

A “RIGGED SYSTEM”:  
HOW THE TEXAS GRIEVANCE  
SYSTEM FAILS PRISONERS AND  
THE PUBLIC

## **Acknowledgements**

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# Introduction

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Texas state prisoners have limited control over their lives while they are serving a sentence for a criminal offense. Their movements, activities, diets, and more are all carefully monitored and controlled. Prisoners must believe that prison policies and the staff that enforce them will keep them safe, healthy, and protect their basic human and civil rights. But what happens when a prisoner feels like their civil rights or prison policy has been violated? In these instances, prisoners must have an avenue to relay issues they've encountered and request redress. An effective complaint system for prisoners can build trust in the prison system, ensure accountability on behalf of both prisoners and the administration, and teach prisoners a more constructive way to deal with the conflicts and issues they encounter.

An effective complaint system not only helps build trust between prisoners and the correctional facilities they are in, but can help reduce litigation which lowers costs to taxpayers and keeps court dockets moving quickly in the interest of justice. In fact, one of the rationales for creating an administrative process to address complaints from incarcerated individuals is to cut back on the number of frivolous lawsuits filed by prisoners. According to the Prison Litigation Reform Act (PLRA), prisoners must first exhaust all of their administration remedies before filing a lawsuit against a correctional agency. An effective complaint system that actually resolved issues at the agency-level would keep hundreds of lawsuits from clogging up our federal court dockets.

In the Texas Department of Criminal Justice (TDCJ), prisoners who wish to make the administration aware of specific issues can use the Offender Grievance System. The Offender Grievance System is managed and operated by 100 TDCJ employees across a system that serves nearly 150,000 incarcerated individuals.<sup>i</sup> For prisoners, the grievance system is the only formal process to resolve issues outside of litigation. Many prisoners are unable to afford legal representation and therefore depend on the grievance system to resolve the majority of the issues they encounter.

However, in our findings, prisoners in TDCJ lack confidence in the grievance system to adequately address their complaints. In survey responses for this report, respondents noted delays in receiving a response, a lack of transparency throughout the grievance process, concerns about oversight, and the failure to resolve legitimate grievances as some of the chief problems with the Offender Grievance System.

# Significant Findings

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- Prisoners surveyed reported filing a median of three grievances in the past six months. Of those, only 7.84% **reported a satisfactory** resolution to their grievance.
- 54.54% reported that they had **never had any grievance** satisfactorily resolved during their time in the TDCJ.
- 50% of prisoners surveyed indicated that they **did not have access to the grievance manual and forms**.
- 54.72% of prisoners surveyed reported **grievances going unanswered or unreturned**.
- 91% of prisoners surveyed indicated the **grievance system was not effective**.
- 85.45% of prisoners surveyed reported some form of **staff retaliation for using** the grievance system.

# Recommendations

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In order to have a fair, impartial, and working complaint system, we recommend the changes described below be adopted.

## **Recommendation #1: Separate the Offender Grievance System from TDCJ.**

To protect prisoners filing grievances from retaliation and to support an impartial investigation, grievance officers should not be employed directly by TDCJ or be former prison staff.

In states across the country, including Hawaii, Iowa and Nebraska, grievance staff independent of the state corrections department process prisoner grievances.<sup>ii</sup> This ensures that legitimate complaints are properly investigated and addressed, in turn bolstering inmates' belief in the impartiality of the grievance process. It is simply unreasonable to expect the same can be said to be true about an investigative body staffed with many former corrections officers, who are primarily working in close contact with inmates and staff members, and are answerable to the TDCJ.

In Texas, the Juvenile Justice Department (TJJD) is overseen by an independent ombudsman. In addition to fielding grievances through grievance forms, the TJJD's

Independent Ombudsman makes unannounced site visits and conducts investigations on requests received from the public. The Independent Ombudsman also files detailed quarterly reports to the Governor, made immediately available to the public.<sup>iii</sup>

In order to truly resolve legitimate inmate grievances, a similar system must be designed for the TDCJ. Whether drawing on other states' experience, or creating a model based on the state's own experiences in the TJJD, oversight needs to come from outside the TDCJ. A grievance process answerable to the TDCJ is not intended to resolve prisoner problems, and should not represent itself as such. Rather, its sole goal is to make litigation more difficult and clear court dockets through attrition.

When investigating complaints, grievance officers need to feel safe looking into potential mistreatment of prisoners by staff. To ensure officers do a thorough job investigating reports, they should report directly to an office outside of TDCJ to avoid any backlash and should be able to submit reports anonymously if the findings would put them at risk of potential harm. If officers feel protected by the system, they will be more empowered to fully investigate complaints.

### **Recommendation #2: Provide adequate training on investigation and adhere to established policies and procedures as described by the OGOM.**

The 2008 state audit found that current grievance staff was training new grievance staff members at each unit.<sup>iv</sup> This is in direct violation of the Offender Grievance Operations Manual, which holds regional supervisors responsible for new employee training.<sup>v</sup> Training needs to be handled at the regional level to ensure that all officers have the same knowledge and understanding of how to handle complaints. This is not just for new officers, but also for current officers to make sure they are trained on existing procedures and rules. TDCJ should have mandated trainings across the regions done on a quarterly or biannual basis. To make sure the information is the same across the trainings, TDCJ should also assign specific trainers to lead the sessions and create a specific onboarding process for new hires.

### **Recommendation #3: Increase access to the grievance system for prisoners with disabilities, non-English speakers, and those requiring hearing or visual assistance.**

When a person first enters the prison system, they are supposed to be provided with information about the grievance system. Information related to the grievance procedure

is supposed to be available in the unit's law library, however, the 2008 state audit found that some prison libraries did not have the most current version of grievance guidelines available for prisoners.<sup>vi</sup> To ensure that all prisoners have the same access to information about the system, all prisons should be required to have the most current version available during "orientation" and keep current versions filed in the library. Also, TDCJ should ensure that there are versions for non-English speakers, prisoners with hearing or vision impairments, or for others requiring accommodations.

