The
VICTIM'S INFORMER
TEXAS CRIME VICTIM CLEARINGHOUSE
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Journey through Trauma:
Working with Male Victims

NOT LONG AGO we went to trial on an aggravated assault case. The victim was a sweet, quiet 21-year-old young man who had immigrated to the U.S. as a child with his family. We got to know Miguel (not his real name) and his family well during the course of the case and in preparation for the trial. He had monumental challenges, including a large unsupportive family who were being pressed by the defendant to be uncooperative. He had immigration and poverty issues, no transportation, and a history of family substance abuse that he was trying to free himself from, in addition to the trauma of an assault that nearly killed him. In spite of all these issues, Miguel was compassionate, good-natured, loving and forgiving with his family.

One family member, his aunt, was genuinely concerned for him. They had been very close growing up and she told me Miguel was not himself since the assault. She hoped I could convince him to see a counselor. I had several conversations with him about his emotional health, and the impact of this trauma. He would smile, and assure me he was doing well, getting better in fact! He was starting a new job and his immigration attorney and I were making progress on his visa. I remember feeling uneasy, although in our conversations he always maintained that he was doing fine. I sent a list of counselors in the Houston area to his immigration attorney, hoping that Miguel might be more revealing and receptive to help offered by a man.

I received a voice mail from his aunt three months after our trial. She was frantic, screaming that Miguel had taken his life the day before and begged me to call her. The picture she gave me was just what I'd feared—Miguel had grown increasingly depressed, his family continued to be unsupportive, and he had asked his aunt probing questions about another family member who had committed suicide. I was devastated at the thought of him in so much pain unwilling to ask for help. I questioned my time with him, remembering my gut instinct that things were not right. I thought about my attempts to engage him. What else could I have done for someone who would not let me in?

The role of a victim service provider is a challenging one in many ways, and I most often feel perplexed in my work with young men. My clients aren't voluntarily seeking my services, but are com-

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by Stacy Miles-Thorpe, LCSW
Victim Witness Counselor, Travis County District Attorney's Office

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The
VICTIM'S INFORMER

OUR GOAL IS TO PRINT NEWS OF INTEREST FOR VICTIMS AND VICTIM ADVOCATES

The Victim's Informer newsletter is published quarterly. Articles, meeting notices, and other submissions should be sent to TDCJ Victim Services Division, Texas Crime Victim Clearinghouse, 8712 Shoal Creek Blvd, Suite 265, Austin, Texas 78757-6899; faxed to 512-452-0825; or e-mailed to tdcj.clearinghouse@tdcj.texas.gov. For questions or comments, please call us at 800-848-4284 or 512-406-5931.

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You may access the publication at the TDCJ VSD Internet website.
If you wish, we will notify you via e-mail each time *The Victim's Informer* becomes available on the TDCJ VSD Internet website and provide an electronic link to *The Victim's Informer*.
Send your e-mail address to: tdcj.clearinghouse@tdcj.texas.gov

Angie McCown, Director
Texas Department of Criminal Justice
Victim Services Division
victim.svc@tdcj.texas.gov
8712 Shoal Creek Blvd., Suite 265,
Austin, Texas 78757

Legislative Update

DURING THE 82ND LEGISLATIVE SESSION many bills passed that impact the criminal justice system and crime victims. Below is a synopsis of the bills we identified that impact the Texas Department of Criminal Justice Victim Services Division and the individuals we serve.

HB 1028: Order of No Contact with a Victim

This bill allows a convicting court to prohibit the defendant from contacting the victim or a member of the victim's family, during the defendant's term of confinement or imprisonment, as part of the sentence. This bill also provides provisions that direct TDCJ to forfeit all or part of the inmate's accrued good time, if an offender contacts the victim, and allows the Board of Pardons and Paroles to consider whether the inmate violated a policy adopted by the department under Section 498.0042(a), *Government Code* or under Art. 42.24, *Code of Criminal Procedure (CCP)*. If the defendant is in the custody of a sheriff, the bill allows a sheriff to take part or all of the defendant's commutation away.
Effective Date: September 1, 2011

HB 2124: Notification of Release of Offenders Acquitted by Reason of Insanity

This bill transfers the responsibility of notification from TDCJ VSD to the clerk of the court issuing an order that requires the release of an acquitted person on discharge or on a regimen of outpatient care. The statute directs the clerk of the court to inspect the Victim Impact Statement or other information made available to the court for the purpose of notification.
Effective Date: June 17, 2011

HB 2649: State Jail and Diligent Participation Credit

Not later than the 30th day before the date on which a defendant will have served 80 percent of the defendant's sentence, the Texas Department of Criminal Justice is required to report to the sentencing court the number of days during which the defendant diligently participated in any educational, vocational, treatment or work program. A judge, based on the report, may credit against any time a defendant is required to serve in a state jail felony facility for each day the defendant actually served in the facility while diligently participating in an education, vocational, treatment or work program. The time credit may not exceed one-fifth of the amount

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by Brooke Ellison
TDCJ Victim Services Division

For the Love of Christi Dedicates Christi Center Expansion Project

Above: Don and Susan Cox address the crowd that gathered for the Christi Center expansion dedication. Right: The Christi Center. Above right: Christi.

ANGER AND BITTERNESS consumed Susan and Don Cox. Their daughter, Christi, was hit by a drunk driver in downtown Austin. Still alive, she was dragged 800 feet down the street. Rushing to the hospital to be with her, Don and Susan arrived too late; she died before they could get there.

In shock and grief-stricken, they had nowhere to aim their anger or find solace for their grief. Feeling alone, they knew no one with whom they could share their feelings. For many months Susan could not even say Christi's name. Adding to the anger and frustration were well-meaning friends who recommended they should "move on" and "get over it." To make matters worse, the drunk driver, who was convicted on involuntary manslaughter and sentenced to 8 years in prison, was released to mandatory supervision after serving only two and a half years. If she had to live with such pain, Susan asked herself what could be her purpose in life. That was twenty-six years ago.

In 1987 Susan and Don founded For the Love of Christi. The mission was to provide grief support for those who had experienced a loss of a loved one, regardless of the circumstances. At the beginning, they operated out of borrowed office space until they began renting offices in Austin. All told, they moved seven times in the process. Don, a real estate professional, thought they should find their own place. He found a little "grandma house" on Hancock Drive in central Austin.

The first renovation of the house, the construction of an annex, came in 1996. Prior to that, there was little office space and the people who came to the group meetings had to bring their own chairs or big pillows.

