institutions.

Part of the "grand strategy" must be to weave correctional reform into the fabric of an efficient, progressive and humane criminal justice system.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) LAW ENFORCEMENT AGENCIES BE ENCOURAGED TO HELP CREATE AND SUPPORT A MOVE TOWARD COMMUNITY-BASED CORRECTIONS.

(2) SENTENCING DISPARITIES BE ELIMINATED BY ENACTING LEGISLATION TO GIVE THE TRIAL COURT AND THE JURY BASIC GUIDELINES IN ASSESSING PUNISHMENT.

(3) A STATE-WIDE PROBATION SYSTEM BE ESTABLISHED TO ENSURE A UNIFORM, EFFICIENT AND ADEQUATE ALTERNATIVE CORRECTIONAL METHOD.

(4) ALTERNATIVES TO INCARCERATION BE PROVIDED THROUGH PRE-TRIAL DIVERSION.

CLASSIFICATION

Convicted felons in Texas are introduced into the prison system through a classification process which takes place at the Diagnostic unit for men and the Goree unit for women.

DIAGNOSTIC UNIT

Inmates are transported to the Diagnostic unit of TDC either by the sheriff of the committing county or in a TDC bus which makes periodic trips around the state to pick up prisoners. When they arrive at the "back gate" of the Diagnostic unit they go through four basic intake processes: security reception (accounting for personal belongings, bathing, haircut, and clothing issue), photo and identification, temporary cell assignment, and orientation. The "orientation" lecture includes a description of the rules and regulations of the Department and an opportunity to hear from a parole officer, the chaplain, and an Alcoholics Anonymous Counselor.

Inmates are given temporary cell assignments for their stay at Diagnostic. Some effort appears to be made to separate inmates by size, age, and offense. There is no recreation or other diversion available for the inmates while they are waiting at Diagnostic for classification and unit assignment. Although the average length of stay at Diagnostic used to be much longer, it now averages two to three weeks. During this time, the inmates go through four phases in the "diagnostic" process: medical evaluation, testing, interviewing, and classification.

Each inmate received at the Diagnostic unit undergoes a medical examination and classification. The medical examination forms are based on those used in the military. The inmate first fills out a Personal History Form on which he notes his medical history. For anything out of the ordinary, he must list the doctor who treated him so that confirmation by letter may be done. This procedure was changed recently following the death of an inmate denied necessary medication until confirmation of his need could be obtained from his personal doctor by letter. This lengthy confirmation process has now been amended to allow confirmation by phone in urgent cases. It is unfortunate that the need for such a policy change was not recognized until after an inmate had died. For inmates who speak only Spanish, translation is performed by another inmate assigned to the medical area who is bilingual. Each inmate then is examined by a physician who does a cursory examination while dictating observations to be noted in the inmate's Physical Examination Form. This examination by a physician usually takes about five minutes. On the basis of this examination and the inmate's personal medical history form, the doctor assigns the inmate a Medical Classification. If the Medical Classification has been affected by anything listed in the inmate's personal medical history statement, then the classification is subject to verification. This is done by writing the doctor listed by the inmate for confirmation. The Medical Classification is important because it determines the type of work to which the inmate can be assigned.

Almost every inmate who comes into TDC undergoes a series of testing administered at the Diagnostic unit. The tests include the following: Revised Beta Examination (very basic type of IQ test), California Achievement Test, and the Minnesota Multi-Phasic Personality Inventory. The first three tests are administered in an extremely large classroom by another inmate who is supervised by a staff person. The MMPI is given from a tape recording. An inmate's performance on the educational level tests is important in that it determines eligibility for educational programs. None of the tests are available in Spanish at the Diagnostic unit. Therefore, those who cannot read English are not tested.

Each inmate is interviewed at least twice during his stay at the Diagnostic unit. The first interview is conducted by a uniformed TDC officer and takes about forty-five minutes to an hour

to complete. The object of this interview is to obtain information on the inmate's personal background. Questions focus on his family, job, educational, and criminal history.

Following completion of the first interview, a second "sociological interview" is conducted. This interview is intended to gather information about the inmate. The inmate is asked his version of the circumstances leading to his imprisonment. This information is intended to determine the inmate's attitude toward his incarceration and the likelihood that this attitude will be conducive toward rehabilitation. On the basis of these interviews, the interviewer makes recommendations in his report to the Classification Committee concerning the degree of security an inmate requires and the rehabilitative potential of the inmate. His conclusions, noted on the card which is sent to the Classification Committee, follow the inmate throughout his stay at TDC. The interviewer's observations are also placed in the inmate's file.

When the "diagnostic" process described above has been completed, the Classification Committee makes its decision. The committee is composed of four men, three from the Classification and Record office and one chaplain. The Committee's primary decision is the assignment of the inmate to one of TDC's units. This decision largely determines the availabilities of rehabilitative and treatment programs to the inmate. The decision is based on a number of factors including the inmate's age, behavioral characteristics, security requirements and recidivist history. The Classification Committee does not consider an individualized rehabilitation program for the inmate. The decision is based primarily on an inmate's age and criminal history. Each unit is designated to house a particular type of inmate. It is apparent, however, that these unit designations are not strictly followed. Appeal from the Classification Committee decision can only be made to the Director of the Department.

GOREE UNIT FOR WOMEN

By statute in Texas (Vernon's Civ. St. art. 6166v.) female prisoners must be kept separate from the male prisoners. For this reason the intake, diagnostic, and classification process for women differs from that of the men.

The only time that the female prisoners see the Diagnostic unit is when a group of them is taken there for a few medical tests. When this is done, the Diagnostic unit must close down its own process and return all of the men to their cells while the women stay at the Diagnostic unit. Some remodeling is planned for the Goree unit that would enable the women to have all of the medical evaluation done at the Goree unit. This would avoid the disruption of the process at the Diagnostic unit and would also give Goree a far better medical unit than it presently has.

Women arriving at Goree first go into "quarantine" where they remain for three to four weeks. Unfortunately, the area of cells used for "quarantine" is rather dismal and depressing. These cells are located in the basement of the old building at Goree and do not present a very good introduction to prison life. There is no recreation while the women are waiting in "quarantine." In spite of this handicap, the officials at Goree have done a great deal to develop their diagnostic and classification process. The women go through many of the same initial procedures that their male counterparts at the Diagnostic unit go through. They receive the same type of interviewing and testing as the men receive. The real difference occurs in the actual classification process.

Because Texas maintains only one prison for the incarceration of women, the decision that the Classification Committee at Goree makes is quite different from the decision that the Classification Committee at the Diagnostic unit makes about the men. It should be stressed that the women have a different Classification Committee than the men have. The Goree Classification Committee decides what cell assignment each woman should receive and what type of work

assignment she should receive. This type of classification is much more comprehensive and individualized than the men receive. The comprehensiveness of the Goree classification process is indicated by the composition of the Classification Committee. Sitting on the Committee are the following persons: The Classification Officer, the Assistant Warden, the Educational Consultant, a Registered Nurse, the Information Officer, the Supervisor of the Garment Factory, and a Building Major. With this assemblage, each case for classification can have input from the various departments represented on the Classification Committee. The Committee meets each Tuesday to make decisions on initial classification and classification changes. The process for a classification change, or change in room assignment or work assignment seems to be easily accessible to the inmates.

COMMENTARY

The classification process at the Diagnostic unit only efficiently achieves the assignment of inmates to a unit. Classification at TDC, especially for the men, involves little more than "custody and security." The present process does not make a serious effort to assign an inmate according to his rehabilitative needs. It would appear that the only instances in which the classification process takes an inmate's job skills into account is when the inmate has a particular skill (heavy construction work, for instance) which is needed at one of the units. Institutional convenience, not individual abilities or needs, is the determining factor.

The medical evaluation process at the Diagnostic unit is minimally adequate at best. The unit does not even employ a full-time physician to perform this important task. A re-evaluation of the intake medical process is needed. A psychiatrist is also needed at the unit to provide a psychiatric evaluation of an inmate. In order to insure that the diagnostic process has the full benefits of physical examinations and psychiatric evaluations, TDC should adopt the minimal standards for intake exams described in the Federal Bureau of Prisons **Medical Manual for Policies and Procedures**, Sections 37601 et seq.

The testing at the Diagnostic unit is conducted in large classrooms under poor testing conditions. Provisions should be made to ensure that Spanish-speaking inmates can be tested in Spanish. An evaluation of the tests should be made to ensure that they are the most effective available and that they serve the purposes of the diagnostic process.

The interviews are important if the classification decision is to be based on sound information. Inmates should be warned that the answers they give to questions relating to drug use may be used later by the Parole Board in making its decision. This information may also be used to deny an inmate entrance into the work release program. The Department does not collect the information in order to place inmates in drug treatment programs, because it has none. TDC should discontinue the use of questions relating to drug use until they have a drug treatment program to justify asking the question. Inmates should have the right to inspect the records kept on them, so that they may challenge and correct false or inaccurate information. Inaccurate information of a negative character adversely affects an inmate throughout his stay in prison, in parole, and when he is released.

Recognizing that the classification process at Diagnostic currently makes a decision based on custody and security considerations, a program should be developed to provide treatment classification for the inmate when he is assigned to his unit. This program at the unit level should use classification teams with representatives from the various institutional departments (security, medical, academic, and vocational education, and industry) to develop a treatment plan for each inmate. At present, when an inmate arrives at his assigned unit, any treatment he may receive is the result of ad hoc decisions made through the Warden's office. The classifica-

tion system used at the Goree unit for women is a step in the right direction. There is no need to discuss the mechanics of such a comprehensive classification program in detail. The National Advisory Commission on Criminal Justice Standards and Goals and the American Correctional Association have recommended programs which could be adopted in Texas.

Rehabilitation of the offender (and his eventual ability to reintegrate successfully in our communities) is a haphazard process without a comprehensive classification program. The program in TDC is inadequate. Without an effective classification process which can properly balance the needs for security and treatment, the goal of rehabilitation cannot be achieved.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE DEPARTMENT OF CORRECTIONS DEVELOP A COMPREHENSIVE TREATMENT CLASSIFICATION PROCESS AT THE UNIT LEVEL BASED ON THE STANDARDS OF THE AMERICAN CORRECTIONAL ASSOCIATION AND OTHER RELEVANT NATIONAL STANDARDS. SUCH A PROCESS SHOULD INCLUDE AN INSTITUTIONAL CLASSIFICATION COMMITTEE WHICH WOULD MAKE INITIAL TREATMENT CLASSIFICATION DECISIONS. THE COMMITTEE WOULD ALSO REVIEW EACH INMATE'S CLASSIFICATION AT LEAST ONCE YEARLY AND WOULD PREPARE PRE-PAROLE SUMMARIES FOR EACH INMATE FOR USE IN PAROLE CONSIDERATION.

(2) THE DEPARTMENT EMPLOY A FULL-TIME PHYSICIAN AND A FULL-TIME PSYCHIATRIST AT THE DIAGNOSTIC UNIT. THE MEDICAL EXAMINATION AND PSYCHIATRIC EVALUATION PROCEDURES SHOULD FOLLOW THE MINIMUM STANDARDS OUTLINED IN THE FEDERAL BUREAU OF PRISONS **MEDICAL MANUAL FOR POLICIES AND PROCEDURES**.

(3) THE DEPARTMENT RE-EVALUATE THE DIAGNOSTIC TESTING PROCESS TO ENSURE THAT THE TESTING IS PROPERLY CONDUCTED AND THAT THE TESTS USED ARE SUITED FOR THE INTENDED PURPOSE. TESTS SHOULD BE ADMINISTERED IN SPANISH AS WELL AS ENGLISH.

(4) THE DEPARTMENT DISCONTINUE INTERVIEW QUESTIONS RELATING TO DRUG USE UNTIL A DRUG TREATMENT PROGRAM IS INSTITUTED TO JUSTIFY THE QUESTION. INTERVIEWERS SHOULD ALSO BE REQUIRED TO INFORM ALL INMATES PRIOR TO QUESTIONING OF ANY RAMIFICATIONS DISCLOSURE REGARDING DRUG USE, ETC., COULD HAVE ON THEIR CONSIDERATION FOR PAROLE OR ENTRANCE INTO TDC PROGRAMS.

(5) THE DEPARTMENT ADOPT A POLICY ALLOWING INMATES ACCESS TO INFORMATION IN THEIR INDIVIDUAL FILES AND INSTITUTE A PROCEDURE ALLOWING INMATES TO EFFECTIVELY CHALLENGE INACCURATE INFORMATION.

(6) THE DEPARTMENT REDUCE THE QUARANTINE PERIOD USED AT THE GOREE UNIT TO THE MINIMUM PERIOD NECESSARY.

(7) TO THE DEGREE POSSIBLE, INMATES BE ASSIGNED TO UNITS CLOSEST TO THEIR HOMES.

LIVING AND WORKING CONDITIONS

Texas prisons are better maintained and more efficiently run than those in most other states. This is especially noteworthy given the massive scale of TDC operations. The prison system may be viewed as both a large agri-business and as an extensive industrial concern. A necessary correlate of this view, however, is that the inmates live and work in the prison system under varied conditions.

Having completed the diagnostic process, a new inmate is assigned to one of TDC's fourteen units. The facilities at these units do not vary to any considerable degree. All of the units are located in rural east Texas on fertile farmland. The Huntsville unit is the only "urban" unit operated by the Department. Although the units are designated with security classifications, ranging from minimum/medium to maximum, all of the units are designed primarily to provide maximum security. Texas does not operate any minimum security "open" prisons, such as some other states and the federal system operate. All of the units are constructed of brick, concrete, and steel. A cell at one unit looks essentially like a cell at any other unit. Although the vast majority of inmates live in two-person cells, some inmates do live in large tanks, dormitory-style.

The typical cell is about five feet wide and eight feet long. The cell has a concrete floor with a steel bar door. Each cell has a combination toilet bowl and sink. Inmates are not allowed to decorate their cells except at Goree. Privacy is minimal. The cells are arranged in long rows and may be stacked as high as five tiers. Most wings have a small dayroom with a television and domino tables. The dayrooms are not large enough to accommodate all of the inmates assigned to a particular wing. Guards in the halls cannot observe much of what goes on in the wings. Acts of aggression among inmates may go unnoticed. This lack of ability to supervise the activities within a wing increases guards' reliance on building tenders to provide information. Depending on his work assignment, an inmate may spend up to twenty hours a day locked in the wing. Inmates in administrative segregation (lock-up) spend twenty-four hours a day locked in a cell which may house one or even two other inmates. In practice, there appears to be no limit to the length of time an inmate may be kept in lock-up despite specific TDC regulations. TDC records indicate that some inmates have been in lock-up for more than a year.

The cells become extremely hot in the summer and extremely cold in the winter. Many of the older units have inadequate heating systems. Inmates who have money can buy small electric heaters from the Commissary, but the indigent inmate in such units may have no relief from the cold. There is no air conditioning for any inmates living in the general population.

Every inmate who is physically capable is expected to work while in prison. For most inmates, field labor is their first job assignment. The Department has approximately 43,000 acres of land under cultivation. Although the Department has mechanized its agricultural operation considerably, there are still thousands of inmates doing stoop labor in the fields. Some inmates will do field labor for the entire length of their prison stay. Most of the manual tasks the field laborers perform could be done by the farm machines the Department presently owns, however, it appears that the Department considers field labor beneficial to the inmates. Many inmates have complained to the Committee about harsh working conditions in the fields. Common complaints include unofficial quotas and overly demanding work paces. Many inmates have alleged that guards on horseback run over inmates who lag behind. The Joint Committee has requested, but has not received, any statistics from the Department concerning field work injuries.

Working conditions in TDC's various factories, plants, and shops vary tremendously. Conditions in the Wynne unit's Records Conversion Project are very satisfactory. Inmates work in an air-conditioned area with piped-in music and are even allowed coffee breaks. The Records Conversion Project not only provides comfortable working conditions, but also teaches inmates

marketable skills. Unfortunately, this project is the exception rather than the rule. In fact, working conditions in most TDC factories are far below minimum health and safety standards, nor do most of these jobs teach any marketable skills. These industrial job assignments are defended on the ground that even the worst job teaches inmates the value of steady work. One Warden, however, suggested to the Joint Committee staff that work in the fields and in some of the factories probably does more to teach inmates to despise work, than to respect it.

Although the Department has failed to provide the Committee with statistics on industrial accident rates, the Committee has documented numerous serious injuries which inmates have suffered while working in these factories.

COMMENTARY

The prison environment, including wing and working conditions, has direct impact on the goal of rehabilitation. Despite the well-kept appearance of many of TDC's grounds and buildings, the prisons do not provide an environment conducive to offender rehabilitation. If the system is committed to achieving this goal, widespread changes must be implemented in order to alter the underlying nature of the prison experience. Many of these changes are attitudinal as well as structural.

Fear, boredom, loneliness, and frustration are the basic elements in many of the inmates' lives. The prison atmosphere is conducive to exaggerated fears based on rumors of deaths and beatings left unchecked by officials, and to very immediate fears of personal harm from guards, building tenders, and other inmates. Aggression, in many forms, pervades the units. The atmosphere, however, is not conducive to positive feelings of dignity and self-determination. This environment is particularly destructive for those inmates with nonviolent criminal histories who are unequipped to deal personally with the threat of physical brutality. These problems can never be solved completely in the prison system, but their deleterious effects can be minimized.

Working conditions are equally unsatisfactory. Prisoners work in the fields or in the factories under what are too often unsafe and unhealthy conditions. For their time in prison inmates are given one hundred dollars upon their release. Raising this amount would give inmates a better chance to establish themselves in the interim between release and employment. Although the sum is not meant to provide assistance over a great amount of time, a hundred dollar "head start" does not buy a month's rent and groceries. To incarcerate a person and to release him and expect him to stay clear of trouble without any financial stability seems ludicrous and should be remedied.

Inmates in segregation experience additional deprivations peculiar to that status. They are given few of the basic necessities—in addition, their living conditions are often deplorable. Filth is allowed to accumulate in the midst of unsanitary conditions. An inmate in administrative segregation may spend months in the lock-up wing while denied many privileges. Cells may have two or three inmates crowded in together around the clock. Although the solitary cells can get too hot in the summer and too cold in the winter, some inmates are placed in solitary without any clothing. Lengths of stay can be considerable despite TDC's official regulations. Boredom and frustration are particularly troublesome in this context. Depending on the unit, the only reading material provided, if any is provided at all, is a copy of **The Living Bible**. Meals in solitary usually consist of two bland vegetables, although even these may have been stolen by building tenders before the plate was slid under the cell door.

The ability to exert some semblance of control over one's environment is considered crucial to an individual's mental health. Segregation status is merely an extreme example of what is generally characteristic of prison life. As a result of the many pressures of the prison environ-

ment, it is not surprising that many inmates suffer severe mental problems. One TDC psychologist defined his job as "helping inmates adjust to the insane and unnatural environment of prison." When inmates do break under the strain, TDC's totally inadequate mental health services offer little hope for recovery.

Some environmental problems are easier to deal with effectively. Nevertheless, there is no routine procedure for inspecting health and sanitation conditions. The Health Department maintains that it lacks jurisdiction to inspect the prison facilities. One area in which inspections are needed is food services. It is generally agreed that food services in TDC are better than those in many other states. Inmates produce most of the food they eat, as well as food for employees. The prison-produced food is supplemented by outside purchases and surplus federal commodities. Many inmates complain that meat is not served regularly, and that when meat is served, it is primarily pork. These complaints have been confirmed by employees at some units who stated that much of the beef is diverted for use in the officers' dining room or for the emoluments program. The predominance of pork in the inmates' diet not only makes meals monotonous, but also poses serious problems for those inmates who cannot eat pork for religious or dietary reasons.

Food at TDC is prepared by inmates under the supervision of stewards. Inmates often complain of dead insects in the food, a problem which probably cannot be completely avoided in a large institutional food operation. Inmates also claim that spoiled meat and other contaminated foods occasionally end up on their food trays. The Health Department also says it has no authority to inspect TDC food preparation facilities. Inmates who work in the kitchen do not receive health cards.

TDC does not have a dietician to prepare the menus for either the general population or inmates who need special diets for health reasons. The menus change regularly, but appear to have the same basic elements. The staff does not possess the training or experience to fairly evaluate the sanitary conditions of the food preparation or the nutritional value of the menus. This type of evaluation should be made by the State Health Department.

One of the most serious problems in the area of food services at TDC is the inadequate consideration given inmates who require special diets for medical reasons. Official policy is that inmates requiring special diets should refrain from taking those items offered in the food line which conflict with their medical diets. Even in the TDC hospital, a dietician is not employed and a wide range of special diets is not available.

Nevertheless, the Department of Corrections does provide a satisfactory food service program overall. Despite the problems already pointed out, its food service program ranks favorably when contrasted with those of other states. This does not mean, however, that efforts for improvement need not be made, especially since many of the shortcomings can be readily remedied by encouraging State Health Department inspections of the food preparation facilities and by hiring a dietician/nutritionist to direct menu planning.

Working conditions are likewise amenable to change in a concrete manner. Certainly, attitudinal changes do need to be made as in the area of living conditions, but considerable improvement could be achieved structurally. The labor performed by prisoners in the Department of Corrections should be viewed both in terms of the desirability of particular job assignments and working conditions. Are these jobs conducive to rehabilitation? Has the prison environment provided inmates with critically needed vocational skills?