## Background on the Grievance System

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The Offender Grievance Procedure Automated Tracking System was first implemented on January 5, 1998 by TDCJ to "give offenders an alternative to confrontation, thereby increasing facility safety and decreasing offender aggression."<sup>vii</sup> The program is also intended to decrease the amount of taxpayer dollars spent on defending TDCJ from prisoners in litigation by providing an administrative outlet to resolve issues.<sup>viii</sup> The grievance system provides prisoners a formal process to submit complaints regarding facility staff, medical care, sexual assault, threats from fellow prisoners, and any other issue that an incarcerated person may feel is unjust or threatens their safety.<sup>ix</sup> All grievances are logged into the Offender Grievance Procedure Automated Tracking System (GR00) computer system and automatically assigned a grievance number so that the record may be easily retrieved.<sup>x</sup>

Central Grievance Office clerical staff are responsible for all data entry into the GR00 and for forwarding a notice of an extension to the prisoner who filed a grievance. There are rules in place to protect the legitimacy of the grievance system such as safeguarding the participant in the grievance from reprisal, levels in how urgently a grievance is processed, such as grievances alleging criminal activity receiving priority attention, and attempts at informal resolutions by correctional officers.

The grievances that pass the screening criteria set by the Offender Grievance Operations Manual (OGOM) are entered into the GR00 and assigned an issue code. Grievances that do not meet the standards are entered into the system but not given a code. Regardless of whether or not a grievance is accepted, a copy is made for the prisoner's file while the original grievance is returned to them. All grievances are logged the same day that they are received, with continued notations at each step of the grievance investigation process to ensure that time limits and other rules are being met. If a prisoner is moved to a different facility, the grievance file transfers to the new unit with them.

There are two types or stages of the grievance process, a Step 1 grievance and a Step 2 grievance, with Step 1 being the initial complaint. If the Step 1 response is unsatisfactory, prisoners can file a Step 2 grievance appealing the response to their Step 1 grievance. Both types of grievances have a similar but slightly different process for filing. For Step 1 grievances, the prisoner must submit the grievance form within 15 days of the incident or as soon as the prisoner became aware of the incident. Upon receipt of a Step 1 grievance, a Unit Grievance Investigator has 40 additional days to investigate the complaint and return the grievance. If more time is needed, staff can extend up to 40 days for further investigation. Emergency grievances are not permitted an extension.

Grievance files not involved in litigation are kept for three years within the GR00 system and are then purged every 6 months, in September and February. The purging of files must be documented in the Records Dispositions Log, which is then forwarded to the TDCJ Records Management Officer to be kept as a permanent record.

## Data on the Offender Grievance System

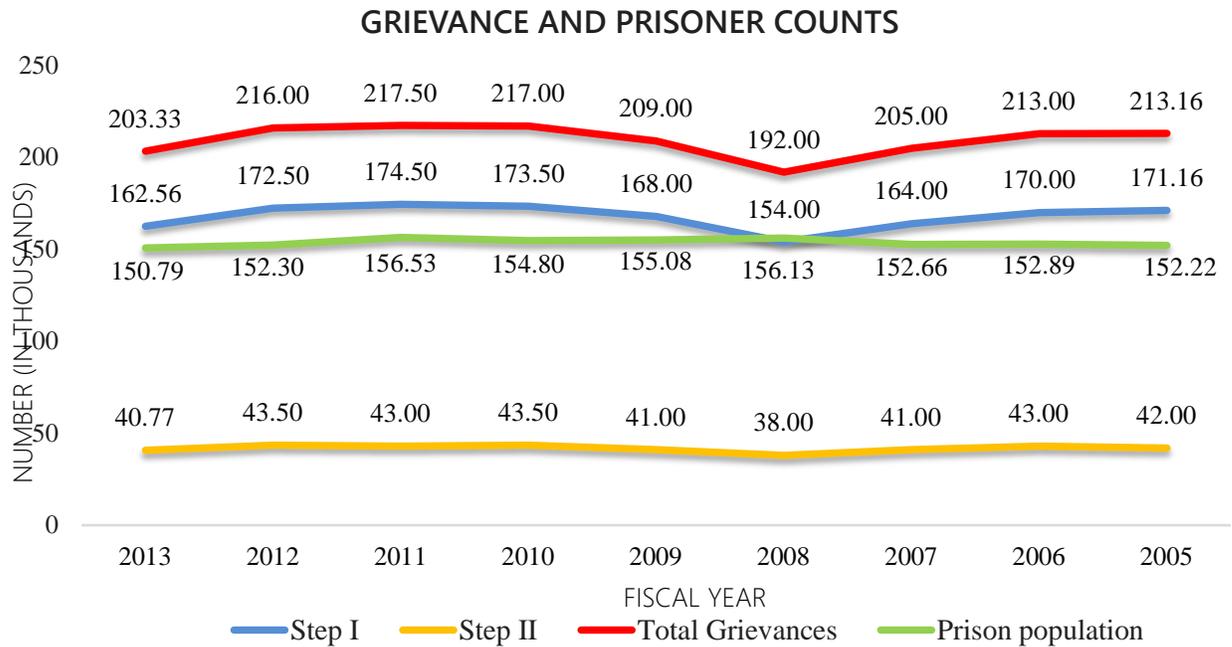
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Unlike the TDCJ Office of the Ombudsman, the TDCJ Offender Grievance Program does not collect extensive data or information on the types of grievances received or the outcomes of grievance investigations. In June of 2015, the Prison Justice League (PJL) submitted an open records request to TDCJ for grievance data. Unfortunately, the TDCJ chose to forward this request to the Attorney General, alleging that the information should remain confidential and not be released to PJL.<sup>xi</sup> Summary data on grievances is available for fiscal years 2005 – 2015 in TDCJ's Annual Reviews.<sup>xii</sup> For the purposes of this report, we examined summary data available from the TDCJ Annual Reviews, data from the Texas State Auditor's Office report, and our own survey data collected in 2015.

### *Summary data*

As shown in the figure below, the Offender Grievance Program handles an average of nearly 210,000 grievances in any given year, from a prison population of nearly 150,000. On average, each prisoner files just over one Step 1 grievance per year, with about a quarter appealing their Step 1 response to the Step 2 level. Since 2005, grievance totals have remained curiously stable, despite fluctuations in the state prison population. In fact, the fewest amount of filed grievances were reported in the same year that TDCJ housed the most prisoners (FY 2008).

In its Annual Review report, TDCJ lauds the low percentage (around 25 percent) of Step 1 grievances appealed to Step 2 as proof that problems are appropriately handled at the unit level. However, by listening to the prisoners who contact us, it seems more likely that this low number indicates a prisoners' lack of faith in the grievance process and their desire to not engage in a "rigged" system. After receiving a denial from a legitimate Step 1 grievance, many prisoners simply do not bother appealing to the Step 2 level.



