

**The Bill Blackwood
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**Texas Prison Rehabilitation:
Can It Work?**

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ABSTRACT

A problem plaguing law enforcement today is the overloaded and overcrowded Texas prison system. It is like the saying what happens in Vegas stays in Vegas. The same can be said for many people who believe what happens in prison stays in prison. What many people do not realize is what happens in prison may at some point effect them once the offender is released.

Many of the men and women incarcerated in the prison system will, at some point, be released, either through time served, bond, parole, or the completion of a rehabilitation program. After their release, there is a possibility they will reoffend by either committing the same or maybe even a more violent crime. One might think that being incarcerated would keep a person from reoffending, but many offenders do not know any other way of life; therefore, the offender will need a rehabilitation program in an attempt to prepare them for when they are released to hopefully become a productive member of society.

Del Rosario (2010) cited exposure to those knowledgeable to crime as another downfall of the prison environment's supposed rehabilitation efforts. Del Rosario (2010) stated, "You go in there with an Associate's Degree in Crime and you leave with a Doctorate," he says. You're in there with the worst of the worst, and learn from the best" (p. 3). Many people would probably say that the prison system of today varies dramatically from that of the early prison system which relied heavily on punishment and very little rehabilitation. Regardless of why a person is incarcerated, a shift in focus needs to be done by looking into more rehabilitation programs in an attempt to reduce the number of offenders being housed in the Texas prison system.

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INTRODUCTION

One of today's growing concerns is recidivism in the Texas prison system. Rehabilitation programs in Texas prisons have been proven successful and helped curtail recidivism rates. Texas struggles, as do other states, to maintain standards and continue to operate in these financially hard times. The problems are how to provide rehabilitation, punishment, cut costs, and reduce recidivism.

Since the inception of the Texas prison system, the number of people incarcerated has been on the rise. Texas is in the top three states with the most inmates, along with California and Florida. In Fiscal year 2012, the Texas Department of Criminal Justice (TDCJ) reported housing approximately 156,500 inmates in 111 prisons scattered around the state. The Texas Department of Criminal Justice (TDCJ) released the total cost of Texas' prisons at \$3.3 billion dollars. To house a prisoner for a year is approximately \$18,000 plus medical care (Cohen, 2012). Along with the rising cost to care for the prison population and the struggling economy, Texas and other states are trying to do more with less. Most of the state and federal institutions are facing some type of financial problems when it comes to funding. During the 2013 fiscal year the Texas Department of Criminal Justice received a policy letter from the Legislative Budget Board and the Governor's Office asking the Texas Department of Criminal Justice to come up with a scenario to cut the 2014-2015 fiscal year budget by 10% ("Legislative Appropriations Request," 2012). The problem of funding is an ongoing one. Since incarceration has enormous cost implications, the need to look at the nature of prison itself and see if the focus needs to be more on rehabilitation. The Walls Unit was the first Texas prison that was opened in 1849, housing merely three

inmates (Cohen, 2012). From its inception to current day, the Texas prison system has been one of opposing ideologies. That is to say it swings back and forth between punishment and rehabilitation. This primarily occurs due to society's outlook of the prison system and who is currently overseeing the prison system.

Somehow, over the past several decades the Texas prison system has evolved into a more politically correct, society charged system. In the past, prison meant a place of hard physical labor. Prisoners did not have many creature comforts from home and very few amenities. Punishment was dealt with in a manner that was a constant reminder to the individual of what atrocity he/she committed and why they were sent to prison to begin with. Said punishment many believed could be the way to correct future behavioral issues with those individuals. Prisons have gone away from this concept. Instead, they opt for less involved labor. Many believe today's punishment holds no real value to prisoners. Today's prison system, in some aspects, is more like a vacation destination, with workout equipment, television, visitation with family and friends, and not a place for punishment. Some believe the Texas prison system should revert back to a harsh punishment based system, while others believe that rehabilitation is the way to go. Ultimately, prison systems should shift their focus into more rehabilitation programs in an attempt to reduce the number of offenders being housed in the Texas prison system.