The new additions add 1,560 square feet to the existing structure, and the layout of the "grandma house" better suits office space, meeting rooms, and a library. After generous donations and hard work by many individuals, the new Christi Center was dedicated on June 4, 2011.

For more information about For the Love of Christi and the Christi Center, visit www.fortheloveofchristi.org or call 512-467-2600.

by Mike Jones
TDCJ Victim Services Division, Texas Crime Victim Clearinghouse

A Day in the Life of ...

There are so many people involved in the criminal justice process, but how many of us know what everyone's role is within the system? Beginning with Volume 15, issue Number 4 of *The Victim's Informer* were the first two installments of an eight-part series entitled, "A Day in the Life of …" For this series, we decided to "shadow" a small group of participants in the process to share with you what a typical day is like for them. These last two segments in the series are a little different. Security issues would not allow me to "shadow" an incarcerated offender. And, like most victims, the two years that followed the traffic crash that killed Amy Metcalf's mother and seriously injured her 17-year-old sister were anything but typical. We hope you have found the articles to be interesting and maybe have learned something from them.

Incarcerated Offender

I roll out from Victim Services Division headquarters in Austin at O-Three Hundred heading to the Hughes unit in Gatesville. My mug fits the cup holder perfectly in the Ford Focus from motor pool, so I have a wonderful, aromatic cup of coffee to sip on during the early morning journey. It's a little muggy this morning, and the high temperature for the day is expected to break 100. This is not good.

At 04:40 I arrive at the Hughes unit. At the main security checkpoint, I remove my belt and boots and begin to empty my pockets in order to gain entrance into the unit. In my khaki slacks and blue polo shirt, I stand out among the approximately 25 correctional officers (COs) in their standard gray uniform. I am cleared through the main gate and onto the unit grounds.

"Three Hots and a Cot"

The person I "shadowed" for this article was Assistant Warden Ronald Fox. I went just about everywhere a general population incarcerated offender would go.

Understandably, unit security and public safety are always the highest concerns for prison officials, and security issues prevented me from "shadowing" an offender for this article. Even when I first planned the "Day in the Life …" series, I anticipated this segment would be very difficult to carry out. I didn't know just how I would write this article or what level of access to an offender I would get, if any. But I hoped we would be able to come up with an informative and creative way to accurately depict what a typical day is like for an incarcerated offender.

To give the article some realism, I created a fictitious offender; I'll call him offender Smith. Everything about the false offender Smith is fictitious, including his TDCJ number. However, his day is based on the typical day of a real offender.

Offender Smith, TDCJ number 865125. In May 1998, in Garland, Texas, Smith shot and killed a person during a drug deal. He was 22 years old. Offender Smith and his girlfriend had been using and dealing drugs since they were both in high school. In January 1999, he was convicted of murder and sentenced to 40 years in TDCJ.

Offender Smith has been at the Hughes unit in Gatesville since 2005; he works third shift in the kitchen. Prior to incarceration he had a few part-time jobs here and there, but nothing steady. He dropped out of high school during his sophomore year.

Offender time calculation is a complex science. Much of it depends on the type of crime and when the crime was committed. Offender Smith committed his crime after September 1, 1993 and for time calculation purposes is classified as a State Approved Trusty (SAT) 3. Offender Smith must serve one-half of his sentence, twenty years, before he

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by Mike Jones
TDCJ Victim Services Division, Texas Crime Victim Clearinghouse

hero: a person who, in the opinion of others, has heroic qualities or has performed a heroic act and is regarded as a model or ideal.

Amy Metcalf is a remarkable person. (I can see her rolling her eyes.) In an instant, her life is turned upside down. Her mother is dead and her younger sister clings to life. What follows did not happen on any particular day, but within the framework of many days. Amy's sister fights to survive and heal. And almost all of Amy's energy and will is spent to help her through that painful recovery.

I did not "shadow" Amy for this story like we have for other segments in this series. I worked with Amy as she prepared for her in-person mediation dialogue with the offender, "Claire," who caused the wreck that killed her mother and injured Stephanie. Her story is one of commitment and perseverance.

If you are a victim and reading this story, remember that you are not alone. There are others who feel similar loss, anger, confusion, frustration and despair. If you work with victims, remember, what may be an everyday task for you, could be a "huge deal" for the victim you are working with.

Victim

"a heart that races so fast
it is only a heart beat ahead of breaking------"

A WALKIE-TALKIE HANGS from the pull bar above Stephanie's bed. With serious internal injuries, a crushed pelvis, and shattered leg and arm, Stephanie must lie flat on her back. During the first six months of her two year recovery, she was confined to this bed in Amy's living room. Although she rarely is left alone, the walkie-talkie above her is Stephanie's lifeline during these brief moments.

With the other walkie-talkie at hand, Amy had just laid down in her bed to catch a little sleep. The panic alarm sounds. In seconds Amy is in Stephanie's room. Stephanie couldn't breathe. Obviously terrified, her eyes were "the size of half dollars." She had been eating popcorn and vomited. Unable to sit up on her own, Stephanie is choking and drowning. Unable to sit her up, Amy frantically scoops the vomit from Stephanie's mouth until she can breathe again.

No Time to Grieve

On July 13, 2003, two days before Hurricane Claudette made landfall at Port O'Conner, Texas, the National Weather Service issued a hurricane warning from Baffin Bay to High Island. The remainder of the Texas coastline was under a hurricane watch.

Stephanie and a high school friend were on summer vacation on South Padre Island. They were there with Amy's and Stephanie's mom, Donna Borden, and their step-father. With Hurricane Claudette looming, the four leave the island that evening for Amy's house in Whitehouse, near Tyler. The nine-hour drive would take them through Houston, then north along Interstate 45 to Corsicana, where they would go east on State Highway 31E through Athens. At around 9:00 am on the morning of July 14th, they would be passing through Brownsboro, about 30 minutes from at Amy's house.

Traveling west on SH 31E that morning were two eighteen-year old girls who had spent the last two days bingeing on crystal meth. Speeding along at an estimated 90 miles an hour, both girls had passed out. Stephanie's step-father, driving at the posted speed limit of 70, sees the oncoming car drift into his lane, so he swerves to his left to avoid them. SH 31E just east of Brownsboro has a paved left turn lane between the east and westbound lanes. If the passenger in the oncoming car had remained unconscious, the two cars would have sped by each other, and the two unconscious girls would have careened in the trees lining the highway, their fate unpredictable. Amy and Stephanie's step-father could have regained his course and stopped safely. Instead, the unconscious passenger woke up, saw what was happening, and yanked the steering wheel to the right; the car crashed into the front passen-

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by Mike Jones
TDCJ Victim Services Division, Texas Crime Victim Clearinghouse

Entertainment and Victim Sensitivity

Contradiction?