As mentioned earlier, the largest percentage of inmates in TDC work in the fields or in the TDC industries. Job assignments are made by the unit warden based on the institution's needs. Generally, all inmates who are physically able are expected to work in the fields for at least the first six months of their incarceration. The Department has about 43,000 acres of land for the

production of field, grazing, and edible crops. The Department also maintains approximately 55,000 acres of pasture land for livestock. In addition, TDC operates a number of industries at the various units including the following: mattress factory, brick plant, school bus repair shop, three garment factories, canning plant, packing plant, carpenter shop, machine shop, coffee plant, soap and wax plant, furniture refinishing shop, tire recapping plant, three cotton gins, two saw mills, dehydrating plant, feed mill, and a records conversion facility. All of these industrial operations are run primarily to serve institutional needs. Although some of these facilities offer inmates the opportunity to learn skills they can use after release from prison, most of the jobs in the factories and plants have little vocational training value. The records conversion project is the exception and an excellent example of what could be done in other areas. In many of these factories and plants, environmental health and safety conditions are deplorable. As mentioned earlier, for inmates working in the various TDC industries, health and safety becomes very important. For example, inmates working at the Huntsville unit textile mill are exposed to deafening noise and lint-filled air. (The guard who took the Committee staff on a tour of the unit said they should not stay in the textile mill very long because of the noise and lint.) None of the inmates wore ear plugs or face masks to guard against the noise and lint. Many of the other TDC industries similarly have safety and health problems which need review. At present, no outside agency inspects working conditions in the prisons to ensure that minimum environmental health and safety standards are being met. TDC does not have a comprehensive procedure for monitoring and improving working conditions. As previously stated, the Committee has been unable to receive information from TDC concerning the types and rates of industrial accidents.

Health and safety inspections are crucial in this area. But, readily apparent standards deficiencies are not the only problem in the area of working conditions. In some cases, it is not the job which is unfit for the inmate, but the inmate who is unfit for the job. Through a system of medical classifications, inmates are supposed to be assigned to jobs for which they are physically able. This of course does not always work out in practice. In one particular case, the staff wrote to the TDC Director about an inmate who claimed he was in solitary for not working properly, when he claimed he was physically unable to work. The letter we received from the Director stated that the inmate was in Medical Class III doing work assigned to inmates in Medical Class III. Although the letter concluded that the punishment was proper, it stated that the inmate was subsequently placed in Medical Class IV and would no longer be required to do the work he claimed he was unable to do. It is clear that in most cases inmates are given the proper medical classification and are capable of doing the work to which they are assigned. However, it is vital that an effective procedure exist whereby inmates are regularly checked by a physician to ensure that they are still properly classified.

The Committee agrees with prison officials that it is important for inmates not to remain idle. However, the primary consideration and goal should be to assign inmates to work in those jobs where they can learn useful vocational skills under proper environmental health and safety conditions.

As for living conditions, attitudinal and policy changes are most needed. The dignity and privacy of each inmate should be respected. Fear of physical brutality should be minimized. The goals of our correctional system must be kept firmly in mind. The outputs we are most concerned with are not TDC crops and products, but rehabilitated offenders who can safely reenter society.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ALL INMATES RECEIVE A MORE REASONABLE ALLOWANCE UPON RELEASE FROM TDC.

(2) THE DEPARTMENT STUDY THE POSSIBILITY OF PROVIDING SOME FORM OF ALLOWANCES AND INCENTIVES TO INMATES WHILE INCARCERATED WITH SPECIAL CONSIDERATION TO THE PROBLEMS OF INDIGENT INMATES.

(3) A STUDY BE CONDUCTED BY AN OUTSIDE AGENCY OR GROUP OF VARIOUS AGRICULTURAL AND INDUSTRIAL OPERATIONS IN ORDER TO DETERMINE WHICH PROGRAMS OFFER THE GREATEST VOCATIONAL TRAINING POTENTIAL AND THE GREATEST COST BENEFIT TO THE DEPARTMENT. OPERATIONS WHICH OFFER MINIMAL VOCATIONAL TRAINING OR HAVE MARGINAL COST BENEFITS SHOULD BE RE-EVALUATED.

(4) EACH PRISON UNIT SHOULD ESTABLISH A PROCEDURE FOR PERIODIC INSPECTIONS FOR CLEANLINESS, SAFETY AND HEALTH. HEALTH PERSONNEL AND OTHER MEMBERS OF THE UNIT'S STAFF SHOULD CONDUCT THESE INSPECTIONS AND REPORT THEIR FINDINGS TO THE TDC ADMINISTRATION.

(5) IT SHOULD BE THE DUTY OF THE ASSISTANT DIRECTOR FOR MEDICAL SERVICES (AN ADMINISTRATIVE POSITION REQUESTED BY TDC IN THE 1975-1976 BUDGET REQUEST) TO ESTABLISH STANDARDS FOR CLEANLINESS, HEALTH, AND SAFETY FOR THE ENTIRE SYSTEM AND CONDUCT INSPECTIONS TO ASSURE COMPLIANCE.

(6) THE TEXAS DEPARTMENT OF HEALTH SHOULD CONDUCT YEARLY INSPECTIONS OF THE PRISON SYSTEM TO ENFORCE STATE HEALTH AND SAFETY STANDARDS IN ACCORDANCE WITH STATE LAW.

(7) IN DEVELOPING STANDARDS AND UPGRADING THE ENVIRONMENT IN EACH PRISON UNIT, SPECIFIC ATTENTION SHOULD BE DEVOTED TO

- a. INSPECTION AND REPAIR OF EXISTING FACILITIES;
- b. DEVELOPMENT OF INSPECTION AND MAINTENANCE PLANS FOR ALL WORK AREAS;
- c. DEVELOPMENT OF GUIDELINES RESTRICTING FIELD LABOR DURING EXTREME HEAT OR COLD;
- d. DEVELOPMENT OF TRAINING PROGRAMS FOR STAFF AND PRISONERS IN MATTERS OF PERSONAL HEALTH, FIRST AID AND SAFETY;
- e. DEVELOPMENT OF EMERGENCY PLANS FOR INDUSTRIAL ACCIDENTS.

(8) A PROGRAM SIMILAR TO WORKMENS' COMPENSATION BE CONSIDERED FOR ALL PRISONERS WHO WORK IN TDC AGRICULTURAL AND INDUSTRIAL OPERATIONS.

RACE RELATIONS

Uneasy race relations are a fact of institutional prison life. This fact significantly affects the environment in which inmates live and work. Dealing with racial and ethnic minorities presents problems in our society, but these problems are aggravated in the prison setting. Isolation of prisons both increases the possibilities for confrontation in a "closed" subculture and decreases the possibilities for public, and even legal scrutiny.

RACIAL AND ETHNIC SEGREGATION

The Joint Committee on Prison Reform has repeatedly requested a statement of TDC policy on the subject. The Department has refused to provide such a statement due to a pending civil rights suit which charges the Department with racial and ethnic segregation and discrimination. However, indications of TDC's policy can be found through an analysis of TDC data on the wing assignments at each unit.

The TDC figures compiled on unit assignments show that each unit has a mix of black, white, and Mexican-American inmates. Although some units have a disproportionately high percentage of one group or another, Texas does not maintain separate black and white units as it did in the past. At the unit level, wing and dormitory assignments are made by the Warden and Building Major. It is at this level that evidence of racial and ethnic segregation becomes apparent.

The degree of segregation in each of the units varied tremendously. Some units had so few segregated wings that it appeared to be insignificant. Other units approached and even reached the 100% level of segregation. In the typical situation where segregation existed in a particular wing, the wing would be either all black or would be all white and Mexican-American. In a few instances, there were all Mexican-American or all white wings. Throughout the entire Department, about 56% of all the inmates live in ethnically or racially segregated living units. It appears that in some of the units, the segregation would be complete except that the solitary and administrative segregation wings were integrated. The units which have more than half of their inmates segregated are as follows in order of the degree of segregation: Ramsey II (100%), Central (97%), Clemens (93%), Darrington, (89%), Eastham (55%), Jester I (86%), Ferguson (82%), Jester II (74%), Retrieve (71%), and Ramsey I (53%). Even in a wing which is racially and ethnically mixed, inmates who share a cell are almost always of the same race or ethnic background.

Segregation is also evident in work squad assignments. Inmates in the fields work in squads which are often all white, all black, or all Mexican-American. Depending on the unit, inmates may also be segregated in other "inside" jobs. For example, most, if not all, inmates assigned to work as houseboys in officials' homes are black. One Warden complained to the Committee staff that this arrangement may have to change because it is difficult to find "good house niggers" now.

RACIAL AND ETHNIC DISCRIMINATION

Many inmates have written to the Joint Committee complaining of racial prejudice and discrimination on the part of some TDC personnel. The Committee staff has listened to Wardens and their employees openly display racist attitudes many times. One supervisory official was quoted in a Dallas newspaper as saying, "We don't practice discrimination here. We treat niggers just like whites." It can be assumed that if these personnel express their prejudices so openly to the Committee staff and to members of the press, these attitudes will affect their treat-

ment of inmates. Part of this problem is that TDC personnel are primarily white. Only 6% of the Department's personnel are black and only 3% are Mexican-American. No minority group members hold the positions of warden or other high level positions. Nevertheless, the inmate population is approximately 40% white, 45% black, and 15% Mexican-American.

Discrimination affects the access of inmates to programs, work assignments, and treatment facilities. For instance, TDC records indicate that white inmates were admitted to the TDC hospital unit in a significantly higher number than their proportion of the total inmate population. In contrast, the records indicate that blacks and Mexican-Americans are admitted to the hospital in lesser numbers than their proportion to the total population. There are many instances where statistics seem to indicate discriminatory treatment of black and Mexican-Americans.

COMMENTARY

Discrimination, prejudice, and segregation do exist in the Department of Corrections to a significant degree. Despite the fact that many Department officials voice opposition to such practices and deny that they exist, the evidence is overwhelming that the official administrative policy of racial neutrality is not always followed down the line. Some wardens and many employees did not even attempt to hide their prejudices from the Committee staff. These attitudes further alienate minority inmates and reduce prospects for their rehabilitation. In addition, some wardens use racial segregation as another method of punishment. Many instances were observed where an inmate of one race was assigned to live in a wing with inmates all of another race. This was done to a number of so-called "writ writers" as punishment. There is no excuse for this practice.

No significant outbreaks of racial violence have occurred at these units where wing segregation has been abolished despite TDC misgivings as to the desirability of integration from the security standpoint. Nevertheless, prejudice on the part of the low-level correctional officers who deal most frequently with inmates is difficult to deal with when no firm policy is vigorously pursued by high administrative officials. The situation here is especially critical since it is the lowlevel employees who most directly shape the inmates' environment. Such attitudes are a major obstacle to the attainment of the rehabilitative goal.

The courts have made it very clear that racial segregation in prisons is unconstitutional. As long as wide-spread segregation exists in TDC, unit employees will continue to believe that discriminatory treatment is acceptable. The Department also faces the very real possibility that its de facto policy of segregation will result in its federal funds being cut off. Already, the United States Department of Agriculture is contemplating a cut-off of federal surplus food commodities to the Department because of these practices. This could mean a loss of almost one-half million dollars in federal support per year. Other federal money that the Department receives could also be jeopardized.

Racial and ethnic diversity is a fact that must be dealt with in prison. There is no justification for the widespread segregation and discrimination found in TDC.

Rather than making an aggressive effort to stop discrimination and segregation at the unit level, the Department appears to tacitly support those practices. No real effort has been made to force unit Wardens to conform with the requirement of law or TDC policy. Partially because of these attitudes, the Department has difficulty in attracting minority employees. The Affirmative Action Plan the Department presented to the Governor's Office of Equal Employment Opportunity is clearly inadequate. Interestingly, the records of the Department clearly indicate that those blacks and Mexican-Americans who are hired have higher educational qualifications than their white counterparts. The Department should not apply their recommended educational qualification standards to minority applicants more strictly than to white applicants.

Racial prejudice can only be dealt with effectively if top TDC officials make a firm determination that it will not be tolerated. At present, unit officials and employees do not fear repercussions. All inmates are aware of these attitudes and condition their behavior accordingly. The possibilities for racial violence which the Department fears are greatly enhanced by employee attitudes. Furthermore, it should be pointed out again that the degree of racial and ethnic segregation and discrimination varies considerably from unit to unit. Some unit officials have made substantial efforts to end such practices at their particular units. It is possible that racial or ethnic consideration may be taken into account under certain, specific circumstances. The courts will decide this issue. What is of critical importance is that racial attitudes and practices are a major obstacle to correctional goals.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE LEGISLATURE SHALL COMPEL TDC TO END FOREVER DISCRIMINATION BASED ON RACE, RELIGION, NATIONALITY OR SEX IN ITS TREATMENT OF INMATES AND ITS EMPLOYMENT POLICIES.

(2) THE DEPARTMENT ORDER ALL UNIT WARDENS TO ELIMINATE RACIAL AND ETHNIC SEGREGATION IN THEIR UNITS AND TAKE STEPS TO ENFORCE ITS DIRECTIVE.

(3) THE LEGISLATURE REPEAL THOSE SECTIONS OF THE STATE LAW ALLOWING SEPARATION OF INMATES BASED ON RACE.

(4) THE DEPARTMENT DEVELOP A NEW AFFIRMATIVE ACTION PROGRAM FOR THE EMPLOYMENT OF MINORITIES AT ALL LEVELS THAT SIGNIFICANTLY EXCEEDS THE GOALS OF ITS PRESENT PLANS.

(5) THE DEPARTMENT REQUIRE TRAINING OF ITS EMPLOYEES IN HUMAN RELATIONS AND THAT IT TAKE FIRM ACTION AGAINST THOSE EMPLOYEES WHO DO DISCRIMINATE.

(6) THE DEPARTMENT PROVIDE A COPY OF ITS RULES AND REGULATIONS TO EACH INMATE, IN ENGLISH, SPANISH, OR ANY OTHER NECESSARY LANGUAGE, AND THAT IT DEVELOP BILINGUAL PROGRAMS AVAILABLE TO INMATES AT ALL OF THE UNITS.

DISCIPLINE

Prison discipline plays a critical role in institutional life. Rules must be fairly and impartially enforced if they are to control inmate behavior and acculturate inmates to their need in social life.

The formal rules governing an inmate's behavior are outlined in the Department's handbook on Rules and Regulations. The informal rules of a unit, usually prescribed by the Warden, are not listed in this handbook, nor are they available in writing, anywhere in the unit. In most cases, inmates are given an orientation upon their arrival at the unit. This orientation is supposed to adequately inform them of the standards to which they will be held. This policy of allowing informal unwritten rules leads to abuse. The written rules are also subject to abuse because they are often vague.

Whenever an inmate is charged with violating any of these rules, an offense report is filed and the case is heard before the unit's Disciplinary Committee. At most of the units, there is no investigation of the matter prior to the filing of the offense report or the Committee's meeting. If an inmate's version of the incident conflicts with the arresting officer's, the Committee, composed of unit staff faced with a choice of believing the inmate or the officer, almost always chooses to believe the officer. At most units a different version of an incident is usually met with a question such as "Now, why would Officer X go and lie like that?"

During the course of the hearings, inmates are usually asked to plead guilty or not guilty and sign the offense report. This practice varies, however. At one unit, only those sentenced to solitary confinement ever see the offense report and sign it. At another unit, attention is called to the space on the offense report for a statement by the inmate.

Inmates are also asked numerous questions, not all of which are directly related to the issue before the Committee. An inmate's behavior at work and any other knowledge of the inmate which the three Committee members have is considered in assessing the inmate's credibility and punishment. At some units, each inmate is the subject of a "hall card" which is an institutional record of that inmate which includes events such as reprimands, volunteer work, and classification status.

At most units, inmates are taunted and harassed by the Disciplinary Committee unless they plead guilty and assume a properly penitent demeanor. The primary issue in most Committee deliberations is not the guilt or innocence of the inmate, but what punishment should be assessed.

TDC rules specify the disciplinary actions which the Committee may take. These are (1) counsel and reprimand (2) loss of privileges (3) suspended sentence (4) extra work duty (5) recommended demotion in class and/or loss of overtime and (6) punitive segregation. The Rules recommend that punitive segregation be used "judiciously." Nevertheless, at those hearings observed during the course of this study, half of the inmates received a form of punitive segregation for their punishment. Any violation of the rules or regulations can result in the harshest form of punitive segregation, solitary confinement. Unlike persons in the free world, prisoners do not know what specific minimum and maximum punishments can be imposed for particular offenses.

TDC rules distinguish between punitive segregation which is punishment and administrative segregation which supposedly is not. Only an agreement between two or more officers is required for an inmate to be segregated. This same procedure is used when the maximum allowable period of solitary confinement has been served by a recalcitrant inmate. Although the rules forbid holding an inmate for more than three days in administrative segregation without a charge being brought against him, violations of this prohibition were documented many times

during the course of this study. The Committee is aware of numerous cases where inmates have remained in administrative segregation for a period of months, and in some cases for a period of over a year. This power to confine an inmate without a hearing grants TDC a tool for informal punishment subject to great abuse, especially in the cases of racial and political minorities and unpopular inmates.

Another tool which TDC has illegally employed to maintain discipline is the so-called "building tender system." Before the 63rd Legislature enacted House Bill 1056 which was intended to end this system, testimony was given before the Legislature describing "building tenders" as inmates who exercised authority over other inmates with the sanction of the prison officials. TDC maintained the "BTs" acted only as janitors within the wings. The Legislature prohibits the use of inmates in a supervisory, administrative, or disciplinary capacity over other inmates. Today TDC still maintains that building tenders do not exist in violation of the law. Yet, a TDC Interoffice Memo Communication dated December 1973, long after the effective date of H.B. 1056, lists the duties of "wing floor tenders," and makes it clear that "wing floor tenders" exercise supervisory, administrative and disciplinary control over other inmates. Technically speaking, "building tenders" no longer exist. Inmates are still, however, used to discipline other inmates as forbidden by the law and "wing floor tender" is one of a number of titles used interchangeably to describe the function of a building tender. During the course of this study, the Committee was told repeatedly that "BTs" are used to enforce discipline and to carry out physical punishment on other inmates. The staff has seen too many "incident reports" in which one of the two parties to an altercation turned out to be a building tender to believe that these allegations are unfounded. The continued illegal existence of the building tender system was conceded by several unit officials in staff interviews.

The Department could eliminate some of the brutality which accompanies this system where inmates have quasi-official authority over other inmates by honestly investigating reports of beatings administered by "BTs" rather than denying that they exist. Because there are not an adequate number of TDC guards to properly supervise TDC's large prison population without considerable reliance on building tenders, "convict guards," eliminating the "BT" system entirely will require either a much higher level of staffing than the Department currently maintains or, preferably, a reduction in the inmate population of the state prisons. Complete elimination of the "BT" system will require determination on the part of TDC to comply with the law and end the brutal system it sponsors, and determination on the part of the Legislature to pay for replacing "convict guards" with well-trained correctional officers.

COMMENTARY

According to the National Advisory Commission on Criminal Justice Standards and Goals, "codes of offender conduct are notorious for their inclusiveness and ambiguity and as a source of dissatisfaction." The Texas Department of Corrections' Rules and Regulations fall within this category. It includes rules which are vague and prohibit attitudinal predispositions such as disrespectful attitude which because of their ambiguity allow undue discretion. Instead, rules should be limited to forbidding observable behavior that clearly has a direct adverse effect on institutional security, personal safety, or operation efficiency. Predictability is a primary need in all social relationships. The arbitrary enforcement of sanctions defies predictability and engenders deep resentment among inmates, and greatly inhibits the goal of rehabilitation.

These rules and their accompanying sanctions need to be made clear to inmates. Absent this element of notice, one of the most basic concepts of due process is violated.

What process is due an inmate once he has been charged with violating prison rules was the subject of a recent Supreme Court decision. In *Wolff v. McDonnell*, 42 USLW 5190, the

Court ruled that a state prisoner facing internal disciplinary proceedings was entitled to (a) twenty-four hours written notice of the alleged violation (b) a written statement of fact findings as to evidence relied upon and reasons for any disciplinary action (c) the opportunity to document evidence and (d) the opportunity to call witnesses when doing so will not endanger safety or correctional goals.

TDC should change its procedure in order to comply with this decision. It should also strictly enforce those regulations which require that charges against an inmate be written in detail by the arresting officer and that those charges be investigated by someone other than the arresting officer. Unless this is done, the Disciplinary Committee has no real factual information on which to base its decision. More importantly, an independent review board or officer should be established to review the decisions of the Disciplinary Committee.

To be effective, this board must be authorized to sustain the decision, order further proceedings, or reduce the sanctions imposed. The responsibilities of this board should extend to hearing inmate grievances.

Today inmates in TDC are not afforded an adequate grievance procedure. Informal channels theoretically allow prisoners to communicate their grievances directly to TDC officials, legislators and the courts. Prisoners cannot, however, always effectively communicate grievances to unit officials because of differences in backgrounds, ages and race. Inmates might also hesitate to do so for fear of reprisals. Even in those cases where inmates actually register complaints with these officials, there is no requirement that they must investigate the matter. It would be difficult for inmates to have confidence in the objectivity and fairness of a TDC officer "cleaning his own house," and it is important to the success of a grievance procedure that it be perceived by inmates and officers as a fair one.

