

BEHIND THE WALLS

*A Guide for Family and Friends
of Texas Inmates*

Jorge Antonio Renaud

Number One:
North Texas Crime and Criminal Justice Series

The University of North Texas Press
Denton, Texas

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First Edition

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University of North Texas Press

PO Box 311336

Denton, TX 76203-1336

940-565-2142

Library of Congress Cataloging-in-Publication Data

Renaud, Jorge Antonio, 1956–

Behind the walls : a guide for families and friends of Texas prison inmates /

Jorge Antonio Renaud.—1st ed.

p. cm. — (North Texas crime and criminal justice series ; no. 1.)

Includes index.

ISBN 1-57441-152-7 (cloth : alk. paper) — ISBN 1-57441-153-5 (pbk. : alk. paper)

1. Prisons—Texas. 2. Prison administration—Texas. 3. Prisoners—Texas.

I. Title. II. Title: Guide for families and friends of Texas prison inmates. III. Series.

HV9475.T4R46 2002

365'.6'09764—dc21

2002009176

Behind the Walls: A Guide for Family and Friends of Texas Inmates is Number One:
North Texas Crime and Criminal Justice Series

Photographs by Alan Pogue

Design by Angela Schmitt

Dedication

Para mis tres mujeres;
mi ama, Marina, por su amor;
mi esposa, Lisa, por su fe;
y mi hija, Catarina, por su vida.

For my three women;
my mother, Marina, for her love;
my wife, Lisa, for her faith;
my daughter, Catarina, for her life.

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Acknowledgments

Writing from prison, with few resources and in the face of institutional hostility, can be a frustrating, despairing, and enlightening experience. This book would not have been possible without the assistance of my brothers Esteban and Roberto, my sister Susana, and my father. Thanks to Scott Nowell for the unit profiles and legal nudges, and to Sheldon DeLuca and Rudy Rios for technical help. And thank you, Lisa, for never flinching at my tantrums and requests/demands.

Introduction

I am going to tell you about Texas prisons. Forget what you've seen in the movies. Forget what you've read in newspapers, and what you are shown for a few minutes on your local news. The media, which seldom can be rightfully accused of purposely misinforming Texans about their prisons, nevertheless relies on official sources for its news. Newspapers and news stations rarely show you an inmate's view of prison. What is important to the prison director may not be important to the inmate's wife, or mother, or son.

I first came to prison in 1977, left for eight months in 1979-80, returned in May of 1980, paroled in 1987, returned in 1991 and will not leave until at least 2006. Despite my criminal history, I am an intelligent, educated man, and for years I have considered how I might address the problems that face convicts and their families. Because, for decades, those who care about inmates have been kept in the dark when it comes to almost every imaginable facet of prison life. They have been forced to rely on officials—who often have treated them with the contempt those officials feel for inmates—or they have been forced to depend on the inmates themselves, many of whom are inarticulate, do not understand the system themselves and thus cannot explain it, or will simply not tell the truth, even to their families.

In turn, without meaningful help, many convicts have never addressed the personal problems that caused their criminal behavior. They then returned to prison, leaving behind shattered lives and children who, more often than not, followed in their criminal footsteps.

What I say may surprise you. It may bore you. It may horrify you. It will surely anger some Texas Department of Criminal Justice (TDCJ) officials, who would prefer you remain unaware of the differences between official policy and daily practice. What I say will anger certain inmate groups, who would prefer the public not know of their existence, much less their aims and methods. Within the limits of respect and reason, I don't care if I offend those two groups.

The friends and families of inmates are also victims, torn between their sympathies for the people directly affected by criminals and their

empathy for their sons, daughters, fathers, brothers, sisters, mothers, and friends in prison. Their loyalty will not allow them to abandon their loved ones, even as they struggle with shame, embarrassment, disbelief and maybe disgust at what those loved ones did. Their plight is a difficult, long-ignored gray area in prison politics. I hope this book helps them.

I want to point out a few things you should keep in mind while you read the topics I will later discuss in depth.

