

Prisoners: A Tool of Extortion

A prison inmate at the Eastham Unit in south Texas was recently hospitalized with a dire prognosis: twenty percent chance at life. He was the victim of an untreated, and life-threatening infection. TDCJ will, of course, declaim against their responsibility in this situation; and, in the strictest of senses, justifiably so, but this would be a uniquely legalistic position. TDCJ did not refuse to render medical assistance to this inmate; he refused to seek it, but the fulcrum upon which opinion in this matter swings must be the "why" that guided the inmate's obstinance, because the facts alone, though they bear a truth, do not bear the truth; they paint a picture which can only be properly interpreted while looking through the lens this fulcrum provides.

There is a very good reason that this inmate refused to seek medical attention, a reason shared by perhaps thousands of Texas prison inmates like him, the author included. This inmate knew that in seeking medical care through non-emergency processes he would expose his family to financial extortion orchestrated by TDCJ.

Whenever an inmate seeks non-emergency medical attention (i.e. the inmate submits a request to be seen by medical staff), that inmate incurs medical co-pay fees. These fees are levied against the inmate's trust fund account. The appearance is that the inmate is being held to certain prescribed fiscal responsibilities, but this is a misleading suggestion; it is a falsehood. By TDCJ's own policy, inmates neither have nor are they allowed income. Inmates, of their own capacity, have not the means to pay such fees. The State of Texas and TDCJ alike know this because they themselves dictate it.

If, then, TDCJ attaches a garnishment to the inmate's trust fund account, knowing the inmate lacks the capacity to satisfy the charge, who is it, in reality, that is being charged for the inmate's medical attention? It is the inmate's family, friends, or other benefactor who is being charged, indirectly as it may be. When all is said and done it is the inmate's parents, grandparents, children, friends, etc. who bear the financial burden attached to this policy, but these individuals receive no benefit. They are victims of coercion by TDCJ and by the State of Texas. The only way they can help the

inmate is to pay the fees attached to the inmate's trust fund account. By definition - referencing Black's Law Dictionary, this is extortion. For example:

Inmate Jones was bitten by a spider. After a few days the site of the bite is swollen, inflamed, and tender to the touch. The inmate requests medical help for which he is charged \$13.55. If the inmate's family wishes to provide for his commissary needs they must bear the financial burden of his medical care. For inmate Jones to receive \$20.00 for his commissary needs his family must put \$33.55 into his trust fund account, and there is a fee, even for this transaction.

Made manifest here is a very distinct message: Financial assistance for this inmate can only be realized by first paying this fee. This declaration constitutes coercion which, in turn, constitutes extortion. So, who's the criminal now?

What can be done to combat this evil? The voice of the people is their greatest weapon. The people must use that weapon; they must speak up, and until they do inmate's families, friends, and benefactors will continue to be extorted and inmates will continue to suffer...and some will die to protect their families and friends. How many must suffer; how many must die before the public finds its voice?

Do you want this policy changed?

TDCJ has initiated a new PR campaign which includes a number of public conferences. They have dubbed them, Public Awareness - Corrections Today (PACT) conferences. The inaugural conference was held Saturday, January 25, 2020 at the Hiram Clarke Multi-Service Center in Houston, from 8:00 a.m. to 5:00 p.m. Information on subsequent conferences should be available on TDCJ's website. Make plans to attend these conferences as often as possible. Engage the agency staff. Ask the tough questions. Demand changes be made.

Write your representatives in Austin and in Washington, D.C.; write to the governor of Texas. Write, call, and email the media, not just one organization. Engage advocacy groups to ensure they are doing their part: TIFA and PJL are two in Texas, and there may be more.

- Texas Inmate's Families' Association (TIFA)
P.O. Box 300220
Austin, TX 78703-0004
(512) 371-0900
www.tifa.org
- Prison Justice League (PJL)
Special Legal Counsel Brian McGiverin
2221 Hancock Drive
Austin, TX 78756
(512) 387-0718
<http://prisonjusticeleague.org>

There is an old addage that says, "The squeaky wheel gets the grease." If the public wants to effect change they must make some noise. If you want to effect change you must make some noise. Andrew Jackson said it best when he said:

"The voice of the people is absolute...The will of the people is sovereign."

This inmate's prognosis has improved. Presently, there is no doubt but that he will live. It is likely however, that he will spend the remainder of his life on a kidney dialysis machine.