Nor can letters to legislators serve as an effective means of dealing with grievances because legislators have neither the time nor the staff to adequately investigate the numerous complaints they receive.

The courts, with their already crowded dockets, should only be the forums of last resort. There are many obstacles to having such cases heard by the courts and many of the grievances which need to be aired and investigated are not issues which the courts are suited to resolve.

Clearly, these informal channels do not effectively deal with inmate grievances. A formal grievance procedure is needed to effectively resolve prisoner complaints.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ALL OF THE RULES OF CONDUCT TO WHICH INMATES ARE SUBJECT BE MADE AVAILABLE TO EACH INMATE IN THE FORM AND MANNER NECESSARY FOR ADEQUATE COMPREHENSION.

(2) THESE RULES SHOULD BE DESIGNED TO PROTECT AN IMPORTANT INTEREST OF THE UNIT AND SHOULD USE THE LEAST DRASTIC MEANS OF ACHIEVING THAT INTEREST.

(3) THESE RULES SHOULD BE SPECIFIC ENOUGH TO GIVE INMATES ADEQUATE NOTICE OF WHAT IS EXPECTED OF THEM AND BE ACCOMPANIED BY A STATEMENT OF THE RANGE OF SANCTIONS THAT CAN BE IMPOSED FOR VIOLATIONS.

(4) UNIFORM DUE PROCESS PROCEDURES SHOULD BE ESTABLISHED FOR DEALING WITH MINOR AND MAJOR VIOLATIONS OF RULES OF CONDUCT.

(5) A REVIEWING BODY OR OFFICE INDEPENDENT OF TDC SHOULD BE PROVIDED TO ENSURE IMPARTIAL REVIEW OF CONVICTIONS OF MAJOR AND

MINOR VIOLATIONS WHEN APPEALED AND TO RESPOND TO OTHER INMATE GRIEVANCES.

(6) THE LEGISLATURE STRENGTHEN HOUSE BILL 1056 SO THAT THE BUILDING TENDER SYSTEM CAN FINALLY BE ABOLISHED.

ACADEMIC AND VOCATIONAL EDUCATION

TDC operates an extensive inmate education program which presently serves about half of the inmate population. With programming ranging from remedial through college levels, education is one of the few fulltime, organized rehabilitation programs offered within TDC.

The TDC inmate population has a poor average educational background. Approximately 15%-20% are illiterate, 90% are drop-outs, and more than half score less than 100 on their IQ tests, and approximately 90% score less than ninth grade capability on their educational ability tests. Furthermore, TDC has estimated that 10%-15% of its population are mentally retarded and a larger number are emotionally disturbed. Most of these estimates are based on data taken from the inmates shortly after their arrival in TDC. No provision is made for Spanish-speaking inmates to take several of the tests used to classify inmates.

WINDHAM SCHOOL DISTRICT

Remedial through secondary education is delivered to TDC inmates through the Windham School District (WSD). Created in 1969 by the Texas Legislature, WSD receives state Minimum Foundation funds and qualifies for a number of federal assistance programs. The WSD Board is the TDC Board. A superintendent is appointed by the Board and administers the district and advises the Board through the TDC Assistant Director of Treatment.

Admission to the WSD program is controlled by the inmate's meeting a number of disciplinary and academic criteria. The inmate must maintain a Class I status and maintain at least 75 points under the Point Incentive Program in order to qualify for consideration. No student who has graduated from high school or who fails to get permission for the admissions committee may enter the program.

Classes are non-graded and are hierarchized on a four phase system such that completion of the fourth phase constitutes graduation. The standard range of introductory math, remedial reading, geography, and social studies is offered to the inmate as he or she progresses through the four phases. Inmates attend classes one day a week for six hours a day. Upon attaining a 7.5 grade level on the Educational Achievement test, inmates may take the General Equivalency test to qualify for the General Equivalency Diploma. Inmates may also receive a WSD diploma if they choose to complete the course of study through the fourth phase or they may take a diploma from their home high school.

COLLEGE PROGRAM

College studies do not come under the jurisdiction of WSD, but are available to individual prison units from the local colleges and junior colleges. Consequently, some units do not participate in either the junior or senior college programs. For admission to the college program, inmates must meet both college and TDC prerequisites (similar to those governing entrance to WSD). Inmates must complete their junior college studies before they can be admitted to the last two years of the senior college program. Three hour classes meet once a week and four hour classes meet twice a week; classes begin as early as 6:00 a.m. in order to allow inmates to finish class and return to work. The average classroom has about 27 students and is expected to increase in size to about 35 in 1975. The course offerings include those one would normally expect to find in college: advanced mathematics, English, business administration, economics, and foreign languages. For study materials, inmates must use the prison libraries or secure permission from the unit warden to check out books from the college libraries.

VOCATIONAL EDUCATION

Vocational education is offered in both the WSD and college programs, and constitutes one of the most desirable of all educational assignments. Inmates enrolled in vocational classes are often permitted to work full-time in their classes, rather than in their TDC job assignments. All vocational education admissions must be approved by the wardens.

A variety of courses are available to male vocational students, including meat packing, auto mechanics, construction skills, heavy equipment operation, dental lab work, and radio and television repair. Female inmates are offered only five vocational courses: floriculture, horticulture, secretarial science, cosmetology, and residential management. WSD officials have stated that the women's vocational program will be expanded to include a greater variety of courses.

SPECIAL EDUCATION

TDC operates a small special education program serving about eight hundred students in classes combining both the emotionally disturbed and the mentally retarded. Nine classes are held five days a week and eleven classes are held one day a week. Entrance to the program is determined by suitably low IQ and E.A. scores. No psychological examinations are made of special education students, and applicants for admission are referred to the supervisor of special education by individual teachers. Inmates who increase their E.A. scores sufficiently may be released into regular education programs. A backlog of at least 25% of the total potential enrollment is kept in order to fill in positions vacated by students who fall below the disciplinary requirements for admission or are returned to their jobs.

TDC operates a bilingual program for about three hundred students using both straight classroom techniques and a reading laboratory.

COMMENTARY

The major problem with the educational program has been reiterated by inmates, teachers, and administrators: Warden control. There is no reason why inmate participation in education should be used as a reward by granting admission, or as a punishment by exercising removal. Absolute control by the wardens has traditionally affected every decision made in the units. To the extent that an inmate qualifies administratively, he or she should be allowed to participate in any educational program without interference from the Warden or his staff. While vocational education is most frequently mentioned as a program which is abused, warden control of how many classes, which classes and how often the classes will meet is a reality. The Windham School District has had an especially difficult time in asserting authority in school-related affairs.

The second major overall problem is that of economy of inmate time. As one WSD teacher wrote, "...there is and will continue to be competition between work and school within TDC; work is deemed more important..." That the educational program has been able to challenge labor's importance is a credit to the officials of the education program, but the choice must be made by policy, rather than by the whim of the individual warden or supervising officers. The importance of educational programs to the goal of rehabilitation of offenders and their successful reintegration into society should be clear. Every effort should be made to provide adequate opportunities for all inmates to participate.

Finally, a third major criticism of the education system is its lack of administrative congruence. Different qualifications for entrance into the various programs, separate supervising bodies, and unclear transition from one program to another makes TDC educational administra-

tion needlessly complicated. A single body responsible to the Assistant Director of Treatment should oversee all inmate educational programs, both college and secondary.

(a) Windham School District

It is difficult either to teach or to learn basic skills on a once a week schedule. Students tend to retain less and to lose interest more quickly when given six days in which to forget their weekly studies. Teachers and administrators have complained of this weakness in the programs, but often add that they are lucky to be allowed any of the inmates' labor time. Since inmates frequently attend classes either before or after their assigned labor, education becomes added work rather than a substitute assignment. Inmates should be encouraged to study and to take full advantage of their educational opportunities by being allowed to attend classes five days a week.

The Windham School District's superintendent has never been invited to a school board meeting and plays too small a role in the direction of WSD. The TDC/WSD Board relies solely upon the Assistant Director of Treatment for progress reports and budget requests. The superintendent should be asked to make at least quarterly reports to the Board and make a presentation of the annual budget requests.

The Windham School District was created with the TDC Board serving as WSD Board. Although this arrangement may have served well in order to establish the program, it may be time to replace some of the WSD Board members with responsible, professional citizens who can bring educational expertise to the WSD Board.

(b) Vocational

Although the vocational program has relatively few students, it has some of the best sources of funding of any of the educational programs. Too few students are accepted into the vocational program either as a function of the warden's control of admission, or the program's reluctance to create more positions. The vocational program for women is restrictive and unresponsive to the current job market. Women should be allowed to participate in many of the same vocational training programs as the male inmates.

(c) Special Education

Offering only twenty units of special education in a prison population of over 17,000 that has been defined as 10%-15% mentally retarded, the need for expansion is clear. More teachers for both mentally retarded and emotionally disturbed inmates should be hired. Classes should also be given on a five day a week basis.

(d) Bilingual Programs

As with special education, the bilingual program needs expansion to effectively meet the needs of TDC's large Spanish-speaking population. Further, all tests offered at the Diagnostic center should be offered in Spanish or a Spanish equivalent should be secured.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) STUDENTS BE ALLOWED TO ATTEND CLASSES ON A FIVE DAY A WEEK BASIS FOR TWO OR THREE HOURS A DAY FOR UNITS OF SKILL ACQUISITION, TO BE ESTABLISHED BY TEA GUIDELINES FOR WSD.

(2) PLACEMENT OF STUDENTS IN CLASSES BE A DIRECT FUNCTION OF NEED RATHER THAN OF AVAILABLE VACANCIES.

(3) TDC DEVELOP A WRITTEN POLICY OF ITS COMMITMENT TO EDUCATION INCLUDING OPERATIONAL PRIORITIES OF INMATE TIME DISTRIBUTION BETWEEN EDUCATION AND REGULAR WORK ASSIGNMENTS.

(4) THE WSD BOARD BE EXPANDED TO INCLUDE NON-TDC BOARD MEMBERS, AND THE WSD SUPERINTENDENT BE INVITED TO ATTEND ALL BOARD MEETINGS.

(5) WSD SEEK AN IMMEDIATE FIVE DAY WEEK COURSE SCHEDULE FOR ITS SPECIAL EDUCATION PROGRAM, IF NECESSARY BASED ON A SYSTEM OF PERIODS OF SKILL ACQUISITION.

(6) WSD DEVELOP MORE COMPREHENSIVE LEARNING DISABILITY CATEGORIES AND PROCEDURES TO IDENTIFY THEM.

(7) WSD SEEK A MORE BALANCED STAFF CERTIFICATION RATIO.

(8) WSD RE-EVALUATE THE STANDARDS OF THE MATERIALS USED IN SPECIAL EDUCATION CLASSES.

(9) WSD IMMEDIATELY SEEK TEA SPECIAL SERVICE ASSISTANCE IN EXPANDING ITS BILINGUAL FACULTY AND FUNDING.

(10) WSD CONDUCT A NEEDS ASSESSMENT OF THE TDC POPULATION TO DETERMINE THE POTENTIAL NUMBER OF SPANISH-SPEAKING MONOLINGUAL AND BILINGUAL INMATES AND THEIR EDUCATIONAL NEEDS.

(11) TDC REVIEW ITS POLICY ON THE ACCESSIBILITY OF LIBRARY BOOKS FOR COLLEGE STUDENTS.

(12) VOCATIONAL PROGRAMS SHOULD BE SIGNIFICANTLY EXPANDED TO ALLOW MORE STUDENTS TO PARTICIPATE; PROGRAMS FOR WOMEN SHOULD BE EXPANDED TO INCLUDE A BROADER CATEGORY OF OPPORTUNITIES.

MEDICAL SERVICES

GENERAL MEDICAL SERVICES

Delivery of medical services in TDC is organized on two levels: a decentralized system of part-time professional medical personnel, and full-time civilian and inmate assistance at the local unit level provide inmates minimum health services, and TDC's central hospital at the Walls unit provides for all TDC inmates requiring minor surgery and some forms of major surgery. Inmates requiring medical care unavailable through TDC may be transferred to outside hospitals.

TDC currently employs two full-time doctors who are stationed at the Walls hospital and are responsible for the operation of the hospital, for medical care at several of the surrounding prison units, and for physical examination of all incoming inmates. At only one unit is a nurse employed by TDC to deliver full-time medical assistance.

Unit level medical care is administered using physicians from surrounding towns who make weekly sick call visits. Daily medical care is carried out by TDC medical assistants, often with the aid of inmate nurses and technicians, depending on the training of inmates currently available. Medical facilities at the unit level are generally of the first aid variety, and are stocked with limited supplies of medicine and emergency equipment.

No program of preventative medicine is available in TDC. No dietician is employed at any of the units, and no full-time psychiatrist or psychiatric program is part of TDC's treatment programming. The medical program is overseen by a Ph.D. in psychology, who takes responsibility for not only medical services, but also for education, religious services, recreation, and counseling.

DIAGNOSTIC

Inmates entering TDC are given brief physical examinations which take only a few minutes. All medications which the inmate is currently using are confiscated until they are verified with the inmate's free-world physician. Based on the inmate's physical health, the inmate is assigned a medical category which determines his work assignment. No program of regular medical check-ups follows the initial physical examination.

SICK CALL

Unit sick calls usually take place at 5:30 a.m. so that those inmates who require only slight treatment, or are refused treatment may return to their work assignments. Sick call is operated on each unit (with the exception of Goree) by former military paramedical personnel who are TDC officers. These medical assistants may refuse treatment, place the inmate under observation or treatment, refer the inmate to the doctor on his next visit to the unit, or request to send the inmate to the hospital. Unfortunately, the length of a physician's visit to a unit is often too brief for all of the ailing inmates to receive an examination.

STAFF

As described above, physicians, TDC officials, and inmates participate in the delivery of medical care. Since only two full-time physicians are employed by TDC currently (a maximum of three have been employed by TDC during the Committee's study), each prison unit's medical care program is supervised by a TDC official with a military background in paramedical service.

First aid, diagnosis of the severity of an inmate's complaint, and administering limited forms of medication are among the primary duties of the medical assistant. The inmates assisting in the medical care program often have broad responsibilities. Inmates assist the medical assistant during the day and also substitute for him during the night. Staff research has produced evidence that inmates are given much latitude in performing minor surgery, in providing general surgical assistance, and in administering medicine.

WOMEN INMATES

Although women inmates generally enjoy better treatment programs than do the male inmates, medical care is not one of the better programs. Women, like men, are given no annual medical examinations, nor are they given any health instruction. While gynecological examinations are part of the intake examination, they are not repeated unless an inmate poses a specific gynecological complaint. No regular "Pap" tests are given, and no gynecologist is available on the TDC staff to serve the 650 female inmates.

Pregnant inmates are given monthly blood and urine tests and are supplied with vitamin supplements. No TDC policy exists on abortion because, according to Goree officials, "no inmates have ever requested an abortion." Walls hospital treatment for women inmates is difficult, since it necessitates removing all male inmates from the area in which the women are to be examined. Generally, women must be treated at the Goree unit's examination room or be sent to the John Sealy Hospital in Galveston for specialized medical care.

THE WALLS HOSPITAL

The Walls hospital is a several hundred bed health care unit which is designed to provide care for seriously ill or injured inmates who cannot be cared for at the unit level. Operated by Dr. Ralph Gray, M.D., and administrated by Captain Lloyd Driver, Walls unit medical captain and X-ray technician, the hospital has been labeled as a "fire trap" by the Texas Hospital Association. Although as much as possible is done to maintain high standards of professionalism and sanitation, problems with insect and rodent control, inadequate toilet and shower facilities, food preparation, record keeping, and emergency procedures abound. For example, the hospital has no evacuation procedure in the case of a fire and the crowded wards and wings do not permit adequate escape routes.

All nursing capabilities are the function of inmates who are able and willing to contribute their services. No formal training is available for inmate nurses, although an informal system of training by experience has seemed to function adequately. Unofficial inmate responsibilities include administering medication and injections. The "chief resident" and the "head nurse" of the hospital are both inmates who alternate twelve hour shifts seven days a week. The degree of responsibility which they are afforded is a good indicator of the necessity TDC places on its inmate staff.

The Walls hospital is also used as a holding facility for a number of types of inmates with special organic problems. Geriatric cases fill one ward, and tuberculosis patients occupy an upper floor. A "treatment center" for the mentally disturbed, which is little more than a series of solitary cells, is not located in the hospital. Physically disabled inmates are treated at the Walls hospital for rehabilitation, although many are kept at the Wynne unit. Chronically ill inmates who may require out-patient treatment are assigned to the Walls unit so that they may be near the hospital.

TRANSFER TO OUTSIDE HOSPITALS

Inmates who require treatment not available at the Walls hospital may be transferred to the John Sealy Hospital in Galveston. However, transfer outside TDC jurisdiction requires cooperation from the TDC security staff who must in turn request a medical reprieve from the Board of Pardons and Paroles in Austin. Emergency transfers must be done at the discretion of the attending physician who must rely on the Board to approve his previous decision. Security staff denial of permission for transfer is not appealable to any designated body within TDC.

MEDICAL EXPERIMENTATION

TDC cooperates with the Baylor University and the University of Texas Medical Schools in allowing inmates to "volunteer" as subjects in medical experiments. Over 3,000 inmates have participated in experiments designed to determine the effects of cholera and influenza. Although information concerning medical experimentation in TDC has proved difficult to ascertain, Committee research indicates that inmates are allowed to live in newer, air conditioned quarters and are paid for their services. Efforts to gain further information from TDC have been unsuccessful.

DEATHS

During 1973 a total of 54 TDC inmates died for reasons natural to intentional. Heart disease or heart attack accounted for 22 of the deaths, cancer caused 10 deaths, and homicide was listed in two cases. Two inmates each died of surgical shock, Hodgkin's disease, and pneumonia. The nine remaining deaths resulted from other causes. Of course, the Committee has no way of ascertaining the accuracy of these given reasons, although a number of letters were received alleging that several of the inmates died because of inadequate medical services. Of particular concern to the Committee, however, is that a procedure concerning sudden deaths is specified by statute. Information seems to indicate that TDC has not been following this statute. In addition, the fact that TDC is not authorized to perform or pay for an autopsy often serves to obscure vital medical information.

COMMENTARY

Immediate improvements of both the unit and hospital levels are necessary for delivery of adequate health care services. Program design and facilities are both outdated and in need of review and restructure. A recent court action ordered the Alabama prison system closed for failure to provide adequate medical programs for the inmate population. Texas faces similar inadequacies and should take steps to reconstitute its health care system along more professional lines.

Of utmost concern is the glaring need for more doctors and trained medical personnel. While both TDC medical assistants and inmate nurses presently provide what seems to be adequate paramedical assistance, they are not substitutes for physicians. When one considers that two physicians are the only full-time physicians serving TDC's over 17,000 inmate population, one must seriously question the priorities of the TDC administration. The American Correctional Association's medical service standards call for a minimum of one physician and one psychiatrist for every prison unit housing over 500 inmates and an additional physician for every 500 to 1000 additional inmates. At this level of staffing, TDC should have nineteen more full-time physicians and thirteen more full-time psychiatrists.

Annual physical examinations are regarded as standard procedure within most large scale institutions, and TDC should initiate similar programs. Confinement of institutionalized residents for extended periods of time increases the possibility for an outbreak of contagious diseases, such as hepatitis, spinal meningitis, or tuberculosis.

Structurally, the medical program should be overseen by a physician. Because a medical doctor would be more familiar with the needs of TDC's medical program and would be in a better position to bring about change on an administrative level, a position of Assistant Director for Medical Services should be created and staffed with a physician.

The Diagnostic medical examination is too brief to adequately determine the needs of the incoming inmates. During much of the period in which the Committee staff was researching the medical program one doctor was conducting the over-500 per month physical examinations of incoming inmates (as well as operating the Walls hospital). An increase in medical personnel—specifically physicians—would provide some immediate solutions to the inadequacies of the Diagnostic process.

Medical services for women are in particular need of improvement. Denied meaningful access to the Walls hospital, women inmates must be transferred to outside hospitals. Permission is sometimes difficult to obtain. A gynecologist should be available on a regular consultant basis, and annual physical examinations including "Pap" smears should be part of the women's medical program.

The Walls hospital is obviously the most essential part of TDC's medical program and needs the most restructuring. The THA report on the Walls hospital severely criticized the hospital's sanitation and structure. From operating room deficiencies to use of available space, the THA report specifically indicated needed areas for improvement which include almost every aspect of the hospital's operation. The Committee recommends that the Walls hospital either be totally abandoned and a new facility built, or that the hospital be remodeled and expanded. The Committee does not feel that this suggestion is inconsistent with its recommendation that "construction or expansion" of new prison facilities be halted. Medical services, particularly hospital services, are a necessary and presently inadequate function of the prison system and should be immediately brought up to acceptable standards.

Restructuring and sanitizing the Walls hospital are not the only reforms which are necessary. The medical equipment which is in use in the hospital is, in some cases, outdated, and, in other cases, unsafe. For example, the operating rooms are cooled by window unit air conditioners, a practice which is blatantly in violation of the Texas Hospital code. The intensive care ward has no heart monitoring equipment for heart attack victims, a basic device in any modern hospital. TDC should actively petition the Legislature for funds to be used specifically for providing the Walls hospital with adequate equipment and supplies.

