

texas tea newsletter

A home-brewed publisher devoted to exposing the secrets of the Texas Civil Commitment Center in Littlefield, Texas.



in this issue

What's Brewing This Month?

This month's tea includes two articles delving into the corruption of the Management and Training Corporation, the contracted security company to the Texas Civil Commitment Center, as well as a personal statement from Jason Sapp, a reader of TTN from Missouri.

Want to Contribute?

Send your insights to texasteanewsletter@gmail.com or to P.O. Box 3226, San Marcos, Texas 78666 for a chance to be featured in the next issue!

let's spill the tea

By the Editor

Greetings! As we are nearing end of the year, it is prime time to both reflect on the past months and look forward to the changes that the future may bring.

The holiday season is supposed to be one of showing love, exchanging gifts, and enjoying the company of your family and friends. But we at the Texas Tea Newsletter are keenly aware that this seasonal bliss cannot be shared with all our readers; those who are separated from their loved ones by TCCO. By restricting calls from family members that "aren't beneficial to the patient's treatment", taxing gifts and packages that are sent into the facility, and the downright refusal to allow visitations for several men, the Texas Civil Commitment Center is a scrooge, the antagonist of this Christmas Carol.

All of our readers are aware that the corruption doesn't stop with TCCO. The two stories featured in this issue highlight the shady innerworkings of the Management and Training Corporation, the contracted security company for TCCC. We also want to share a featured letter from one of our readers from Missouri, a state that we never thought our homemade project would reach! Be sure to turn your stovetop on high and leave your tea brewing; next year we will be serving some hot gossip!

Prison Contractor MTC Accused of Billing Texas Millions for Inmate Treatment Programs It Didn't Provide

By **Jolie McCullough** from **The Texas Tribune** | November 22, 2022

Before being released on parole, most Texas prisoners must complete treatment programs like life skills or addiction therapy. Private prison operator Management & Training Corporation allegedly stopped providing the services but kept taking the money.

One of the country's largest private prison companies has defrauded Texas by collecting millions of dollars for in-prison therapeutic programming it hasn't provided during the pandemic, a new complaint filed with the state auditor claims.

In 2020, as the coronavirus killed thousands of prisoners across the country, a push to release more people eligible for parole was met with firm resistance by the Texas Board of Pardons and Paroles. It continued requiring most prisoners approved for parole to first complete treatment programming, which generally takes three to nine months and focuses on life skills, substance abuse rehabilitation or treatment for those convicted of sex offenses.

But with sick staff and prisoners, Texas prisons largely kept men and women confined to their cells or dorms, and people inside told The Texas Tribune in 2020 that much of the required programming wasn't occurring. On Monday, prison rights advocacy group LatinoJustice alleged that despite the lack of services, Management & Training Corporation continued charging the state for the programs and forced prisoners to falsify documents stating they had received treatment.

"Instead of providing group therapy sessions and one-on-one counseling with people enrolled in the rehabilitation programs, MTC employees simply gave people paperwork to do on their own time," LatinoJustice senior counsel Andrew Case wrote in a letter to the auditor presenting the complaint.

"MTC then forced people to fill out timesheets stating that they had received treatment from MTC counselors that MTC had not provided," Case continued. "People were instructed by MTC staff that if they did not fill out the false timesheets, they would be disciplined or lose their parole and be forced to return to prison."

The complaint, citing state contracts, program reports and dozens of interviews with incarcerated men and women, claims the fraudulent practices are still occurring.

MTC spokesperson David Martinson declined to answer questions Monday, referring the Tribune to the Texas Department of Criminal Justice. TDCJ spokesperson Robert Hurst sent a statement saying the prison system would fully cooperate with the state auditor's investigation into the complaint, as well as launch its own internal investigation.

"As a result of [COVID-19] protocols, alternative treatment plans were implemented to ensure that inmates remained in treatment and that proper treatment in group sessions would take place with social distancing requirements," the statement read.

The agency said compliance with treatment programs was ensured with random site visits.

