

## Shakedown

September 24, 2019 - Eastham State Farm, TDCJ - Institutional Division - Texas prison inmate threatened with disciplinary action for obeying the rules.

The lieutenant accosted a group of junior guards, raging, "What are you doing? Why are you just sitting around? Have you nothing to do?"

The lieutenant, obviously piqued, continued berating the half dozen guards that had been sitting around the passageway outside of Five Dorm.

"Get in there," She roared, "Shakedown (conduct a thorough search of every living space) that dorm. That will give you all something to do."

That is how it started. With no further instructions or ado, the officers entered the dorm and commenced the shakedown. It did not go well. Most of these officers (i.e. all but one) did not know what they were looking for, or how to conduct the search. They did not know how to appease their blustery superior. They fumbled around for about thirty minutes before the one officer who did know what she was doing became frustrated with the fiasco. Rather than taking the few minutes that it would have required to train her fellow officers, she went back out to address the lieutenant. This was precisely the wrong thing to do. About then minutes later the shakedown crew was withdrawn from the dorm.

By this time, the lieutenant, who had already been chafed, was even more so. She assembled her subordinates and launched into a bitter rebuke for their failure (which was actually her own). Before she finished, she had angered and inflamed all of them, and then she sent them back into the dorm to shake it down again. With their ire primed by their lieutenant, the guards made quick work of their given task; it was brutal. With every item confiscated came a threat; promise actually, of disciplinary action. The very idea of disciplinary action as a consequence of a necessities shakedown was absurd, or an extreme and exceptional measure; but, then again, everything about this event was extreme and exceptional.

Sad it is, but often true, that prison inmates often fall victim to the abuse of a bored guard, or because guards have themselves had to endure the abuse of a superior. In the latter case, the inmate is a convenient punching bag, a means of a guard to vent pent up anger and frustration; in the former, a means of sadistic amusement, much like poking a caged dog with a stick. It is easy, and perhaps even exciting



to some, to abuse the defenseless. Perhaps revisiting the Stanford Prison Experiment would cast these behaviors, once again, in a brighter light. Behaviors such as these are undeniable contributors to recidivism. A study of the caged dog above lends a measure of credence here. Even the most docile animal will become vicious and dangerous when subjected to prolonged abuse. This testifies not only against the evils of abuse, but also of unnecessarily long prison sentences. As a lock serves as a temptation for the thief, so does the caged animal the abuser. Knowing then, that tendencies and behaviors exist among the prison staff, and aware that these character deficiencies may even be prevalent, society should be concerned, and endeavor to limit such temptations, not to prolong them.

What is the uniform policy; how is it administered? TDCJ-ID sets the uniform policy for all Texas prisons. Their Inmate Orientation Handbook declares that inmates will be issued two sets of uniforms. It further elaborates on this policy stating that said uniforms will be clean, well-fitting, and in good repair. Eastham Unit continually and unabashedly rejects both of these policies. They refuse (except under special circumstances) to issue inmates more than a single set of uniforms, and will, in fact, through 'necessities shakedowns' confiscate anything more than one set, if found. As for the latter of these policies, it is seldom that any one of these criteria are met, and never are all three met concurrently. Shirts and pants alike are frequently torn along their seams; Waistbands of pants are oftentimes worn out, affecting their fit; and no item issued from the laundry is ever clean. This is not a facetious statement, nor is it a hyperbole; it is simply truth in fact. An item - any item - can be taken directly from issue to the wash, and it will, without fail, turn the washwater a dingy, dirty brown.

What is a 'necessities shakedown'? There are several purposes for shakedowns. Some are purposed to find drugs, others to find general contraband, and then comes necessities. These shakedowns are intended to find and recover, what the unit management refers to as, "extra" uniform and/or bedding items.

What constitutes extra items within the context of inmate uniforms? Officially this would be anything above two complete sets, but as we have already seen, Eastham Unit has rejected the official inmate uniform policy set before them, in favor of their own, and, in so doing, has created an environment that fosters the development of unnecessary health risks for their inmate population. As has already been demonstrated, cleanliness of uniforms is a genuine concern, a concern that could be addressed by



the inmates themselves, given that they had a sufficient quantity of uniform items. Undoubtedly, the official policy set forth by TDCJ-ID was established having taken these cleanliness, health, and wellness concerns under consideration.

How are those shakedowns conducted? Officers move from living space to living space searching for extra uniform and bedding items. At Eastham this means more than one set of uniforms or more than two sheets. Items identified as "extra" are confiscated and sent back to the laundry. When the search of the cellblock or dorm has been completed the officers withdraw and proceed to the next housing unit. The process creates an inconvenience for the inmates, and is an unnecessary harassment, but the inmates have grown accustomed to it. This has been going on for so long, in fact, that it has become somewhat of a game that is played between the inmates and the guards. This particular shakedown, however, because the guards had been primed ahead of time, having been angered and inflamed by their lieutenant's wrath, was anything but the usual game.

Upper level management may see the frivolity of this business and intervene to prevent the fulfillment of the issued threats, but one can never be certain. Reason and sound judgment do not prevail in the prison environment. This unit, and likely every other, delineates a "Good ole Boy/Girl" network. Nepotism rules the day, and management tends to take care of their own, right or wrong. Even the guard's standard issue uniform ball caps proudly and unashamedly display this threat: "Taking Care of Our Own." Nowhere is this truth more in evidence than in their canned responses to inmate initiated grievances:

"An investigation into your claim has been conducted...No further action is warranted by this office."

- Famous first and last words.

If the threats issued during this shakedown are made manifest, it will create an essence of prison inmates being punished for obeying the rules, as well as for disobeying them. This would set a very dangerous precedent. This then, begs the question: Are prison inmates also to be punished for insisting that their custodians follow their own rules?



Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.

- Louis Brandeis, *Olstead v. United States*, 277 U.S. 438 (1928).

Granted, there were no laws broken here, only policy - policy that has potential implications for prison inmates' health and wellness, but still only policy - and the government in question is not the government of the land, but merely the governing authority of the prison facility, but the principle remains the same; it is universal, and transcends all governing bodies, large or small. Indeed, should not the custodians be held to a standard higher even than that of their wards?

Those in authority at the Eastham prison facility complain that there is an insufficient supply of uniforms to provide each inmate with two sets. Are the inmates then, to be held responsible and punished for the managerial inadequacies and incompetencies of those exercising authority over them? Is this what justice is all about?