TRANSFERS TO OTHER HOSPITALS

Veto power rests in the hands of the TDC administration, the Parole Board, and the Governor's office. In 1973 thirty percent of all requests for "emergency medical reprieves" forwarded by the TDC administration to the Parole Board and the Governor's Office were rejected. This practice seems unreasonable especially in light of the fact that less than 1% of all inmates who receive emergency medical reprieves violate the terms of their reprieves, and in light of the fact that requests are only initiated by unit level medical staff when they are unequipped to deal with an inmate's medical condition.

Treatment of "special case" inmates is particularly poor. Geriatric cases are, in the most painful sense of the work, warehoused. These elderly inmates should be dealt with in some positive manner, rather than placing them in unair-conditioned wards until they die.

The TDC Treatment Center is one of the most glaring examples of abuse of the mentally ill. Tranquilizer and hypnotic drugs are used primarily to control inmates, not to treat them. Without any sort of organized recreation, much less adequate psychiatric treatment, these inmates spend their lives locked in an old solitary wing of the Walls unit. The Treatment Center should be closed. Inmates should be transferred to the care of competent and concerned psychiatrists and psychologists, and a professional program of treatment should be initiated with all due haste.

TDC's reticence to cooperate with the Committee's inquiries concerning medical experimentation raises serious questions, both about medical experimentation in TDC, and about the Department's apparent efforts to restrict information about the workings of a state agency. Since what little information has been turned over to the Committee raises more questions than it has answers, the Committee should establish a specific deadline by which time the Department must respond. Specific areas for inquiry should include the manner in which volunteer inmates are recruited, the type of living quarters they are furnished during their participation, and the amount of money they are paid for their time.

In the matter of deaths in TDC, the Committee is in no way capable of evaluating the allegations it has received concerning deaths caused by inadequate medical treatment. The fact that a number of inmates have died after routine surgery is cause for concern and should be followed up. A specific policy should be established whereby all inmate deaths may be fully and correctly reviewed.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) THE DEPARTMENT SHOULD DEVELOP A MASTERPLAN FOR DELIVERY OF MEDICAL SERVICES OUTLINING SPECIFIC PLANS TO IMPLEMENT THE RECOMMENDATIONS OF THE TEXAS HOSPITAL ASSOCIATION REPORT. THIS MASTERPLAN SHOULD INCLUDE THE IMPLEMENTATION OF A PLAN TO UPGRADE MEDICAL SERVICES TO A POINT WHERE MINIMUM HOSPITAL ACCREDITATION STANDARDS COULD BE MET.
- (2) THE DEPARTMENT SHOULD ANALYZE THE INVENTORY OF FACILITIES AND HARDWARE AT THE "WALLS" HOSPITAL AND EACH PRISON UNIT TO ASSURE THAT EACH FACILITY HAS NECESSARY EQUIPMENT AND THAT OUTMODED EQUIPMENT IS REPLACED.
- (3) THE DEPARTMENT SHOULD DEVELOP SYSTEM-WIDE PROCEDURES FOR EACH UNIT REGARDING MAINTENANCE OF EQUIPMENT, BASIC HOUSEKEEPING, AND STERILIZATION AND STORAGE OF SUPPLIES AND HARDWARE.
- (4) THE DEPARTMENT SHOULD IMMEDIATELY:
 - (a) DEVELOP ALTERNATIVES FOR CONFINING MENTAL CASES IN SEGREGATION OR IN THE GENERAL POPULATION.
 - (b) ACQUIRE AND ASSEMBLE APPROPRIATE EMERGENCY EQUIPMENT AT EACH INSTITUTION.
 - (c) RENOVATE AND EXPAND UNIT INFIRMARIES.
- (5) THE DEPARTMENT SHOULD DEVELOP PREVENTIVE HEALTH CARE PROGRAMS COVERING (a) BASIC HEALTH EDUCATION FOR INMATES; (b) INSTRUCTION FOR INMATES AND PERSONNEL IN FIRST AID AND DETECTION OF ILLNESS; (c) SCREENING PROGRAMS FOR SPECIFIC DISEASES, SUCH AS SICKLE CELL ANEMIA AND TUBERCULOSIS, WHICH WOULD BE MANDATORY

ONLY WHEN THE DISEASE IS A SIGNIFICANT THREAT TO THE POPULATION; (d) IMMUNIZATION ON A PERIODIC BASIS FOR CERTAIN DISEASES, SUCH AS INFLUENZA; (e) PERIODIC COMPREHENSIVE PHYSICAL AND DENTAL HEALTH EXAMINATIONS FOR ALL PRISONERS.

BASIC HEALTH EDUCATION PROGRAMS SHOULD COVER PERSONAL HEALTH WITH SPECIAL EMPHASIS ON NUTRITIONAL NEEDS. THESE CAN BE COMMUNICATED THROUGH PAMPHLETS, INDIVIDUAL COUNSELING AND GROUP INSTRUCTION UNDER THE DIRECTION OF A TRAINED DIETICIAN.

- (6) THE DEPARTMENT SHOULD REQUIRE THAT PREVENTIVE CARE MEASURES BE ESTABLISHED WITH ADEQUATE RECORD KEEPING AND FOLLOW-UP PROCEDURES.
- (7) THE USE OF TRAINED INMATE HELP SHOULD BE A PRIMARY EFFORT IN IMPLEMENTING THE PREVENTIVE CARE PROGRAMS.
- (8) THE USE OF VOLUNTEER HEALTH PROFESSIONALS FOR PERIODIC SCREENING EFFORTS SHOULD BE ENCOURAGED AND COORDINATED BY THE DEPARTMENT.
- (9) RESULTS OF PREVENTIVE CARE PROGRAMS INVOLVING TESTS OF INDIVIDUAL PRISONERS SHOULD BE COMMUNICATED TO EACH PERSON IN A PROFESSIONAL AND CONFIDENTIAL MANNER.
- (10) THE DEPARTMENT SHOULD ESTABLISH AT THE EARLIEST POSSIBLE TIME STANDARD PROCEDURES FOR HANDLING OF MAJOR DISASTERS AND HEALTH CRISES, AS WELL AS COMMON EMERGENCIES OF INDIVIDUAL PRISONERS. THESE GUIDELINES SHOULD DETAIL PROCEDURES FOR RESPONSE, INCLUDING THE PLACEMENT OF CASES IN CIVILIAN HOSPITALS. INDIVIDUAL EMERGENCY STANDARDS SHOULD DEAL WITH THE RECOGNITION OF SERIOUS CONDITIONS AND THE STEP-BY-STEP FIRST AID HANDLING OF THEM WITH PROCEDURES GEARED TO VARYING LEVELS OF MEDICAL PROFICIENCY ON THE PART OF THE PERSONNEL INVOLVED. SUCH PROCEDURES SHOULD BE READILY AVAILABLE TO ALL INFIRMARY PERSONNEL AND SHOULD RECEIVE INITIAL AND FREQUENT PERIODIC REVIEW IN TRAINING SESSIONS. IN ADDITION, THERE SHOULD BE A REGULAR REVIEW FOR MAKING SURE THAT THE EMERGENCY PROCEDURES REFLECT CURRENT MEDICAL KNOWLEDGE.
- (11) THE DEPARTMENT SHOULD PROMULGATE MINIMUM STANDARDS FOR EMERGENCY EQUIPMENT FOR ALL INSTITUTIONS WITH ROUTINE CHECKS AT FREQUENT INTERVALS TO ASSURE THAT THE EQUIPMENT IS PRESENT AND IN WORKING ORDER.
- (12) EACH PRISON UNIT SHOULD ENSURE THAT IT HAS AVAILABLE WITHIN A FEW MINUTES' NOTICE AN AMBULANCE OR SIMILAR VEHICLE THAT WILL ALLOW TRANSPORTATION OF AN ILL INDIVIDUAL IN A SUPINE POSITION WITH ADMINISTRATION OF WHATEVER LIFE-SAVING TECHNIQUES MAY BE NECESSARY, SUCH AS OXYGEN OR INTRAVENOUS FLUIDS.
- (13) EACH PRISON UNIT SHOULD REVIEW ALL ITS EMERGENCY EQUIPMENT AND SUPPLIES, AND ENSURE THAT THEY ARE IN PROPER CONDITION. IN PARTICULAR, EMERGENCY KITS, CONTAINING STANDARD LIFE-SAVING DRUGS AND OTHER APPROPRIATE GOODS, SHOULD BE PREPARED AND READILY AVAILABLE IN EACH MEDICAL FACILITY.

- (14) THE DEPARTMENT SHOULD EMPLOY A GROUP OF CONSULTANTS, KNOWLEDGEABLE IN THE FIELD OF MEDICAL RECORDS AND INFORMATION STORAGE PROCESSES, TO DEVELOP A SYSTEM OF MEDICAL RECORDKEEPING. THE AIM SHOULD BE A SYSTEM THAT IS UNIFORM, COMPREHENSIVE AND COORDINATED. RATHER THAN ADOPTING AN EXISTING SYSTEM WHOLESALE FROM ANOTHER HEALTH CARE SETTING, THE CONSULTANT GROUP SHOULD SEEK TO DEVISE A PROCESS THAT WILL SUIT THE SPECIAL NEEDS OF THE PRISONS IN THIS STATE. A PROBLEM ORIENTED APPROACH SHOULD BE CONSIDERED.
- (15) EACH PRISON UNIT SHOULD CONDUCT PERIODIC MEDICAL RECORD REVIEWS AS PART OF ITS ONGOING QUALITY CONTROL PROCESS.
- (16) THE DEPARTMENT'S RULES SHOULD ENSURE THE CONFIDENTIALITY OF INMATE MEDICAL RECORDS. RECORDS SHOULD NOT BE RELEASED WITHOUT THE CONSENT OF THE PATIENT.
- (17) A FULL-TIME PHYSICIAN ASSIGNED TO THE DIAGNOSTIC UNIT SHOULD CONDUCT ALL INTAKE PHYSICAL EXAMINATIONS.
- (18) THE SCOPE, CONTENT, AND METHODOLOGY OF THE INTAKE PHYSICAL EXAMINATION SHOULD BE REVIEWED BY THE DEPARTMENT IN ORDER TO ASSURE PROMPT DISCOVERY AND TREATMENT OF MEDICAL CONDITIONS, EFFECTIVE FOLLOW-UP, AND ACCURATE AND THOROUGH RECORDING.
- (19) A FULL PSYCHIATRIC SCREENING SHOULD BE GIVEN EVERY INCOMING PRISONER BY A QUALIFIED PSYCHIATRIST.
- (20) THE DEPARTMENT SHOULD ESTABLISH PROCEDURES AND RULES TO GUARANTEE THE ACCESS OF ALL PRISONERS TO SICK CALL, WHETHER IN GENERAL POPULATION OR SEGREGATION.
- (21) TO THE GREATEST DEGREE POSSIBLE, SICK CALL SHOULD BE CONDUCTED BY A PHYSICIAN WITH THE AID OF A MEDICAL ASSISTANT.
- (22) FOR THOSE SITUATIONS IN WHICH NON-PHYSICIANS SCREEN PRISONERS, THE DEPARTMENT SHOULD DEVELOP STANDING ORDERS TO GUIDE THE HANDLING OF THE MOST COMMON SICK CALL COMPLAINTS.
- (23) THE DEPARTMENT SHOULD REQUIRE THAT SICK CALL EXAMINATIONS BE COMPREHENSIVE AND MEDICALLY APPROPRIATE, WITH THE RESULTS RECORDED IN SUFFICIENT DETAIL, INCLUDING HISTORY, SYMPTOMS, DIAGNOSIS AND TREATMENT PRESCRIBED, AS WELL AS THE EXAMINING HEALTH WORKER'S NAME. IN ADDITION, THE MEDICAL RECORD SYSTEM SHOULD BE REVISED TO MAKE AVAILABLE AT THE TIME OF SICK CALL EXAMINATION ALL OF THE PERTINENT MEDICAL INFORMATION FOR THAT PARTICULAR PRISONER.
- (24) STAFFING AT EACH PRISON AND IN THE HOSPITAL SHOULD PROVIDE MAXIMUM COVERAGE TO MEET THE NEEDS OF THE HEALTH PROGRAM. ALTHOUGH THE BULK OF CARE IS PROVIDED IN THE DAY-TIME, SOME QUALIFIED HEALTH PROFESSIONALS SHOULD BE ON DUTY AT ALL TIMES.
- (25) STAFF SALARIES SHOULD BE COMPETITIVE WITH LOCAL SALARIES FOR EQUIVALENT JOBS.
- (26) ADEQUATE MALPRACTICE COVERAGE SHOULD EXTEND TO ANY HEALTH WORKER IN THE SYSTEM.
- (27) PHYSICIANS SHOULD BE ASSIGNED AT EACH PRISON UNIT AND SHOULD ASSUME A GREATER ROLE IN THE DAY-TO-DAY TREATMENT AND CARE OF

PRISONERS; THEY SHOULD EXERCISE GREATER SUPERVISION OF STAFF ACTIVITIES.

- (28) RESIDENT PHYSICIANS SHOULD BE USED ONLY IN CONJUNCTION WITH CLOSE SUPERVISION FROM STAFF PHYSICIANS.
- (29) REGISTERED NURSES SHOULD BE HIRED TO STAFF THE HOSPITAL.
- (30) MEDICAL ASSISTANTS SHOULD HAVE FORMAL TRAINING TO UPGRADE SKILL LEVELS; THE DEPARTMENT SHOULD UTILIZE THE FEDERAL BUREAU OF PRISONS PROGRAM TO THE DEGREE POSSIBLE FOR SUCH TRAINING.
- (31) THE DEPARTMENT SHOULD DEVELOP COMPREHENSIVE STAFFING PLANS AND REQUIREMENTS IN LINE WITH ACA AND OTHER RECOGNIZED STANDARDS.
- (32) THE DEPARTMENT SHOULD REVIEW RECRUITING METHODS FOR HIRING CIVILIAN HEALTH PERSONNEL AND DEVISE NEW METHODS FOR RECRUITMENT; THE DEPARTMENT SHOULD ALSO FORMULATE STANDARDS FOR SELECTION OF PRISONERS FOR HEALTH FACILITY JOBS.
- (33) INMATES SHOULD NOT BE USED IN PROFESSIONAL CAPACITIES FOR WHICH THEY HAVE NOT RECEIVED FORMAL TRAINING AND CERTIFICATION. THE PRACTICE OF USING INMATES AS R.N.'S, SURGICAL ASSISTANTS, AND SURGEONS SHOULD BE ENDED IMMEDIATELY.
- (34) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR EFFECTIVE TRAINING OF INMATE PERSONNEL AND SHOULD PROVIDE REASONABLE PAY AND SUPERVISION. INMATE HEALTH TRAINING PROGRAMS SHOULD SEEK TO MAXIMIZE THE USEFULNESS OF INMATE PERSONNEL WHILE PROVIDING PRISONERS WITH MEANINGFUL AND MARKETABLE SKILLS FOR USE IN THE FREE WORLD.
- (35) THE STATE SHOULD DEVELOP INCENTIVES TO FREE WORLD EMPLOYERS TO ENCOURAGE THE HIRING OF PRISON-TRAINED HEALTH WORKERS UPON RELEASE.
- (36) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR STAFF EDUCATION AND ORIENTATION ON PRISON GOALS, STRUCTURE AND THE CONTEXT IN WHICH HEALTH CARE IS DELIVERED.
- (37) THE DEPARTMENT SHOULD DEVELOP PROGRAMS FOR EDUCATING INMATES ON THE USE OF PRISON HEALTH PROGRAMS AND ON BASIC HEALTH EDUCATION.
- (38) THE DEPARTMENT SHOULD ATTEMPT TO DEVELOP A SOURCE OF REGULAR GYNECOLOGICAL SERVICES ON A CONSULTANT BASIS. (DR. GRAY INDICATED THAT A PHYSICIAN MAY BE HIRED IN DECEMBER WHO COULD PROVIDE SUCH SERVICE AT GOREE ONE DAY PER WEEK.)
- (39) "PAP" TESTS SHOULD BE GIVEN ON A ROUTINE BASIS.
- (40) THE DEPARTMENT SHOULD PROVIDE ALL TYPES OF CURRENTLY ACCEPTED CONTRACEPTIVES TO WOMEN PRISONERS IN CONJUNCTION WITH RELATED EDUCATIONAL PROGRAMS ON THEIR USE. ORAL CONTRACEPTIVES SHOULD NOT BE PRESCRIBED WITHOUT ADEQUATE EVALUATION AND TESTS. THEY SHOULD BE STARTED THREE MONTHS AHEAD OF RELEASE.
- (41) INSTRUCTION IN PRE- AND POST-NATAL CARE SHOULD BE GIVEN TO PREGNANT WOMEN, AND EVERY EFFORT SHOULD BE MADE FOR THE MOTHER TO SPEND AS MUCH TIME AS POSSIBLE WITH HER NEWBORN CHILD. THE

- DEPARTMENT SHOULD SET FORTH GUIDELINES FOR PLACEMENT OF A CHILD. MOTHERS WITHOUT FAMILIES TO CARE FOR NEWBORN CHILDREN SHOULD RECEIVE APPROPRIATE COUNSELING AND ASSISTANCE IN DEVELOPING ALTERNATIVES FOR PLACEMENT.
- (42) PROCEDURE SHOULD BE ESTABLISHED WHEREBY PREGNANT INMATES MAY OBTAIN AN ABORTION.
 - (43) THE DEPARTMENT SHOULD STUDY ALTERNATIVE METHODS OF HANDLING AGED AND SERIOUSLY DISABLED INMATES.
 - (44) THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, WITH THE AID OF PRIVATE CONSULTATION, SHOULD BE DIRECTED TO CONDUCT A COMPREHENSIVE REVIEW OF THE TREATMENT OF THE MENTALLY DISTURBED OR RETARDED INMATES. A COMPLETE OVERHAUL OF THE PRESENT TREATMENT OF THESE INMATES IS NEEDED.
 - (45) NO INMATE SHOULD BE DENIED NECESSARY TRANSFER TO JOHN SEALY OR OTHER CIVILIAN HOSPITALS FOR DIAGNOSIS AND TREATMENT. UPON THE RECOMMENDATIONS FOR TRANSFER MADE BY THE TDC MEDICAL DEPARTMENT, THE INMATE SHOULD BE TRANSFERRED TO THE OUTSIDE HOSPITAL WITH AROUND THE CLOCK SECURITY PROVIDED IF NECESSARY.
 - (46) THE DEPARTMENT SHOULD REVIEW ITS TRANSFER PROCEDURE TO ENSURE THE PROMPT AND COMPLETE TRANSFER OF ESSENTIAL MEDICAL INFORMATION TO THE RECEIVING HOSPITAL.
 - (47) THE DEPARTMENT SHOULD FORWARD TO THE JOINT COMMITTEE ON PRISON REFORM AS SOON AS POSSIBLE, A COMPLETE RESPONSE TO THE REQUEST FOR ADDITIONAL INFORMATION CONCERNING MEDICAL EXPERIMENTATION AND RESEARCH MAILED TO THE DEPARTMENT ON AUGUST 1, 1975.
 - (48) THE DEPARTMENT SHOULD TERMINATE AND PROHIBIT ALL MEDICAL EXPERIMENTATION AND RESEARCH PROJECTS OR, IN THE ALTERNATIVE:
 - (a) PROHIBIT ALL DANGEROUS PROJECTS, REGARDLESS OF THEIR OWN MERITS.
 - (b) ENSURE THAT PROCEDURES FOR SECURING CONSENT FROM SUBJECTS INVOLVE NO COERCION.
 - (c) STOP PROVIDING FINANCIAL COMPENSATION TO PARTICIPANTS.
 - (d) SHOULD NOT ACCEPT OR CONTINUE ANY PROJECTS UNLESS THEY ARE REASONABLY SAFE, THE USE OF HUMAN SUBJECTS IS NECESSARY AND APPROPRIATE, AND RESULTS ARE LIKELY TO PROVIDE MAJOR ADVANCES IN THE FIELD.
 - (49) AN AUTOPSY SHOULD BE CONDUCTED AFTER ALL INMATE DEATHS OR, IN THE CASE OF DEATHS THAT ARE CLEARLY FROM NATURAL CAUSES, A SUITABLE REPORT SHOULD BE PREPARED DOCUMENTING THE CAUSE OF DEATH AND OUTLINING THE BASIS FOR CONCLUDING THAT THERE IS NO NEED FOR AN AUTOPSY.
 - (50) THE DEPARTMENT SHOULD DEVELOP A PROCEDURE FOR INFORMING INMATES AND THE PUBLIC CONCERNING ALL INMATE DEATHS IN ORDER TO END RUMORS AND SUSPICIONS THAT SO OFTEN SURROUND SUCH DEATHS.

TREATMENT OF THE MENTALLY ILL

The treatment of mentally ill inmates poses special problems within the prison setting. A recent federal court investigation of the Alabama prison system corroborates the higher incidence of mental illness in prison populations. At least 10% of Alabama's inmates were determined to be active psychotics and 60% in need of some form of treatment. Although no comparable statistics are available on TDC, there is no reason to assume that the incidence of mental illness is not of the same magnitude. Most importantly, the program and facilities provided for by TDC to mentally ill inmates is grossly inadequate at present.