It is Friday night and I have just completed an absolutely exhausting week at work. For two full days I will not have to worry about phones ringing, deadlines, or meetings. Like many people who feel this way when Friday rolls around, I decide to order in for dinner, and treat myself to a comfy couch and an evening of watching television. No harm in that, right?

SO I PULL UP the channel listings to check out the selection of programs to choose from. Interestingly enough, I notice how many of the programs have themes centered around acts of violence and true life crime mysteries. Working in the field of victim services has changed how I look at TV programming. The true crime shows, such as *Dateline NBC*, *20/20*, and *48 Hours* almost always center on a murder case, some that have yet to be solved. In addition to these shows, we are surrounded by music, movies, video games, and celebrities that glamorize and profit from depictions of violence. I began to wonder what it must feel like to be a crime victim, or a friend or family member of a crime victim, and to see your case splashed across the television for the world to dissect. It is common for these shows to conduct re-creations of the violent acts and the events that led to them. In some cases, the shows will even present evidence in favor of exonerating the guilty party. If it were my loved one who was murdered, how would I feel about such a grotesque act being profited from and glamorized by the media? How do other crime victims feel about TV portrayal of violence and the marketing of items symbolizing these horrific acts?

I contacted Nancy Ruhe, Executive Director of the National Organization of Parents Of Murdered Children, Inc. (POMC). In November 1993 POMC launched the Murder Is Not Entertainment (MINE) Program, a nationwide campaign to alert society to its insensitivity towards murder and its aftermath. This attitude is flamed by a myriad of sources including TV, toys, games and other means of entertainment. When POMC becomes aware of objectionable materials, it sends a "MINE Alert" to its representatives and others who volunteer across the United States. These Alerts describe the material and ask that they express their concerns by writing letters to those responsible for the products. A list of products and addresses are available from POMC. MINE wants to eliminate the playing and marketing of violence and murder as forms of entertainment for both children and adults. The program strives to instill the same empathy and respect for victims of murder that society affords victims of other tragedies. Through education, crime prevention, and promoting an overall change of attitude, the MINE program drives home the message, "Murder Is Not Entertainment." The goal of MINE is to eliminate the profits being made on violent crime.

Nancy and I talked about television shows like *48 hours* and *Dateline NBC*. These types of shows draw large audiences. The episode of *Nancy Grace* that ran the on the day of the Casey Anthony (AKA "Tot Mom") verdict was her highest rated show in its history. These shows do not require permission from a victim's loved ones to produce. In other words, there are many cases where there is no consideration for the feelings of the victim's loved ones or the fact that such a show may cause them to re-live the entire nightmare of when their loved one was murdered. My guess is that many people do not think about that aspect when they are relaxing in their recliner watching these shows as a form of entertainment.

I also had the opportunity to talk to Nancy about other forms of entertainment that use murder for profit. She discussed how charities will often hold Murder Mystery Dinners and getaways as a way to get donations for special projects. These events are often draped

by Kristi Heiman
TDCJ Victim Services Division, Texas Crime Victim Clearinghouse

with good intentions-raising money for a good cause. Unfortunately, the sponsors do not take into consideration that they are ultimately profiting from an act of violence that in real life changes the lives of so many people forever. Why are people so drawn to events like these? "Mystery" to many people means "puzzle." There are many people who love puzzles and the satisfaction they get from solving a puzzle. A Murder Mystery Dinner is what many consider to be a "real life" puzzle which presents an opportunity to solve the ultimate question, "Who done it?"

In the course of my conversation with Nancy, she brought up so many forms of entertainment that use murder as a way to make money. I had no idea that the market for violent crime was so extensive. For example, she talked about the glamorization of O.J. Simpson, Jeffrey Dahmer, and Timothy McVeigh, whose crimes have essentially made them celebrities in their own right. She also spoke about how fictional TV shows about violent crime influence people's knowledge and understanding of the "real life" criminal justice system. Have you ever heard of the "CSI Effect?" This is a term used to describe the skewing of the public's view on what type of scientific evidence is expected from law enforcement and the courts to determine a defendant's guilt or innocence. Crimes aren't solved in an hour, and there is rarely a happy ending in real life when murder is involved. Nancy went on to reference the violence in music lyrics and how that contributes to the desensitization of violent crime.

Nancy has worked with many victims of violent crime who have experienced being traumatized all over again as a result of TV and the media. She said that many victims feel re-victimized when they see such acts of violence on TV, especially if the act closely resembles the original act that they or their loved one experienced. For people who have lost loved ones to murder, the stuff they see on TV may make them think in detail about what their loved one might have gone through during those horrific moments. Many victims have taken steps to avoid this type of TV programming all together. Nancy said that many victims will not watch any crime shows at all because they don't want to take the chance of having to re-live such a horrible experience from their past. Other victims say they can usually tell within the first 2-3 minutes of a show if they will be able to tolerate it. Many crime victims feel strongly that TV shows should come with warnings about the content of the episode. In addition, crime victims want to be notified that a true crime show is being produced about their loved one's case before the show is aired.

Victims are a diverse group of individuals. As a result, how they view these types of entertainment vary from one person to the next. I spoke with Susan Cox, Executive Director and Co-Founder, and Cathy Collins, Senior Intake Specialist and Crime Victim Advocate, of the Christi Center in Austin, Texas. The Christi Center was started by Susan Cox after her daughter, Christi, was killed by a drunk driver in 1985. The center provides a wealth of crime victim support such as bereavement and grief services for adults, teens, and children. Susan feels that these shows also help bring injustices that occur in the criminal justice system to the forefront. Cathy told me that it is ironic that I would be asking her about how the victims she works with tend to handle the entertainment on television because they had just had this discussion in their group the previous day. Cathy said that many of the victims in the group feel that shows like *Dateline* are both educational to the public and tend to provide factual information. Cathy said that the group talked about how they lean towards watching these shows because they feel a connection with the victims that are featured on them. She stated that certain shows, like *48 Hours* go into too much detail for some victims to handle. These programs seem more likely to show gruesome crime scene photos or feature detailed commentary from the person who performed an autopsy in a case, for example. The group also talked about shows like *Nancy Grace* and expressed how they feel that Nancy Grace can be very one-sided, but that they believe she says what a lot of people may be thinking.