This isn't the first time MTC, a private prison operator which also contracts with state prisons for rehabilitation programming, has faced fraud allegations. Just last week, Mississippi's state auditor demanded MTC pay nearly \$2 million for improperly billing the state for thousands of unmanned prison guard shifts, after an investigation by The Marshall Project. MTC said it had already paid back penalty fees for not having enough workers under the terms of the contract.

LatinoJustice's complaint focuses primarily on three Texas prisons that contract with MTC for prerelease programming on substance and alcohol abuse, which combined made the company more than \$5 million from March 2020 through this January. The advocacy group noted MTC overall holds 17 active contracts with TDCJ, worth more than \$100 million.

Contracts between MTC and TDCJ require the company to provide a minimum amount of group therapy, individual therapy, and other services. The requirements are also enshrined in state law. The programs are meant to help prisoners transition into the free world, often with programming related to their prison sentence.

For Joshua Ladd, that meant he had to undergo a substance abuse treatment program before he could be released on parole for a methamphetamine-related conviction. But the 48-year-old said he didn't get any help from MTC to stay clean on the outside when he was transferred to the Gist State Jail for treatment in April 2020.

Instead of group or individual counseling, Ladd told the Tribune, prisoners were handed work packets to fill out. And despite being required to fill out forms indicating they received daily treatment, they mostly just sat around and waited to go home.

"Maybe once every other week, a counselor would come in for an hour," he said when employees finally began entering the dorm filled with about 60 men. "One counselor just sat there and said, 'I'm going to just give you the floor.' ... She just sat there and read her book."

He said a sample timesheet was taped on one of the dorm windows, telling them to mark off 20 hours of direct treatment when all they'd received was paperwork.

"It was just a joke, a complete joke the whole way through," Ladd said. "And it's just so disgusting that they get away with this stuff. Just sign here so we can get paid."

Ladd and several other inmates imprisoned in 2020 wrote affidavits to pair with LatinoJustice's complaint. But the allegations don't only apply to dropped programming during the height of the pandemic. One woman who is currently enrolled in an MTC behavioral prerelease program at the Halbert State Jail said the practice has continued.

Kathryn Theune, 32, said there is group programming, but it is led by prisoners,

not MTC employees. She said she has not received any individual therapy since she was enrolled in September.

“In addition, we are often brough[sic] to the day room early in the morning to have an hour of ‘programming’ in which no counselor is present,” Theune said in an affidavit last month. “We are not allowed to leave the day room during this hour, and instead we sit in silence for an hour after documenting that we were present.”

The advocacy group argues MTC did not stop providing programming to prevent further spread of the coronavirus within prisons, but because it “realized it could make more money that way.”

LatinoJustice said it’s unclear how much TDCJ knew about the reduction in services because the agency has battled in court against the release of documents surrounding the programs and the pandemic. The group argued such documents could “reveal the extent to which TDCJ was aware of the fraud that MTC was committing.”

“For example, if these communications show that TDCJ was aware of MTC’s cuts in services, but that it did not demand a reduction in what it had to pay, then TDCJ bears responsibility for the fact that MTC charged for services never provided,” Case wrote along with LatinoJustice attorney Norma Esquivel.

The Texas auditor will review the complaint, as it does for all fraud allegations involving state funds, but it’s unclear when and what will happen next.



Mississippi Auditor: Prison Company Must Pay \$2 Million for No- Show Workers

By **Joseph Neff and Alysia Santo**
from **The Marshall Project** | November 15, 2022

Mississippi’s state auditor on Monday demanded a private prison operator pay nearly \$2 million after the company improperly billed the state for thousands of prison guard shifts that were never actually worked.

State Auditor Shad White announced the demand — the result of an inquiry his office launched in late 2020, following an investigation by The Marshall Project that revealed the company’s ghost workers practice.

This article was published in partnership with The Clarion-Ledger, Mississippi Today and Mississippi Center for Investigative Reporting.