Severely mentally ill inmates are referred to the Treatment Center located at the Walls unit when they can no longer be dealt with at the unit level. The Center is staffed by one fulltime Ph.D. and seven M.A.'s in psychology. With the assistance of four part-time psychiatrists from Baylor Medical School, the staff is responsible for the treatment of approximately 80 inmates. The facility, two converted solitary wings in the Walls unit, can accommodate 132 inmates in its 82 cells.

Women inmates are not admitted to the Treatment Center. At the Goree unit, however, a full-time psychologist is available for counseling. His treatment program employs transactional analysis. However, he informed the staff that he refuses to handle several problems, such as homosexuality, if the behavior is against the rules. Mentally retarded inmates (10-15% of the inmate population) are not admitted to the Treatment Center either.

Therapy techniques do vary at the Treatment Center, but chemotherapy is most prevalent. Almost all inmates are kept constantly sedated with doses of Thorazine, Mellaril, Artane, and Chloral Hydrate.

A new behavior modification program is planned for the Treatment Center residents. Using a variety of positive and negative incentives to "more quickly instill in our patients the behaviors necessary for suitable TDC adjustment," the program moves the inmate through a series of four graded levels. Having successfully maintained themselves in level four, inmates may be returned to the general prison population. Of particular interest is the practice of rewarding points (which may be exchanged weekly for equal numbers of cents at the Commissary) for showering, cleaning up the cell, eating, and taking one's medicine. Patients lose points if they refuse to perform these tasks, or if they break a rule. TDC security officers are responsible for awarding and removing points.

Other forms of therapy used at the Treatment Center include electroshock therapy, milieu therapy, neurotherapy, and unprogrammed recreation. It is not clear on what basis forms of therapy are selected for individual inmates. Patients who have psychiatric problems which can not be handled at the Treatment Center are supposed to be referred to Rusk State Hospital. However, a number of factors make it difficult to transfer patients to Rusk. Of most importance is the limited number of spaces available for TDC transfers. Generally, Rusk houses only one or two patients from TDC.

The degree of treatment given to mentally disturbed inmates varies at the unit level. When an inmate becomes disruptive or self-destructive, he is sent to the unit infirmary and sedated. The inmate is kept under protective custody until the unit psychologist can evaluate his condition. If it is determined that the inmate does need special care, he may be transferred to the Treatment Center at the Huntsville unit. But, for inmates who have been in and out of the Treatment Center many times and for "mildly disturbed" inmates, medication may be given to a unit security officer to treat the inmate while he remains at the unit. Some of the seriously disturbed inmates are housed in administrative segregation wings, or are put in the unit's "protection" wing with homosexual inmates. The Committee has been unable to secure data on how

many mentally ill inmates are kept at the units. Group therapy and counseling programs are available for the inmates at the unit level in some cases, especially at Goree.

For the next biennium, TDC has requested funds to hire two full-time psychiatrists. Although the medical standards of the American Correctional Association call for at least 15 psychiatrists, no efforts are being made to raise the number of psychiatrists beyond the proposed two.

COMMENTARY

Treatment officials have refused to cooperate with the Committee staff in the compilation of relevant data. The Director of Psychological Services would not discuss the operations of the treatment program in detail, nor would he discuss the goals of institutionalized therapy. For these reasons, a complete picture of the program could not be obtained.

Nevertheless, the shortcomings of TDC's psychological and psychiatric services are shockingly apparent. They reflect a critical lack of concern for inmates with special problems. In fact, the cruel and inhumane treatment provided mentally ill inmates is the worst example of TDC abuse that the staff found in all of the Department's operations. Lack of sufficient staffing, facilities, and programs are only a few of the most severe problems. Both as a facility and as a program, the Treatment Center is completely inadequate and contraproductive to functional therapy and rehabilitation.

Drug therapy abuse is another major problem. Treatment at the Treatment Center involves almost a complete reliance on keeping the patients under control with sedatives. The newly instituted behavior modification program also functions merely to render inmates controllable. In the final analysis, assignment to the Treatment Center may be more dysfunctional than allowing the inmate to remain in the general prison population.

With the exception of the Goree unit, treatment of the mentally ill on the unit level is little more than problem maintenance. Exclusive reliance on chemotherapy and restriction to quarters usually reserved for punishment is common at many of the units. This form of "therapy" should cease and be replaced with professional programs of mental health treatment. Counseling programs both at the Treatment Center and at the unit level are also inadequate and should be greatly expanded to meet the needs of all inmates with mental disturbances.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE TEXAS DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, IN CONJUNCTION WITH THE TEXAS MENTAL HEALTH ASSOCIATION, CONDUCT A COMPLETE EVALUATION OF THE PSYCHOLOGICAL SERVICE NEEDS OF THE DEPARTMENT OF CORRECTIONS AND RECOMMEND A PROGRAM FOR IMPROVEMENT.

(2) THE DEPARTMENT DEVELOP PLANS TO UPGRADE MENTAL HEALTH STAFFING AND FACILITIES TO MEET MINIMUM STANDARDS SUCH AS THOSE PROMULGATED BY THE AMERICAN CORRECTIONAL ASSOCIATION.

(3) THE DEPARTMENT IMMEDIATELY PROHIBIT THE PLACEMENT OF MENTALLY ILL INMATES IN SECLUSION OR IN OTHER CONFINEMENT CELLS, IF CLOSE SUPERVISION OF THE MEDICAL DEPARTMENT IS NOT PROVIDED.

(4) THE DEPARTMENT DISCONTINUE THE BEHAVIOR MODIFICATION PROGRAM RECENTLY INSTITUTED AT THE TREATMENT CENTER.

(5) PROVISIONS BE MADE FOR THE TRANSFER OF INMATES REQUIRING INTENSIVE PSYCHIATRIC TREATMENT TO THE RUSK STATE HOSPITAL. TIME SPENT AT RUSK SHOULD COUNT TOWARD THEIR PRISON SENTENCE.

WORK RELEASE AND WORK FURLOUGH

In 1969 the Legislature granted the Department of Corrections the authority "to grant work furlough privileges. . . to any inmate of the state prison system serving a term of imprisonment, under such rules, regulations, and conditions as the department of corrections may prescribe." (Article 6166X3 V.A.C.T.) The statute authorizes the Department to release inmates to work in "free world" jobs and to return to the prison unit at night, or to return to other quarters designated by the Department. Inmates, therefore, may either be released during the day or may be furloughed to work and live outside the prison walls.

Under this act, inmates remain under the "technical custody" of TDC while they work. Participating inmates earn regular salaries, pay taxes, send money home to their families, accumulate savings, and pay the Department for the cost of their upkeep. The statute gives the Department complete authority to decide which inmates are eligible to participate in the program and to develop rules and policies governing the program.

In December, 1969, the Department initiated its first work release program at the Jester Pre-Release unit. Over the last four years, the program has expanded to include the Wynne, Coffield, and Huntsville units for men, as well as the Goree unit for women.

Inmates who desire to participate in the program apply in writing to the Director of Classification. Under the rules TDC has established, an inmate must meet a series of eligibility requirements before being considered. The inmate must have the recommendation of his or her Warden and be a State Approved Trusty in Class I. The inmate must have served at least six months in TDC and have between six and eighteen months remaining on his or her sentence. Inmates with a history of violent crimes, narcotics, sex deviation, or involvement with large-scale organized crime may not be considered for participation in the program. Applicants also must be in excellent physical condition and have no serious emotional, personality, or behavioral problems. After the inmate meets the minimum standards set for the job, he may be considered for admission if a job is available.

Although a few women inmates are enrolled in a TDC work furlough program in which they work and live at one of the state hospitals operated by Texas Department of Mental Health and Mental Retardation, most inmates in the work release program are employed at factories near the prison units and are returned to their cells at night.

COMMENTARY

Wisconsin enacted the first work release statute over twenty-five years ago, and many states have since followed suit. The Texas Legislature passed and the Governor signed into law four years ago one of the most flexible work furlough statutes in the nation. The Texas statute is exemplary in that it authorizes both work release (prisoners working in the community and returning to prison at night) and work furlough (prisoners working and living outside prison) programs and allows the correctional officials to determine which inmates may participate in which programs. The statute clearly and effectively anticipates an expanding program, allowing the Department of Corrections to designate suitable "quarters" in the area of the prisoner's job. Because of this flexibility, the Department may easily develop work programs without further necessary modifications by the Legislature.

Unfortunately, the Texas Department of Corrections has refused to develop the potential of the work furlough statute. As an example, an average of only 100 prisoners were participating in work release or furlough at any one time during 1973. Thus, one-sixth of one percent of TDC's inmates were involved in the program at any one time. However, these inmates earned over \$650,000 in gross salaries and repaid TDC nearly \$100,000 for their upkeep.

If for no other reason than the tax savings such an expanded program would allow, TDC should develop a work furlough program to the full scope of its authority.

The possibility of involving TDC or any of its inmates participating in the work release and work furlough programs in collective bargaining issues should be avoided. Inmates should not be used to affect the outcome of elections concerning union representation and should not be used in situations in which their participation would be misconstrued as unfair or illegal.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE TEXAS LEGISLATURE AUTHORIZE THE DEPARTMENT TO IMPLEMENT FURLOUGH PROGRAMS FOR EDUCATIONAL AND VOCATIONAL AND EMPLOYMENT-SEEKING PURPOSES.

RELIGION

To serve the spiritual needs of over 17,000 state prisoners, TDC employs sixteen full-time and one part-time chaplain. Twelve of these are protestant, three are Catholic, one is a Christian Scientist and the part-time chaplain is a Jewish rabbi. None of the chaplains are black or Mexican-American, in spite of the fact that 60% of TDC's inmate population consists of these minorities.

One duty of the chaplain is to conduct Sunday worship services. Weekly services are conducted for protestants and Catholics in the unit chapel, if the unit has one. At the Ellis unit, where most Muslims are confined, Muslim services are conducted each Sunday. Some units hold Islamic and Muslim services whenever an outside minister is available.

COMMENTARY

The Muslims form the largest religious minority group in TDC. Although TDC's religious program has not completely ignored the needs of these inmates, the program offered them is less than adequate. If they wish to attend weekly services, Muslim inmates assigned to minimum security institutions must transfer to Ellis and suffer the effects of living in a maximum security population. Ellis does not offer the Muslims the services of a free world minister. Rather, an inmate performs the Muslim services. However, he lacks the freedom to serve the Muslim inmates as inmates of other denominations are served by their ministers. TDC's 1976 and 1977 budgetary requests include plans to increase the number of chaplains to twenty-five, but do not include plans to hire a chaplain for Muslims. In addition, Ellis offers no special consideration of the nutritional needs of Muslims whose religion forbids the eating of pork. Pork is frequently served as a main dish with no other item on the menu serving as a protein substitute.

The chaplain's role is a difficult one. Without the trust of TDC officials, his functioning within the institution can be extremely difficult; without the trust of inmates, functioning as a spiritual counselor is often impossible. Unfortunately, not all of the chaplains are sensitive to these considerations. Part of this problem is a function of the chaplains being TDC employees and could be solved by having the churches employ chaplains.

Other duties of the unit chaplain include hosting visiting groups, writing letters and making phone calls, distributing religious reading material and greeting cards free to inmates, keeping records of people involved in group counseling to turn in for the quarterly Point Incentive Program reports, and conducting individual and group counseling.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE NUMBER OF CHAPLAINS BE INCREASED SO THAT TDC MEETS THE AMERICAN CORRECTIONAL ASSOCIATION'S STANDARDS OF ONE CHAPLAIN FOR EVERY FIVE HUNDRED OFFENDERS.

(2) AN IMMEDIATE CONCERTED EFFORT BE MADE BY TDC TO HIRE BLACK AND MEXICAN-AMERICAN MINISTERS.

(3) AFFIRMATIVE ACTION SHOULD BE TAKEN TO HIRE MINISTERS OF ALL MAJOR FAITHS, JEWISH, CHRISTIAN, AND ISLAMIC.

(4) AT THOSE UNITS WHERE MUSLIM OR JEWISH INMATES ARE HOUSED, NON-PORK PROTEIN SUBSTITUTES SHOULD BE MADE AVAILABLE.

RECREATION

Each of the TDC units offers some form of recreation for inmates, although the range of activities available and the number of inmates who participate vary greatly from unit to unit.

Generally, a unit's Education and Recreation officer or an assistant coordinate the athletic programs. At some units, this may only involve the coordination and supervision of the gym or courtyard around which athletic recreational activities are centered. Most of the units have basketball, volleyball, weightlifting, badminton and baseball equipment, and some units organize intramural competition in these sports. All units participate in organized baseball and basketball and in the spring there is competition between the northern and southern units. The number of hours during which these facilities are available ranges greatly, although on weekends facilities are available five to seven hours daily. Those units which have no gymnasium offer no athletic recreational activities in inclement weather.

Nonathletic recreation at most of the units consists of activities such as movies, T.V. and games. Once a week a movie is shown; at least one television and several games are available in each cell block or ward. For the bulk of the inmate population this is the only form of non-athletic recreation. Some of the units have "piddling rooms" where inmates go to work on arts and crafts projects. "Piddling" anywhere except in the authorized area is a punishable offense. The Windham School District's art classes sponsor much of this activity.

A few of the units have inmate musical groups and/or choirs which practice weekly and perform occasionally for their fellow prisoners. Free world musical groups occasionally perform for prisoners. That percentage of the inmate population which is confined in segregation status for administrative, medical or punitive reasons cannot participate in any of the recreational programs. Likewise, for those inmates housed in the Treatment Center at the Walls unit, there is no programmed recreation.

COMMENTARY

The most comprehensive recreational programs are found at the few TDC units which feature outdoor and indoor facilities; and employ a full-time person to coordinate the recreational program. Because of the range of activities and available hours participation is optimal at these units. However, the possibility of offering something for most of the population is minimal even at these units because only one person is provided to administer a recreation program for 650 to 1900 inmates. Administration of the program means coordinating the use of the gym so that the most inmates can use it, supervising inmates while they are in the gym, planning activities, and doing all the required clerical work which accompanies any program. Clearly at a unit for 650 to 1900 inmates, this is more work than any one person can effectively perform.

The American Correctional Association recommends that the average correctional institution should have a fully qualified recreation supervisor with the following personnel working under his or her guidance and supervision: one arts and crafts teacher, one music teacher, two recreation and physical education teachers and four correctional officers.

Obviously a staff of this size, quality, and experience would make it possible to expand the range of activities available to inmates. American Correctional Association Standards for a well-rounded program include individual, team, and competitive athletic events and cultural activities such as arts and crafts, music, drama, literary, special events, social games and group activities.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) INDOOR AND OUTDOOR FACILITIES FOR RECREATIONAL ACTIVITIES BE PROVIDED AT EACH UNIT.

(2) EACH UNIT HAVE A FULL-TIME TRAINED AND QUALIFIED RECREATION DIRECTOR EMPLOYED BY TDC WITH RESPONSIBILITY FOR THE TOTAL RECREATIONAL PROGRAM OF THAT FACILITY.

(3) AT EACH UNIT, THE FOLLOWING PERSONNEL SHOULD WORK UNDER THE SUPERVISION AND GUIDANCE OF THE RECREATION SUPERVISOR: ONE ARTS AND CRAFTS TEACHER, ONE MUSIC TEACHER, TWO RECREATION AND PHYSICAL EDUCATION TEACHERS, AND FOUR CORRECTIONAL OFFICERS.

(4) A BROAD RANGE OF RECREATIONAL ACTIVITIES BE MADE AVAILABLE TO INMATES IN ORDER TO MEET A WIDE RANGE OF INTEREST AND STIMULATE THE DEVELOPMENT OF THE CONSTRUCTIVE USE OF LEISURE TIME WHICH WOULD BENEFIT THE OFFENDER WHEN HE OR SHE IS REINTEGRATED INTO THE COMMUNITY. ACTIVITIES SHOULD INCLUDE MUSIC, ATHLETICS, PAINTING, WRITING, DRAMA, HANDICRAFTS AND SIMILAR PURSUITS.

VISITATION

TDC rules governing visitation are few. They specify that persons on an inmate's approved visitors list may visit twice a month only on Saturdays and Sundays for a maximum of two hours per visit. Only two adults on the approved list are allowed per visit. Children under 16 may visit without being on the visitation list if they are accompanied by an adult who is on the list. The Regulations specify that "an employee must be present at all times during the visit." They also authorize the warden and the assistant warden to "deny any person permission to visit regardless of whether or not he is on the inmate's visiting list whenever the visitor fails to comply with the visiting rules." These rules are found nowhere in the **TDC Rules Handbook**. At the units, it appears that these rules consist of a sign warning that children must remain with adults at all times and of procedures which require visitors to identify themselves and carry only wallets into the visitation area.

At maximum security units, the visitation area features steel bars and a glass and meshed steel fence to separate visitors and inmates. At minimum security units, this partition is made of either glass or meshed steel. Inmates and visitors sit on wooden chairs with the divider separating them. No touching is allowed. TDC guards slowly pace the floor behind the inmates often stopping behind a particular inmate and remaining there for a few minutes. Most of these visitation areas are musty, poorly ventilated, and poorly lighted.

Persons who are not on the visiting list and who are also allowed to visit inmates are attorneys, ministers, legislators and media representatives. The first three need only identify themselves to be allowed to enter and talk with inmates in the visiting room. Media representatives must go through either TDC's Office of Public Affairs or the Office of the Director for permission. All decisions at the Public Affairs Office level are appealable to the Director. The criteria used to deny or grant admission is whether or not allowing the reporter in will present "a threat to prison security." If permission is granted, certain restrictions are imposed. Reporters may not request interviews with particular inmates, although they may ask questions of randomly selected inmates. These interviews are not confidential. Cameras are generally not allowed into the institution.

COMMENTARY

Although the only posted rules concern the hours of visitation and children, visitors to TDC have been told to "wear dresses next time" and a teenage boy was not allowed into a unit because he was wearing a "muscle shirt." TDC should mail copies of visitation rules to all potential visitors. All potential visitors should also be promptly notified when an inmate is placed in a segregative status depriving him of visitation rights. This would insure that visitors would not drive to a unit only to be turned away. Conditions under which visits take place are violative of privacy since TDC policy allows guards to listen to conversations. Visiting areas could be supervised without such an intrusion. The visiting experience could also be improved if TDC supervised its employees sufficiently to ensure that visitors are not treated in a rude or demeaning fashion. Finally, TDC rules governing access to the media severely impinge on the public's right to be informed of the functions of one of the governmental agencies which they support. Confidential interviews should be permitted when either party requests such, providing that media representatives respect institutional schedules.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) TDC NOT LIMIT THE NUMBER OF VISITORS AN INMATE MAY RECEIVE OR THE LENGTH OF SUCH VISITS EXCEPT IN ACCORDANCE WITH REGULAR INSTITUTIONAL SCHEDULES.

(2) TDC PROVIDE ALL POTENTIAL VISITORS WITH RULES GOVERNING VISITATION.

(3) TDC SHOULD IMMEDIATELY INFORM FAMILY MEMBERS WHEN AN INMATE HAS BEEN PLACED IN A SEGREGATIVE STATUS WITHOUT VISITATION RIGHTS.

(4) VISITATION RIGHTS BE WITHDRAWN ONLY IN THE MOST EXTREME CASES.

(5) VISITATION OF INMATES BE ENCOURAGED BY PROVIDING TRANSPORTATION FOR VISITORS FROM TERMINAL POINTS OF PUBLIC TRANSPORTATION.

(6) VISITING CONDITIONS BE MADE MORE CONDUCTIVE TO THE STRENGTHENING OF FAMILY TIES BY PROVIDING ROOMS FOR VISITS THAT ALLOW EASE OF COMMUNICATION IN AN ENVIRONMENT AS FREE FROM INSTITUTIONAL FACTORS CONSISTENT WITH SECURITY CONSIDERATIONS AS POSSIBLE. THE POSSIBILITY OF CONJUGAL VISITS SHOULD BE EXPLORED.

(7) IN ALL VISITING SITUATIONS WHICH REQUIRE SUPERVISION, THIS SHOULD BE DONE IN AN UNOBTRUSIVE MANNER SUCH THAT CONVERSATIONS BETWEEN INMATES AND VISITORS ARE PRIVATE.

(8) REPRESENTATIVES OF THE MEDIA SHOULD BE ALLOWED ACCESS TO ALL CORRECTIONAL FACILITIES FOR REPORTING ITEMS OF PUBLIC INTEREST CONSISTENT WITH SECURITY AND THE PRESERVATION OF THE OFFENDER'S PRIVACY.

CORRESPONDENCE

Mail received and sent by inmates in TDC is classified in four categories: privileged correspondence; correspondence with attorneys; business correspondence; and personal correspondence.

Privileged correspondence is mail sent to or received from designated public officials, including members of the Texas Board of Corrections, the Director and Assistant Directors of TDC, members of Congress, state legislators, state police agencies, and other governmental officials. Neither incoming nor outgoing privileged correspondence may be read or censored. At some units, the privileged nature of this correspondence is defeated by the TDC practice of requiring an inmate who receives such mail to open it and read it in the writ room, and then to either let the officer read it to ensure that it is privileged (so the inmate may take it to his cell), or to leave it in the writ room. If an inmate wants to take such mail to his cell, a TDC officer must read it. If he chooses to leave it in the writ room, it is not protected from inspection by officers.