Sources: TDCJ *Annual Reviews and Statistical Reports*, 2005-2013, available at <http://tdcj.state.tx.us/publications/index.html>.

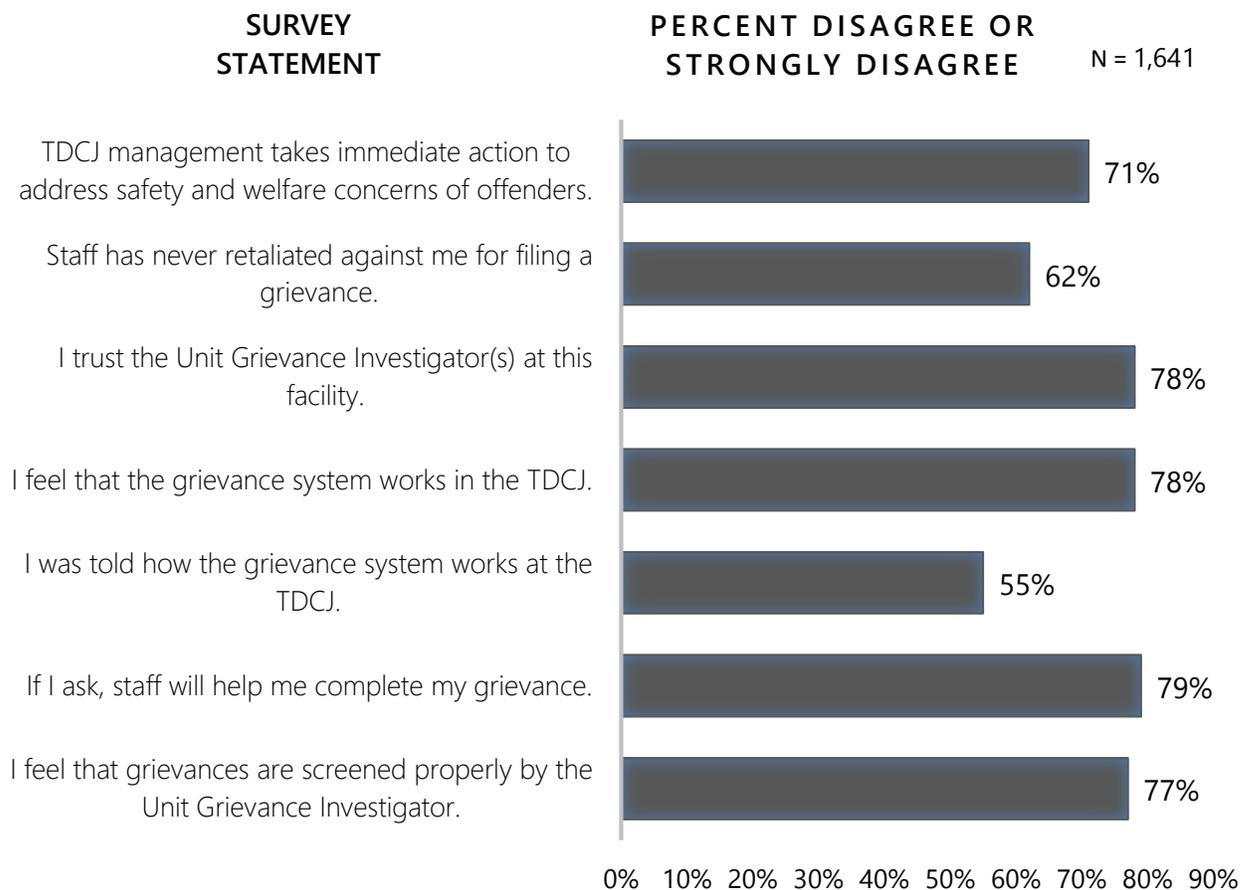
### State Auditor's Office Report

In 2008, the Texas State Auditor's Office completed its review of how the TDCJ resolved and investigated complaints through the Offender Grievance System, Ombudsman's office, and Employee Grievance System. Although the audit found the TDCJ to be substantially compliant with written policies and procedures, investigators noted several areas in which the Offender Grievance System needed improvement. These included improving the accuracy of collected data, ensuring prisoners were aware of program updates and revisions, and improving the referral of grievances to other departments or programs (particularly grievances related to reports of sexual assault that should be forwarded to the Office of the Inspector General [OIG], the Safe Prisons Program [SPP], and the Prison Rape Elimination Act [PREA] Ombudsman).

The State Audit report also included results of a survey distributed to 1,641 prisoners at seven TDCJ facilities, including the Allred, Bridgeport, Clements, Dominguez, Mountain

View, Murray, and Neil units. Surveys included questions on prisoners’ knowledge about the grievance process, their level of confidence in the grievance system and staff, and their opinions on the level of independence and confidentiality present in the grievance system. Results reported in the State Auditor’s survey show substantial problems in the Offender Grievance System, including a lack of prisoner knowledge about the program’s policies and procedures, a significant lack of confidence in the impartiality of the grievance system, and widespread mistrust of both the grievance staff and the system itself.<sup>xiii</sup>

Highlights from the survey are presented in the figure opposite. Particularly concerning is the significant majority (62 percent) reporting staff retaliation for filing a grievance. In addition, over three-fourths of prisoners surveyed reported that the TDCJ’s grievance system does not work. Over 70 percent did not feel that TDCJ management was responsive to the safety and welfare of prisoners.<sup>xiv</sup>



Source: “An Audit Report on the TDCJ’s Complaint Resolution and Investigation Functions,” Texas State Auditor’s Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.

Taken as a whole, data shows that Texas state prisoners have very little trust in the grievance system's ability to resolve the issues they encounter. Not only is this problematic for prisoners themselves – who clearly feel they have no recourse inside the prison system for resolving issues – but also for TDCJ administration. As previously discussed, grievance systems can assist the agency in avoiding costly litigation by resolving problems before they escalate to the level of a lawsuit. If prisoners do not feel the grievance system acts in good faith to resolve legitimate problems, they are unlikely to take the process seriously, or be willing to resolve problems outside of a court room.