POSITION

Prisons of the past used to be a tough place to spend ones life. Times have changed, though, and prisons now lean more towards a rehabilitation style system. The goal of this type of system is to offer programs to the prisoners in an attempt to assist

them in starting a new life without them committing the same or more criminal acts once they are released. Rehabilitation can greatly help in reducing the number of repeat offenders along with the issue of prison overcrowding. Not every prisoner can be considered for rehabilitation, but for those who are considered, they benefit greatly.

When the Walls Unit opened in Huntsville, it did not take long before it was equipped with textile machinery. There, inmates would process cotton and wool. Until the mid 1970s, rehabilitation was a key part of the prison system. Prisoners were offered and encouraged to develop occupational skills. Since then, however, rehabilitation has taken a back seat to a get tough on crime approach that measures punishment as a prisons main objective (Benson, 2003).

Since the mid 1990s, the Texas Department of Criminal Justice has made rehabilitation a central goal. There are many forms of rehabilitation in today's prisons. An example would be educational rehabilitation program. In these programs, the inmates are offered a variety of choices to choose from. Inmates have the opportunity to obtain their General Equivalency Diploma (GED) or an academic or vocational degree. While incarcerated, the inmates are allotted time to take these various courses without the normal day to day stresses. With the array of courses available to the inmate's, one might assume that upon their release, they would have a better chance with a productive future. With inmates working towards a common goal of rehabilitation, one would hope that they are learning work ethics. Other programs available deal directly with substance abuse, alcohol abuse, and even religious rehabilitation programs are available. Textile operations are still a big part of the prison jobs today. Inmates currently produce prison clothing from the cotton they have grown. They produce

towels, socks, shirts, pants and underwear, which, in turn, saves the taxpayer money since it is not being bought from a vendor. Inmates are also being trained to refurbish public school buses and re-tread tires. They produce banners, signs, and departmental awards. Some even build furniture and hand made shoes. As with everything else in life, technology can help improve their work functions. Modern digital equipment allows inmates to produce street signs, vinyl signs, and window decals. Technology has even helped in producing license plates at a faster pace, which, in turn, produces more plates on a daily basis. Inmates are also receiving more advanced training. Some inmates are being trained as computer repair technicians during an eighteen month training cycle.

In May 2011, the Texas Department of Criminal Justice (TDCJ) released an evaluation of released offenders who had completed a rehabilitation program or programs. Some of the programs included in TDCJ's evaluation were the Faith based Inner Change Freedom Initiative (IFI), the Substance Abuse Felony Punishment Program (SAFP), and the Violent Offender Reentry Initiative (SVORI) (Adams, 2011). The study showed TDCJ was able to reduce the recidivism rate by almost 14% with the use of these programs (Adams, 2011). While most prisons are operating on limited budgets, it seems to be more cost effective to rehabilitate the inmate rather than continuously house them. The Texas Legislative Budget Board in 2007 projected that the state of Texas would need an additional 17,332 new prison beds by the year 2012. TDCJ instead opted to allocate \$241 million dollars to increase the amount of treatment slots rather than spend \$2 billion dollars to build and operate new prisons ("Texas - Right on Crime," 2010).

Probation would be another way to rehabilitate a person. With probation, a person who has committed a crime and gone before the court would still suffer a consequence; however, they would not be sentenced to spend any time in prison. Instead, that person would be placed on probation, also known as adult supervision. This type of program does not mean the person is free to do whatever he/she wants because they will have to report to a probation officer on a weekly basis who will keep track of their behavior. The person must follow a set of court-ordered rules to not only be placed on probation but to remain on probation. Some of the more common court-ordered rules are that the person have no negative contact with law enforcement, cannot consume alcohol or illegal substances, find and maintain gainful employment, not travel outside their county of residence, and mandatory drug screening. If the person on probation were to violate any one of their court-ordered provisions, then the person would either be arrested or be summoned back to court for a probation revocation hearing. If it was found the person did violate his probation, then that person may be sentenced to prison.