1. Almost everything that concerns inmates—where and how often they are allowed to recreate; whether they are allowed contact visits; when they will become eligible for parole; everything is affected by their *custody level*, sometimes referred to as their *status*. I will refer to both frequently. They are the same. For all intents and purposes, any penal institution in Texas that is surrounded by razor wire and guarded by armed guards with orders to shoot escapees is a maximum-security facility. Custody levels are simply the classes within each institution that govern how much freedom and how many privileges inmates have within that particular prison. More about this in chapter one.
2. In any particular prison, the warden is *God*. I do not exaggerate. Some guards tremble when the warden comes around. He, or she, sets policy, hands out favors and decides by his or her actions the tone and mood of that unit. This is important to remember. If you are confronted with a policy contrary to those described in this book at a unit your son or daughter is assigned to, it is most probably because of a warden's direct order or indirect approval.
3. In every Texas prison, security is the most important thing on any guard's mind. Security is simply preventing escapes, and any action or person who helps or encourages an inmate to escape affects security. Everything else is secondary, including staff and inmates' rehabilitative needs—*everything*.

Two examples:

- a) In 1974, Fred Gomez Carrasco took eleven hostages at the Walls Unit in downtown Huntsville and attempted to use them as shields in an escape attempt. A gun battle ensued. Two hostages were killed, along with two inmates. No one escaped. On almost every Texas prison, on at least one gate, a sign coldly declares, “No hostages exit through this gate.” This is not for the inmates’ benefit, but so all officers and staff will understand—inmates will not be allowed to buy their freedom by taking hostages, not in Texas.
- b) In 1996, on the French Robertson Unit near Abilene, a guard fired a “warning” shot at an inmate he claimed was fleeing from an outside work squad. The “warning” shot struck the inmate between the eyes, killing him. There was no outside investigation. The annual Officer of the Year competition for the Robertson Unit was declared over by the unit warden, who honored the guard who had killed the fleeing “escapee.”

So, if a policy seems strange to you, or goes opposite to what common sense says would best serve an inmate’s personal needs, ask yourself, “How does this policy enhance the security of this unit?”

- 4) I refer to all prison personnel as staff. TDCJ policy makes a distinction—officers wear gray and are considered law enforcement personnel, at least to a degree. Staff members —nurses, counselors, chaplains, maintenance, and industry supervisors—wear street clothes and are not involved in the day-to-day supervision of inmates. When I say staff in this book, however, I am speaking of any person employed by the state and involved in a prison’s administration, unless I specifically note otherwise. The reason for this is that every person working within TDCJ walls has the power to write disciplinary reports on inmates, which affect the inmates’ custody and thus their parole eligibility. So, it makes little difference to us what clothes they wear when they wield such power over us.
- 5) I will refer to inmates throughout this book as “he.” This is not

an attempt to slight or ignore the female inmates. It is a recognition that, except for minor housekeeping and medical facets aside, females undergo the same tribulations, are affected by the same policies, must adhere to the same regulations and are treated the same by TDCJ staff. Where they truly differ—in their needs as pregnant women and as mothers—is an area I have addressed in the chapter on medical care.

A Short History of Texas Prisons

In order to understand the Texas prison system and how it deals with inmates and their families, you need to know a little of Texas prison history and the psychology that drives prison officials.

First, prisons don't make money for the state, and this irritates bureaucrats to no end—that, with more than 100,000 able-bodied, convicted criminals at their disposal, the Texas Department of Criminal Justice (TDCJ) cannot be labor intensive enough to at least break even, or make a dollar, as it used to. At one time, under the convict lease system—in which corporations or wealthy individuals would lease convicts from the state for private use—enough money was made so that Texas didn't need to appropriate funds from prisons. Convicts used to be leased to railroads, plantations, and mining corporations. However, the lessors—Ward Dewey Corporation of Galveston, which leased the entire penitentiary from 1871 to 1877; E. H. Cunningham and L. A. Ellis, who leased Huntsville prison from January 1878 to March 1893; and many others—spread the wealth around. They paid Texas officials for the right to have their hired prisoners pile up the profits.

By 1910, corruption in the prison system was so pervasive that the fountain of wealth—the leasing system—was abolished in a wave of reform, but scandals continued. During Miriam “Ma” Ferguson’s reign as governor, she and her husband, ex-governor “Pa” Ferguson, were accused of pardoning an average of one hundred convicts monthly for payments in cash or land. Their excesses led to a state amendment that abolished the Board of Prison Committee and established a nine-member Texas Prison Board—which essentially just served the purpose of trading riders in mid-race.