### *PJL Survey*

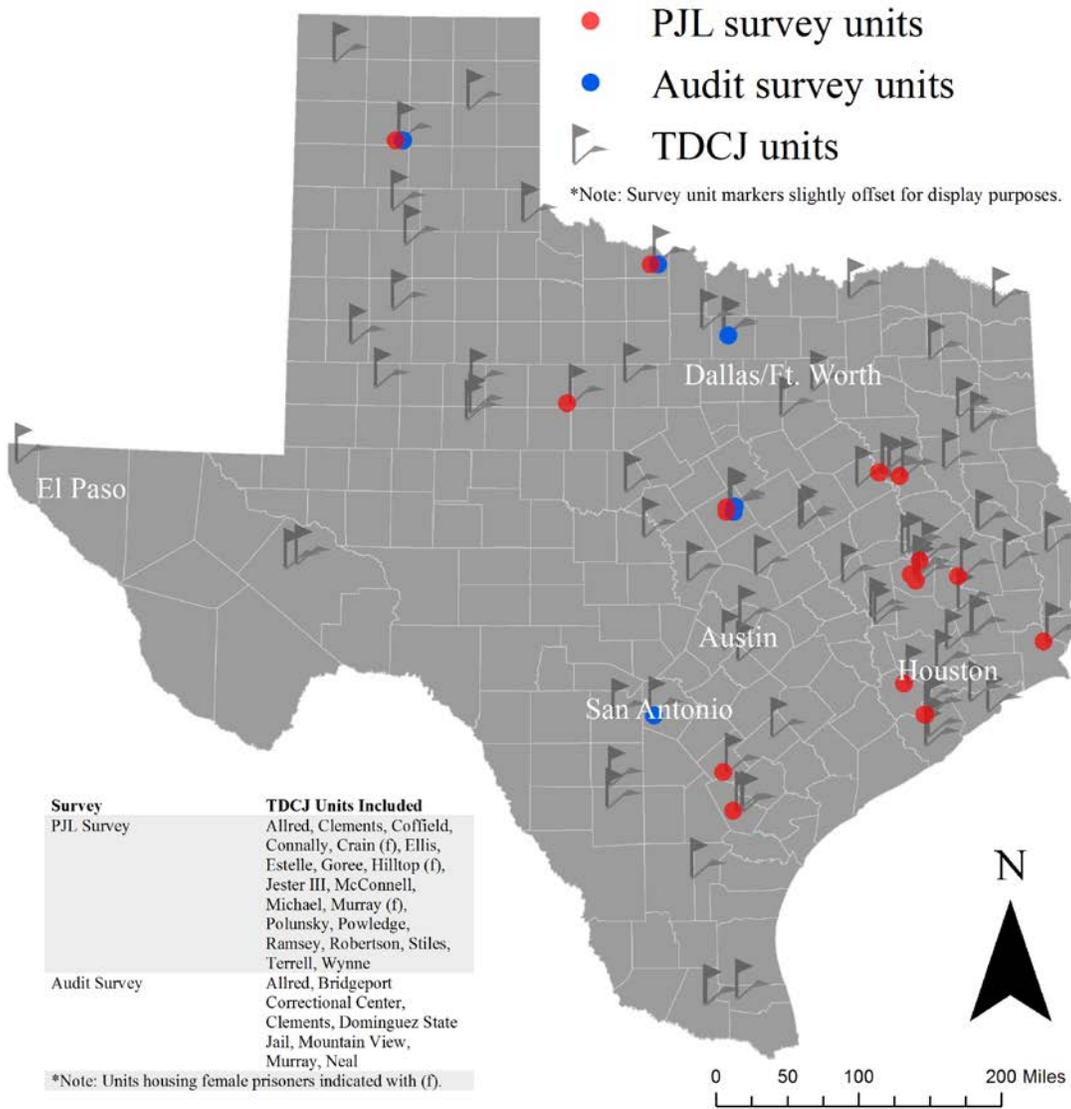
In the interest of providing more current information and to better understand a prisoners' experience with the Offender Grievance System, PJL developed its own survey drawing from the State Auditor's report and other information shared by prisoners who write the PJL office. The survey was mailed to 150 PJL members randomly selected from 20 TDCJ facilities, including the Allred, Clements, Coffield, Connally, Crain, Ellis, Estelle, Goree, Hilltop, Jester III, McConnell, Michael, Murray, Polunsky, Powledge, Ramsey, Robertson, Stiles, Terrell, and Wynne Units. In addition to examining quantitative data from the TDCJ, State Auditor survey, and PJL surveys, PJL staff members screened hundreds of letters from prisoners, along with copies of grievance forms, to provide specific examples of our members' direct experience with the grievance system. The letters served to provide insight into problems referenced in the quantitative data, in addition to issues overlooked at a larger scale of analysis.

PJL's survey was mailed on July 7, 2015 to 150 randomly-selected Texas prisoners in 20 units throughout the state, and included both male and female units. Within a month, PJL received 36.67 percent of the total in completed surveys. Respondents reported filing a median of three grievances in the past six months. Of the 51 members filing a grievance in the past six months, only 7.84 percent reported a satisfactory resolution to their grievance. A majority (54.54 percent) reported that they had never had any grievance satisfactorily resolved during their time in the TDCJ. In addition, 60 percent of prisoners reported not knowing or not being sure of who their unit grievance officer was.

The following figure below shows TDCJ facilities selected for both surveys, along with all TDCJ facilities in the state.

