

Representative District 48 Daniel McCarthy (R)

Please state the elected office and the district for which you are a candidate: *

State Rep, Dist 48

Many prison families find themselves thrown into a new world when their loved one is convicted * of a crime and sent to prison. We discover that we are trying to navigate a system of which we had no comprehension. When we try to describe the world of TDCJ to friends or family, they are often shocked, even incredulous of the situations we and our loved ones have to deal with on a daily basis. Believing that solving problems requires a certain level of empathy, prison families ask you the following questions:

Yes

No

Do you have a friend or acquaintance who themselves have served any time in TDCJ or who have a close family member who has served time in TDCJ?

Do you know the names of any TDCJ prison families in your district?

Are you willing to meet with prison families from your district and talk with them concerning their greatest needs and concerns for their loved ones who are incarcerated?

Does your district include prisons operated by or for the Texas Department of Criminal Justice? *

Yes

No

If your district include prisons operated by the Texas Department of Criminal Justice, which units are within your district? (If your district does not include any TDCJ units, please answer "N/A" below.) *

NA

If your district includes a Texas prison unit, please answer the following questions. (If you do not have any prisons within your district, please select "N/A.") *

Yes

No

N/A

Will you commit to visiting the living area of a prison facility without climate control during August or September of this year?

Will you maintain an active working relationship with the wardens of those units, including learning when a new warden is assigned?

If your district includes a Texas prison unit, how frequently will you commit to visiting the units during your coming term of office? (If you do not have any prisons within your district, please select "N/A.") *

- Twice or more per year
- Yearly
- Less often than yearly
- Zero - I do not plan to visit.
- N/A

If your district does not include a Texas prison unit, will you commit to visit a Texas prison facility during August or September if elected? (If you have a Texas prison unit in your district, please answer "N/A" to this question.) *

- Yes
- No
- N/A

Many states acknowledge that incarcerating large numbers of people, especially for lengthy sentences, sometimes called "mass incarceration," is a phenomenon which inequitably impacts persons of color and persons from lower socio-economic groups. Do you agree that Texas should take steps to reduce the number of persons it sends to TDCJ yearly? *

- Yes
- No

Regarding reducing the numbers of people Texas sends to prison, which of the following would you support? *

- Promote the use of “drug courts” in Texas counties as a means of dealing with non-violent crimes related to drugs
- Prioritize better access to mental health care for all Texans as a way to prevent state prisons from being our largest mental health institutions
- Promote sentencing reforms to allow judges and juries to assign more just penalties based on individual records and circumstances
- Encourage counties in your district to implement penalties other than incarceration for non-violent crimes

There has been a dramatic rise in the use of the sentence of life without parole in the United States and certainly in Texas over the past 40 or so years. LWOP is also known as “death by incarceration.” Other extremely long sentences are also effectively “death by incarceration,” especially when meted out to persons over the age of 30. The fact of rising health care costs for inmates serving extremely long sentences, along with statistics showing most persons “age out” of violent behavior make lengthy sentences less beneficial to the whole community. Do you support the elimination of mandatory minimums for violent or aggravated crimes? *

- Yes
- No

Concerning the use of the law of parties/felony murder rule in Texas: *

Yes

No

Are you content for persons who did not pay for, plan, direct, or carry out a murder to be charged with murder?

Are you content for DA's to use law of parties/felony murder rule to threaten people with murder charges in order to persuade them to take plea bargains for the purpose of saving the state the time and expense of a trial for people who want to plead innocent to a murder charge?

Please comment on the subject of "restorative justice"...how would you be willing to promote this concept in your district? (For an introduction to the concepts included in restorative justice, see this link from the U.S. Department of Justice: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/restorative-justice-overview>) *

I'm open to learning more about the concept, especially as it relates to nonviolent offenders.

Information regarding TDCJ Ombudsman's Office

In theory, Texas Department of Criminal Justice is subject to the oversight of Texas Board of Criminal Justice, and to the State House of Representatives. In actual practice, TDCJ has historically operated with a great deal of secrecy and lack of accountability to anyone. Prison families and advocates hope a new Ombudsman and his staff will have a better track record than the past one, but the process is still reactive, not pro-active, and the small staff there, by their own report, is not equipped to deal with anything like the number and variety of issues presented to them. The new Ombudsman reports to TBCJ instead of directly to TDCJ, but the connection is still very close. Many prison families and advocates believe an agency for independent oversight of TDCJ is long overdue.

Independent oversight needed



Background Information on Independent Oversight

This article details why independent oversight of prisons is needed and what that could look like:

<https://thehill.com/opinion/criminal-justice/515854-congress-should-support-independent-oversight-of-federal-prisons#:~:text=Several%20states%20have%20established%20effective%20prison%20oversight%20office s,typically%20are%20independent%20from%20state%20Departments%20of%20Corrections.>

Some excerpts from the article follow: "... powers include the ability to enter and inspect prisons without notice, conduct confidential interviews with incarcerated people and prison staff, recommend improvements and monitor their implementation, access data and records, and even help resolve complaints from families and prisoners. ... Oversight such as this helps identify and prevent problems (and costly lawsuits) and makes prisons safer places for those who reside and work there. ... An ombudsman is not a replacement for [legislative] oversight, but a complement,..."