The gravy train rolled on. (If early prison board members believed in rehabilitation, they did so in secrecy, except for perhaps Thomas J. Goree. As prison superintendent from 1878 to 1891, Goree believed that the Lord would lead one rightly, even if one was a Texas convict. Accordingly, he established weekly worship classes with rudimentary training in basic subjects, and he set up a library with a few thousand volumes.) During the 1930s, Texas governors avoided prison issues and continued

to sell pardons at generous prices. A happy face was put on prison conditions, mostly through good public relations efforts. The Texas Prison Rodeo, a wild-West extravaganza featuring convict cowboys hurling their untrained bodies in front of wild bulls in exchange for applause and a few dollars, began its fifty-five-year run in Huntsville in 1931. An all-convict cast was featured on Fort Worth's "Thirty Minutes Behind the Walls," a radio program that put a positive spin on prison life.

But little was in fact positive. Reports of unsanitary living conditions, of atrocities committed by employees and of mysterious deaths of convicts persisted and were just as persistently ignored. The system instead threw money, as it always has, at improving security and increasing its industrialization. Oscar B. Ellis, who in 1948 was appointed to head the system, talked the Legislature out of funds and promptly increased expenditures for fences, floodlights, and picket towers. George Beto, who succeeded Ellis, expanded the industrial scope of the then-Texas Department of Corrections, developing a dental laboratory, garment factories, a bus-repair shop, a tire recapping facility, a coffee roasting plant, and other industries, all implemented to increase the cost effectiveness of what was supposedly the country's most peaceful, well-run prison system. It had to be the best run, most peaceful system, because, after all, unlike New York's Attica state prison and unlike the California system, the Texas Department of Corrections (TDC) did not erupt in violence in the 1960s. Texas convicts were all gainfully employed in meaningful trades; all were serving out their sentences brimming with health and repenting willingly while under the benevolent eyes of the fair but firm TDC.

But it was untrue, and by the early 1970s a determined band of prison writ-writers, assisted by a wisp of an Eastern interloper and a crusty East Texas judge, filed an extraordinary series of lawsuits that exposed the brutalities in TDC and forced massive, structural changes. These changes didn't come easy. Until 1964, United States courts had adopted a hands-off attitude toward prisons, showing total deference to administrators whenever prisoners complained about conditions. Inmates trying to get into the federal courts faced daunting procedural barriers, not to mention severe harassment from prison officials—harassment that in Texas often included beatings by both staff and their lackeys, the building tenders, or inmate guards.

In most instances, inmates were not allowed to assist each other in preparing writs. They were allowed limited, if any, access to lawbooks, and each Texas unit had its own rules regarding who could visit the law library—if one existed on that unit—and how legal materials could be stored. Prisoners' correspondence with attorneys was often destroyed. Inmates trying to have their writs notarized had to get the approval of prison officials, who served as notary public officials inside prison. As a result, those officials were then put on notice that they were the subjects of those same lawsuits, with predictable results—harassment of the inmates filing the writs. Inmates existed in a land where the Constitution was but a rumor, and its rights did not extend to them.

Cracks appeared in that wall when the U.S. Supreme Court, in 1964, ruled that Muslim prisoners asking access to the Quran and opportunities to practice their religion did indeed have the right to challenge the practices of prison officials. Five years later, the gap widened as the Supreme Court, ruling in *Johnson v. Avery*, frowned on Tennessee regulations prohibiting convicts from helping each other in legal matters. Writing for the majority, Justice Abe Fortas said, “[U]nless and until the state provides some reasonable alternative to assist inmates in the preparation of petitions for post-conviction relief, it may not validly enforce a regulation . . . barring inmates from furnishing such assistance to other prisoners.” *Johnson v. Avery*, 89 S.Ct. 747 (1969).

Inmates, and the lower courts, took notice. Across the country, especially in the plantation-type Southern prisons, inmates began to file legal protests that increasingly found the ears of federal jurists. In 1970, a federal district court declared the entire Arkansas State Penitentiary unconstitutional and was upheld by a higher court. *Holt v. Sarvar*, 412 F.2d 304 (8th Cir. 1971). In 1974, the medical care provided by the Alabama prison system was declared constitutionally inadequate, a decision also upheld by a higher court a few years later. *Newman v. Alabama*, 559 F.2d 283 (5th Cir. 1977). The Mississippi Prison system was declared unconstitutional in 1975, a decision upheld by the 5th Circuit. *Gates v. Collier*, 501 F.2d 1206 (5th Cir. 1977).