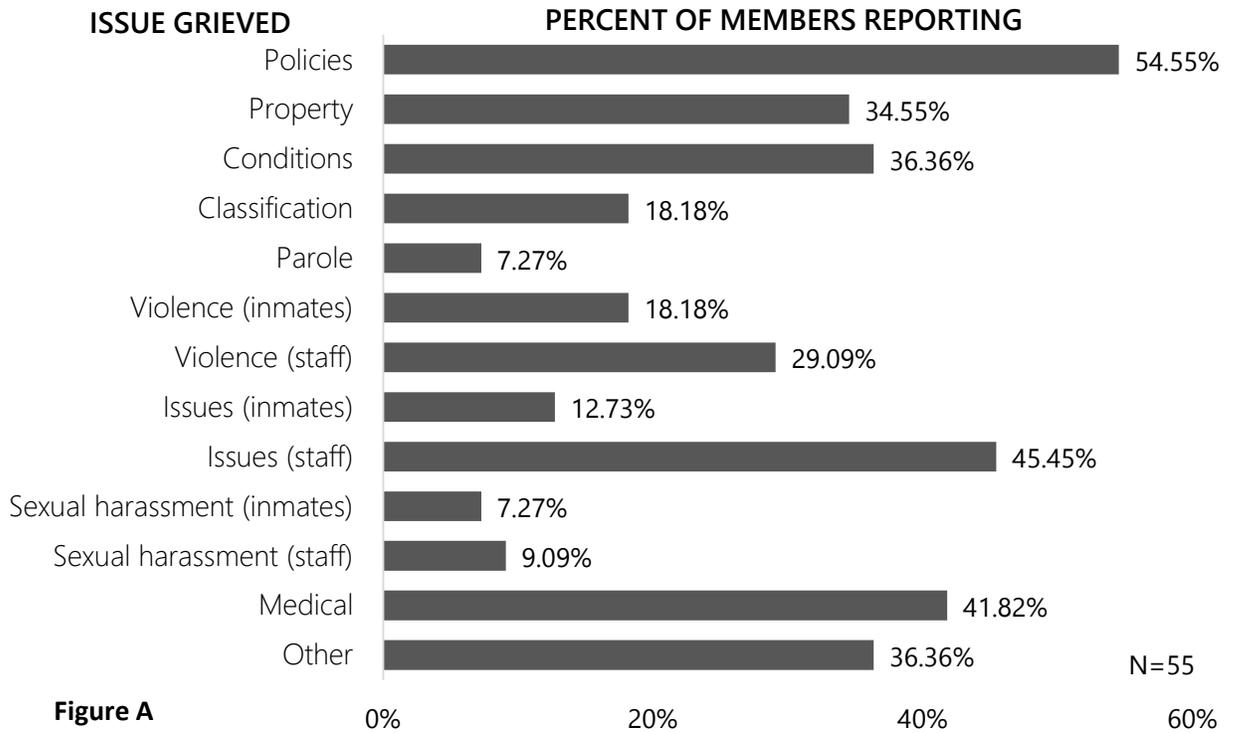
# TDCJ Unit Locations

## PJL and Audit Surveys

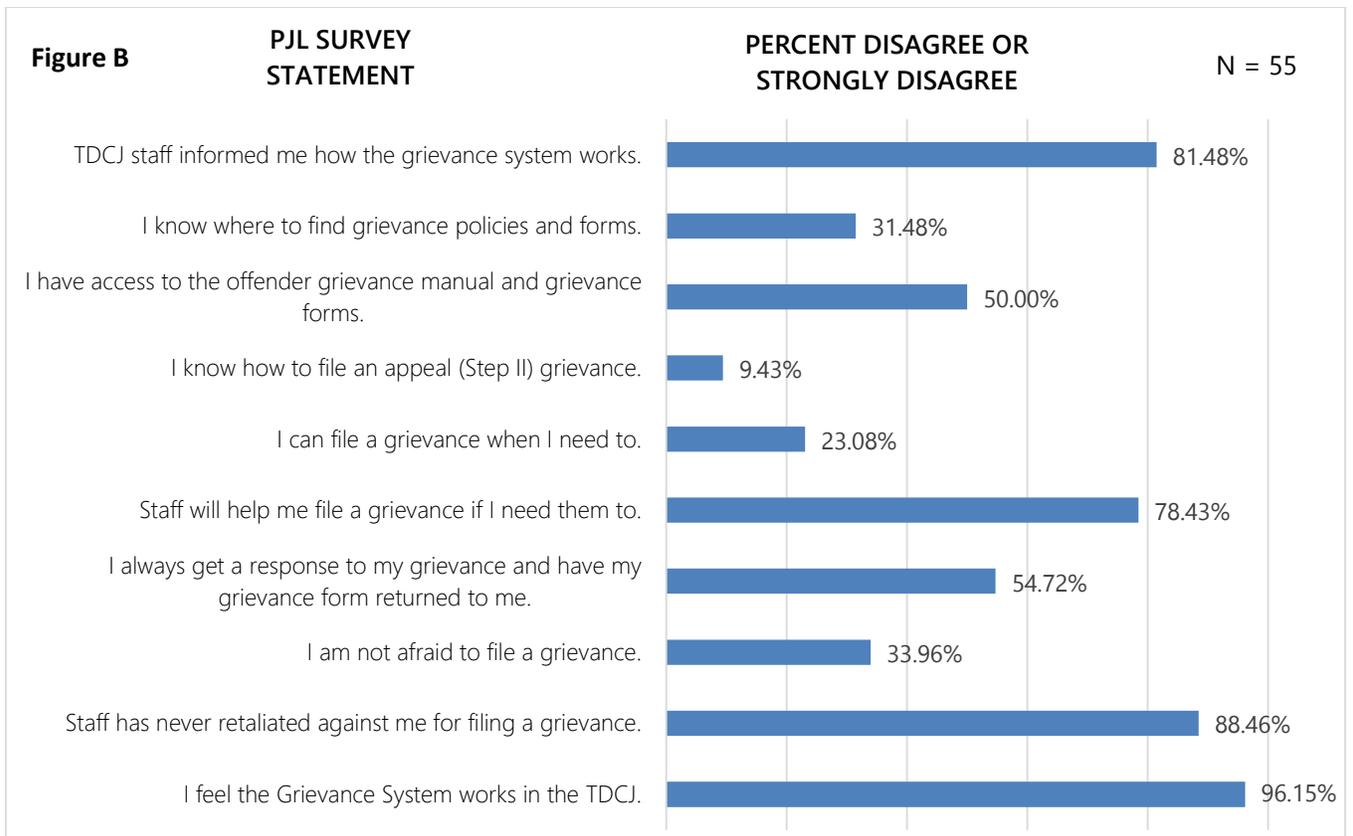


Sources: Texas Department of Criminal Justice, "Unit Directory," [http://tdcj.state.tx.us/unit\\_directory/](http://tdcj.state.tx.us/unit_directory/), 8/31/2013.  
 U.S. Census Bureau, "Tiger Line Shapefiles," January 1, 2014, <https://www.census.gov/geo/maps-data/data/tiger-line.html>.

PJL’s survey also helped shed light on the issues contained in grievances, summarized below in Figure A. In the previous six months of our survey, over 54 percent of members reported filing grievances related to the improper application of TDCJ policies, rules, and regulations. The second most common category of grievances (45 percent of respondents) dealt with non-violent complaints against staff members, followed by issues related to medical problems, treatment, billing, and other issues.



The PJL survey included questions mirroring the state auditor’s statements, both for comparison and in the interest of providing updated information. Survey statements, along with the percent of respondents who either disagreed or strongly disagreed with the statements, are provided in Figure B.



PJL survey respondents reported being more aware about the grievance system than the general population surveyed in the State Auditor’s report, although over 81 percent of respondents indicated that they did not get this information from TDCJ staff members. Half of the respondents indicated that they did not have access to the grievance manual and forms. One member reported having access to forms simply because he had stockpiled them at an earlier point in time. In addition, 54.72 percent reported grievances going unanswered or unreturned.