Please select all the following items which are true for you. *

- I believe the current Ombudsman's office for TDCJ is satisfactorily handling problems of all kinds brought to its attention.
- I will commit to regular examination of records of the latest TDCJ Ombudsman to observe the scope of issues dealt with and resolution of those issues.
- I believe independent oversight of TDCJ should be implemented.
- I believe oversight for TDCJ should include the ability to make surprise visits to all prison units and all areas of each unit.
- I believe oversight for TDCJ should include a requirement to make surprise visits to all prison units and all areas of each unit.
- Please select all the following items which are true for you. *
- Other:

If you selected "Other" as your answer in the previous question, please explain your thoughts regarding independent oversight for TDCJ. (If you chose options from the list provided in the previous question, please answer "N/A" for this question.)

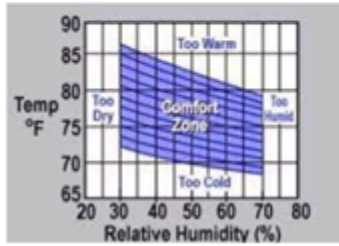
.....

Do you agree that Texas should make efforts to reduce the number of persons incarcerated at the present time? *

- Yes
- No

State Mandated Jail Temperatures

65 - 85°F



Texas Prison Inmate Housing Temperatures



140°F + to



>30°F

For More Information: Cost Saving Report on TDCJ Humane Living Conditions
https://c026be5a-e821-47d4-a49b-15dc72a99903.filesusr.com/ugd/488024_fcbcf58a857f4830bad47bb1cddf6197.pdf

Most would agree the standard of care for any human being ought not to be less than the expected standard of care for domestic animals. However, more than two-thirds of Texas prison beds are in areas which are not required to be maintained at temperatures between 65 and 85 degrees Fahrenheit, the state-mandated limits for county jails. Extremely high and low temperatures, such as the various parts of Texas commonly experience, threaten the life, health, and mental health of Texas inmates and Texas prison staff. Which of the following best describes your thoughts regarding humane climate control for Texas prisoners? Check as many as are true for you. *

- I do not believe climate-control changes are needed in Texas prisons.
- I believe inmate mental health as well as physical health is adversely affected by extreme temperatures.
- I would support a bill such as HB 1971, which State Representative Terry Canales sponsored in the 87th legislature.
- I agree with Representative Canales, regarding humane temperatures for Texas prisoners, that, "We don't have a money problem...we have 'give-a-damn' problem."
- I support closing and consolidating more prisons in order to maximize prison resources, including for upgrading living conditions and adding climate-controlled living quarters for all prisoners.
- Other:

Briefly describe what you would hope rehabilitative efforts inside Texas Department of Criminal Justice include. Please note at what point in a prison sentence you believe rehabilitative programs should be implemented...such as programs dealing with substance abuse, anger management, cognitive behavioral programs, family relationship programs, educational opportunities, job training, etc. ? *

As early as possible.
.....

Since some learn hard lessons more easily than others, would you favor making behavior modification programs available to inmates as often as once every two years, at the request of the inmate or that of the parole board? *

Yes

No

Texas Department of Criminal Justice changed its name many years ago from Texas Department of Corrections. Many inmates and prison families were sorry to see a name change that seemed to abandon any commitment to rehabilitation efforts in the prison system. The agency does have some rehabilitative programs available, however participation in them is quite limited, compared to the numbers of inmates who would like to participate in an ongoing way. Which of the following changes in rehabilitative opportunities within TDCJ would you be willing to promote? Please select all that apply. *

- Adequate funding to increase rehabilitative programming inside the prisons
- Implementation of substance abuse programming on entry and as often as requested, by the inmate or by prison management, for all whose charges or self-reporting include substance abuse
- Availability of anger management programming on entry and as often as requested, by the inmate or by prison management, for all whose charges or self-reporting include repeated episodes of violent outbursts against family or friends.
- Ongoing access as needed and/or requested to mental health programs, not merely medications
- Targeted mental health programs for inmates charged with sex offenses
- Access to educational opportunities, whether to earn a GED, trade certification, or college degrees, or simply for personal enrichment, for all inmates with a current good disciplinary record.
- None of the above

Do you believe requiring inmates to work without pay constitutes a form of slavery? *

- Yes
- No

TDCJ has operated with severe and increasing shortages of full-time employees for over two years. In November 2021, the agency cited a number greater than 7300, nearly one third the total number budgeted for. Most of those positions are the COs, correctional officers who have the most direct interaction with and responsibility for incarcerated Texans. These shortages impede the delivery of basic services to inmates, such as showers and standard meals. Staff shortages make the workplace less safe for correctional officers and the whole environment less safe for inmates. As some options to deal with effects of these shortages, which of these strategies would you favor? (Check all which apply.) *

- Better pay and training for COs
- Closing of some prisons and centralization of remaining prisons to minimize costs of transportation and supply logistics
- Increasing the rate of release to parole for inmates who have met minimum requirements and have a good record.