According to TDC Rules, correspondence with attorneys is only inspected. Procedure, however, requires that mail room officers log all such mail by noting the sender and receiver's name, date of mailing, and a five or six word description of the letter's substance. To write the summary it is necessary for the mail room officer to read the letter.

Business correspondence includes letters to prospective employers, religious letters, and letters to the media. These are read and censored. No packages may be received except from suppliers of craft shop operations. Inmates however, may send packages.

Letters to prospective employers and the media are sent to the Assistant Warden's office where they are subject to inspection and censorship. Letters which are deemed a "threat to the security of the institution" are rejected. If the Assistant Warden cannot determine whether the letter represents such a threat, he refers the letter to the Office of Public Affairs which either settles the matter or refers it to the Director. All materials prepared by inmates for publication are subject to the same restrictions.

Personal correspondence is with the ten people subject to TDC approval that the inmate lists on his records for correspondence and visitation. All mail to and from these people is read and censored. Packages may not be received from the people on the approved person correspondence list. There is a checklist of twelve reasons (including one called "other" followed by a blank apparently to be filled in by the mail room officer) for refusing to transmit mail. These criteria are not found in the TDC's Rules and Regulations. The Rules set out only five criteria for refusing mail, and they are different from the twelve actually used in the mail room. The restriction governing which publications a prisoner may receive is that she or he cannot receive any publications that "create a clear and present danger of a breach of prison security." The Assistant Wardens decide what material violates this standard. Their decisions may be appealed to the TDC Review Committee. At most units, inmates are not informed of their right to appeal. The clear and present danger test, however, is difficult to apply and arbitrary rulings seem to be a frequent result of this Committee's deliberations.

Inmates who are in administrative segregation are subject to the same correspondence regulations as are inmates in the general population. Inmates in punitive segregation are subject to diminished mail privileges, with those in solitary confinement being denied all mail privileges except letters concerning emergency legal matters. Whether an incoming letter presents an emergency is determined by the unit Warden who writes to the sender of the letter asking if it is an emergency in which case, it is delivered to the inmate in solitary.

COMMENTARY

TDC justifies its reading and censoring incoming mail as necessary methods of intercepting contraband and escape plots, and as a way of being prepared to help inmates who receive upsetting news. It justifies reading and censoring outgoing mail as methods of intercepting contraband and escape plots, of determining the mood of inmates, and of protecting the free world correspondents from threats, obscenity, and frivolous requests for money.

These justifications do not withstand careful scrutiny. Inmate knowledge that the mail is read by officers makes such reading an unreliable, at best, method of gauging the mood of a unit. Attorney and personal visits are not supervised to the extent that inmates and visitors could not plan escapes and at such times an inmate could threaten, etc. the visitors. The occurrence of these matters is not stopped by censoring mail. The problem of incoming contraband could be handled by inspecting letters in front of the inmate or by the use of metal detecting and fluoroscopic devices.

TDC policy will have to change to comply with the Supreme Court's mandate in **Procunier v. Martinez**, 42 USLW 4606. The Court said that censorship of mail going to or from prisoners interferes with the first amendment right to freedom of speech by the non-prisoner correspondent. The restrictions are impermissible unless they further a fundamental governmental interest, i.e., security, order and rehabilitation, and the restrictions must be no greater than necessary to secure those interests.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) THE VOLUME OF MAIL AN INMATE MAY SEND AND RECEIVE MAY NOT BE UNREASONABLY RESTRICTED.
- (2) MAIL EITHER BE EXAMINED FOR CONTRABAND IN THE PRESENCE OF THE INMATES OR THAT A FLUOROSCOPIC DEVICE BE USED TO INSPECT SEALED LETTERS AND PACKAGES.
- (3) THE MAIL PRIVILEGE BE RESTRICTED ONLY AS PUNISHMENT FOR AN OFFENSE RELATED TO THE ABUSE OF THE MAIL.
- (4) REASONABLE AND UNIFORM PUBLICATION GUIDELINES SHOULD BE PROMULGATED BY THE BOARD OF CORRECTIONS.
- (5) INMATES BE ALLOWED TO SEND UNCENSORED LETTERS AND OTHER COMMUNICATIONS TO THE MEDIA.
- (6) INMATES BE ALLOWED TO HAVE PUBLISHED UNCENSORED ARTICLES OR BOOKS ON ANY SUBJECT.

LEGAL SERVICES AND MATERIALS

Inmate legal problems fall into three categories. First is post-conviction appeals and other legal questions relating to the conviction and sentencing of the inmate. Second is non-prison related legal problems such as anyone might face, including divorce proceedings, injury suits, and other types of civil litigation. Third is suits against TDC and its officials in their official capacities. These types of suits may take many forms, including violations of civil rights and torts committed by TDC officials against inmates.

The services now available to handle these diverse legal problems are minimal. The Inmate Legal Assistance Project (ILAP) is operated by TDC, which sharply restricts the types of cases it handles. Specifically, ILAP can only be used by indigent inmates for legal affairs that do not involve suits against TDC or its officials. The resources of ILAP are also limited, since only twelve attorneys are available to counsel 17,000 inmates.

An inmate can, of course, hire an outside attorney or have someone on the outside hire one for him. Naturally, this requires some financial resources on the part of the inmate or the ability to convince one of the various public interest legal organizations to take the case. The complications of hiring an outside attorney are made even more complex by current TDC regulations regarding mail. The official TDC position concerning correspondence with attorneys is that:

All correspondence to and from any licensed attorney may be opened and inspected for contraband and to determine if it is from a licensed attorney. Such inspection need not be in the presence of the inmate.

Current procedures require that this mail be logged by mail room officers. The log record includes a five or six word description of a letter's substance so that although not censored, letters to and from attorneys are read. In addition, TDC sometimes restricts inmates to corresponding with their attorney of record. When an inmate has no attorney and is attempting to hire one, this restriction causes obvious problems.

Finally, for inmates who cannot or do not wish to use the services of an attorney, there are some legal materials available in what is often referred to as the "writ room." These small legal libraries contain some of the legal reporters that may be useful to an inmate. Periods of access vary widely from as little as one-half hour per day, three days per week, to twelve hours per day, seven days per week, depending on the unit. The actual time an inmate can have in the writ room is often limited to two hours at a time. All legal papers and other materials must be kept in the writ room itself, although lockers or other safe places are usually not provided to keep these papers secure. Inmates are not allowed to keep any legal papers or materials in their cells with the exception of four personally owned law books. Communication or legal assistance between inmates is officially forbidden.

The legal assistance now available to inmates does not meet the standards established by the Supreme Court. In 1969 the Court stated that inmate assistance to other inmates could be barred only if meaningful alternatives were available to the inmates. In response, TDC set up ILAP as its meaningful alternative.

Texas was one of the states which construed the recent *Johnson v. Avery* decision to be applicable only to post-conviction and nonprison civil cases. Thus, ILAP was restricted from participating in suits against TDC by TDC policy. However, in 1974, the Supreme Court said that such an interpretation of *Johnson* "takes too narrow a view of that decision." The impact of *Wolff v. McDonnell*, 42 U.S.L.W. 5190 (1974) is that TDC cannot legally prohibit inmate assistance, unless it provides a meaningful alternative to meet all of the legal needs of inmates.

Presently, the Texas Criminal Defense Lawyers Association is attempting to establish a program to serve as a reasonable alternative in civil rights cases, but it will be at least a year before it is established. In the meantime, TDC cannot legally prohibit legal assistance between inmates.

COMMENTARY

The operation of the mail room with respect to correspondence with attorneys needs to be changed. Inmates should be permitted to contact attorneys in order to solicit their assistance or to change their attorney of record. Inmates should enjoy the same privileged communication with a legal counsel that all other persons enjoy. Since the mail can now be opened and read, many inmates are apprehensive about TDC officials' reading of complaints against TDC or other officials. Furthermore, TDC is now privy to all of the legal problems and confidences of the inmates. The danger of inmates' receiving contraband from their attorneys through the mails can be handled by a fluoroscope without opening the mail. As for attorney mail containing information to aid in escape, it is much more likely that a visitor would provide the information, since visitation periods are not supervised so closely as to prevent the passing of such information.

The writ rooms have serious deficiencies which should be remedied. First, the periods during which the writ rooms are open should be standardized throughout TDC in an effort to guarantee adequate access to all inmates. Facilities need to be improved. Besides inadequate work areas, the books available need to be upgraded. Not all necessary reporters are kept, such as the *Prison Law Reporter*. Reporters are not kept up to date with advance sheets and "pocket parts." Inmates need an individual locker in which to safeguard their legal documents from other users. The restriction on use of materials in the cells should be eased. Finally, notary services should be provided on a timely basis. Currently, notarization can be delayed by officials while they take the time to read and study inmate legal correspondence.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE CONSTITUTIONAL REQUIREMENTS OF THE *WOLFF* DECISION BE IMMEDIATELY IMPLEMENTED BY ESTABLISHING A SINGLE LEGAL AID OFFICE INDEPENDENT OF TDC. UNTIL ADEQUATE ALTERNATIVES ARE PROVIDED, INMATES SHOULD NOT BE DISCIPLINED FOR GIVING LEGAL ASSISTANCE TO ONE ANOTHER.

(2) ADDITIONAL ATTORNEYS BE HIRED FOR THE INMATE LEGAL ASSISTANCE PROJECT.

(3) INMATES BE PERMITTED TO CORRESPOND WITH ATTORNEYS OTHER THAN THE ATTORNEY OF RECORD FOR THE PURPOSES OF SOLICITATION OF LEGAL ASSISTANCE.

(4) LEGAL CORRESPONDENCE TO ATTORNEYS SHOULD NOT BE OPENED IF IT CAN BE SCREENED WITH A FLUOROSCOPIC DEVICE. IF THIS MEANS IS NOT ADEQUATE, MAIL SHOULD ONLY BE OPENED, BUT NOT READ, IN THE PRESENCE OF THE INMATE.

(5) TDC ADOPT A UNIFORM POLICY FOR THE OPERATION OF THE WRIT ROOMS AT ALL OF THE UNITS. HOURS SHOULD BE ADEQUATE FOR THE PREPARATION OF LEGAL DOCUMENTS.

(6) THE IMPROVEMENT OF THE WRIT ROOM FACILITIES INCLUDE ADEQUATE LIGHTING AND WORK AREAS, COMPLETE AND UP TO DATE REPORTERS, THE EMPLOYMENT OF A WRIT ROOM LIBRARIAN WITH SOME

KNOWLEDGE OF LEGAL MATERIALS, THE INSTALLATION OF PERSONAL LOCKERS FOR THE STORAGE OF LEGAL MATERIALS, AND THE TIMELY SERVICES OF A NOTARY PUBLIC ON A REGULAR BASIS AND WITHOUT OPPORTUNITY FOR READING BY TDC OFFICIALS.

(7) INMATES BE ALLOWED TO USE LEGAL MATERIALS IN THE CELLS, AND THAT PHOTOCOPYING FACILITIES BE PROVIDED IN THE WRIT ROOM.

(8) THE SENDING OR RECEIPT BY INMATES OF "PRIVILEGED MAIL," THAT IS, MAIL TO OR FROM THE COURTS, JUDGES, ATTORNEYS, AND STATE AND FEDERAL OFFICIALS, SHOULD NOT BE RESTRICTED OR STOPPED, EVEN TEMPORARILY, REGARDLESS OF AN INMATE'S STATUS. INsofar AS TDC RULES AUTHORIZE SUCH UNCONSTITUTIONAL LIMITATIONS, THEY SHOULD BE PROMPTLY CHANGED.

PERSONNEL

The Texas Department of Corrections employs about 2,669 men and women to run a prison system with close to 17,000 inmates. The largest percentage of these employees (about 63%) work in a security-custodial capacity. The rest of the classified work force in descending order of numbers is clerical and administrative, treatment, agriculture, construction, and industrial. According to a study conducted by TDC, the "typical" employee is a 30 year old white male born in Texas who comes from a small town near one of the prison units and who works in Security.

A general discussion of the personnel of TDC logically begins with the hiring process. TDC maintains a central personnel office in Huntsville which is responsible for filling all vacancies except those in the Windham School District.

The general qualifications for the job of Correctional Officer are as follows: age 18-55, good physical condition and weight commensurate with height, High School Diploma or G.E.D. These are the minimum qualifications listed by the Department in their employment brochure. It should be added that the prospective employees must have very short hair and no beard or mustache. This last requirement has posed some problems in recruitment, especially among minorities, according to one of the recruitment officers.

There is a written policy of not allowing horizontal entry into the system. Persons are almost always required to begin at the bottom—at CO I or its equivalent. This policy appears to have the effect of discouraging entry by persons with a good educational background. Not only can these persons often find more attractive jobs elsewhere, at TDC they are required to start off on an equal footing with persons who may not even have a high school diploma.

The educational background of TDC employees can be considered generally low. First, the educational requirements of specific jobs is not very high. A high school diploma is all that is theoretically required for Correctional Officers at any level. Officers of the guard force (Lieutenants, Captains, and Majors) are supposed to have a college degree. Wardens and Assistant Wardens need have little more than a college degree.

Secondly, the requirements themselves, although low, are often not met. About 10% of the CO's did not have either a high school diploma or a G.E.D. Of the other officers, the figures for Lieutenants, Captains, and Majors not meeting the educational requirements were 94%, 91% and 81% respectively. For the Assistant Wardens, 53% did not meet the educational requirement. Twenty-nine percent of the Wardens were not in compliance with the educational requirement. Thus the requirements, even though low, are not being followed. The problem is further compounded by the lack of horizontal entry, noted above, which prevents highly qualified replacements from being readily available.

When considering replacements, the turnover problem of TDC should be mentioned. The turnover rate for CO's is very high—approximately 80% per year. In fact, the Department's turnover rate far exceeds that of other state agencies and is much higher than the national average. Salary is a factor, but probably not the most important. TDC loses many of its new officers within the first two weeks of employment. The overall conditions under which the correctional officer works seem to be a more important factor in the turnover rate.

The overall personnel figures of TDC reveal a shortage of minority employees. Although 11% of the population of Texas is black and 16% of the population is Mexican-American, only 6% of TDC's personnel is black, and only 3% is Mexican-American. On the other hand, 45% of the inmates in TDC are black and 15% are Mexican-American.

These percentages alone do not indicate the extent of the problem. There are no black or Mexican-American Wardens, Majors, Captains, Medical Assistants, Chaplains, or Sociologists

II. There is one black Assistant Warden and one black and one Mexican-American Lieutenant. The largest number of blacks and Mexican-Americans are found in the lowest rank. The higher the rank, the lower the percentage of minorities. The problem of underrepresentation is not restricted to minorities. The same problems exist in the employment of women in TDC. Women are underrepresented in every category of employment within the Department except for clerical positions. Of the 38 officials and administrators in the Department, only one is a female. Only seven out of the 281 professionals are women, and only nine of the 169 "technicians" are female. Only one of the 45 "paraprofessionals" is female.

The salary structure within TDC can be very favorable or unfavorable depending upon one's position in the organization. The persons in the upper ranks already have high salaries that will rise dramatically if the new TDC budget request is approved intact. For example, Wardens' salaries will be boosted between 55% and 67%. Wardens are not the only positions to have substantial salary increases. The smallest percentage increase for exempt salaries (that is, those salaries not having to conform to the State Classification Plan) is more than 24%, while most range from 30% to 50%. The actual level of salaries would range from \$41,500 (Director) to \$17,500 (Optometrist). It should be noted further that all but 5 of the 56 exempt positions will receive full emoluments, which have significant monetary value themselves. Comparisons between the pay of TDC officials and other state officials with similar responsibilities reveal that TDC is in a most favorable position.

The situation as far as CO's are concerned is not too desirable. Fortunately, TDC is attempting to rectify the situation. First, they are proposing what they call a "Career Management" program. This would allow more rapid promotion from CO I to CO II and from CO II to CO III after short periods of additional training. The primary effect this program would have is to make the bulk of the guard force CO II's instead of CO I's, as it is now. Second, TDC is requesting an incentive program that would raise the beginning salary of CO's by starting them at higher steps in the various pay groups. The effect of these two programs would be to raise the 1977 starting salary of a CO I to \$9,528, as well as create a greater probability of rapid promotion.

In addition to the pay received, many employees benefit from the system of emoluments. There are basically two types of emoluments: full and partial. Full emoluments include housing, laundry and dry cleaning, utilities, food, and labor of inmates. In some cases vehicles are also provided on a more or less regular basis. These services are for the most part free, although rent is paid on houses ranging from \$22.50 to \$50.00. Partial emoluments include free dorm housing or a trailer space and meals to employees of Group II (CO III) and below. In addition, these employees may buy some available food at substantially reduced prices.

The value of the services received as emoluments is substantial. They are handled as tax free and inflation proof. For emoluments, the potential value has been estimated at between \$12,229.96 and \$21,906.84 per year. As for partial emoluments, the figures range from \$985 to \$1,825.00 per year. Thus emoluments can provide a welcome boost to many salaries in TDC.

COMMENTARY

In looking at the overall picture of the personnel situation within TDC, several situations deserve comment. The most striking is the disparity between TDC's minimum educational requirements and the actual educational levels of those persons filling the positions. Even though compliance with the educational requirements is not statutorily required, efforts should be made to meet them. The positions discussed above are in no way unique. This general lack of educational background appears to be common to most of TDC. This educational deficiency is a serious problem and one which compares most unfavorably with other state agencies. For example, in contrast to the Wardens, some of whom do not have a college degree, the directors of

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state schools in the Texas Youth Council are all well qualified. All have a bachelor's degree and all but one have a master's degree. The educational levels of the guards is particularly distressing.

The lack of minorities in TDC is also a cause for concern. However, to the Department's credit, one black and one Mexican-American officer were assigned this year to the personnel office to attempt to recruit minority members. These persons impressed our staff with their motivation and efforts. However, their task will be difficult. Particularly for the northern units, it is difficult to find Mexican-Americans who are willing to relocate, since these units are located in these areas without any significant Mexican-American communities. This poses a difficult obstacle, according to one of the recruiters. A black leader in Huntsville told one staff member that TDC had a bad reputation in the black community, making it difficult to find local blacks who want to work in TDC.

The turnover rate in TDC, especially among the new CO's, is a product of the job atmosphere more than any other factor. The tendency appears to be to discourage innovation and other departures from the norm. CO's that attempt to live up to their title - Correctional Officer - are often chastised and may become quickly disillusioned. For example, conversations between guards and inmates that are not required by the guards' duties are not permitted. On the whole, new officers find their jobs boring and unsatisfying.

The salary structure is open to question. On the whole, there is too much disparity between the top and the bottom. The policies reflected in the new budget request would have the effect of improving the lot of the CO's in absolute terms, but would still leave them relatively far behind their superiors. The system of emoluments emphasizes and widens the disparity. Upper echelons enjoy valuable and far-reaching privileges. The lower ranks have some benefits, but they are significantly less than the full emolument system. It should, however, be remembered that it is the combination of the salary system and the emolument system that is the real cause of the problem. With full emoluments piled on top of large salaries, the position of the top in relation to the bottom becomes simply overwhelming. If some balance could be struck between the two systems of compensation, much of the problem could be alleviated.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE DEPARTMENT MAKE EVERY EFFORT TO COMPLY WITH THEIR OWN MINIMUM EDUCATIONAL REQUIREMENTS FOR THE VARIOUS JOB POSITIONS. CONSIDERATION SHOULD ALSO BE GIVEN TO UPGRADING THE REQUIREMENTS. HORIZONTAL ENTRY SHOULD BE PERMITTED TO FILL THOSE POSITIONS WITH HIGH EDUCATIONAL REQUIREMENTS.

(2) A RE-EXAMINATION OF THE ROLE OF THE CORRECTIONAL OFFICER IN TDC SHOULD BE MADE IN ORDER TO MAKE THE JOB MORE MEANINGFUL AND PRODUCTIVE IN THE REHABILITATIVE SENSE.

(3) A RE-EXAMINATION OF THE RELATIVE AND ABSOLUTE SALARIES AND EMOLUMENTS OF EACH POSITION IN TDC SHOULD BE MADE IN ORDER TO LESSEN THE CURRENT DISPARITIES.

(4) THE LEGISLATURE SUPPORT TDC'S REQUEST FOR ACROSS-THE-BOARD SALARY INCREASES TO ATTRACT AND KEEP QUALIFIED PERSONNEL.

WOMEN IN PRISON: THE GOREE UNIT

Goree, the only prison unit which houses women, was originally intended to house four hundred women. Today, however, six hundred and sixty women, representing 4% of the TDC population, are incarcerated there. As a result, the cell blocks and wards of Goree are extremely crowded and space for programs is at a premium. Also, all female offenders, both first offenders and recidivists, must be housed together. Although Goree's staff attempts to minimize interaction between these two groups by assigning them to separate living quarters, most of an inmate's time is spent at work and in other activities where segregation is impossible.

The ratio of personnel to inmates at Goree is roughly the same as at the men's units. The staff at Goree, however, is co-ed with about seventy-five per cent women employees. Male staff members, including the Warden, are not allowed to walk into the women's living quarters without being accompanied by a matron who travels ahead of him to warn the women that there is a "man on the hall."