White’s audit found that Management & Training Corporation, the country’s third-largest private prison company, did not notify or credit Mississippi’s Department of Corrections when staffing at a prison run by MTC fell below minimum requirements, as agreed to in their contract. The auditor is demanding about \$1.4 million for unfilled shifts between 2017 and 2020, and just under \$600,000 in interest and recovery costs. White called it one of the largest demands issued during his four years in office.

“We look forward to a swift recovery of these funds,” White said in a press release. MTC has 30 days to make payment, the auditor’s office said, or the case will be referred to the state’s attorney general.

MTC spokesman David Martinson wrote in a statement Monday that the company

has paid vacancy penalties under the terms of the contract, and that the auditor’s demands are inconsistent with the contract. He did not elaborate. In an additional statement sent after our deadline, Martinson said a state on-site contract monitor knew of the low staffing levels at the prison and signed off on all invoices.

The Marshall Project investigation showed how MTC collected millions of dollars in Mississippi by routinely charging the corrections department for vacant security positions the company was required to fill. The practice illustrated a perverse financial incentive unique to private prisons: While fewer workers meant more danger for staff and incarcerated people, it created more profit for MTC.

The news investigation highlighted the experience of Correctional Officer Darrell Adams, who was nearly killed in 2019 when he was attacked by a prisoner during an overnight shift where Adams was doing the work of eight officers in four different buildings.

Adams worked at the Marshall County Correctional Facility, near the Tennessee border, where the state’s audit found that MTC billed for 12,000 unfilled mandatory shifts in the four-year period. MTC operated two other Mississippi prisons during the same period, but the auditor’s demand letter only addressed the Marshall County prison.

The Marshall Project also exposed a ghost worker problem at the two other MTC prisons. Using monthly invoices and data on vacant positions, the news organization estimated that between 2013 and 2019, the state paid MTC about \$7 million combined for no-show workers at the Wilkinson County Correctional Facility, south of Natchez, and the East Mississippi Correctional Facility, near Meridian.

When asked Monday if payment would be sought from MTC for ghost workers at those other facilities, a spokesperson for the state auditor’s office wrote, “Our work is not over.”

The Marshall Project’s investigation in 2020 was published in partnership with The Clarion-Ledger, Mississippi Today and The Mississippi Center for Investigative Reporting.

My name is Jason Sapp. I was born in 1976. My offense occurred in 1995. I was 18 years of age at the time.

I was sentenced to ten years in prison in **January 2000**. While I was in the Missouri state prison facility I attended different self-help classes to allow me to become a better person, so I would not reoffend upon release. I built a support system with a church in the St. Louis area. Members from that church came to visit me once a month at the prison facility.

While in prison I completed the Missouri Sex Offender Program (MSOP). I was released from prison in August of 2006 and sent directly to the civil commitment facility here in Farmington. The judge appointed an evaluator who then assigned the interview to an individual who reported to him. That evaluator brought an intern with him. It is important to note here that the final assessment by all three evaluators was that I didn't meet all of the criteria that would point toward needing to be committed. After that evaluation was submitted the Missouri Attorney General's office hired their own evaluator, who has the reputation for getting the result that the Attorney General wants. I was advised to not talk with that evaluator. That doctor then wrote a report based on my criminal records and was not in my favor.

The first trial by jury occurred on February 2008 and the result was a hung jury. At that time I was sent back here to the Farmington Civil Commitment facility to remain until a second trial date was set and held.

My second trial was in November 2008. During the time-frame between trials Missouri had a new prosecutor who was given my case by the Attorney General's office. The new prosecutor used everything that was said by me, my attorney and those who testified for me in the first trial against me to get the jury to commit me. At trial I testified about the changes I made in my life and how the Missouri Sex Offense Program helped me develop coping skills which would help me to not reoffend. My support person from the church testified about his role in my life and how his church could help me upon release from prison. Also, one of the three doctors who performed the evaluation testified that I did not need to be civilly committed. Regardless the jury rendered a verdict of civil commitment. We had no chance of winning this trial.