Prison rehabilitation programs were created to reduce the recidivism rate, which has helped lower the potential crime rate. Some programs have proved to be successful while many have proved otherwise. In order to succeed in the rehabilitation process, the prison system as a whole must embrace it and truly be interested in the programs' success. The inmates made their choice on their own and are now facing the consequences of their actions. In order for change to occur, that same person must once again make a conscious decision that this is what they want to do. They need to decide if they are ready to make a positive change for the better and participate in the

rehabilitation programs that are afforded to them while they are incarcerated. That saying holds true to any type of rehabilitation. Not all inmates will embrace any type of change let alone the idea of living a crime free life. Rehabilitation programs may not be for all inmates nor can there be a rehabilitation program designed for every specific problem or inmate; however, the rehabilitation programs that are available should greatly enhance their interest and productivity. Inmates cannot make a change all by themselves; providing rehabilitation programs and providing a direction will enlighten many to think about the time when they will be released with the hope of a brighter, more positive future.

COUNTER POSITION

Many would define punishment as suffering, pain, or loss that serves as retribution. The definition given in the New World Encyclopedia (n.d.) defines *prison* as “a prison, penitentiary, or correctional facility is a place in which individuals are physically confined, and usually deprived of a range of personal freedoms”. While this notion of prison is old, the concept of the modern prison is still relatively new. The prisons of today are built and designed with the idea that because a person is incarcerated, their loss of freedom should be punishment enough for the crimes that person has committed.

Many people today believe punishment works because it is used in everyday life. Punishment is used on children, pets, fellow workers, and even on most people in society in some shape or form. Most of society as a whole would agree that today’s prison system is broken. The mere punishment of limiting a person’s freedoms does not seem to deter the so called hardened criminals of today.

With today's prison system, the door is constantly revolving with the same offenders who are released and then put back in jail. This can be seen by the recidivism rate. The United States Department of Justice conducted an analysis showing that 67.5% of prisoners released in 1994 were rearrested within three years (Lyman, 2006).

There are some factors that can be looked at as to why people commit crimes and end up in the prison system in the first place. Factors such as demographics, education levels, person's criminal history, and the crime(s) they committed. Many people enter into the prison system with pre-conceived notions on how life is going to be while in prison. Some may think they know how it will be because they watched television, movies, read stories; others have heard ex-convicts talk about how it was for them. It appears that the threat of going to prison as punishment has not worked for a large number of offenders.

The Eighth Amendment states "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." The United States Supreme Court has also ruled that sentences that are considered inhuman, outrageous, or what many would consider shocking to peoples conscience are cruel and unusual. The United States Supreme Court ruled that the Eighth Amendment requires that every punishment imposed by the government be commensurate with the offense committed by the defendant. Any punishments that are disproportionately harsh will be overturned on appeal ("8th Amendment," 2008). That is not saying there cannot be punishment of any type and most would say that cruel and unusual is not what we are talking about, although there are a few people in today's society that are

very firm in their beliefs and are not okay with the ruling of the United States Supreme Court on the Eighth Amendment. Consequences were thought to have been a deterrent to crime in the early days of implementation of the justice system. Some people thought that the threat of death would be the most effective way to deter crime. If that were true, the courts should not be packed with persons who have committed serious crimes against property and persons. The mere threat of being put to death was a deterrent in the justice system, but not so much so today and not with all criminals. While most people would never say that everyone who commits a crime should be put to death, most would say there should be more punishment while incarcerated. People who have been in prison should have the feeling, upon their release, that they never want to return. Today's prisons are not like the prisons of the past. Although some prisons are equipped with things like basketball courts, gyms, radios, televisions, computers, and, in some instances, prisoners are allowed conjugal visits, they are still confined in cells and not allowed their freedom to leave until allowed to by a guard.

Officers who have worked in law enforcement for some time know the disgust of putting the same individual into jail time after time. For that particular offender, that is the norm. Some offenders feel that it is the norm, while some may feel that it is a right of passage and it is no big deal. They believe they can serve their time with no problem. Others follow in the footsteps of family members, and some actually get to serve their time with family and friends. These are the kinds of thought processes that need to be changed. The irony is that some of these offenders do better in prison than when they are out because it is a controlled environment. They are forced to be drug and alcohol free. They get exercise and eat healthier meals. However, upon release,

some of these same people return to society more dangerous than when they entered prison. They have had what is sometimes referred to as “on the job training,” meaning that while they were incarcerated, they have become more proficient in their criminal activities but not in any real job skill to obtain honest work on the outside. (Del Rosario, 2010), a teacher at the Rogelio Sanchez State Prison in El Paso, Texas stated, “the prisoners need a rehabilitation program that will teach them skills such as carpentry, agricultural or culinary skills that would keep them away from what got them in trouble in the first place” (para.6). Most Texas prisons only offer rehabilitation classes for anger management, substance abuse, or sexual predators but the problem is usually about getting into the overcrowded classes or dealing with issues if the funding for the programs is removed.