The attitudes of most, but not all, staff members towards the inmates are often patronizing. It is not clear whether these attitudes stem from stereotypical views of prisoners, or from stereotypical views of women—references to "my girls" and comments about how pretty and silly these "girls" can be are common. At the TDC units for males, the inmates are talked about as "men" and petty grievances are aired only by "troublemakers." Perhaps the attitudes of the Goree staff are a reflection of TDC's attitude toward women. This attitude is reflected in Goree's facilities, informal policies, and available programs.

The facilities at Goree are not adequate to house the number of women incarcerated there; however, it is the most attractive of the units. Upon entering Goree, a visitor comes into a reception room, whose potted plants and brightly colored furniture is reminiscent of a doctor's waiting room. The doors which divide sections of the buildings are not the traditional steel prison bars. They are steel, but they are shaped in interesting geometrical designs and painted in pastel colors. Solitary confinement cells are also painted in pastel colors. Unlike the men's units, there are no armed gun towers. A fence topped with three stands of barbed wire encloses the back area. At night, there is one guard stationed in the front and another one in the rear.

INFORMAL POLICIES

The written rules governing inmate conduct at Goree are identical to those at the men's units. Goree's unwritten rules, however, contrast sharply with those at the men's units. Goree is the only TDC unit where talking in the corridors and dining rooms is permitted. Occasionally, the conversations in the dining room become too loud, but according to unit officials, this has presented no major problems. The unnatural tension which the silence rule at the men's units seems to cause is not present at Goree.

Although male inmates must keep their hair short for security and health reasons, there are no rules restricting hair styles at Goree. Women with particular job assignments, however, must wear hair nets while working. Those who wish to wear make-up can purchase it in the commissary.

Another way in which individuality is respected at Goree is to allow inmates to do craft work in their cells. This encourages constructive use of leisure time. At the men's units, inmates are allowed to do crafts work only in the piddling room. "Unauthorized piddling" is a punishable offense. The women's cells are often decorated and personalized with their finished products. In addition, every couple of months or more if there is an emergency, women are allowed a "ten minute parole." This consists of a telephone call to their family. None of the men's units have a similar procedure.

The official policy regarding homosexuals is that inmates who willingly participate in homosexual acts will be punished in accordance with TDC rules and regulations. Aggressive homosexuals are segregated in one section of the building where they are assigned to individual cells. Staff attitudes at Goree, however, are different from those at the men's units. Inmate reports of staff attempts to harass and embarrass homo-sexuals are not heard at Goree as they are frequently heard at the men's units. The only inmate complaint in this area has been that some of the staff members are too quick to interpret gestures of affection between inmates as an indication of a homosexual relationship.

PROGRAMS—EDUCATION

The Texas Department of Corrections offers vocational and academic educational opportunities to incarcerated women, as well as men. Requirements for participation in these programs are the same for both sexes. The programs offered at Goree include a special education, and primary and secondary school curriculum which features bilingual classes for Mexican-American inmates. Goree houses the system's only two bilingual special education classes. The junior college curriculum offers only three courses, the least number offered at any of the TDC units, and no senior college classes are available.

The vocational education program for women is also lacking. Goree is one of five units which has no college level vocational classes. The five vocational high school level courses offered at Goree are in fields traditionally associated with women. They are floriculture, secretarial science, cosmetology, home management and horticulture. The only data available for an evaluation of how successful the vocational program has been is in a Windham School District vocational follow-up project which reveals that the unemployment rate for female trainees is double the unemployment rate for male trainees.

TREATMENT

Psychological

A male psychologist spends four and one half days per week at Goree. During that time he conducts group counseling sessions, meets with staff people whom he trains to counsel groups, does his administrative work, and individually counsels seven to twenty inmates per day. A woman psychiatrist who does group and individual counseling visits the unit for one day every other week. If an inmate cannot be treated at Goree, she may be sent to the Rusk State Hospital. TDC has a treatment center for the mentally disturbed, but it is for male inmates only. There are other staff members who do counseling work with inmates. Among these are the parole counselor, the pre-release director, educational counselors, and the Alcoholics Anonymous director. These people are available for psychological counseling, but their chief function is to answer inmate questions. Although 21% of the women at Goree are there for drug violations, there is no drug therapy program for them. The lack of a treatment center and the inadequate number of trained personnel devoted to fulltime counseling are the obvious shortcomings in this area.

Medical

Male inmates with medical problems requiring an overnight hospital stay are taken to the TDC hospital at the Walls unit. Since women are not allowed at Walls on an overnight basis, they are taken to the John Sealy Hospital in Galveston. Unless it is an emergency, the procedures necessary before an inmate can be taken to Sealy entails a four to six week delay.

Routine medical needs are taken care of by local doctors who visit the unit's clinic either on a regular basis or according to need. The clinic itself is inadequate in many ways, but is better than those at the men's units because of superior staffing. Except in the case of pregnancy, little

is done to meet health needs exclusive to women. Standard gynecology examinations are part of the battery of tests given to women upon their arrival at TDC. After that, such examinations are given only at the inmate's request. Apparently women are not encouraged to have these examinations regularly, because "Pap" smears must be sent to John Sealy since neither the unit, nor the Walls hospital is prepared to do the required lab work.

For pregnant inmates, Goree provides a program of prenatal care which consists of a monthly blood and urine test, vitamin supplements and a light job assignment. The staff is available if the inmate requests counseling, but there are no scheduled psychological sessions or health care seminar. Delivery of the child takes place in the Huntsville Memorial Hospital where the inmate is attended by a local physician. Three days after the birth, the child and mother are separated. Arrangements for placing the child are discussed with the unit welfare worker prior to the date of delivery. There is no established policy for dealing with a pregnant inmate who chooses to have an abortion. According to the supervising medical officer, "none of the girls have ever asked for one." Except for a hygiene class offered as a part of the high school curriculum, there are no health classes offered at Goree. According to the supervising medical officer, if an inmate requests birth control pills before leaving the unit, she is given some.

COMMENTARY

Differential treatment of men and women in TDC has served in some ways to make Goree a more humane place than the men's units. This is evidenced by the informal rules which allow conversations in the halls and dining rooms, craft work in cells, and do not restrict personal hair styles. Efforts to make Goree a more pleasant-looking place in which to live provided further evidence.

Differential treatment, however, has also had detrimental effects on some of the programs at Goree. The program which has suffered the most is the vocational education program which channels women into those areas generally considered "women's work." In the community, women have moved into many new fields for which training could be developed in Goree. According to the manual of Correctional Standards of the American Correction Association, "one of the most urgent needs for women's institutions is a fresh view of occupational preparation and administrators need to be alert to the possibilities for employment in a given area." The academic educational program has also suffered because women at Goree can only choose from one of three junior college courses and there are no senior college courses available for them.

Some of Goree's problems are attributable to there being only one institution for women. The lack of facilities for the treatment of serious medical and mental illnesses is one example. Overcrowding and housing of all types of offenders in one unit is another example. Standards of care, however, cannot be compromised simply because Goree represents only 4% of the total population.

The recommendations which follow should not be regarded as exclusive. Recommendations made throughout this final report should also be adopted with respect to Goree unless clearly inapplicable. Particular attention should be accorded the general recommendations on alternative corrections programs, personnel, censorship of mail and publications, discipline, grievance procedures, counseling and treatment and medical care.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) VOCATIONAL EDUCATION CLASSES AT GOREE BE EXPANDED AND DIVERSIFIED TO INCLUDE A WIDER VARIETY OF JOB TRAINING. SUCH TRAINING SHOULD BE DESIGNED TO EQUIP WOMEN TO OBTAIN USEFUL, AVAILABLE

EMPLOYMENT UPON RELEASE, INCLUDING EMPLOYMENT IN FIELDS OF NON-STEREOTYPED JOBS AS RECOMMENDED BY THE AMERICAN CORRECTIONAL ASSOCIATION'S MANUAL OF CORRECTIONAL STANDARDS.

(2) THE SENIOR COLLEGE PROGRAM BE EXTENDED TO GOREE AND THE NUMBER AND VARIETY OF AVAILABLE JUNIOR COLLEGE COURSES SHOULD ALSO BE EXPANDED.

(3) ROUTINE PHYSICAL EXAMINATIONS, INCLUDING A COMPLETE GYNECOLOGICAL EXAMINATION, BE MADE A PART OF THE MEDICAL PROGRAM.

(4) IMMEDIATE STEPS BE TAKEN TO PROVIDE FULL AND ADEQUATE COUNSELING TO WOMEN INMATES AND TO ASSURE PROFESSIONAL AND HUMANE TREATMENT OF WOMEN WHO ARE MENTALLY ILL.

(5) PROMPT STEPS BE TAKEN TO PROVIDE WOMEN INMATES WITH ADEQUATE LIVING QUARTERS AS RECOMMENDED BY THE WOMEN'S CORRECTIONAL ASSOCIATION, TO THE EXTENT THAT OVERCROWDING AT GOREE IS NOT ADEQUATELY RELIEVED BY TRANSFER OF APPROPRIATELY SELECTED INMATES TO ALTERNATIVE CORRECTION PROGRAMS.

(6) PERSONNEL AT GOREE BE SENSITIZED TO THE CHANGING STATUS OF WOMEN IN SOCIETY THROUGH ORIENTATION SESSIONS AND EVERY EFFORT BE MADE TO ELIMINATE THE PATERNALISTIC ATTITUDES EXPRESSED BY MANY UNIT STAFF MEMBERS.

COSTS AND RESULTS OF INCARCERATION

The costs of incarceration can be figured in a number of different ways. First is the appropriations process, which looks at the funds provided directly from the general revenue of the State. Second is the cost process, in which costs incurred by TDC in its various agricultural and industrial operations are examined. Third is the cost to society process, which calculates the alternative cost of incarcerating inmates using the income lost from incarceration, the costs of welfare for supporting dependents, and the taxes lost which the inmate would have paid. Additionally, the value of services that TDC provides to other state agencies would be lost if TDC's services to the State were eliminated.

APPROPRIATIONS PROCESS

The total budget of TDC for 1974 was \$32,540,524. For 1975, \$32,221,337 has been appropriated. However, the actual cost to the State for these two years has been reduced due to some \$8,250,000 having been received from Federal Revenue Sharing Fund No. 448. These figures work out to an appropriation/inmate/day cost of \$5.19 for 1974 and \$4.94 for 1975.

The situation may change dramatically for 1976 and 1977. The supplemental budget request of the Department shows a bottom line figure of \$65,099,957 for 1976 and \$68,274,800 for 1977. These figures resolve into inmate cost figures of \$9.64 per day for 1976 and \$9.74 per day for 1977, using TDC's projected inmate population figures. The actual cost will be much higher because total figures omit several important variables. First, it does not consider employees' retirement matching, which will be between \$3.5 million and \$4 million each year. It also does not allow for any funding of Level 3 and 4 programs, which are given priority ranking, which would add another \$8 million to \$10 million. Also not included are the costs of the Windham School District, which is certainly an arm of TDC although separate financially. Thus, the total cost could be as much as \$18,000,000 higher than the \$65 million to \$68 million actually requested. Recomputing the appropriation/inmate/day costs with the expanded figures yields cost of \$11.79 per day for 1976 and \$12.10 per day for 1977. These figures use TDC's estimated inmate population, which is 18,500 for 1976 and 19,200 for 1977.

COST PROCESS

In considering the operations of TDC, both agricultural and industrial, it is interesting to note that the Department loses money overall. The actual extent of the loss is open to doubt. Data contained in TDC's 1973 Annual Report, the 1973 Operating Statement, and the 1973 Report of the State Auditor's Office are inconsistent. They all show losses, but in varying amounts. For the purposes of this report, data used by the State Auditor's Office will be relied upon since it is available. On pages 72-77 of the Auditor's Report, Exhibit D shows a net loss of \$25,615,110.76 for the year ending August 31, 1973. This loss is computed by considering the locally earned income of TDC from each of its many operations. Without going into great detail, it can be shown that most of the loss is attributable to the farm operations. For example, the Ramsey unit generated over \$1 million in income, but over \$3 million in expenses in 1973. As for the industrial operations, most of them appear to be showing a profit. The biggest money maker is the license plate plant which showed an almost \$1 million in net profit.

SOCIETAL COSTS PROCESS

Societal costs are particularly difficult to calculate. Inmates who might otherwise be working are being deprived of income for themselves and their families. The income potential of an inmate is not negligible, considering the fact that inmates earn, on an average, over \$6,500 per

year while on work-furlough programs. Further, families of inmates often become welfare dependents. Lastly, there is the lost tax revenue that would be generated by an income producer. While the actual total of these figures is admittedly variable, the President's Commission on Law Enforcement and the Administration of Justice estimated in 1967 that the total loss was approximately \$11,000 per inmate per year.

If TDC's estimated 40% of the inmate population who do not need to be incarcerated were placed in community-based programs, Texas would gain approximately \$75 million that it currently is losing in lost income, lost revenues, and welfare costs. Meanwhile, the State could save some of the \$13 million per year it costs to keep the 40% in prison.

Not all of the social costs of imprisonment can be measured in dollar terms. It is generally recognized that many, if not most people sent to prison come out worse for the experience. It is no surprise that recidivism is such a large problem. Can we afford to incarcerate people who can be more effectively and safely treated in the community?

There are certain benefits that TDC supplies to other agencies, including repair of school buses, production of cloth, and repair of furniture. However, for the most part, these operations are barely showing any profit. For example, the textile mill had a net loss of over \$100,000 in 1973, and the garment factory had a net profit of slightly over \$46,000. Thus, while it may be true that these operations profit other agencies, the costs are simply being passed on to TDC. Taxpayers may be saving money by having their school buses repaired cheaply at TDC, but they are making up the difference in greater tax revenues going to TDC itself.

A final consideration in the costs of incarceration is the direction the fiscal structure of TDC is taking. As noted above, greater and greater funds will be required from general revenue to operate TDC. How these funds will be used by TDC can be shown to a limited extent by the Program Priority Table in their budget request. The vast majority of this money will come under the heading of "Retention and Maintenance of Adult Offenders" and "Administration." However, these titles do not indicate how much of the money will actually go towards treating the inmate rather than simply warehousing him. Smaller sums, usually under \$1 million, will go towards "Rehabilitation," "Receiving of Inmates," "Release of Inmates," and "Reintegration." Significant sums will also be expended for new construction and pay increases for classified employees.

COMMENTARY

The costs of incarceration are great and getting greater. By 1977 the cost of keeping inmates in the traditional prison setting will be several times what it is today. When other factors such as societal costs are included, the cost skyrockets. In return for these costs, there is no guarantee of improvement in the effect of incarceration on the inmates.

The new budget does not represent any bold innovations in the corrections field, nor does it represent a large expansion in traditional services. Instead, it is an expansion of TDC as a bureaucratic and corporate entity providing a larger degree of business enterprise, but little more in the way of treatment and rehabilitation. It should be abundantly clear that the business end of TDC is not financially sound. As an economic unit, TDC could not continue to exist in the free world. Any added value in retaining TDC's industries solely as a device for rehabilitation would have to be determined using different criteria. On their face, many of the jobs within TDC industries seem to have little rehabilitative value.

The entire system of incarceration in the traditional prison farm approach must be questioned on a cost-benefit basis when adding in other costs. Even though dated, the \$11,000 figure of the President's Crime Commission should give us cause to reconsider the cost and value of

incarceration. For instance, alternative forms of incarceration that would reduce the need for supporting inmates' families with welfare payments would be most attractive.

In summary, the Department has often attempted to justify its methods on economic grounds. The Committee has reason to question TDC's economic justifications. The directions the Department will take in the next few years must be dictated by sociological and economic constraints. If TDC really intends to spend from \$65 million to \$85 million over the next year, a commensurate increase in the effectiveness of the Department should be demonstrable. At this time it is difficult to see how such increased effectiveness could be achieved by the proposed 1976-77 budgets.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) THE LEGISLATIVE BUDGET BOARD CONDUCT COST-BENEFIT ANALYSIS OF TDC'S TOTAL ECONOMIC ACTIVITIES TO MAKE RECOMMENDATIONS CONCERNING MORE EFFECTIVE METHODS OF OPERATION.

PAROLE

"Parole" is defined by statute as "the release of a prisoner from imprisonment but not from the legal custody of the State, for rehabilitation outside of prison walls under such conditions and provisions for disciplinary supervision as the Board of Pardons and Paroles may determine." Violation of the conditions imposed on the parolee can result in his reincarceration. The purpose of parole, according to the Parole Board, is "to bridge the gap between the abnormal environment of prison and the free surroundings of the community."

OVERVIEW

All persons sentenced to the penitentiary are sent first to the Diagnostic Unit of the Texas Department of Corrections for physical examination and IQ and educational achievement testing. Inmates are interviewed at the Diagnostic Unit concerning previous illegal activities. This information is turned over to the Classification Committee for assigning the inmate to a unit and to the Board of Pardons and Paroles.

The inmate has his first contact with a parole official during the Diagnostic Unit orientation (Goree unit for women inmates). The parole process is described to groups of inmates and questions are permitted. The inmate's next contact with Parole Board employees occurs just before the inmate's consideration for parole by the Parole Board. (Theoretically the parole counselor has seen the inmate again at the home unit, shortly after the inmate's arrival there, and again several months before the initial parole consideration. The limited number of counselors and the fact that the counseling program has only been in full operation since March 1974 severely limit the number of inmates who will have had these additional contacts with the counselors.) Approximately six weeks before initial consideration, the Board notifies the hearing officers of those inmates whom they will consider for parole. The hearing officer then interviews the inmate regarding his background, his involvement in TDC activities, and his attitudes toward the offense, his incarceration, and authority figures; the hearing officer emphasizes the parole plan of proposed residence and employment. The hearing officer presents the Board with a report containing his impressions of the inmate.

TDC, also involved during this period, operates the Points Incentive Program (PIP), a quarterly accumulation of scores by supervisors of the various programs in which the inmate has participated; the minimum acceptable score is 75 out of a possible 300 points. In addition to the PIP rating, each Warden is given an evaluation of those inmates from his unit who are currently under consideration by the Board. Finally, the Board receives the Parole Information Sheet (formerly the Prison Committee Recommendation), a computerized summation of the inmate's prison history, complete with current PIP rating, Warden's evaluation and disciplinary status. The Parole Information Sheet, signed by the Administrative Assistant to the Director and by the Assistant Director of Treatment, must make positive recommendation regarding the inmate's parole in order for further consideration to be given the inmate.

The Parole Board consists of three members with staggered six-year terms, appointed to their respective positions by the Governor, the Chief Justice of the Supreme Court, and the presiding Justice of the Court of Criminal Appeals. The Board acts by majority vote with the chairman actually voting only in cases of a tie. The Board's possible decisions are that 1) the inmate should serve all of his sentence, 2) the inmate's parole consideration is postponed to a later date or is "set off," or 3) the inmate's record seems favorable for parole and is marked for "further investigation." The Board provided one automatic six month review by a parole analyst for all those cases set off after their initial consideration.

When a file has been marked for further investigation (F.I.), the Board gives the trial officials of the court which incarcerated the inmate ten days notice of the inmate's consideration for parole. Following this ten day period, unless serious protests are raised by the trial officials, the Board recommends parole and sends the file to the Governor's Office of Clemency for final approval. In addition the district parole officers are notified of the inmate's parole plan, and they conduct an investigation to affirm the parole plan and to ascertain the community attitudes toward release of the inmate on parole. After the Governor signs the parole application of the inmate, and following possible participation in a pre-release program, the inmate is released under the supervision of a district parole officer.

COMMENTARY

The Diagnostic unit supplies the Parole Board with information gathered from its interviews with the inmate. However, TDC's tendency to condense information into stock phrases has resulted in misleading information regarding an inmate's background. A serious effect of such inaccuracies is that TDC will list some inmates who intended to admit to occasional use or experimentation with alcohol or marijuana as alcoholics or drug addicts. Parole can be denied because of drug addiction or alcoholism. Furthermore, although TDC does approve Alcoholics Anonymous chapters at the units, it does not operate any drug treatment programs. Any counseling programs at the units are limited.

The greatest criticism of the Diagnostic unit is its failure to do more than funnel inmates into various TDC units when it could also conduct examinations that would expose problems of the inmates permitting formulation of rehabilitative plans in an effort to solve these problems and to prevent further criminal activity upon the inmate's release. (It would also help if TDC conducted a program to inform inmate's families on how to improve their inmate's chances for parole.)

Unfortunately, the 1700 Spanish-speaking inmates cannot take the diagnostic tests because of monolingual problems. In addition, the bilingual education programs available to the inmates are also severely limited in space and units participating. Thus, though the Parole Board places special emphasis on participation in educational and vocational programs, the inadequate spaces in the existing programs and the restricted types of vocational programs offered afford limited opportunities for the inmates to demonstrate their willingness to improve themselves. TDC places too high a priority on running its farms and factories at the expense of the rehabilitation programs of the inmates.

The parole hearing officers and parole counselors bring a great amount of expertise to the parole system. Their qualifications are statutorily set, and they have what sometimes may be the only contact with the inmate concerning his parole consideration. However, the number of hearing officers is too limited to give adequate counseling to the inmates or to interview and investigate properly those inmates under consideration by the Board. Meanwhile, the Board of Pardons and Paroles, the decision-making body, has virtually no contact with the inmates they consider. Fourteen parole counselors attempt to serve 17,000 inmates, with only 12 hearing officers to handle 1200 to 1500 parole interviews each month. The number of inmates with which the hearing officers and the counselors must deal present their greatest problems. With TDC's steadily increasing inmate population, the staff of the counselors and the hearing officers must be increased.

