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## Rehabilitation or Torture?

*Inmates charge privatized state 'rehab' program subjects women to prolonged physical stress and degradation*

By Patricia J. Ruland

*Men would riot here. – SAFPF inmate*

What's worse than prison?

According to some former and current inmates, the state's Substance Abuse Felony Punishment Facilities. Funded by the Texas Department of Criminal Justice and staffed by Texas Department of Corrections officers and personnel employed by nonprofit operator Gateway Foundation of Chicago, the SAFPFs (referred to colloquially as "Safe-Ps") in theory provide rehabilitation to nonviolent offenders incarcerated for felony drug and alcohol convictions. Persons charged with violating the terms of their probation or parole can be sent to SAFPFs for treatment of their drug or alcohol addictions within the TDCJ system, as a means of avoiding harsher punishment. On the Gateway website, the foundation trumpets the low recidivism rates of inmates who complete its corrections-based program and summarizes its services: "Gateway operates nearly 25 corrections-based programs and provides treatment to over 15,000 men, women, adolescents and dually diagnosed substance abusers every year. Gateway treatment sites utilize Therapeutic Community paradigms, and are supplemented by Cognitive Self-Change methods."

But judging from more than a dozen narratives written by female SAFPF inmates and recently provided to Austin attorney Derek Howard, such facilities – which in Texas currently house 900 female inmates – in reality may be employing unconstitutionally cruel and unusual punishment. Some women incarcerated and assigned to SAFPF programs say they have been routinely deprived, humiliated, and degraded. Among other allegations, the women have charged they must often sit silently, rigidly, face-forward, in plastic chairs for long hours or days, occasionally through periods of weeks on end, sometimes as an individual punishment, at other times in collective punishment they fear and loathe as "the dreaded tighhouse."

To Howard's knowledge, no official Gateway/TDCJ therapeutic or disciplinary protocol recommends or allows a treatment so extreme as a "tighhouse." To the contrary, a Gateway official described tighhouse as a limited and carefully monitored therapeutic practice, but the inmates' descriptions of tighhouse (or "the chairs"), as a form of arbitrary and often harsh punishment, are starkly different from the official description. Women write, "It just is," and is "a big secret."

Considering the women's accounts, Howard is concerned the state of Texas may be funding, wittingly or unwittingly, what amounts to torture. "Torture is defined as 'the infliction of intense pain.' Forcing someone to sit in a hard chair for 16 hours a day constitutes torture, by anyone's standards," Howard argues. "We are now considering suing Gateway for violating the Eighth Amendment, which prohibits cruel and unusual punishment."

The inmate complaints have prompted an ongoing investigation by the state Office of Inspector General, whose investigators have been interviewing inmates on-site since January in the Halbert Unit in Burnet County and perhaps at other sites. According to Inspector General John Moriarty, the agency plans to conclude its inquiry soon; in late April he provided his "courtesy preliminary conclusion" to the *Chronicle*: that not one of the inmate allegations of abuse has been confirmed. (TDCJ officials, citing the open inspector general investigation, have declined to answer questions about SAFPFs.) Moriarty added that investigators found such "a preponderance of evidence" refuting the allegations that polygraphs (presumably of inmates only) were deemed unnecessary. Howard, interpreting Moriarty's suggestion as tantamount to an accusation of inmate collusion, countered, "It's ridiculously unlikely that the women got together and fabricated the allegations." Howard promised that whatever the inspector general's response, his own investigation would proceed.

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## **'Fairness and Vindication'**

In January, after witnessing what she considered a particularly abusive "therapeutic" episode, an inmate named Jodi Stodder-Caldwell (who had landed a six-month stint in an SAFPF after a complicated dispute with the parole bureaucracy and is now a resident in a College Station halfway house) decided she could sit silently no more. She persuaded more than a dozen others to join her in sending to Howard their personal accounts of the SAFPF practices. "Nothing bad can come of this," Stodder-Caldwell told her fellow inmates, because she believed relief and justice were finally possible. The inmates wrote mainly of their experiences in the Ellen Halbert Unit in Burnet County but also concerning the Hackberry Unit in Gatesville. Inmates speculated that lawyers and the judges who assign women to the program – presented as an alternative to a conventional prison sentence – may not know what an SAFPF is really like in actual practice. "No one was able to tell me the therapeutic value of the chairs and how it is to help me in my recovery to remain sober," one woman wrote.