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calendar

Sept. 21-23, 2011
Annual Criminal and Civil Law Update
Texas District & County Attorneys Association

Omni Bayfront and Omni Marina Hotels
Corpus Christi, Texas

www.tdcaa.com

November 1-2, 2011
Nuestras Voces 2011 National Bilingual Sexual Assault Conference

Island Grande Beach Resort,
South Padre Island, Texas

www.arte-sana.com

November 2-4, 2011
Key Personnel & Victim Assistance Coordinators Seminar
Texas District & County Attorneys Association

Westin Galleria,
Houston, Texas

www.tdcaa.com

December 13-15, 2011
Responding to Crime Victims with Disabilities
National Training Conference
National Center for Victims of Crime

JW Marriott Orlando Grand Lakes,
Orlando, Florida.

www.ncvc.org

Amy; *continued from page 5*

ger side door of Amy's and Stephanie's step-father's car. The force of impact suffered by these two vehicles is indescribable. In the front passenger seat, Donna Borden is killed instantly. Seated in the right back seat, Stephanie suffers life-threatening injuries to her crushed body. Her friend, who was on the other side of the back seat, also has suffered significant brain trauma. The passenger in the other car also had very serious injuries. Although hospitalized, Amy's and Stephanie's step-father along with the intoxicated driver of the other car somehow avoid serious injury.

The morning of the crash she is at work. Outgoing and confident, she is perfect for the marketing job she holds at a large Tyler hotel. The work at the crash site is difficult, delicate, and slow. Around noon she receives a call from the East Texas Medical Center in Tyler. The person on the phone is asking Amy who her sister is; they have different last names. Not much is making sense to Amy. When she hears words, "about South Padre," an empty, horrible feeling begins to quickly sink in.

When Amy arrives at the hospital, she is confused and frantic, fearing the worst. The man at the information desk is on the phone. Amy hears him tell someone, "She's here." Hospital officials have been waiting for her. She is taken to the "tiny room," and when a hospital chaplain enters, Amy loses it. She is told about her mom and prepared for the condition that Stephanie is in.

In critical condition, Stephanie is in intensive care, where she would stay for weeks. When Amy arrives, Stephanie is asking about their mom and about her friend. The "hardest thing" for Amy to do, she must tell Stephanie what has happened. Amy cannot hug her sister; her battered body is just too frail. In the many, many weeks to come, Stephanie would nearly lose her battle for life on several occasions.

It would be days before Amy would find any sleep. There was no time to grieve. Funeral arrangements had to be made. Stephanie, her mom and step-father lived in Gainesville, about three hours from Tyler. They were on their way to pick up a niece from Amy's house at the time of the wreck. There was no way Amy was going to leave Stephanie alone. Amy's and Stephanie's father had arrived to stay with Stephanie, so Amy made the difficult choice to attend her mother's funeral in Gainesville.

Living the Wreck

Amy "lived the wreck" for the next two years. After weeks in ICU, Stephanie is stable enough for a regular room. Her pelvis is crushed, but is not strong enough to endure any surgery that would mend it. The doctor tells Amy that Stephanie must remain flat on her back for at least the next four months. When Amy's husband, Michael, arrives, she tells him that Stephanie is going to be in the hospital for the next four months. "That's not what I said," the doctor tells her. Stephanie will remain flat on her back, yes, but not at the hospital. She should go home or be moved to a nursing home. For Amy, a nursing home was not an option. Their mother dead, there was no way to go home either. She would come to stay at Amy's house.

But Amy and her family were living in a small rented house. She and Michael had been saving to build their own house. It was designed and construction was planned to begin soon. There was also Amy's five-year-old son and one-year-old daughter to consider. That weekend Amy and Michael found there was one only house for rent in Whitehouse that would accommodate their needs. It was perfect, except that the rent was twice what they currently paid, and now they had lost half their income.

The next two years would be anything but typical. The routine of the days would meld together. What follows did not happen on any particular day, but within the framework of a day. Amy cannot remember a specific day or a specific date. Stephanie fights to survive and heal. Almost all of Amy's energy and will is to help Stephanie.

Some of the things that violent crime takes from a person are not always apparent or tangible at the time. Amy sadly admits that she doesn't really remember the second year of her own daughter's life.

Stephanie Moves In

Amy vividly remembers the intense nausea she felt when she heard the "beep" of the ambulance as it backed into her driveway. Little did she know what to expect at this point. Stephanie tried to be a good patient, but she was seventeen, confined, and in chronic pain. She never wanted to be alone. The body continues to function, even during confined healing. Solid foods and liquids are processed. Pain medications wreak havoc on the digestive systems. What level of trust and surrender it takes to be cared for; what grace to take care of someone. Few people, besides perhaps doctors and scientists,

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regard the nature of our own bodies to be anything but private.

Amy's husband, Michael, deserves his own credit. He never knew what to expect when he got home from work each day. From the onset he never flinched. He adjusted; he picked up the slack. The family had no diet plan; there was only getting stuff to eat as necessary. Their savings and hopes for a home dwindled. Their path of their future was very unpredictable. It was day to day.

Stephanie's condition improved, but it was a long, slow process. She would get infections, and there was the confinement and the pain to deal with. Going to the doctor was an ordeal; Amy had to arrange for an ambulance to get her there and back. Everything was a battle; everything was a process.

Stephanie's mom had full custody of her, and their father hadn't really been in the picture. Bureaucracy offered Amy very little without struggle. Amy spent hours a day on the phone wrestling with inflexible red tape. She dealt with the hospital, emergency services, social security and insurance companies. Since no one ever called her to offer assistance or direction, she called them; every day she made calls. On Stephanie's behalf, she worked with Crime Victims' Compensation; they needed Stephanie's medical reports. There were boxes of medical reports. It was impossible not to wonder why they deserved any of this. Amy kept thinking to herself, "We didn't do anything wrong."

Each day Stephanie continued to heal. For months she had the small comfort of routine sponge baths. When she finally was able to sit up, Amy got her a blow up sink and started shampooing her hair. Amy discovered that Stephanie still had dried blood in her hair. For weeks, Amy would continue to pick blood and glass out of Stephanie's hair and from under the skin on her head and arms. Much of the time she was on pain medication. She had regular in-patient and out-patient physical therapy to endure. At night anxiety would set it. Even though she has no memory of the "Life Flight," every so often she would "hear" the helicopter.

When she was able, Stephanie took short breaks out of her bed, with the aid of a lift chair. Now and then friends from her hometown of Gainesville would show up and spend the weekend with her. Amy's grandmother, a retired registered nurse, came and stayed for awhile as well. These respites allowed Amy to leave the room for more extended periods … to do laundry, fight the bureaucratic battles, and visit with her family. All the while, Amy was waiting to hear anything about the intoxicated driver who caused all of this.