The Department of Corrections carries too much weight in affecting the outcome of the parole decision for the Board to act truly independently. The Board's limited administrative facilities forces it to rely on TDC's more sophisticated computer system for up-to-date data on the inmate and to rely on TDC's greater contact with the inmate to supply attitudinal information. Certainly TDC, charged with the custody and rehabilitation of the inmates, should play a

role in supplying disciplinary and educational information to the Board, but TDC should not have the option of exercising an administrative veto regarding particular inmates' parole consideration. Employees of TDC presently can effectively block the parole consideration of an inmate through their exclusive control over disciplinary procedures. Any inmate who has dropped below Class I is not eligible for parole consideration. Even if an inmate is Class I, he can still be denied consideration if all good time that he might have lost in a disciplinary proceeding has not yet been restored. TDC also administers the PIP program which carries considerable weight not only in consideration of parole, but also in consideration for admission to almost every TDC activity. Ironically, the Board tends to be suspicious of those inmates who make too high a PIP score, fearing the inmate has been over-institutionalized. TDC staff has expressed doubts concerning the value of the program in view of the careless manner in which the ratings are given.

The Wardens' evaluation is another TDC input into parole which should be reviewed. The Wardens have great discretion in readjusting an inmate's record to reflect recent changes that might affect his parole chances. Some Wardens use only PIP scores in their evaluation and recommendations, while others speak from personal knowledge of the inmate's history.

The most powerful TDC-controlled evaluation of the inmate is the Parole Information Sheet (formerly called the Prison Committee Recommendation or PCR.) (The PCR was eliminated partially because of the non-existence of the "Prison Committee.") If the recommendation is against parole, the inmate will not be paroled for that period of consideration, but will be set-off. No limits exist on TDC's power to issue a negative PIS and thereby prevent parole. An inconsistency exists in TDC's being permitted to make binding recommendations against parole, while the Parole Board's own hearing officers and counselors cannot.

Quality consideration of each inmate as he becomes eligible for parole is lacking when the only decision-making power lies in the three-member Parole Board. The Parole Board handles well over 1200 cases every month, with no opportunity to give individual treatment to each case. Though TDC's inmate population has grown by 5,000 inmates in the past seven years, the size of the Parole Board has not been increased. Additional Board members would increase the amount of time spent on each case.

One of the most criticized aspects of the parole process is the Board's form notice that notifies the inmate of the Board's decision regarding his parole. Though better than the former Board's practice of no notice at all, the form does not substantially inform the inmate of the reasons behind his denials and set-offs, and usually gives the inmate little indication of possible measures that would improve his parole chances next time. Half of the listed reasons for denial have nothing to do with the inmate's performance in prison, but are concerned with his past record.

In addition the Board, though respecting the inmate's privacy in holding his parole information confidential from the public, also needlessly restricts the inmate from having access to his own files. Consequently, only the Board members and their staff and the Governor's Office of Clemency know what is in the file, or can guess at the reasons for the denial or granting of parole. This statutorily created privilege has thus served only to protect TDC and the Board. In the past, the Board has denied parole for reasons later discovered to be unfounded that might have been corrected if the inmate had had access to his files.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

(1) ENTERING INMATES AT DIAGNOSTIC SHOULD RECEIVE MORE EXTENSIVE PSYCHOLOGICAL TESTING THAN THE IQ AND EDUCATIONAL ACHIEVE-

MENT TESTS NOW GIVEN. TDC PROVIDE SUITABLE TESTS IN SPANISH AND SHOULD EXPAND THE BILINGUAL EDUCATION PROGRAMS.

(2) TDC SHOULD EXPAND ITS VOCATIONAL PROGRAMS BOTH IN NUMBER OF CLASSES AND NUMBER OF STUDENTS. PARTICULAR EMPHASIS SHOULD BE GIVEN TO PROVIDING EXPANDED VOCATIONAL EDUCATION PROGRAMS FOR WOMEN.

(3) THE LEGISLATURE SHOULD INCREASE THE AVAILABLE PAROLE COUNSELORS, PAROLE HEARING OFFICERS, AND FIELD OFFICERS UNDER THE BOARD'S SUPERVISION, AS REQUESTED BY THE PAROLE BOARD IN ITS BUDGETARY REQUEST FOR THE FISCAL YEARS OF 1976 AND 1977.

(4) THE ROLE OF PAROLE COUNSELORS SHOULD BE EXPANDED TO INCLUDE GROUP AND INDIVIDUAL COUNSELING FOR THOSE INMATES WHO NEED OR REQUEST SUCH HELP.

(5) THE BOARD OF PARDONS AND PAROLES BE ENLARGED AND THAT THE MEMBERSHIP OF THE BOARD REPRESENT A GREATER CROSS-SECTION OF THE STATE, BOTH RACIALLY AND GEOGRAPHICALLY.

(6) TDC SHOULD SUPPLY INFORMATION TO THE BOARD REGARDING THE INMATE'S WORK RECORD, PARTICIPATION IN EDUCATIONAL AND VOCATIONAL PROGRAMS AND DISCIPLINARY PROBLEMS. TDC'S OPERATIVE VETO POWER SHOULD BE ELIMINATED.

(7) THE POINT INCENTIVE PROGRAM SHOULD BE USED ONLY AS A MEASURE OF THE INMATE'S ADJUSTMENT TO SOME PROGRAMS IN TDC AND NOT AS CONTROL OF AN INMATE'S ELIGIBILITY FOR PAROLE.

(8) THE WARDEN'S EVALUATION AND THE PIP SHOULD REFLECT ONLY BACKGROUND INFORMATION ON THE INMATE'S PRISON BEHAVIOR AND SHOULD IN NO WAY BE USED TO DENY PAROLE.

(9) THE BOARD'S PRESENT USE OF FORM NOTICES OF PAROLE DECISIONS IS INSUFFICIENT AND SHOULD BE ELIMINATED AT ONCE. THE BOARD SHOULD GIVE THE INMATE FULL EXPLANATIONS FOR DENIALS OF PAROLE AND INCLUDE SUGGESTIONS ON HOW THE INMATE CAN IMPROVE HIS CHANCES IN THE FUTURE.

(10) TEXAS SHOULD INSTITUTE A FORM OF MANDATORY SUPERVISION FOR ALL INMATES. EACH INMATE SHOULD HAVE SOME SUPERVISION FOR A PERIOD OF TIME AFTER HIS RELEASE FROM PRISON, DEPENDING ON THE INDIVIDUAL INMATE'S NEEDS. SEVERAL POSSIBLE METHODS ARE SUGGESTED:

(a) IF AN INMATE DOES NOT MAKE PAROLE EARLIER, HE WILL ENTER INITIALLY INTO INTENSIVE SUPERVISION UPON RELEASE FROM TDC. TOTAL SUPERVISION TIME WOULD BE EQUAL TO THE GOOD TIME ACCUMULATED WHILE IN PRISON. THE DISCHARGE'S SUPERVISING OFFICER WOULD HAVE THE POWER TO RECOMMEND DECREASE OR INCREASE IN SUPERVISION AS DEEMED NECESSARY.

(b) THE MAXIMUM PERIOD OF MANDATORY SUPERVISION SHOULD NOT EXCEED THE EARNED GOOD TIME THE INMATE ACCUMULATED WHILE IN PRISON. THE BOARD COULD, IF RECOMMENDED BY THE SUPERVISING OFFICER, TERMINATE THE SUPERVISORY PERIOD AND RECOMMEND COMPLETE PARDON TO THE GOVERNOR.

(c) THE BOARD WOULD REVIEW THE PERSON'S CASE ON A REGULAR BASIS, E.G., EVERY YEAR, TO SEE IF THE PERSON CONTINUES TO NEED SUPER-

VISION AT THAT TIME. THE MAXIMUM TIME FOR SUPERVISION OF ANY SORT WOULD BE THE EQUIVALENT OF THE GOOD TIME EARNED WHILE IN PRISON.

(d) THE BOARD WOULD REVIEW THE PERSON'S CASE UPON RELEASE AND SET A MAXIMUM LENGTH OF TIME FOR SUPERVISION, WHICH COULD BE SHORTENED OR LENGTHENED AS THE SITUATION REQUIRED.

(e) THE MAXIMUM LENGTH OF TIME FOR SUPERVISION WOULD BE STATUTORILY SET, E.G., TWO YEARS. LONG PERIODS OF SUPERVISION SHOULD BE AVOIDED IN SETTING THIS MAXIMUM.

(11) CONDITIONS IMPOSED ON THE INMATE LEAVING PRISON UNDER MANDATORY SUPERVISION OR ON PAROLE SHOULD BEAR SIGNIFICANT RELATIONSHIP TO THE INDIVIDUAL'S REASONS FOR COMMITTING THE CRIME.

(12) THE BOARD SHOULD PERMIT TRIAL OFFICIALS AN ENFORCED MAXIMUM OF TEN DAYS TO REGISTER A REASONABLE PROTEST AGAINST THE PAROLE OF A PARTICULAR INMATE.

(13) A THREE-MEMBER COMMISSION SHOULD BE ESTABLISHED TO HOLD REVOCATION AND OTHER HEARINGS FOR THE BOARD, AS REQUESTED BY THE BOARD OF PARDONS AND PAROLES IN ITS BUDGETARY REQUEST FOR FISCAL YEARS 1976 AND 1977. THIS COMMISSION WILL BE ENDOWED WITH DECISION-MAKING POWERS TO TAKE SOME OF THE BURDEN OFF THE BOARD.

(14) THE DEPARTMENT DEVELOP A PROGRAM TO INFORM FAMILY AND INTERESTED PARTIES ON HOW THEY CAN FACILITATE PAROLE.

(15) THE INMATE, OR HIS DESIGNATED ATTORNEY OR REPRESENTATIVE, SHOULD HAVE FULL ACCESS TO THE MATERIALS IN HIS PAROLE RECORD AND BE ACCORDED AN OPPORTUNITY TO CORRECT ALLEGEDLY ERRONEOUS INFORMATION, REBUT ADVERSE INFERENCES AND MAKE AN AFFIRMATIVE CASE FOR PAROLE AT THE HEARING OR BY SEPARATE SUBMISSIONS.

CIVIL DISABILITIES

Beyond the punishment of imprisonment, society imposes additional penalties on the individual convicted of crime including the loss of certain civil, political and other rights. The state of Texas regulates thirty occupations which are restricted by licensing laws to prohibit persons with criminal records or "poor moral histories" from practicing. These occupations include professions such as physician, attorney, architect, dentist, and engineer; as well as vocations such as watchman, boxer, transportation broker, and real estate agent.

The Windham School District, TDC's secondary education funding unit, has been successful in negotiating with the Barbering and Cosmetology licensing boards in order to allow some discretion in enforcing these prohibitions. Inmates may now enter barbering and cosmetology programs while in prison and receive their licenses to practice upon their release. Inmates not enrolled in these programs or inmates wishing to enter other professions continue to be barred from practicing in Texas.

The State Constitution and statutes also prevent felons in Texas from voting, from gaining a driver's license or hunting and fishing license, from serving on juries, and from running for or holding public office.

COMMENTARY

The imposition of these disabilities only increases the lack of job opportunities and social alienation that make recidivism more likely. The numerous disabilities and disqualifications imposed have little relation to the crime committed, the person committing it, or consequently the protection of society. Rather than protecting society, civil disabilities serve in many cases to undercut the taxpayers' investment in TDC's vocational and academic training programs. For example, inmates who work in the Walls Hospital or unit infirmaries receive informal paramedical training from the medical personnel. A former inmate may not, by law, practice as a registered nurse if he has a felony conviction; nor may he practice as a vocational nurse if he is not of "good moral character." This law and its effects do little to serve the best interests of the inmate or of his community. Civil disabilities should be restricted to situations that present a direct danger to the welfare of society.

One way in which the ex-inmate could be brought into a broader vocational spectrum is through government service. State agencies should set the example by hiring ex-offenders on the basis of individual merit.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) THE PRESENT AUTOMATIC IMPOSITION OF DISABILITIES SHOULD BE ENDED UPON COMPLETION OF SENTENCE.
- (2) THE LEGISLATURE SHOULD REVIEW STATUTES WHICH REQUIRE DENIALS OF PROFESSIONAL LICENSES WHEREIN THERE IS NO RELATIONSHIP BETWEEN THE DESIRED OCCUPATION AND THE CRIME.
- (3) THE LEGISLATURE SHOULD ENACT AN EXPUNCTION STATUTE TO REMOVE EXISTING CIVIL DISABILITIES AND MAKE RECORDS OF CONVICTION CONFIDENTIAL AFTER A REASONABLE PERIOD OF TIME IF THE EX-INMATE MAINTAINS A CLEAR RECORD. THE RECORDS OF THE CONVICTION SHOULD BE SEALED, OBTAINABLE ONLY BY A COURT AFTER A SUBSEQUENT CONVICTION TO AID IN SENTENCING.
- (4) ALL STATE AGENCIES SHOULD CONSIDER THE EMPLOYMENT APPLICATIONS OF EX-OFFENDERS ON THE SAME BASIS AS THOSE OF OTHER APPLICANTS.

YOUTH CORRECTIONS

The scope of the research of the Committee has been limited to the study of the state's major correctional institution, the Texas Department of Corrections. Although not specifically mandated in the Committee's enacting statute, SCR 87, the operation of the juvenile correctional system certainly bears the same need for intensive research as TDC.

The now-famous **Morales v. Turman** decision as handed down earlier this year in Eastern Federal District Court has provided the most exhaustive and well-funded study ever performed on the juvenile correctional system in Texas. Judge Wayne Justice's order to abandon two of the state schools because of what the court found to be indefensible institutional cruelty and deprivation was certainly the most publicized of the court's decisions. However, **Morales** provides for a broad range of alterations of TYC policy, beginning with a move to programs of community-based corrections. Because of the court's sweeping orders, the Committee decided early in its research to de-emphasize the area of juvenile corrections and to allow the **Morales** decision time to establish its impact within TYC before the Committee began evaluating TYC policies. A brief survey of a few of the TYC institutions, and recommendations in light of the survey are contained in this section of the final report.

BACKGROUND DATA

The Texas Youth Council (TYC), established and organized in 1957, is responsible for delivering youth services to two separate legally defined groups of juveniles: juvenile delinquents, and dependent and neglected children. Juvenile delinquents (males between 10 and 17 and females between 10 and 18 may qualify) are placed in institutions known as "state schools." TYC operates nine state schools and one statewide reception center for delinquent boys and two state schools and one statewide reception center for girls. Dependent and neglected children (children under 16 may qualify) are placed in any of six TYC coeducational institutions known as "state homes." Total institutional capacity is 4235; TYC's last annual report (1972) shows its average daily population has dropped from 2382 in 1968 to 2148 in 1972, or 51% of total capacity.

Entrance to TYC is by court order only. Minors who violate state laws, or who habitually violate laws of any political subdivision, or who habitually violate compulsory school attendance laws, or who habitually deport themselves so as to injure morals or health, or who habitually associate with vicious and immoral persons may be judged "delinquent" and be institutionalized in a state school. Minors who are abandoned by their parents or guardians, who are neglected, who live in a house of ill fame, whose parents permit their addiction to intoxicating liquors, or whose parents permit them in or about a place where intoxicating liquors are sold may be judged "dependent and neglected" and be placed in a state home. Exit from these institutions is permitted at age 17 for males and at age 18 for females, provided TYC feels discharge will serve the best interests of both the child and the community. Delinquents may be considered for parole.

TYC is governed by a three member council appointed by the Governor for six year terms. An executive director sees to the operation of the facilities and programming and recommends to the Council candidates for employment. Each facility is maintained by a superintendent who is responsible for all employees of the facility and the treatment of the residents.

CONDITIONS BEFORE MORALES

The **Morales** case brought to light an assortment of practices at TYC facilities which seem quite similar to many of those the Committee found at TDC. Of greatest concern to the Committee is that TYC facilities were operated at the discretion of the local administrative executive.

Beatings, intimidations of residents, denial of basic human rights, racism, reliance on undereducated and non-professional staff, failure to provide adequate medical services, lack of treatment facilities, absence of therapeutic programming, and overdependence on drugs to "quiet" mentally disturbed residents were all found to be rampant by the federal court. Since a major portion of the problems stemmed from the absolute control of the local superintendents, residents were effectively prevented from voicing complaints. Censorship of all incoming and outgoing mail (for some of the same reasons presently used by TDC) eventually led to the filing of a case by two attorneys who were prevented from enjoying a confidential relationship with their clients, two TYC residents. The resulting decision rendered in federal district court prohibited, among other practices: the general use of corporal punishment, the general use of tear gas, any use of Mace, segregation on the basis of race, unmonitored solitary confinement, and censorship of mail. The court ordered TYC to employ a court-selected ombudsman, to employ 2 full time registered nurses at every facility, to establish recreational and educational programs, to screen all new employees by submitting them to psychiatric testing, and to permit visitors during the weekdays.

The court's order was meant not to solve all of TYC's shortcomings, but rather to set the stage for a more enlightened atmosphere in which treatment of juveniles could be expected to begin.

CONDITIONS SINCE MORALES

During the summer of 1974 a Committee staff member visited four state homes, two state schools, and a statewide reception center. In a series of working papers and a summary paper, the Committee was informed that although concern for care of the committed juveniles was predominant at every level, there was shown an appalling lack of consistency and effective communication both within the individual facilities and within the TYC "umbrella" itself. While the effect of the court decision seems to have been a weakening of the absolute control of the superintendents, no corresponding network seems to have developed to strengthen the organization internally. Perhaps more time should be allowed to permit this network to develop naturally, but the immediacy of the court's order ought to prompt rapid executive planning in this most critical of organizational areas.

The types of services TYC is mandated to perform take two unique forms and should be treated distinctly on all possible levels. No clear distinction exists between state homes and state schools, despite the fact that juvenile delinquent children and dependent and neglected children characterize poles of human problems. Administration, programming, classification services, every aspect of the two should be separated to reflect the separate purposes of state "homes" and "schools."

State Homes: Since state homes exist to provide at least a semblance of home-like environment for non-parented children, state homes should endeavor to allow their children as much latitude in creating an atmosphere of comfort as one would normally expect to find in a home. Yet with the exception of the Waco State Home, children in state homes are restricted from even decorating their walls. Meals are taken in massive, regimented, impersonal cafeterias, rather than in the children's cottages or dormitories. Houseparents are employed in shifts, preventing them from effectively planning activities and forcing them into the role of caretakers. Siblings are separated, and boys and girls on even the youngest levels are segregated in contrast to the practice of most families and public schools.

As in most state social service facilities, the need for increased funding is starkly apparent. In the case of state homes, money problems are similar to those one would expect to find in a family: a little money is needed to buy things for school or extra-curricular activities. Children

living at the Corsicana Home are fortunate in that they have access to an endowment fund; no other homes have one.

State Schools: The effect of the **Morales** decision seems to have produced more confusion within the state schools than within the state homes. State homes are trying to normalize while the state schools are just beginning to formulate common enforcement patterns.

Positive peer culture, a behavior incentive program which has been contracted through a professional commercial training group, is one way TYC is experimenting with making the schools more democratic. However, this democracy is bounded by such outmoded controls as a merit system, effectively reducing the realism of the training. Smoking, a common area of experimentation among teenagers, is looked upon as a carefully guarded privilege at some units and as forbidden under any circumstance at other units. These types of inequitable enforcement and archaic rules seem to impede whatever attempted change in policy and tone that is being devised.

Education, the primary rehabilitational exercise which the schools provide, is in many cases good. The major problem, according to the Committee research is making sure that teachers are available on units where classroom exists and that classrooms are available where teachers have been hired.

THE JOINT COMMITTEE ON PRISON REFORM RECOMMENDS THAT:

- (1) TYC SEPARATE STATE SCHOOLS FROM STATE HOMES AT EVERY POSSIBLE OPERATIONAL AND PHILOSOPHICAL JUNCTURE.
- (2) TYC CONTINUE THE POLICY OF DE-INSTITUTIONALIZATION.
- (3) TYC ESTABLISH CONSISTENT POLICIES FOR STATE SCHOOLS; TYC ESTABLISH CONSISTENT POLICIES FOR STATE HOMES.
- (4) TYC PERMIT INTEGRATION OF THE SEXES AMONG YOUNGER CHILDREN.
- (5) TYC EXPAND THE EDUCATIONAL PROGRAM.
- (6) TYC CONTINUE ITS MOVE TOWARD COMMUNITY-BASED CORRECTIONS.

Finally, one of the most persistent problems in youth corrections lies beyond the scope of TYC's jurisdiction. The abuse of arrest and arraignment records in situations dealing with juveniles is a problem widespread throughout Texas. Juveniles who have been arrested and released without charge, who have been charged and found innocent, or who have been arrested and released at the discretion of the judge after a given period of time are often prevented from gaining employment because of illegal release of their records. Although this information is supposedly deemed confidential, a number of police departments make a standard practice of releasing this information to potential employers. This abuse should be ended by permitting youth records to be placed under judicial seal, so that no one may have access to them without a judicial order. Further, police departments should be enjoined from releasing this information without judicial order and should be subject to regulatory statute preventing their abuse of confidential records.

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