SAFPF staffers "tell us this is what we deserve, and it is all our fault," said Stodder-Caldwell. Wrote another, "Mr. Howard, I write this statement to you in the interest of fairness as well as vindication for those who do not have the resources to defend themselves, while being engulfed in a system hell-bent on sadistic punishment, a system that wears a mask for the public to maintain an image of integrity and altruism, when in reality the very rules and ideals this institution claims to instill in us to function in society are the ones they cannot seem to grasp themselves."

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## **The Official Response**

Asked for a response to the inmates' charges, Gateway President and CEO Michael Darcy disputed the inmates' accounts of the use of the tighthouse as "false," insisting that it is a carefully limited method designed to aid in the inmates' rehabilitation. Darcy insisted on written questions via e-mail and responded accordingly. "The therapeutic community model adopted by TDCJ has been one of the most effective means of reducing recidivism. A tighthouse [or Tight House] is a regular and integral part of

the process of the 'Therapeutic Community' that is called for by the staff when the behaviors and attitudes of the clients need to be refocused on recovery issues."

Darcy continued: "Clients attend treatment programming for 4 hrs, either in the AM or PM. Gateway Foundation staff provide the educational groups. Each group will last 50 minutes with a 10 minute break.

"The clients may change rooms depending on the group. Chairs are provided for all clients to write and complete assignments."

In contrast, inmates directly subjected to tighthouse – as they say it is actually practiced – condemn this and other SAFPF practices as patently counterproductive to recovery. "I feel like a prisoner of war," wrote one woman, and, "This is not rehabilitation – it's torture," wrote another. Stodder-Caldwell, who had spent some time in Texas prisons in the mid-Nineties, before landing in the SAFPF program last year, summed up a common inmate sentiment. "At the toughest women's prison in Texas, I was never forced to endure abuse I have suffered at Halbert."

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## Moral Rehabilitation

Under the psychological principles of "therapeutic communities," SAFPFs in theory try to rehabilitate inmates' "morals" or characters along with their behavior. But inmates claim the punitive underbelly of the project is that under the guise of "therapy," women are often treated like misbehaving children who require severe punishment. For example, inmates say that SAFPF staff regularly direct inmates "to clean out your baby gut" – that is, "grow up" and admit their faults aloud to everyone. Disciplinary invectives from staff, inmates report, are often highly personal and intentionally wounding – most pointedly, targeting the inmates' worries and guilt concerning their families. "We would [hear] that our kids were better off with us gone," one inmate wrote, or that they didn't love their mothers. Staff allegedly brand pregnant inmates as "whores" or tell inmates disdainfully, for example, "I bet your baby has a black father." Inmates argue that Gateway SAFPFs effectively target women who've already suffered abuse throughout their lives, who perhaps have even learned to expect such treatment, leaving them with "no concept of civil rights," Stodder-Caldwell wrote.

According to the inmates, the questionable practices extend to medical matters, although Gateway CEO Darcy firmly responded that TDCJ, not Gateway, is responsible for the medical treatment of inmates, and TDCJ declined to answer any questions about conditions in SAFPFs. In practice, inmates charge, such division of responsibility is seldom clear, and the lines of authority are often blurred. According to the inmate narratives, staff, like abusive parents, repeatedly scold inmates as "whiny" or order them to "get out" when they seek medical help. For example, after a seizure caused a woman to tumble from her bunk to the concrete and left several knots on her head, she asked to be "laid in" (for rest and treatment), only to be refused by a nurse. Women also report that within the program itself, many medicines are frowned upon or banned – occasionally even antibiotics, so women who contract staph infections must endure open sores. "This is obscene!" one inmate exclaimed. Another inmate said that a handicapped woman had been forced to march on crutches and had contracted a staph infection under her arms.

Stodder-Caldwell wrote that she suffered hearing loss when denied antibiotics for an ear infection. Inmates say another inmate's chemotherapy, begun before she entered the program, had been halted without reason; other inmates reported that gynecological exams are so rough that bleeding can last for days. Inmates say that rather than be provided real treatment by medical personnel, they'd hear callous

staff ask, laughing, whether they'd gotten their "miracle water." Stodder-Caldwell explained: "There is a common joke among the staff. When anyone goes to medical for any reason, they tell them they need to drink more water and dismiss the complaints. The staff jokingly ask when someone comes back from medical if they were given 'miracle water.'"