The wreck happened in Brownsboro, which is in Henderson County. So all court matters would happen in Athens, about an hour away from Amy. Going to a hearing was a "huge deal." Amy just couldn't leave; she had to arrange for someone to come out and stay with Stephanie.

The intoxicated driver, "Claire," had been arrested and quickly bonded out. Amy would call and find out about a hearing. After she was confident Stephanie was in good hands, she would drive to Athens, only to find out very often that the hearing had been reset. Some hearings were conducted, so that Claire's court-appointed attorney could request additional funds for her defense, which were summarily granted. She remembers Claire's demeanor in the court room; she acted like she was "put out" by having to come to court. It seemed so easy for her to get additional money for her legal fees, while Amy was worried about how they were going to pay the month's rent. It also appeared to Amy that Claire was still using drugs.

Amy's and Stephanie's older sister, Lisa, planned to come down from Missouri to attend one hearing. Money was tight, and she could afford only one flight to Texas. While she was at the airport in Dallas waiting to be picked up, Amy had to call her and tell her that the hearing had been canceled. Weeks later, in order to attend another hearing, Amy had to make all the complicated arrangements for someone to come and watch Stephanie. While in the courtroom, she was told the judge was not going to hear the case. At that point, the months of pain, frustration, and struggle caught up with her, and she lost her temper at the courthouse.

Finally, in June 2005, Claire appeared in court and pleaded guilty. On the stand she talked about what she had been doing the days before the wreck. In the end, she received a sentence of seven years: three intoxication assault and one intoxication manslaughter convictions to run concurrently. After the judge announced the sentence, "Claire" seemed bewildered to have received prison time, saying, "But I said I was sorry." After she was handcuffed and escorted out of the courtroom, Amy felt it was the first time she had breathed in years. At the same time, there really wasn't any satisfaction either.

Finding a New Normal

Amy's last task for Stephanie was to

help her fulfill her goal of graduating from high school and walking across the stage with her class. The first weeks after the wreck, no one knew if she would survive, and many believed she would never walk again. Amy received Stephanie's class assignments. Still on pain medication and unable to write, Amy was Stephanie's teacher, her reader, and her scribe. With Amy's help, Stephanie achieved the credits she needed to graduate and she did walk across the stage with her high school class.

Almost a year after the wreck, Stephanie went home to Gainesville. Since her mother was gone, home was not the same. She moved back to the Tyler area and attended college. She also met someone. Today, Stephanie still bears the visible scars of her ordeal. Now in her early twenties, she endures the pain of arthritis more prevalent of someone much older. She got married and now has two kids of her own. And she is on her way to finding her "new normal."

After Stephanie moved out, Amy was in limbo. She had no job, and her purpose for the last two years was on her own. She was emotionally drained and lacked the spirit and confidence she once had. Gradually, she learned that it was OK to take care of herself again. She started working at her church. It was a supportive atmosphere and adequately "low pressure." She began to rebuild her confidence.

Finding themselves on the road to their "new normal," Amy and Michael refocused their goal of building their home. With their savings depleted, they went to the bank to find out what they needed to do to build. They were told they needed more income and more savings—or less house. But her mother had designed the house, so that was not an option. Inexplicably, one day Michael was called into his manager's office. He got a raise. Not long after that, a representative from Crime Victims' Compensation called Amy. She had forgotten about filing the claim, but it had been processed. She learned that she would be receiving partial income reimbursement for the past two years. She still remembers the exact amount to the penny of that check.

Her step-father, a home builder, took a year—at a discount rate—to build Amy's and Michael's new house. Donna Borden loved hummingbirds and had feeders for them at her home in Gainesville. Etched into the concrete floor in the foyer of the new house is a hummingbird, colored in the birthstone hues of Amy, Stephanie and Lisa.

Donna Borden's cross on SH 31E near Brownsboro, Texas.

The quote on the title line of the story is from the poem, "Summer Story" by Mary Oliver.

Male Victims; *continued from front page*

pelled to by their circumstances. They may or may not feel traumatized by the precipitating event, but trauma is rarely their motivation for interacting with victim services in a district attorney's office. As I'm guiding victims through the criminal justice system or preparing them for trial, I attempt to engage them in a discussion of how the trauma has impacted them. I assess for and provide any additional support they need to help with their healing. Female victims almost universally open up and discuss the emotional, spiritual, and physical impact of the crime and accept my support or counseling referrals. Men have been much more challenging. There are exceptions, but in most cases they only give me a small peek at their pain—yes, this has been hard, yes, they feel very angry! But beyond that I typically hear what I heard from Miguel ... I'm fine.

Women have made monumental progress moving beyond prescribed gender roles in the last several decades, but men continue to be constrained. Society perpetuates the message that emotional vulnerability in men is a weakness, that men should be strong and self-reliant. Anger is acceptable because it has a very masculine energy, so men are socialized to hide vulnerability and to channel emotions through anger or to deny emotions altogether. This is tragically limiting when victims are trying to process trauma.

I once heard the sound of a car crash outside my apartment and went out to see if someone might need help. Several bystanders were already at the scene, comforting the mother who was wailing and kneeling beside a young girl lying on the ground with a bleed-

continued on next page

ing head injury. Standing about ten feet away was a boy who looked about 8 years old and who was obviously with the family. He was frozen and standing by himself, and so I approached him. He was trembling and as I spoke to him, tears rolled down his face. I could imagine how terrified he was, seeing his sister injured, his mother so beside herself with fear for her daughter that she completely forgot his presence.

As I sat with him waiting for the ambulance, an older woman bystander walked up to the little boy and said, "Stop crying now, you need to be strong for them. You're a big boy." I wanted to say, "She's wrong! You're scared and that's normal, if you need to cry, cry. I'll stay with you." But the woman was standing near and I didn't want to contradict her. I wish I had, because one of the greatest tragedies in that situation was the message that boy received. He learned that even if your loved one is lying in the street bleeding, he wasn't allowed to feel anything other than stoicism, because that's what others needed from him.

