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Senior Warden Parole Option
otherwise known as
The Human Option

**One Solution to TDCJ Cost, Rehabilitation,
Recidivism, an Intractable Mystery, and Increase of Production**

First published in February 15, 2007
Presented afresh to the 82nd Legislature of Texas
This was given to House Committee on Corrections
April 13, 2011 – with attached data on Parole Board
in relation to HB 3365 / 3340



**Honorable Legislators of the 82nd Texas Legislature
Austin, Texas**

Dear Honorable Legislator:

James V. Bennett directed the Federal Bureau of Prison (FOB) from 1937 to 1964 during the most formative time in prison reform in world history, and most all of the major prison reforms across the country stemmed from Bennett's innovations. In chapter one of his seminal autobiography of his prison directorate, he summarizes the *problem* of prison:

Society appears unable to plan the progress of correction, because it makes conflicting and contradictory demands. Society expects men to be punished severely for their crimes, so that others will be deterred from committing them. Yet society also wants men to be rehabilitated while in prison, so they might return to useful positions in the community. To oversimplify: society wants men to be taught to use liberty wisely while deprived of it.¹

The following remedy to the overcrowding of the TDCJ prisons will introduce unprecedented vitality, contribute to management, foster inmate productivity and rehabilitation, and contribute to the life and hope of inmates, their families, and, ironically, even vitality and morale to the prison staff.

Senior Warden Parole Option

The Senior Warden in consultation with his/her Staff will **grant parole to 3%** of his or her parole eligible offenders for the first year, with one from each Department Head with 3+ years of experience, and to 2% each year thereafter, for four more years.

More appropriately called

The Human Option - *the power of hope*

¹ James V. Bennett, *I Chose Prison* (NY: Alfred A. Knopf, 1970; 1st Edition): 11.



That would free about 4,800 beds the first year and then 3,200 beds every year after, for total of 17,500 free beds after five years. That saves \$100's of millions with one small law or change in the constitution. The rationale is simple: *no one* knows the inmates better than the prison Senior Staff—no one!

Here's how. If an inmate in a 2,000-man prison *knows* that the Senior Warden *will* be paroling 60 inmates next year, there are at least seven benefits that accrue to everyone concerned:

- 1. Security and Inmate Work Ethic.** If an inmate *knows* that by law his attitude in prison and toward the local prison staff can directly affect his chance of parole, that would improve both his productivity and relationships in many more inmates; in turn, that would positively impact the security of the facility, even *how* some inmates would walk to chow.
- 2. Hope Revolution.** A constant source of natural *human* frustration exists among inmates and their free family members when they can *never* be certain about parole. That lack of certainty about freedom is—in my mind—somewhat unconstitutional. Regardless, the recent points system leaves a gray area for a distant and totally unattached board to decline parole. There is no possible way for a parole board member to *know* the inmate in a fashion equal to the Senior Warden and Unit Senior Staffers; that is, the good TDCJ employees who have worked *with* and *supervised* a given inmate for the last ten (10) years *know* the inmate in a depth *impossible* for any parole board member. That is common **human** knowledge. Hope in the inmate and hope in the inmate's family would flow like a river, based upon the *inmate's* behavior. Additionally, the **Senior Warden Option** or **Human Option** would become a true source of up-beat morale for the staff who would *truly* become part of the TEAM in a hands-on fashion that contributes to an inmate's freedom.

Imagine that—the local prison employees *possessing* a voice in an inmate's freedom. That would revolutionize TDCJ and perhaps the entire United States penal systems. Why not?

- 3. Reduce Recidivism.** We have a problem. The huge recidivism rate is directly linked to the parole board's choices, and they are *not* decreasing recidivism with *their* choices. What use is a gray area of discretion that does *not* improve recidivism? Can the quality of their discretion be measured *outside* the recidivism rate? Whatever talent or paperwork they possess, they are not any smarter and are not any more educated—they are just men and women like us all. Yet the crux is that they cannot have a more finely tuned intuition than the Senior Wardens and his/her Departments Heads with regard to an inmate—not at all. More to the crux, the board does not have a single hour's experience face to face—not a *single* hour. With *no* face-to-face experience, the board choice is nearly *totally* inhuman.

Hear this—the **Human Option** may prove better at reducing recidivism, based upon a good *relationship* and the character that the inmate himself maintains for *years*. And, the recidivism rates between the current system and the **Human Option** could be easily tracked—*easily* tracked.

- 4. Cost Nothing.** Since most of the TDCJ's prisons have parole officers staffed on the unit, there would be little extra cost in identifying and processing the eligible and selected offenders, and the overall savings would pay for additional field parole officers.
- 5. Good Sense.** TDCJ staff and inmates face a ubiquitous *human* malady and source of nonsense when an inmate trustee serves 120-170% of his time (sum of flat, good, and work time) and works like a champion for *years* but whose parole is set-off and postponed two,



three, and four times. For what reason?—only God knows the gray area. The inmate and local staff are not even appraised of the *odds* of freedom, not even up to the honor and openness of the Texas lottery *odds* of winning. Freedom should not *lack* certainty. Yet, good sense is introduced when an inmate who has served 100% of his time has the *clear* chance—40/2,000 *every* year—of parole *simply* because the unit staff say “yes,” via the Senior Warden’s stamp. Gosh, that makes good sense and costs *nothing*!