Another former inmate, now a resident in a halfway house, says she received an abnormal Pap smear in April 2007 while in TDCJ. She was given antibiotics, but officials took no further medical action during her imprisonment. She entered SAFPF at Halbert in October and reported to staff a continuing discharge, but medical staff declined to schedule additional tests during the several months she was in the program. After leaving SAFPF, she consulted a private doctor and has been diagnosed with a softball-size uterine tumor and is still waiting to find out if she has cancer.

Another inmate recounted "mind-crushing" therapeutic mind games, designed in theory to break down emotional resistance to treatment but, in practice, effectively pushing inmates to "the snapping point." Inmates say the Gateway program's therapy groups – said to be designed especially for women and which they are required to refer to as their prison "family" – routinely deteriorate into humiliating and unendurable pabulum. Stodder-Caldwell wrote that during her stay in SAFPF, inmates were required to spend several hours a week singing children's songs, like "B-I-N-G-O" or "Old MacDonald Had a Farm." Groups occasionally erupt into pseudo-therapeutic feeding frenzies, inmates charge, due to program rules that women must "tell on" each other or face their own punishments. Heads of inmate-run "governments" (appointed by staff) supervise their subordinate "expeditors" and mete out sanctions. What is often "expedited," inmates say, is desperate self-preservation, through "spying and snitching."

"They drive us to exhaustion, and then pit us against each other," one account states. To attorney Howard, the practice of forced-informing and imposed inmate hierarchies is reminiscent of the Stockholm syndrome found in prisoner-of-war camps, in which prisoners are conditioned to identify with their captors. Women also report being punished for not anticipating others' infractions and reporting them to guards in advance. One former inmate lamented wryly, "Sir, I do not possess the power of precognition."

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## Collective Punishment

The women's most dramatic and insistent complaints concern the individual and collective punishment known as "tighthouse." By their accounts, Gateway's exaggerated time-out-style punishment (or "therapy") has evolved in practice into a marathon form of physical and psychological brutality. One inmate wrote: "I was sitting in chairs for so long, my knees hurt, my back hurt, my head hurt. I was about to lose my mind." Another woman says she experienced "almost unbearable" joint pain from aggravated scoliosis and fibromyalgia, as well as excruciating bowel, kidney, and bladder discomfort.

Inmates so fear tighthouse that staff routinely use it as a disciplinary threat, taunting, "It is coming." If women see two or more counselors at their door, they fear they are headed for "the chairs." More often, they say, a tighthouse hits without warning. "After work one day ... the guards were yelling and screaming, telling us to hurry. The older and weaker had trouble carrying their things, and if we tried to help, we were threatened," an inmate recalled. "I walked past an older black lady on the ground begging for help." One woman recounted a 2002 tighthouse in Gatesville that involved an entire unit of several hundred women, which she says lasted, in varying degrees of intensity, for 42 days. For several weeks, she wrote, inmates were confined to chairs for as much as 16 hours a day (roughly from 4am to 8pm) in an "extremely hot" gym, with only brief bathroom breaks and minimal meals. In the remaining hours,

they were expected to complete all work duties, other program obligations, and attend to any other personal needs.

According to her written account, during the "tighthouse" hours in the chairs, "people were passing out and breaking down," forbidden behaviors that resulted in additional punishment. Moreover, she wrote, that during these weeks of collective punishment, "There were several suicide attempts, and at one point I thought the inmates were going to riot."

Several inmate narratives recount another particularly disturbing incident at the Halbert Unit this year, during which a Hispanic inmate paid an additional price after being sucker-punched by another inmate (who was placed in segregation). According to Stodder-Caldwell and other inmates, the assaulted woman (who had not retaliated) was singled out for exemplary retribution for having been in a fight. As the inmates tell it, in advance of a group meeting, SAFPF personnel deliberately fomented a "mob mentality" by threatening all the inmates with "chairs" unless they reported the designated inmate's every negative behavior at the upcoming session. The unsuspecting woman finally entered the room for what Stodder-Caldwell described as a brutal "tribunal." "It was like watching a pack of wolves," Stodder-Caldwell wrote. "She was the sacrificial lamb used to teach us a lesson – to kill or be killed." According to the inmates, such group criticism sessions served both to punish transgressing inmates and enforce group discipline – those who refuse to participate by accusing their neighbors of infractions are themselves subject to punishment.