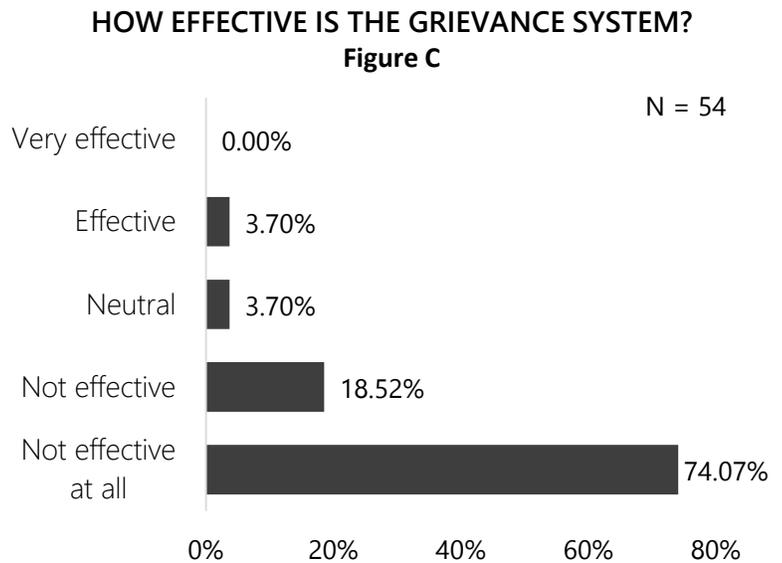
## Identified Problems

Significant problems exist within the offender grievance system. Major trends surfaced while examining the summary data, state auditor’s report, the PJL survey, and by reviewing hundreds of grievances sent to us by state prisoners. Below is, in our view, the most serious identified issues within the grievance system as a result of our analysis.

### *Lack of trust in the grievance process*

As previously discussed, the State Auditor’s survey showed a significant lack of confidence in the impartiality of the grievance system, and widespread mistrust of both the grievance staff and the system itself.<sup>xv</sup> Over three-fourths of prisoners surveyed reported that the TDCJ’s grievance system does not work. Over 70 percent did not feel that TDCJ management was responsive to the safety and welfare of prisoners.<sup>xvi</sup>

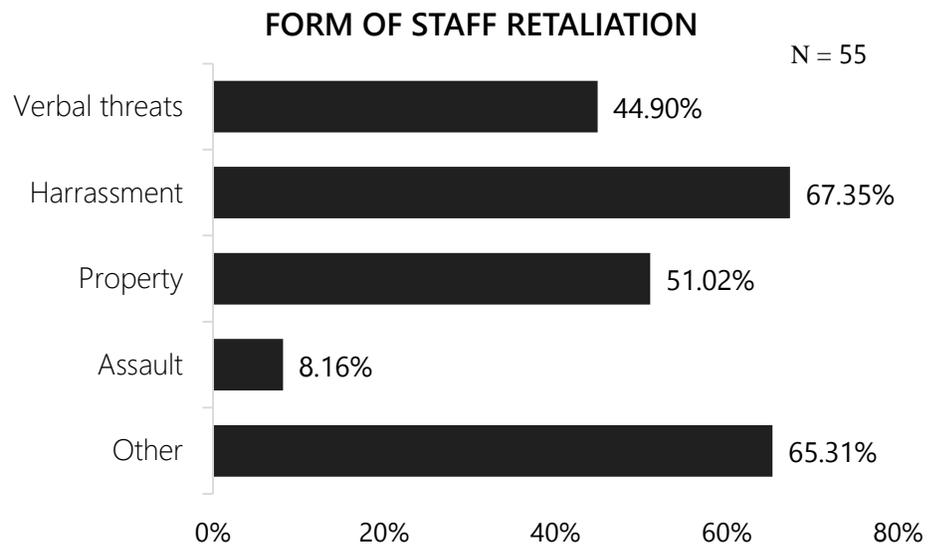
Much like the State Auditor’s survey, the PJJ survey found a lack of prisoner confidence in the effectiveness and impartiality of the grievance system. Figure C describes respondents’ assessment of the effectiveness of the grievance system at their unit. Only 3.64 percent felt the system was effective, with over 91 percent indicating it was either not effective or not effective at all.



### *Retaliation for filing a grievance*

Far more troubling, as was the case in the State Auditor’s report, is the high percentage (62 percent) of prisoners reporting staff retaliation for using the grievance system.

In order to learn more about staff retaliation, PJJ included additional questions related to instances of retaliation. Of the survey respondents, 85.45 percent reported some form of staff retaliation for using the grievance system. Retaliation took many forms, including staff unlawfully taking, damaging or destroying prisoner property; harassment; verbal threats; and in some cases, physical assault. PJJ survey respondents' responses are presented in the figure to the right. Numbers do not sum to 100 percent, as respondents could indicate multiple forms of retaliation.



*“The grievance system fails to protect inmates from retaliation but instead encourages it.”*

Stories of retaliation by guards abound, including tampering or destroying inmate property, illegitimately writing up prisoners for spurious infractions, placement in Administrative Segregation, and verbal and physical assaults. Several members also report attempts to prevent access to the grievance system, including the removal of the Grievance Policy Handbook from unit legal libraries.

Due to a guard’s perception he was a whistleblower, one member writes:

*“I was taken to Seg [solitary confinement], and [the Captain] later told me that what goes on at Fort Stockton, stays at Fort Stockton. It made me realize that he was retaliating against me for writing the Director.”*

In addition to the four categories listed above, PJJ survey respondents had the option to write-in other forms of retaliation they suffered as a result of using the grievance system. Responses highlighted the extreme amount of control correctional officers wield over prisoners, and the potential for many forms of abuse to be difficult to detect at the aggregate level. Over 31.25 percent of responses in the “Other” category included:

- guards reassigning prisoners to different housing assignment,

- putting prisoners in solitary confinement [administrative segregation]
- and moving prisoners that filed a grievance to a different TDCJ unit altogether.

The second most common response (28.13 percent of responses in the category) referenced guards writing false disciplinary cases which could have a highly detrimental effect on a prisoners' classification, housing status, or parole decision. According to one of the respondents, a housing change was requested specifically to house the respondent with a known violent prisoner. Other responses in the "Other" category included inciting other prisoners to attack or harass the respondent; refusing access to the law library, meals or the commissary; and arbitrary work reassignments.