Two factors enabled inmates to topple entrenched prison systems: activist judges taking their cue from the Supreme Court, and a novel approach that looked not at one aspect of a prison—which by itself

might not violate constitutional standards—but at its entire operation.

In the Mississippi case of *Gates v. Collier*, the court commented that, “Each factor separately may not rise to constitutional dimensions; however, the effect of the totality of those circumstances is the infliction of punishment on inmates violative of the Eighth Amendment.” Meanwhile, writ-writers in what was then the TDC had found an advocate whose assistance would be pivotal in the events to come. Frances Jalet, an Eastern lawyer who had felt the sting of gender discrimination, came to work for the Legal Aid and Defender Society of Travis County. She had begun to visit inmate Fred Cruz, then at the Ellis Unit, in 1967. With her urging and assistance, Cruz and Robert Novak filed a petition protesting the TDC rule prohibiting inmates from assisting one another in legal matters. Although their writ, *Novak v. Beto*, 453 F2d 661 (5th Cir. 1971), was denied by the Fifth Circuit, it was on the edge of a shift—away from the blanket approval of all claims made by prison administrators and toward the more exacting standard then being applied to other Southern prisons.

Texas inmates continued pounding at the gates. In October of 1971, the Fifth Circuit sent back to district courts a case claiming constitutional violations by prison regulations on an issue that had already been addressed by numerous federal courts—inmates helping other inmates with legal assistance. Reluctantly but firmly, the court concluded that, “[I]nterference with federally guaranteed rights may not be insulated on the basis that everything which occurs within prison walls is protected as prison administration.” *Rocha v. Beto* 449 F2d, 741. Director Beto reacted predictably—he ordered TDC wardens to ban Frances Jalet from visiting her clients in prison, thus effectively severing communication between Jalet and her inmates. The uproar from Texas attorneys was immediate. Members of the state’s more prestigious firms raised the roof and were backed by a concerned attorney general’s office. Beto offered a compromise—he would transfer all of Jalet’s prisoner clients to one prison and allow her to visit them there.

Of all the miscalculations and mistakes made by TDC officials during the *Ruiz v. Estelle* era, none was bigger than this. Beto’s decision was predicated on his belief that, gathered under one prison and under

the watchful eye of Warden Carl “Beartracks” McAdams—not known as a lover of inmates in general and of writ-writers in particular—the band of jailhouse lawyers would be intimidated and disband.

McAdams did what he could to expedite just that. He created a work squad for the group, the infamous Eight Hoe, which was forced to perform the most demanding jobs on the unit. None of the writ-writers were allowed to attend Windham school or college classes. They were denied many recreational and commissary privileges, on the flimsiest of reasons. But regardless of obstacles, the time they were now able to spend together enabled them to share information, tactics, and strategy. The isolation and harassment they faced fused them into a band with one purpose—to use the courts to change the system that was trying to crucify them.

Within one year, the group filed four class-action suits that were instrumental in shaping Texas prisons over the next three decades: (1) *Guajardo v. Estelle*, 580 F.2d 748 (5th Cir. 1978), which transformed TDC correspondence rules, (2) *Lamar v. Coffield*, 353 F. Supp. 1081, which ultimately desegregated the system, (3) *Corpus v. Estelle*, 551 F.2d 68 (5th Cir. 1977), which forced TDC to finally remove all restrictions against “jailhouse lawyering”; and, of course, (4) *Ruiz v. Estelle*, 503 F. Supp. 1265 (5th Cir. 1980).

In prison lore, Judge William Wayne Justice picked the petition of David Ruiz—handwritten on toilet paper—off a stack of similar complaints. The judge himself said that Ruiz’s writ was chosen from among the others because Ruiz—an Austin native, who had been in and out of prison since his teens—had complained about a range of issues, and that best fit the “totality of circumstances” standard then being adopted by higher courts. Justice was not immune to his role in the case and to the criticism that he took too active a role in it, but he was inured to it. While on the bench of the Eastern District, he had ordered the integration of East Texas schools and a restructuring of the Texas Youth Council—the state’s reform schools—and was widely reviled by many of the state’s more conservative citizens for his willingness to become involved.

