

SUBJECT: Providing in-cell educational services to certain inmates in TDCJ

COMMITTEE: Corrections — favorable, without amendment

VOTE: 5 ayes — Madden, McReynolds, Haggerty, Jones, Oliveira
0 nays
2 absent — Hochberg, Dunnam

WITNESSES: For — Joan Burnham, Austin/Travis County Reentry Roundtable; Doots Dufour, Diocese of Austin Texas Catholic Correctional Ministries; Clifford Gay; (*Registered, but did not testify*: Nicole Porter, American Civil Liberties Union of Texas; Ana Yanez-Correa, Texas Criminal Justice Coalition)

Against — None

DIGEST: HB 47 would allow the Texas Department of Criminal Justice to establish a policy to provide in-cell education for inmates confined in administrative segregation if the inmate would benefit from the education and the education could be provided in a way that would not pose a threat to the health or safety of any department staff member or other inmates.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

SUPPORTERS SAY: HB 47 would allow, not require, in-cell educational classes that would go a long way in helping the rehabilitation of inmates that are in administrative segregation. The general appropriations act, art. 5, rider 39, currently allows post secondary educational programs for prison inmates as long as certain criteria are met, but it specifically prohibits in-cell tutoring for inmates in administrative segregation. The average length of stay for inmates in administrative segregation in Texas is between two and three years, and some inmates remain in administrative segregation for much longer than that. They spend almost 24 hours a day confined in a small cell with little or no human contact. Although they are allowed

library and law books, they are denied the right to study for and earn a GED or have any other educational materials or instruction.

These prisoners now are treated as if they are on death row, but they will be released someday and need the skills and education to assist them in reentering society. They can be released into the community directly from administration segregation, totally unprepared for living in the free world, which is a set-up for failure. By allowing in-cell education, HB 47 would help give these inmates minimal skills and education that may offer them some hope at living a productive life.

The extreme isolation of administrative segregation is creating a population of unskilled, depressed and mentally impaired individuals. They should be allowed to have some kind of educational instruction, even a correspondence-type program, allowing the individual to have access to 12-step program or GED preparation materials, as long as it did not pose a threat to anyone. The prison would control the flow of documents, so there would not be a security issue.

Since the bill is permissive, it would allow TDCJ to evaluate when and under what circumstances in-cell education would be appropriate.

**OPPONENTS
SAY:**

Inmates are sent to administrative segregation as punishment for unacceptable behavior or because they are a member of a gang. It is not designed to be accommodating. If inmates in administrative segregation desire to receive educational services, they need to follow the prescribed rules, including renouncing their gang membership, to be released to the prison's general population where these services can be provided.

NOTES:

According to the fiscal note, TDCJ estimates implementation of HB 47 would require additional institutional aide positions, test examiner positions, and supplies for a total annual cost of \$2.7 million to the Windham School District.