*"Something must be done to eliminate the retaliation. I've had friends...beat real bad for filing a complaint. I've witnessed hundreds of other incidents where prisoners [have] been falsely punished for filing Step 1s. It's really bad."* – **PJL survey respondent**

The PJL survey also included open-ended questions to allow respondents to discuss their perception of the problems with the grievance system and how it could be improved. Nearly all respondents indicated the major problem with the grievance system to be the lack of impartial investigation into Step 1 and Step 2 grievances: prisoners are presumed to be "liars with baseless claims," in the words of one respondent.

### ***Lack of independent oversight***

In addition, respondents indicated a desire for the grievance system to be independent of TDCJ in order to improve outcomes for those filing grievances against staff. Many of the grievance staff at both the Step 1 and Step 2 level are familiar, friendly with and, in some cases, related to correctional staff, with several instances of grievance officers being married to correctional officers at the same unit. To put it simply, as one survey respondent notes, the biggest problem with the grievance system is "that the grievance officer is a TDCJ employee."

In response to how the system could be improved, responses were almost unanimous in indicating the need for a grievance system truly independent of the TDCJ. Other suggestions included using the evidence available (such as video footage) during grievance investigations, providing prisoners documentation of how their grievance was investigated, providing greater access to forms and procedures, and tracking how many grievances individual employees receive to identify problem staff members.

Another problem is that there are not sufficient checks and balances on the grievance system or process. For example, if a prisoner files a grievance about a staff member, the grievance officer will interview the staff member. A staff member is unlikely to incriminate him or herself or other staff members with whom they work closely. In most cases, interviewing one person satisfies the grievance investigation process and a response is filed with the Step 1 grievance.

A common grievance response is that the staff member “denies the allegation[s]” and the investigation is closed.<sup>xvii</sup> Prisoners don’t have much recourse except to file a Step 2 grievance that describes how the Step 1 response is unsatisfactory.

The problem of not having independent oversight over the grievance system may be best summed up by one member of PJJ: the “inherently biased Inmate Grievance Program...is a waste of taxpayer’s money because [grievances] only are viewed by an inner circle within [the] TDCJ and not by independent citizens. This is a broken, sham, biased Grievance Program.”

### *Failure to resolve legitimate grievances*

Approximately one quarter of Step 1 grievances are appealed to the Step 2 stage.<sup>xviii</sup> Prisoners who chose to submit a Step 2 grievance do so because they are not satisfied with the response to their Step 1 grievance. A significant number of inmates report not receiving responses to grievances, or having grievances returned without a response. An even greater proportion report not having grievances returned within the time frame specified in the OGOM, or not receiving proper notification for an extension of the grievance process. According to the Prison Litigation Reform Act (PLRA), prisoners must first exhaust all of their administration remedies before filing a lawsuit against a correctional agency. An effective complaint system that actually resolved issues at the agency-level would keep hundreds of lawsuits from clogging up our federal court dockets.

### *Lack of adequate staffing*

One of the reasons why grievances fail to be adequately resolved may be due to lack of staff. Proper and timely investigation of offender grievances is a time-intensive process, potentially involving the inspection of prison conditions, interviews with multiple prisoners or staff, and reviewing surveillance footage. To investigate the extent to which the Offender Grievance Program has the departmental capacity to adequately investigate

prisoner grievances, PJL requested information on the number of TDCJ staff members employed at the Step 1 and Step 2 levels.

According to TDCJ’s Executive Services department, the TDCJ currently employs 88 individuals to process grievances at the Step 1 level. An additional 12 employees process Step 2 appeals at the central office in Huntsville.<sup>xix</sup>

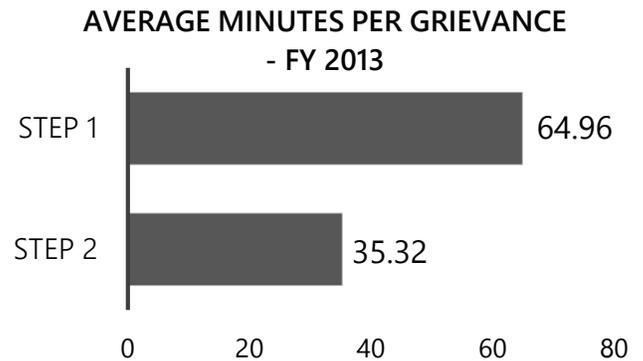
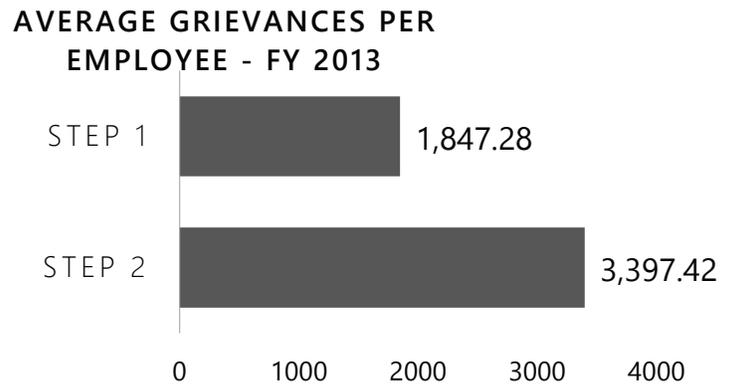
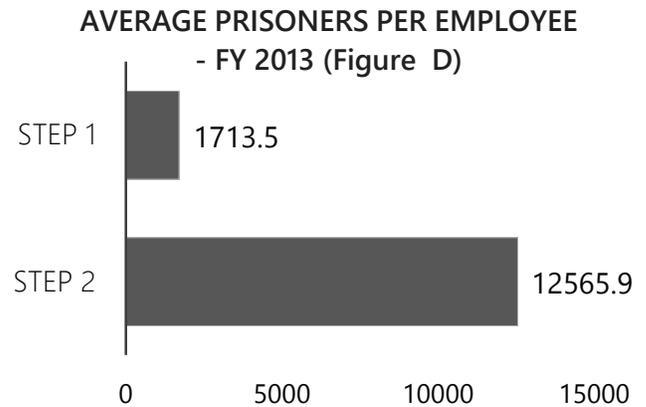
Based on this employment data, TDCJ staff are responsible for processing grievances from a staggering number of prisoners – over 1,700 per employee at the Step 1 level, and over 12,500 at the Step 2 level each year. (Figure D)

Data also supports the astounding number of actual grievances an employee must investigate, based on past grievance data. Grievance officers are responsible for over 1,800 requests per year at the Step 1 level, and nearly 3,400 at the Step 2 level.