In a 1990 speech at a Stanford University, Justice explained his actions and made a compelling argument that activism is at times called for to keep the Constitution viable. He recalled that, early in his career

as a sitting judge, he was struck by the inept attempts by prisoners to present grievances against the state and by the obviously unfair advantage prison officials had. “I was more than troubled by this state of affairs; I was offended by it,” Justice said. “Given the fact that TDC was always represented by counsel, while prisoners had to appear *pro se*, and given the consequences that inevitably followed, one side of a controversy was routinely going unheard. This, it seemed, and it still seems, did not accord with the goals and aspirations of our adversarial system of justice,” the judge said. In other words, Justice believed it was his duty to allow the prisoners the chance to present their complaints and to provide them with an attorney who could navigate the legal maze the state’s attorneys were sure to erect. In doing this, Justice admits his role in kick-starting events but defends them as a search for the truth.

“I have no hesitation in accepting that what I did can properly be called judicial activism,” Justice said. “I was surely not passive. No one told me to consolidate those cases. No one told me to file a motion for an attorney. I simply wanted to know what was going on.” And he found out, as did the state’s citizens, in 159 days of testimony by hundreds of witnesses—inmates, guards, and attorneys. Ruiz and the other petitions that Justice had consolidated into one case accused W. J. Estelle, who had succeeded Beto as prison director, of: (1) running a corrupt empire that granted select inmates life and death control over other convicts, (2) ignoring the medical and psychological needs of Texas convicts and allowing other inmates to become pseudo-doctors who were allowing to diagnose and treat illnesses without the slightest training, (3) warehousing three and four inmates in cells designed for one, (4) arbitrarily tossing inmates into dungeon-like solitary confinement without the slightest nod to due process, (5) denying and indeed actively preventing inmates from pursuing relief in the courts.

Estelle and the state’s lawyers denied it all. But on December 12, 1980, in a ringing denunciation to the state, Justice issued an opinion finding for Ruiz and his fellow inmates in words that bear repeating:

“The trial of this action lasted longer than any prison case—and perhaps any civil rights case—in the history of American jurisprudence. In marked contrast to prison cases in other states, the

defendant prison officials here refused to concede that any aspect of their operations were unconstitutional, and vigorously contested the allegations of the inmate class on every issue . . . It is impossible for a written opinion to convey the pernicious conditions and the pain and degradation which ordinary inmates suffer within the TDC walls—the gruesome experience of youthful first offenders forcibly raped; the cruel and justifiable fears of inmates, wondering when they will be called upon to defend the next violent assault; the sheer misery, the discomfort, the wholesale loss of privacy for prisoners housed with one, two, or three others in a forty-five foot cell or suffocatingly packed together in a crowded dormitory; the physical suffering and wretched psychological stress which must be endured by those sick or injured who cannot obtain adequate medical care; the sense of abject helplessness felt by inmates arbitrarily sent to solitary confinement or administrative segregation without proper opportunity to defend themselves or to argue their causes; the bitter frustration of inmates prevented from petitioning the courts and other governmental authorities for relief from perceived injustices . . . But those iniquitous and distressing circumstances are prohibited by the great constitutional principles that no human being, regardless of how disfavored by society, shall be subjected to cruel and unusual punishment or be deprived of the due process of the law within the United States or America . . .” *Ruiz v. Estelle*, at 1391.

The impact of *Ruiz v. Estelle* is incalculable. The state finally did away with the hated building tenders, and as a result had to embark on a massive hiring spree to bring the ratio of guards to prisoners to an agreed-upon six-to-one. To comply with the population caps ordered by Justice—and to institute the mandated changes in cell and dormitory space—the state was forced to upgrade old prisons and build new ones, a costly and time-consuming procedure that was begun while the state, under the pressure of population caps, was forced to release thousands of convicts with only minimal review and safeguards. The result was foreseeable. A few convicts committed heinous acts that raised a tremendous outcry

from Texans as to why the TDC was releasing so many prisoners. Among them, Kenneth Allen McDuff, whose sentence for the 1966 murders of three teenagers was commuted to life in prison, and who was released in 1989. In 1993 he killed again and was executed in 1998. He was also suspected in the murders of more than a dozen other women. The changes resulting from the public response are collectively called the “McDuff Rules.”