After the loss of my client, I've thought about what I could have done differently and how I might adjust my approach in working with young men around trauma. I've considered my cases where I have a very successful relationship with the victims and also cases in which I felt the victim shutdown, in order to gather and implement my own best practices. I doubt I can change years of social programming, but I can model, encourage, and create a safe space for exploring vulnerability and for real healing. My current best practices are:

- Provide education around trauma and its aftermath and explore the victim's coping skills. Find out their usual means of handling challenges and encourage them to apply their coping skills in this situation. Help them develop additional ways of coping.
- Help victims engage their support system. Assess their supportive relationships, discuss who they can turn to when they need help or need someone to talk to. If they're interested, involve members of their support system in your work. I encourage victims to bring a friend or family member to our meetings or to court.
- If the family of the victim is also working with you, they can be a good source of collateral information. While confidentiality limits what you can share, the family will often share how they think the victim is doing and whether they have any concerns. Educate them about red flags and teach them ways to support the victim or seek help if needed.
- Provide the victim with a list of resources for counseling, support groups, and online information and support.
- Actively assess for suicidal thoughts and know how to intervene appropriately.
- Provide material to the victim on a range of trauma-related topics. Find printable material on the internet, copy it from workbooks, or create it yourself.
- Seek support and consultation for yourself when you feel uncertain.

Would some other creative approach have helped me reach Miguel? I look back at my notes and see my many attempts, as well as his immigration attorney, and his aunt. Miguel's decision was his own to make and no matter how creative, insightful, and *out of the box* I could have been, it may never have changed the outcome.

For all the young men and other victims we work with, we do our best to assess, provide resources, engage, and counsel, but the decision to accept the help offered is entirely in their hands. This is challenging to remember when we feel unease or fear that our client is in distress but not ready to resolve that distress.

I attended Miguel's funeral, and it was shocking to see him in the casket. I battled many emotions as the family gathered around him, crying, praying, and cradling his body. They expressed tremendous gratitude that I'd come to pay respect to him and as I said goodbye, his sister pulled me aside. She thanked me for all I did and hugged me. She told me that Miguel had a special place in his heart for me and for the prosecutors who worked with him, that we had been very kind when he was having such a hard time.

This is how it goes with victim services, isn't it? Some cases you pour your heart and soul into and the reward is tangible and great. You find a homeless victim a place to live; you help another victim apply for Crime Victim's Compensation to reimburse them $5,000 for lost wages; another victim hugs you and says, "You saved my life, I don't know what I would have done without you!" Then there are other cases that end badly, like Miguel's. Through his sister, though, I heard his appreciation for our work together: "My life was brutal, but somewhere in that path I met you, and you cared about me." That is something.

Entertainment; *continued from page 7*

So my question for you, did reading this article make you think about the premise behind the various forms of entertainment that were mentioned? The next time you curl up on the couch for an evening of "mystery" television, will you think about the victims behind the stories? Many people will say that if you don't want to watch it, turn the channel. If you don't want to listen to it, turn off the radio. If you don't want to read it, don't buy the book. They would be correct. We can tune out anything that we don't wish to be exposed to. Regardless of how you view these types of entertainment, what should never be lost is that there are real victims behind the stories: people who have suffered a great loss and who never asked to be in the public eye but choose to put the story of their loved one out there in order to seek justice and to assure that, even though they are gone, they will not be forgotten.

Offender; *continued from page 4*

becomes eligible for parole consideration. He is not eligible for mandatory release. His first parole eligibility date will be in 2018.

Third shift kitchen may not sound glamorous, but offender Smith has had to promote a few times to get to this station. When work-capable offenders arrive at their first permanent unit, they are often assigned to field or "hoe" squads. Field workers sling big hoes called aggies, and most of their work time is spent "flat weedin'" crop rows or road sides. They are guarded by correctional officers on horseback providing direct armed supervision. One of these field officers is called a high rider. To be able to cut off a potential escape dash, the high rider is positioned away from the workers and the other field officers. In addition to a pistol, the high rider is also armed with a rifle or shotgun.

Offender Smith's day began this morning at 01:45 when he turned out for work. According to policy, he is clean shaven and his haircut is within regulation. He was instructed yesterday to trim his sideburns to the middle of his ear—offenders are not allowed to have moustaches and beards. Offender Smith's shirt is tucked into his pants. On the units, offender walkways are marked with yellow lines painted on the concrete floors. There are two offender walkways in the unit corridors, inside and outside. Traffic in the walkways is one way, and the offenders walk single file to the right of yellow lines on the outer edges of the corridors. Unit staff walk in the center of the corridors. There are other yellow lines depicting waiting areas as well. For example, where the offenders wait for their turn at the pill window, com-

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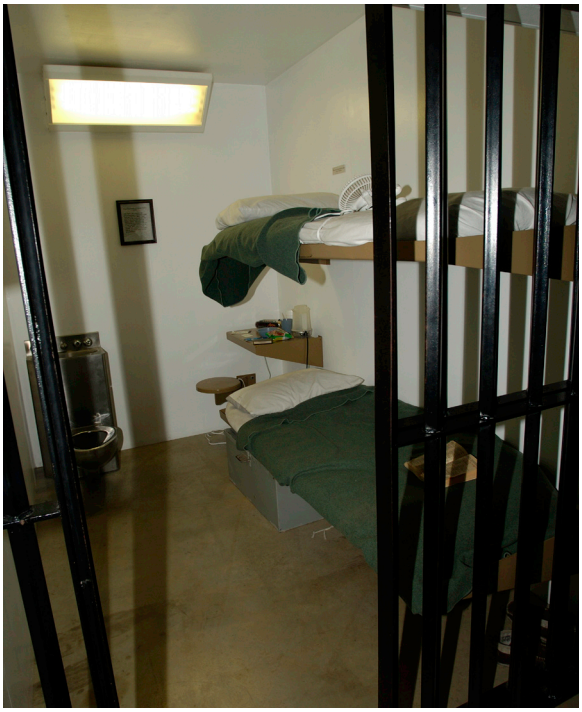
Photographs from "Incarcerated Offender."
All photographs courtesy TDCJ Media Services.

Correctional officers escorting an offender back to his "house." This is a typical cell block on an older TDCJ unit.



Inside an older style cell.

missary, or where they wait to leave the pods or to see unit officials.

Meals are served cafeteria style, except that offenders generally do not choose what or how much they get, and "doublebacks" (going back for seconds) are not allowed. This morning's breakfast menu includes scrambled eggs. Offender Smith loads breakfast items into "hot boxes" (rolling food carts) that will be rolled to 8-Building (general population level 5) and 12-Building (administrative segregation). Offenders housed in 12-Bldg. are in their cells 23 hours a day and do not have contact with each other or general population offenders. Their meals are delivered to them in their cells. During the hour they get out of their cell, they have an opportunity for a little outside recreation (alone in a small chain link enclosure) and a shower.