Assuming staff members work a standard 40-hour work week for 50 weeks per year, and spend 100 percent of their time processing grievances, employees would have just over one hour to spend per grievance at the Step 1 level. At the Step 2 level, grievance officers would have just over 35 minutes per grievance.<sup>xx</sup> Given that this must include the time spent retrieving grievances, entering data, and drafting responses, it seems highly unlikely that grievance staff have much, if any, time to investigate complaints.

Presumably, investigations of Step 2 grievances from the central office take even more time to conclude, given that staff do not have such immediate access to the unit staff or prisoners to adequately conduct an investigation.

Most importantly, a major rationale for designing a two-step appeals process is that



grievance officers at the central office have fewer connections to staff at specific units. This is important because many of the grievances are written about specific staff members. Central-unit grievance staff can act as an impartial arbiter, whereas Step 1 grievance staff at the unit-level may be unwilling to investigate claims made by prisoners against their coworkers.

### *No consequences for staff not adhering to process*

As reported by PJJ survey respondents, grievance staff often do not follow the grievance procedures outlined in the OGOM. In some cases, they fail to notify prisoners of an extension in processing the grievance, misplace or lose grievances, or return grievances without a response. In addition, the grievance system lacks confidentiality, which means information shared during the grievance process is shared with other staff members, including those staff mentioned in the actual grievance. This increases the risk of retaliation and reprisals from guards and other prisoners against whom a grievance has been filed.

Finally, the State Auditor's Report found repeated failures of grievance staff forwarding grievances to other departments, including those related to the Safe Prisons Program, Prisoner Rape Elimination Act, or OIG.<sup>xxi</sup> Currently, there are no consequences for grievance staff who fail to follow the procedures outlined in the OGOM.<sup>xxii</sup>

Prisoners express a high degree of frustration with the lack of any investigation into the merits of their grievances. In his appeal to the central office over a grievance related to threats from staff members, one PJJ member writes:

*"The response [to my Step 1 grievance] starts with the same exact words as every single other complaint I've filed at the Estelle Unit. 'Your complaint has been noted by this office. After obtaining and reviewing statements from staff, insufficient evidence was found to support your claims...' This is a rubber stamp response to all grievances which does not comply with the Offender Grievance Operating Manual."*

Even when the burden of proof consists of an entire wing of 35 prisoners alleging retaliation and harassment by a specific guard, grievance officers do little to investigate the issue. As a particular group of inmates writes,

*“...we have tried Step 1 grievances and Step 2 grievances...and the...Administration behaves as if they are above the law. We get retaliated against just mentioning the word grievance, and we always get the same response, ‘Officers deny all allegations.’ Then our cells get destroyed or worse from retaliation by the officer who was written up on the grievance.”*

## Conclusion

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It is clear that Texas prisoners feel they cannot resolve their issues through the Offender Grievance System because there is a lack of trust in the efficacy of the system. Improving the Offender Grievance System would improve relationships between prisoners and staff, ensure that the constitutional rights of incarcerated people are protected, and reduce frivolous lawsuits from hampering our federal court system. We urge the Texas Department of Criminal Justice and the State Legislature to take a close look at the Offender Grievance System and consider implementing the recommendations found in this report. Doing so would improve outcomes for both prisoners of the state and the public.

# Endnotes

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- <sup>i</sup> Jasmine Jones, TDCJ Executive Services, email correspondence to PJL, July 17, 2015. Texas Criminal Justice Coalition. "Basic Facts." Accessed July 15, 2015. <http://www.texasjc.org/basic-facts-1>
- <sup>ii</sup> Arthur A. Alarcón, "A Prescription for California's Ailing Inmate Treatment System: An Independent Corrections Ombudsman," *Hastings Law Journal* 591, February 2007, available at <http://www.prearesourcecenter.org/sites/default/files/library/hastingslawjournal591aprescriptionforcaifailinginmatetreatmentsystemanindependent.pdf>.
- <sup>iii</sup> Independent Ombudsman, Texas Juvenile Justice Department, "Index," accessed August 3, 2014, available at <https://www.tjjd.texas.gov/ombudsman/index.aspx>.
- <sup>iv</sup> "An Audit Report on the TDCJ's Complaint Resolution and Investigation Functions," Texas State Auditor's Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.
- <sup>v</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012.
- <sup>vi</sup> "An Audit Report on the TDCJ's Complaint Resolution and Investigation Functions," Texas State Auditor's Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.
- <sup>vii</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012, 1.
- <sup>viii</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012, 1.
- <sup>ix</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012, 13-15.
- <sup>x</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012, 42, 49.
- <sup>xi</sup> Patricia Fleming, TDCJ Office of the General Counsel, correspondence to PJL, June 24, 2015.
- <sup>xii</sup> *Annual Reviews 2005-2013*, TDCJ, available at <http://tdcj.state.tx.us/publications/index.html>.
- <sup>xiii</sup> State auditor report on grievance system
- <sup>xiv</sup> "An Audit Report on the TDCJ's Complaint Resolution and Investigation Functions," Texas State Auditor's Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.
- <sup>xv</sup> State auditor report on grievance system

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<sup>xvi</sup> "An Audit Report on the TDCJ's Complaint Resolution and Investigation Functions," Texas State Auditor's Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.

<sup>xvii</sup> Excerpt from Inmate Grievance Response, names withheld for privacy and protection of the inmate.

<sup>xviii</sup> *Annual Reviews 2005-2013*, TDCJ, available at <http://tdcj.state.tx.us/publications/index.html>

<sup>xix</sup> Jasmine Jones, TDCJ Executive Services, email correspondence to PJJ, July 17, 2015.

<sup>xx</sup> Calculations made with prisoner counts from the TDCJ's 2014 *Statistical Report* (available at <http://tdcj.state.tx.us/publications/index.html>) and staffing numbers from email correspondence on July 17, 2015 from Jasmine Jones, TDCJ Executive Services.

<sup>xxi</sup> "An Audit Report on the TDCJ's Complaint Resolution and Investigation Functions," Texas State Auditor's Office, September 2008, available at <http://www.sao.state.tx.us/reports/main/09-004.pdf>.

<sup>xxii</sup> *Offender Grievance Operations Manual*, TDCJ Administrative Review and Risk Management Division, Revised January 2012.