Legislators, sensing the mood, screamed for reforms in the parole process, which necessitated more prison space. Texans approved billions of dollars for more prisons, which were, in the recession-laden 1980s, seen as economic boons to depressed, mostly rural communities. As a result of all those forces, a prison-building boom resulted in a newly named TDCJ, which is comprised of approximately 140 units, houses 140,000 prisoners, employs 25,000 guards and is by far the largest, most costliest state agency. But, without a doubt, the system has improved. Throughout this book, I’ll refer to pre-*Ruiz* policy or pre-*Ruiz* conditions as a way of signifying or amplifying the differences wrought by that case.

In June of 2002, Judge William Wayne Justice signed a two-sentence order effectively removing TDCJ from federal oversight. It remains to be seen if state prison officials adhere to the reforms mandated by twenty-two years of court supervision.

CHAPTER ONE

diagnostic

Since October 1, 1849, when a horse thief became the first person to be held in the state's custody instead of by local law enforcement, Huntsville has been synonymous with Texas prisons. The beautiful town of Huntsville—nestled in the midst of the state's most lovely forests; four votes from being state capital instead of Austin; adopted home of General Sam Houston—is, nonetheless, by virtue of that first prison, fated to always be linked with prisons in the minds of Texans. That unit, built in what would soon be downtown Huntsville and known as the Walls, also soon included the growing system's administrative offices. Over a century later, as the system began to expand rapidly, it became obvious that a separate unit was needed as a processing center. The Diagnostic Unit, built in 1964 a few thousand yards from the original Walls, became that intake unit. While there are now other units that may also serve some of the functions as the Diagnostic Unit, (now called the Byrd Unit), it was the first, it remains the most thorough, and it is the one I will use as a model.

Once men and women are sentenced to prison, they wait in the county jail until they “catch the chain” to Huntsville. That phrase—probably a reference to either the way inmates were chained together outside over-

flowing small jails or to one-time chain-gang work squads—means to be transported, by county or state vehicle, to prison. TDCJ does not allow inmates to keep their clothes, radios, televisions, books, etc., but neither does it give inmates advance warning that they will be on a particular chain on a given day. If you have been convicted and are awaiting transportation to Huntsville, it is best that you have someone pick up all that you can not take with you. The only items allowed to each inmate are a watch, a wedding ring, a chain and religious medallion, and a pair of shoes. If inmates have cash money, it will be taken and deposited into an account in the inmate's name and number after arrival. Incoming inmates should understand that if their jewelry and shoes are gaudy and/or expensive, other inmates will try to steal them. Since TDCJ sells inexpensive watches and shoes, I advise inmates to bring only an inexpensive chain with attached religious medallion, and, if married, a small wedding band. Anything else will attract attention and trouble. The first few hours at Diagnostic are by turns boring—inmates sit around in shorts and socks for hours at a time—and terrifying, at least to new inmates. The officers do what they can to impress inmates with the seriousness of the situation, and their gruff demeanor and harsh commands usually intimidate the newer inmates. Most experienced convicts are used to this, but “drive-ups” are noticeable by their bug-eyed faces and rigid postures. While stories of violent “testing” of new inmates by other inmates are mostly true, this will happen, if at all, upon arrival at one's assigned unit, not at the Diagnostic Unit.

TDCJ does not allow long hair or facial hair on male inmates; so all males get a burr, are ordered to shave, and may have to submit to a spraying of intimate areas with disinfectant. Inmates are allowed to spend a few dollars on necessary items and are assigned to cells. Although TDCJ has a policy of integrating inmates regardless of their prejudices, this will not happen until inmates arrive at their assigned units. While on Diagnostic, all inmates are assigned cellmates of the same race and roughly similar age and criminal history. This is to avoid violence before the system gets a chance to identify those prone to violence.

The purpose of Diagnostic is to examine inmates in order to better classify them so they will present the least security risk to TDCJ. Any talk about an inmate's rehabilitation and personal needs is way down the

list of priorities. This is important: the system is not there to rehabilitate, to perform surgery, or to provide education or substance abuse counseling. Those may be a by-product of prison, but they take a back seat to security. The mission of TDCJ is to incarcerate convicted criminals and to ensure they don't escape. Becoming aware of physical and mental problems that may threaten the efficient running of a prison is part of incarceration. That is why Diagnostic exists—to physically, mentally, emotionally, and psychologically test inmates and assign them to units where they will present the least amount of security risk.