6. Reentry Reality Training. An inmate who *believes* his actions and his *prison* relationships actually contribute to his early release is more likely to believe the same when in free society, for that is closer to the way the free world actually works; that is certainly more true than for an inmate in the current system, where there is *no one* who truly knows how the parole board’s gavel will fall—not the inmate, not the staff, not the inmate’s highly paid attorneys, and, worst of all, not even the inmate’s family. The current system attacks reality and sows despair, and the Human Option fosters reality and reaps hope.

7. Nothing to Lose. There is no possible way for a distant parole board to truly know an inmate or his family (more than most, the chaplains know many of the inmates’ families as crises come and go). Clearly, there is no possible way to calculate the *experience* of a Senior Warden and Senior Staffers with decades of experience in *knowing* offenders, and there are many offenders the Senior Staff has known for *over* ten years. A failure to utilize that immeasurably valuable experience in the crucial venue of inmate freedom is a terrible waste—*terrible*—and there is *nothing* to lose in trying it. Even if the **Senior Warden Option** or **Human Option** system did not work, at least TDCJ would have freed 17,600 beds in 5 years, saved \$400 million dollars, and spread hope like a flood for those 5 years. But if it works ... then TDCJ would have introduced a revolutionary *method of parole* that positively affected the well-being of staff, inmates, their families, and—without anymore overhead—actually affected the efficiency of prison management. With a one-sentence law!

What a novel insight—the prisoner who *truly tries* hard gets a better chance at freedom! The inmate who works harder gets a better chance than the sloth. You all *can* pass any law you like!

Please consider the **Human Option** as valuable to Texas civilization, prison management, inmate rehabilitation, and family hope. When the distance is shortened between those who decide freedom and the inmates being freed, therein, **TEAM** truly means *Together Everyone Achieves More*. If not us, Texans, then who? If not here, where? If not now, when?

If you consider the **Human Option**, and whether you do or not, I would like 30 minutes to present to you in joint session or to the finance chairs of each house or just the corrections committee this concern and hope.

Most sincerely yours,

Dr. Michael G. Maness

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See online at www.PreciousHeart.net/Parole.pdf



Item #2

Texas Board of Pardons and Paroles FY2009 Report - pages 18 & 22
in a perfect world - fantastic work measures

| | |
|--|----------------|
| Seven Officers and Thirteen Commissioners | |
| Approved for Parole | 51,187 |
| Denied for Parole | <u>110,328</u> |
| FY2011 Total Decisions Made | 161,515 |

[< See FY2009 Here >](#)



| | |
|--|------------------------------------|
| Perfect World Time Calculations | |
| Weeks in a year | 52.0 weeks |
| Minus 6 (3 vacation, 3 Holidays) | 46.0 work weeks |
| Times 5 days a Week - total work days | 230.0 work days per year |
| Times 6 hours per day (minus 2 for lunch & breaks), equals | <u>1,380.0</u> work hours per year |
| Equals Work Minutes Per Year | 82,800.0 work minutes per year |

| | | | |
|----------------|--|----------------|---|
| AVERAGE | FY2009 Total Number of Votes | 163,575 | |
| | Divided by 20 Officers and Commissioners | 8,178 | votes per Officer/Commissioner per year |
| | Divided by 46 working weeks equals | 178 | votes per week (46 week period) |
| | or | <u>35</u> | votes per DAY |
| | 82,800 minutes divided by 8,178 votes, equals | 10.1 | minutes consideration per vote |

| | | | |
|----------|---|------------|---------------------------------------|
| 1 | One cast 10,628 votes in FY2009, which equals | 231 | votes per week (46 week period) |
| | or | <u>46</u> | votes per day |
| | 82,800 minutes divided by 10,628 votes, equals | 7.7 | minutes consideration per vote |

| | | | |
|----------|--|-------------|---------------------------------------|
| 2 | One cast 2,555 votes in FY2009, which equals | 55.5 | votes per week (46 week period) |
| | or | <u>11.1</u> | votes per day |
| | 82,800 minutes divided by 2,555 votes, equals | 32.4 | minutes consideration per vote |

| | | | |
|---|--|-------------|---------------------------------------|
| 3 | One cast 1,102 votes in FY2009, which equals | 23.9 | votes per week (46 week period) |
| | or | <u>4.7</u> | votes per day |
| | 82,800 minutes divided by 1,102 votes, equals | 75.1 | minutes consideration per vote |
| <i>Highest approval rate - nearly double the approval rate of ALL the others!</i> | | | |
| <i>Time spent per case made a huge difference in approval rate ...</i> | | | |

One Conclusion: variety of percentages of approvals & denials in FY2009 illustrates the intractable mystery ...
First Observation: in a perfect world, ONE hour of consideration per vote would take 118.5 work years
Second Observation: EVERY prison in TDCJ has 500+ work years of experience, some 1,000+ work years

[< See Warden's Parole Option, or Human Option Here >](#)
[Presented by Michael G. Maness LLC](#)