Stodder-Caldwell, who speaks some Spanish, says she refused to participate, instead whispering over and over, "I am your friend," all the while feverishly translating the inmates' criticisms from English to Spanish. According to Stodder-Caldwell, after the tribunal, the punished woman was forced to sit at a school desk in a corner, 16 hours a day, for a period of weeks, with no communication and only limited food and bathroom breaks. It was watching the unfortunate woman "doing her best to hold on," day after day, "tears streaming down her face," that finally led Stodder-Caldwell to contact Howard. The woman suffered further punishment, according to Stodder-Caldwell, by having five months of her six-month SAFPF program revoked. Then she was transferred back to county jail, then back to Halbert for yet another stint in SAFPF, where she remains.

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## Standard Operating Policy

The difference between the inmate accounts and Gateway's official description of its program is dramatic. Darcy characterized inmate descriptions of tighthouse as inaccurate and "very bizarre." "The information given to you about a Tighthouse is false," Darcy wrote in his e-mail, explaining that an official program tighthouse lasts four hours, with breaks, according to a written "standard operating policy" approved by TDCJ. Women "may change rooms depending on the group," he wrote, noting "chairs are provided for all clients to write and complete assignments." In Darcy's judgment, the collective therapy practice employed at SAFPF facilities as "tighthouse" serves a worthwhile purpose: "This is a learning experience that stresses all clients of the treatment community have responsibility not only for themselves," he wrote, "but for the community as a whole." (TDCJ officials declined to answer questions about the SAFPF program or any policy concerning it.)

Concerning inmates' general accusations of abuse, Darcy insisted in a telephone interview that "staff are not allowed to abuse clients," adding that inmates may file complaints with SAFPF officers. When told inmates say that even formal grievances go nowhere, Darcy changed course, stating inmates could complain to Gateway directly, as well as to guards. Categorically defending SAFPF, Darcy also wrote,

"I would urge you to visit a program to see the remarkable work that TDCJ is doing to reduce recidivism, saving the taxpayers of Texas a substantial amount of money."

Asked about inmates' medical complaints, Darcy reiterated his distinction – that Gateway is responsible for inmate rehabilitation, while TDCJ is responsible for inmate health care. The two separate roles better not be "bundled up" in an article, he warned. However, inmates report that for them the line is often blurred between Gateway and TDCJ staff and that disagreements between the two groups of officials about appropriate policy concerning medical care as well as other matters lead to confusion and distress among inmates. "I am always afraid," wrote one inmate. "TDCJ has a strict set of rules that are clearly defined. ... Gateway has a separate set of rules that are neither concrete nor provided. The Gateway rules change from counselor to counselor, and from day to day. The counselors are fond of saying: 'Nothing's constant at SAFPF but change.'"

As of May 12, TDCJ staff continued to decline comment because of the open investigation. "We don't correspond back and forth about an investigation or an alleged investigation. It's best you talk to [Inspector General] John Moriarty," said TDCJ media representative Jason Clark, who declined to review inmate allegations. Moriarty, on the other hand, seemed unaware of the precise substance of the allegations he is charged with investigating. He said inspectors had turned up no evidence that the women are required to "stand" for long periods of time. When informed the charge was that they had to sit, not stand, he scoffed, "Stand or sit? I don't have the report in front of me." Moriarty also claimed, incorrectly, that the women had alleged they weren't allowed to use the bathroom, raising the question of how much he even knows about the findings and therefore how he was able to make a sound judgment of the validity of the preliminary conclusion of no abuse.

Upset that the inspector general would reflexively side with Gateway and TDCJ, Stodder-Caldwell was nonetheless resolute, insisting that she and the other inmates are telling the truth. "I'm not surprised at all, because they have so much to cover up," she said. "If the public knew what went on in there, how would [the staff] defend their actions?"

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## Awaiting Retaliation

In the aftermath of the allegations, the stakes for current or former SAFPF inmates remain very high. Inmates say they are careful to walk the line even after they've left SAFPF and are worried that speaking out will lead to retaliation, perhaps including revocation of their parole or probation. Could the fear of retaliation be a possible explanation why women "no longer under the care and control of Gateway," in Moriarty's words, failed to corroborate others' allegations to the inspector general? Moriarty declined comment.

Now that the inspector general investigation is nearly concluded, there could also be severe consequences for still-incarcerated SAFPF inmates. "If the warden and counselors have no consequences, they will come down on the girls with a vengeance," said Ken Caldwell, Jodi Stodder-Caldwell's husband.

As to Moriarty's preliminary assertion that no abuse was found to have occurred, Stodder-Caldwell replied: "Oh, please! It happens on a daily basis." She's especially disheartened that her friend who'd been punched in the face is now right back where she was so mistreated, enduring another six-month stint in SAFPF.

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