For example: if an inmate's knee problem is not discovered and he later claims it was created or worsened through TDCJ negligence, the funds and manpower wasted disproving that assertion detract from the incarceration mission of the system. Fixing the knee is a by-product of that concern. If an inmate has psychological problems that should be addressed and corrected before that inmate can safely return to society and contribute to society is of little concern to TDCJ. Identifying those problems is only important in case they might contribute to a violent attack on staff or inmates or perhaps lead that inmate to attempt to escape. All testing is geared to dig out anything that may cause problems for TDCJ. Any benefit the inmates receive is coincidental.

Inmates are given hearing, eye, and dental examinations, which are as thorough as can be expected, given the cattle-call aspect of the health care provided through the managed health care system. Inmates are given IQ tests and something called an Educational Achievement (EA) test, which the system uses to have some sort of standard for admittance into the vocational courses offered in prison but that has little free-world relevance. Inmates are interviewed by sociologists and quizzed about their criminal, social, institutional, educational, employment, family, military, and substance abuse history. If it is determined that an inmate has lied in his responses, he may be given a disciplinary case. TDCJ takes the diagnostic process seriously, because that is how inmates are classified, and classification leads to custody levels, which *affect security*.

There are four levels of custody—minimum, medium, close, and maximum, or administrative segregation (ad seg). (See chapter six for a more detailed explanation of administrative segregation and protec-

tive custody.) Initial custody assignments are determined by an inmate's length of sentence, age, charge, and by his behavior in the county jail and in Diagnostic itself. As I said in the introduction, almost every Texas prison is maximum security. Custody applies to the directness of supervision and degree of freedom that inmates have within a particular unit. Minimum custody inmates have more freedom and privileges than medium custody inmates, who have more freedom and privileges than close custody inmates, who for the most part have more freedom and privileges than inmates in ad/seg. (I'll clear up the "most part" in chapter six.)

However, and this may seem strange to those not familiar with prison: a convicted murderer sentenced to life can be in minimum custody, and a hot-check writer with a three-year sentence may be in close custody. Both may be in a maximum security environment, but a murderer who follows rules, keeps quiet, performs his assigned duties while showing no inclination to threaten the security of the unit (to escape), and does not threaten the staff or other inmates will be granted minimum custody status. The murderer may never be given a job outside the fence, but he will be allowed as much freedom within the fence and will be awarded as many privileges as a non-violent, short-term offender. TDCJ, to a large extent, does not care what you did to get in prison—what matters is what you do within its fences.

The Reception and Diagnostic Center Classification Committee (RDCCC), now armed with the results of the tests and whatever personal evaluations were done by the sociologists and psychologists, will assign each inmate to a unit and recommend a custody level, good time-earning category, and may recommend a job assignment. Once an inmate arrives at his unit, he will be given a job and housing in line with his custody designation. The system tries, within limits, to assign inmates with similar characteristics together. It reserves certain units for certain types of offenders. Some are for first-time, youthful offenders, others for older convicts; some have special arrangements for the handicapped, some for the psychologically disturbed. But with more than 140,000 inmates, the best that can be done is to try for a balance—a racial balance, an age-group balance, and a balance between lifers and short-timers. There are exceptions.

If an inmate is twenty-two, in prison for the first time, has a five-year sentence for drug possession, no criminal history, and a degree in business administration, he may be classified a minimal risk and assigned to one of the smaller, medium-security units, or even be assigned to an outside trusty camp. Then again, he may go to the Robertson Unit and be assigned by the Unit Classification Committee to the field squads, where he immediately gets into fights because of his youthful appearance or his precise, educated diction. He will then be demoted in status, to medium or perhaps close custody, and have to do his sentence day for day.

It's a roll of the dice. While TDCJ strives for a mix, if an inmate fills a need, he will be assigned wherever and however that need is best met. Once in the system, at his assigned unit, he may find a way—via educational or vocational programs, mostly—to get transferred to a unit more conducive to his needs, but TDCJ doesn't consider those needs a priority, unless they are medical. *Do not* expect proximity to family to be a factor when inmates are assigned to their unit.