Third shift food service workers begin serving breakfast when the offender dining hall opens at 03:00, "chow time." Offenders get twenty minutes from the time they enter the dining hall to eat. If an offender appears to have finished eating before the twenty minutes is up, he'll be instructed to leave. After everyone eats, third shift workers will have their meal and then clean the kitchen. They get off work (turn in) at 05:00. When they leave the dining hall, they are strip searched and then allowed to shower. The showers are large rooms with showering stations like you might imagine in a locker room, except perhaps larger.

During my tour, Warden Fox took me through the offender dining hall. Lunchtime chow was wrapping up and the place was in clean up mode. The air was heavy with humidity, steam, and the smell of sweaty offenders and huge dirty pots. Some offenders were secured in small rooms where they washed the plastic trays, cups, and sporks used in the kitchen. Others were cleaning the giant cauldrons used to cook bulk quantities of food like potatoes or green beans. There were a few offenders still manning the steam table. Others had begun cleaning the hot boxes. Correctional officers kept a look out at strategic locations around the kitchen and dining hall. One offender stood behind a locked chain link gate that led to the delivery dock.

Warden Fox and I left the hot steamy kitchen and headed out to the hot dining hall. A handful of offenders were finishing up meals while a few more were just then getting served. As they moved through the line, they had a chance to serve themselves some pinto beans, but the other menu items were served to them in predetermined amounts topped with two slices of white bread. At the metal tables they could choose either water or punch.

Every offender who can physically work gets a job, but they do not get paid for their work. So why work? In prison, good behavior is rewarded with time credited toward your sentence for possible early release by Parole; bad behavior is punished by removing the good time previously credited. If offender Smith wants to receive a few more privileges and a better job, he'll need to work. Down the line when offender Smith is eligible for parole consideration, if he wants to be considered favorably by a Parole Board panel, he'll need to show he has done the right things and adjusted well to institutional life.

There are some good jobs on the units. For example, working in the commissary or wherever there is air conditioning is probably a good job and in demand. Working with horses is always better than working with hogs. Driving a tractor is better than slinging an aggie. However, believe it or not, I'm told some offenders like working in the fields.

Offender Smith's "house" (cell) is in 7-Building, H-Wing, cell number 8. He is assigned to the top bunk. He has a little money on his "books." Incarcerated offenders may have a "commissary account." Family members deposit funds into the offender's trust fund, generally in the form of money orders, cashier's checks, or checking account debits. Offenders have no access to cash or to the funds on their books. Offenders make purchases at the commissary using their prison ID cards. Going to the commissary is a prized privilege and amounts that an offender may spend at the commissary are based on his classification, custody level and disciplinary status.

For most offenders, doing time is easier when they are able to follow an established daily routine, and offender Smith has developed his over the past several years. He knows what he MUST do and when: go to work, go to chow, and go to school. Outside of this, he knows when other things are available to him: when he can go to commissary or to the library, for example. Today he plans to get a haircut at the 7-Bldg. barber shop; it's open daily from 07:30 to 22:00. At the moment offender Smith does not take any prescribed medications. If he did, the pill window for 7-Bldg opens three times a day, at 05:30, 11:00 and 15:00. 7-Bldg's outside recreation area is available to offender Smith in the mornings from

continued on page 16

Legislation; *continued from page 2*

of time the defendant is originally required to serve in the facility.

Effective Date: September 1, 2011 (Applies to a person confined in a state jail felony facility for an offense committed on or after the effective date of this act.)

HB 2734: Condition on Parole or Mandatory Supervision: Illegal Immigrant

This bill directs the Texas Board of Pardons and Paroles to require as a condition of parole or mandatory supervision that an illegal criminal alien released to the custody of United States Immigration and Customs Enforcement leave the United States as soon as possible after release and not unlawfully return to or unlawfully reenter the United States.

If the parole panel or designated agent of the board determines that a releasee has violated this condition of release and confirms the violation with a peace officer or other law enforcement officer of this state, the determination is considered to be a sufficient hearing to revoke the parole or mandatory supervision.

Effective Date: September 1, 2011

HB 2735: Summons for Parole Revocation Hearing, Instead of Warrant:

This bill allows the TDCJ Parole Division to issue to the person a summons requiring the person to appear for a hearing under Section 508.281 if the person is not a releasee who is:

1. on intensive supervision or super-intensive supervision;
2. an absconder; or
3. determined by the division to be a threat to public safety.

The bill further directs the Parole Division to issue a summons requiring the person to appear for a hearing if the person:

1. is charged only with committing an administrative violation of release that is alleged to have been committed after the third anniversary of the date the person was released on parole or to mandatory supervision;
2. is not serving a sentence for, and has not been previously convicted of, an offense listed in or described by Art. 62.001(5), *CCP* (Sex Offender Registration – Definition of Reportable Conviction) ; and
3. is not a releasee with respect to whom a summons may not be issued under Subdivision (1). "see above criteria"

Effective Date: September 1, 2011. (Applies to a person who on or after the effect date is charged with a violation of the terms of the person's release on parole or to mandatory supervision.)

SB 1010: Notice of Plea Bargain and VIS

Current statute (Art. 26.13(e)), *CCP* requires the court, before accepting a plea of guilty or plea of nolo contendere, to inquire as to whether a Victim Impact Statement has been returned to the attorney representing the state and ask for a copy of the statement if one has been returned. This bill directs the court to further inquire as to whether the attorney representing the state has given notice of the existence and terms of any plea bargain agreement to the victim, guardian of a victim, or close relative of a deceased victim, as defined by Art. 56.01, *CCP*. This bill also directs the attorney representing the state, as far as reasonably practical, to give the victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of any plea bargain agreement to be presented to the court (Art. 56.08), *CCP*. The brief general statement describing the plea bargaining stage in the criminal trial shall also include a statement regarding the provisions under Article 26.13(e), *CCP*.

Effective Date: September 1, 2011

A corrections officer interviews an incarcerated offender.

Offender; *continued from page 13*

07:15 to 10:45 and in the evenings from 20:00 to 22:00. He'll turn out for school this afternoon at 12:30 until 15:30. He is required to get his GED. Vocational school for offenders who want to learn trades is available through the Windham School District as well. Within this schedule, offender Smith must plan time to sleep.

When he turns in from work, offender Smith's celly (cellmate) has turned out for his job, first shift kitchen, so offender Smith has the "house" to himself for awhile. It's preferred to have cellies on different work schedules. The cell these two men share is small, about six feet by nine feet. The Hughes unit is what is referred to as a "2250." (Not including expansions or trusty camps, the Hughes unit basic design can house 2,250 offenders.) It's a standard, pod-style design used for many units throughout the TDCJ system. There are no bars, just a lot of hardened steel, hardened concrete, and plexiglass.