In 1972, an inmate named David Ruiz sued William J. Estelle, the director of the Texas Department of Corrections. Ruiz based his lawsuit on dangerous and degrading living conditions along with poor working conditions. This became the longest running prisoners’ lawsuit in history. Ruiz’s basis was that the way in which the TDC managed the prison system constituted cruel and unusual punishment. Ruiz claimed there was overcrowding, inadequate security, poor healthcare, unsafe working conditions, and severe disciplinary procedures. This case took nearly eight years to make it to trial. During the trial, the state contested every claim made by Ruiz. In the end, the federal district judge justice ordered the state of Texas prison system to make a complete overhaul of its procedures and day to day operations (“Cruel and unusual punishment,” n.d.). The State of Texas continued to appeal the case, resulting in parts being overturned, but the outcome helped limit the number of prisoners housed at one time in

each prison. It also provided better medical treatment for the prisoners. Prisons also hire more guards and separated low level offenders from more hard core, violent offenders (“Cruel and unusual punishment,” n.d.).

A good example of a punishment based system would be Maricopa County Arizona and Sheriff Joe Arpaio, who is best known by many as the toughest sheriff. In 1993, Sheriff Arpaio set up what is called Tent City for housing prisoners (Lockwood, 2002). These tents were surplus from the military at the time. Since the inception of Tent City and the removal of many luxuries, Sheriff Arpaio has saved the taxpayers millions by reducing the cost of meals to just .22 cents when it costs many other jails four to five dollars. The tents the prisoners are living in cost about \$100,000 dollars compared to approximately \$70 million to build a jail. Sheriff Arpaio also instituted a voluntary chain gang, which over a three year period, saved upwards of \$500,000 dollars. The inmates on the chain gang would work six days a week, doing the jobs that would require a county worker. Also, looking at the recidivism rate for his jail, it is 16% when compared to the national average (Lockwood, 2002). While what Sheriff Arpaio is doing in Arizona may seem like a good idea, one needs to consider what exactly are these inmates getting by being incarcerated other than hard labor. They are not able to obtain any life skills nor are there programs designed to help them with their problems (Lockwood, 2002). They do not have a way to teach them to become better citizens upon their release.

RECOMMENDATION

Prisons were never meant to be fun, nor was it meant to be a warehouse for the mentally ill or as crisis counselors to the inmates. Prisons were built to exact

punishment on those who had committed some act against the morals and laws of the civilized society (Benson, 2003). The time has come for the Texas prison system to seriously look at using more rehabilitation programs. It should be clear that in order to achieve recidivism, rehabilitation programs need to be available to the inmates. All aspects should be considered including shorter sentences for low level offenders who could be placed on supervised probation.

The more rehabilitation programs available for inmates could encourage inmates to help themselves by learning life skills. It would hopefully teach inmates that prison is not a place to be. Inmates who attend such rehabilitation programs could become more self sufficient upon release. Instead inmates would have an opportunity to attend beneficial programs designed to not only rehabilitate but educate as well. Not all prisoners would be eligible for rehabilitation programs. The habitual offender, the offender not capable of rehabilitation, and ones who have committed violent or reprehensible crimes that are considered a danger to society along with a danger to prison staff would not be considered. Many low-level offenders should be considered for rehabilitation programs while incarcerated. Inmates would be required to participate in these programs as part of sentencing. They would have to learn to live with the amenities that were needed and do without all the wanted amenities by learning valuable life lessons. They would have the opportunity to learn and live like many hard working people who go to work and earn a paycheck to provide for themselves and their loved ones. Just because one commits a crime and sentenced to prison should not mean mere confinement, but give them a reminder that they never want to come back to prison again. No one is considering that rehabilitation programs will solve all the

problems but at the same time rehabilitation programs need to play a larger role in the prison system. With the implementation of rehabilitation programs, inmates would be able to realize they can become part of society and live a productive life.

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