The ultimate statement by the prosecuting attorney was when he stated to the jury that 'I was like the stripes on a tiger'. Then he said, "the tiger's stripes won't change and just like Jason he won't change either".

The sadist part of both trials was my mother was there. She was hoping that I would be coming home. For her to hear they were going to commit her son to a prison-like facility for life broke her heart.

The last trial was November 2008 and in January 2009 she passed away. Then in 2014 the support person from the church that I had built a relationship with passed away and in March 2019 the church's pastor died.

I am currently a resident at the Southeast Missouri Mental Health Center – Sex Offender Rehabilitation and Treatment Services (SORTS).

As a component of my therapy in prison I was required to examine my thoughts and actions at the time of my offending. Many of the things I covered then I am constantly having to review now. It never ends!

Because I completed the treatment protocols in prison and had good behavior I was given an early release date. Having a good support system also helped me with the early release.

I have been participating in treatment groups at the civil commitment facility for about ten years, four days a week at two hours each time.

One would think with that many years of treatment I would be close to being released, but I am not.

There is no vocational training at SORTS. The only jobs are washing dishes, cleaning toilets, cutting grass, washing cars and working in the greenhouse.

Only those on green and gold levels can work. Green levels are allowed to work ten hours a month and gold levels can work only twenty hours a month. We earn \$7.85 an hour.

Once a year we are required to take a polygraph and are subjected to the humiliating penile plethysmograph process. A component of the test is having you view naked pictures of men and women mixed with pictures of teenagers and children clothed with underwear only. While they are showing you these images you are listening to graphic sex acts perpetrated by someone on a child, teenager, men and women.

If the treatment team believes you are not being honest about something they will have you take the polygraph test again. Failing the test will impact your treatment in a negative way.

When our rooms are searched the staff remove all our clothes from hangers, count them and lay them on our beds. I can't iron my clothes as they took the iron. The staff gives residents Problem Behavior Worksheets for being over on our property we are allowed to have in our room. I received a Behavior Worksheet for security interference which is a very severe infraction of having six paper folders in my room. We are only allowed five. I was also given a worksheet for giving a friend candy and a pair of headphones. We are not allowed to give others anything. In 2018 I lost unsupervised pass because of that worksheet and have not been able to get it back. In April of this year, I requested an unsupervised pass and on July 6th it was denied. I have done everything required of me to obtain an unsupervised pass to no avail. Unsupervised passes allows residents to go to the REC yard without staff four times a day for thirty minutes at a time. This is extra time outside.

About four years ago a residents hung themselves in their bathroom on my ward. Because of this the staff removed our bathroom doors and replaced them with shower curtains in lieu of a bathroom and shower door. In our building we share the bathroom and shower with two other men in the next room. You can hear a person taking a crap and you can smell it. Also, the shower curtain does not stay closed. This is sub-human treatment.

The staff removed our postage stamps and put them in our ward charts behind the desk. Also, we are not allowed to remove things from our canteen bin. The staff has to do it.

Every day the nurse asks us if we have any problems peeing and when we had our last bowel movement.

I am a gay man and this place has made it difficult for me and other gay men to get movies related to homosexuality. We are not allowed NR/UR related movies and most are rated as such. At one time I was able to get Out Magazine and The Advocate. I am no longer allowed to receive these magazines as the staff says they have 'scantily clothed' people in them. Our library does not have any movies, books or magazines related to homosexuality.

When the facility was opened in 1999 there was no exit plan developed until the civilly committed individuals in Minnesota and then Missouri filed law suits. Currently, only eleven people have been released with an ankle monitor and under supervision. One of the eleven took his life when he learned he was being sent back for having a relationship with a female. Five were sent back and have not been re-released as of this date. One of the eleven passed away after being released.

Seeing all those human beings coming back and those who have died in the facility doesn't give me a lot of hope in making it out of here alive.

I was 23 years of age when initially sent to prison. I will be 45 this year.

Thank you for reaching out to me and for reading my story.

Jason Sapp

SORTS

1016 W. Columbia

Farmington, MO 63640

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