The cellies share a metal toilet and sink, and each has half of a small metal shelf to stow a few personal items. Under the bunk each celly has access to one of two small lockboxes. Both men have hot pots and small fans which can be purchased from the unit commissary. The hot pots resemble small coffee percolators and are used to heat water for making instant coffee, tea or ramen noodles for example. Over the years, offenders have come up with some interesting and unique recipes, using hot pots and items available from the commissary. Some share these recipes each month in the offender newspaper, *The Echo*. The hot pots can even be used as an impromptu iron. Many offenders try to hang on to one set of decent prison "whites" and have them looking crisp for visitation days. All small appliances, such as the hot pots, fans, radios, and typewriters have clear cases, making it difficult to hide contraband in them. Even the ribbon cartridges for the typewriters are see-through. Since offender housing is not air conditioned, the small fans help keep the cell temperature bearable during the hot Texas summers.

On the pods, cell doors are kept closed. Every hour the offenders have the option to either come out of the cell into the dayroom or go into the cell from the dayroom. Dayrooms in 7-Bldg open at 07:30. "Rack time" (everyone in their cells) during the week is 10:30; weekends its 00:30 (12:30 am).

Cell doors in a typical "pod-style" 2250 unit. Notice the yellow lines.

The correctional officer in the pod, called a rover, signals the correctional officer in the control center or "picket" who opens and shuts cell doors. Also, every hour the rover will take a vote on what channel the TVs will be on. There are two TVs in the dayrooms, and the rover has the remote control. One TV stays on a sports channel, the other TV channel is selected by majority vote. Offender Smith climbs up to his bunk for a nap. His house, like the dayroom, is hot and humid. He covers himself completely with a sheet; the units are never completely dark. The drone of the fans lulls him to sleep. At 10:00 there is a bang at the cell door; count time.

At 11:00 offender Smith and H-Wing turn out for chow. Pork patties, pinto beans, and rice are on the lunch menu. If you like Spam, you might like the pork patties. Twenty minutes later offender Smith is heading back to 7-Bldg. At 12:30 offender Smith turns out for afternoon school and his GED preparation classes. The mood today is upbeat and lively; tomorrow is graduation day for many of the students. Several students will receive their GED certificates while others have earned certification in plumbing, large appliance repair, and custodial technology. Since Saturdays are normal visitation days, families can attend the graduation ceremony at the unit chapel. Afterward there will be refreshments.

I get a full tour of the school. It feels very familiar, just like high schools in the free world. Classrooms, teachers, blackboards, and a principal. Bathroom breaks are highly regulated, just like in high school! At 15:30 offender Smith is done and turns in at 7-Bldg. As I mentioned, it's very hot outside, so offender Smith plans to spend an hour or

so in the dayroom instead of on the recreation yard. He might play some chess or dominoes. He has a subscription to the Dallas area newspaper, so he'll be able to read the day's news and perhaps work the crossword. (The number and type of subscriptions an offender can have is regulated. All offender mail is screened by unit staff as well.) If he chose to, he could attend one of many religious services offered through the unit chaplaincy. He could read the book he checked out of the unit library. Or he could just watch TV. At 15:00 he'll turn out for evening chow; barbecue chicken is on the menu. It's not really barbecued and it's only dark meat, but it is still a unit favorite. After chow, offender Smith turns in to his house for the evening. If it's cool enough, he'll have one last chance for outside recreation at 20:00. Last count is 22:00; rack up time is 22:35. Tomorrow is Saturday, so he's hoping for a visit. His parents still live in the Dallas area, about two and a half hours from Gatesville. He gets regular visits, and it's likely his parents will show up tomorrow.

For me, its 14:00 and I'm walking with Warden Fox toward 1-Bldg. I thank him for the very interesting afternoon, wipe a little sweat from my forehead, and take in a little bit of the 1-Bldg. air conditioning before I head back home. Even though I did not actually shadow an offender through a day, I did get a very real and close-up glimpse into a typical day of an offender.

Men are from Hughes; Women are from Crain

If offender Smith really was an incarcerated offender—and a woman—he or now she may be housed at the Christina Melton Crain unit in Gatesville. I met with Warden Teresa Moya to talk about how the typical day of a female offender is different or similar to that of a male offender. As a 30-year veteran correctional officer, Warden Moya is a wealth of information, having worked on several men's and women's units in the TDCJ system. By the time this story publishes, she'll be retired!

The Crain unit is interesting and unique; it includes the main Crain unit and administration, but also has a host of satellite facilities around it. Female offenders who enter TDCJ are processed at the Woodman State Jail, down the road from the Crain unit. The intake process is completed at the Crain unit reception facility before they "catch the chain" (take a TDCJ offender bus) to their initial unit of assignment.

There are a few significant differences between male and female offenders, how they are treated and what they are allowed to have. Male offenders are strip searched in the open at the location point of entry or exit. It is not uncommon to come upon a strip search just about anywhere on a men's unit. Female offenders are still strip searched for contraband just like the males. However, on the women's units, the offenders are strip searched in "strip shacks," out of plain sight. Also, female offenders are only strip searched by female correctional staff. During the strip search, women must run their fingers through their hair as well.

Women are allowed to have a few more personal items on hand than men, such as curling irons, hair dryers, hair products and makeup. Women are allowed to keep more of their personal items out on their shelf and available than men. Women offenders may also purchase a "gender box" from the commissary. It's a small metal toolbox used for storing certain feminine products.

While men must have a regulation hair cut, women do not, except that women's hair must be LONGER than one inch and no "extreme" hairstyles are allowed. The female units have beauty shops, but going to the beauty shop is a privilege that can be taken away as a result of disciplinary action. Both men and women must shave, if they have whiskers.

All offenders are issued two sets of prison "whites," which include long pants with elastic waistband, pull over shirt, and shoes. Men get boxer shorts. When he needs clean clothes, a male offender trades what he has for a clean set, including the boxers. However, besides the pants, shirts, and shoes, female offenders are issued a week's worth of women's underwear. Her name and TDCJ number are written on her items. Many female offenders wash their own intimates in the sink and let them air dry. If she does turn them in to the unit laundry, she'll get the same items back that she turned in. When she is first processed into the system, a female offender can retain up to seven of her free world bras, if they are white and without underwire. Male offenders get two rolls of toilet paper every other week. Female offenders get six rolls a month.

If you want to learn more about offender information and TDCJ rules of conduct, check out the *Offender Orientation Handbook* on the TDCJ website. Go to www.tdcj.texas.gov; click the General Information drop-down menu; scroll down to Offender Orientation Handbook link.