Regarding reducing the number of persons currently incarcerated, which of the following would you support? (Check all which apply.) *

- Increase the rate of release to parole for inmates who have met minimum requirements and have a good record
- Increase the use of compassionate release for aged and/or critically ill inmates
- Allow sentencing reviews for inmates who were incarcerated under laws which have since changed
- Allow sentencing reviews for inmates who were sentenced for crimes which have a much different perception in public opinion now than when the person was sentenced...i.e. victims of spousal abuse whose response to abuse led to murder charges

What are your ideas for other options and strategies to utilize to reduce the number of persons/percentage of our population incarcerated in TDCJ yearly? *

Only those who commit crimes with actual victims should be locked up. Victimless "crimes" are not crimes at all.

Inmate Housing & Parole Costs

2020 Texas Prison Population = 140,000

>77,000 parole eligible



Each inmate cost Texans \$22,000 per year (basic care)

Parole supervision = <10% of incarceration costs.

The Texas Parole Board uses a “secret sauce recipe” whereby certain static factors...such as the nature of a person’s crime and number of incarcerations... and whether law enforcement and victim families continue to write letters against parole...in order to repeatedly deny parole, without consideration of changes the person has demonstrated while incarcerated. Static factors cannot be changed and victims may not be well informed of the inmate’s character development. Consequently, many inmates who are eligible for parole according to time served are repeatedly denied with the same items noted over and over, sometimes for 10 or 20 years.

Yes

No

Would you favor revisions to the parole evaluation system in which such static factors and victim protests gradually drop off the charts as an inmate demonstrates good faith efforts to improve character and behavior?

Do you favor requiring the Parole Board to list specific actions and steps an inmate must take, along with a good disciplinary record, in order to achieve parole so that the inmate, and the Board, can easily see whether or not an inmate is ready for parole review?

Since helping inmates gain self-control is an important part of helping them be a cooperative resident of the prison and also of the society they will return to, do you favor making behavioral modification programs, such as substance abuse and anger management courses, available to inmates early in their incarceration instead of waiting until the last few months before release?

Would you favor a system of “presumptive parole,” practiced in some other states and countries, which asks the parole board to

release inmates who have met parole minimums unless their behavior while incarcerated has been anti-social?

Would you favor allowing the parole board to override law enforcement and/or victim protests against parole after two denials if the parole board feels the inmate has made a good faith effort to show fitness for return to the community?

The cost of incarceration of an individual increases dramatically as the inmate ages and needs more medical care. Would you favor a rule to streamline parole eligibility for inmates with chronic severe illness, as determined by medical staff?

Who should have more voice in a person's parole eligibility?... *

- City and county law enforcement and court personnel who interacted with a person before their incarceration
- Prison staff who interact with the person over their years of incarceration?
- Other

If you selected "Other" in the previous question, please explain your ideas about who should have the most voice in a person's parole eligibility? (If you did not select "Other" as your answer in the previous question, please answer "N/A" to this question) *

Neither should have more weight. The city and county folks know how the person behaves on the outside. COs only know the person in a very limited setting. "This dog has never bitten anyone since it's been locked in a cage, therefore it must be fine to release them" is not a good measure of safety.

Would you favor the creation of a civilian review board for requests for clemency and commutation of sentences in order to take those actions away from persons whose decisions on those matters might have some element of political motivation or pressure? *

Yes

No

Regarding “second chances” for persons convicted of crimes: *

Yes

No

Are you open to the idea that people may change profoundly over time...either change of personal motivation to follow laws or growth in self-control sufficient to keep oneself out of most trouble?

Do you believe in “second chances?”

Do you believe that we should not label a person with his worst mistake for the remainder of life, especially if the person can demonstrate evidence of change and motivation?

Are you willing to make changes in Texas parole policies to allow for second chances for all people who demonstrate willingness and ability to change?

LIFETIME REGISTRATION



Shouldn't some be able to **pay their debt** and **move on to a productive life?**

ARE all sex offenses **EQUAL?**



Need for . . .

rational discussion, including research,

vs.

extremism driven by fear



Currently, there are close to 100,000 people listed on the Texas Sex Offense Registry-most are required to register for life regardless of their risk to reoffend. Life-long registry creates hardships not only for returning citizens but for their families, since it limits possible housing and work options. Decades of research has concluded that residency restrictions for people who have committed sexual offenses are ineffective and counterproductive. Would you be willing to consult with experts in this field and to take into consideration the research and empirical evidence before enacting or changing laws and policies related to residency restrictions? *

Yes

No

Would you be willing consider options for reducing the registry, to include case-by-case evaluation of risk?

Would you be willing to take into consideration research and empirical evidence in this field before enacting or changing laws and policies related to residency restrictions?

Are you open to revising sentencing laws so that more reasonable sentences can be applied in some sexual offense cases?

What are some criminal justice or prison reform bills you hope to see pass in the 88th Texas legislature? *

Elimination of cash bail, consolidation of prisons, end of mandatory minimum sentencing.