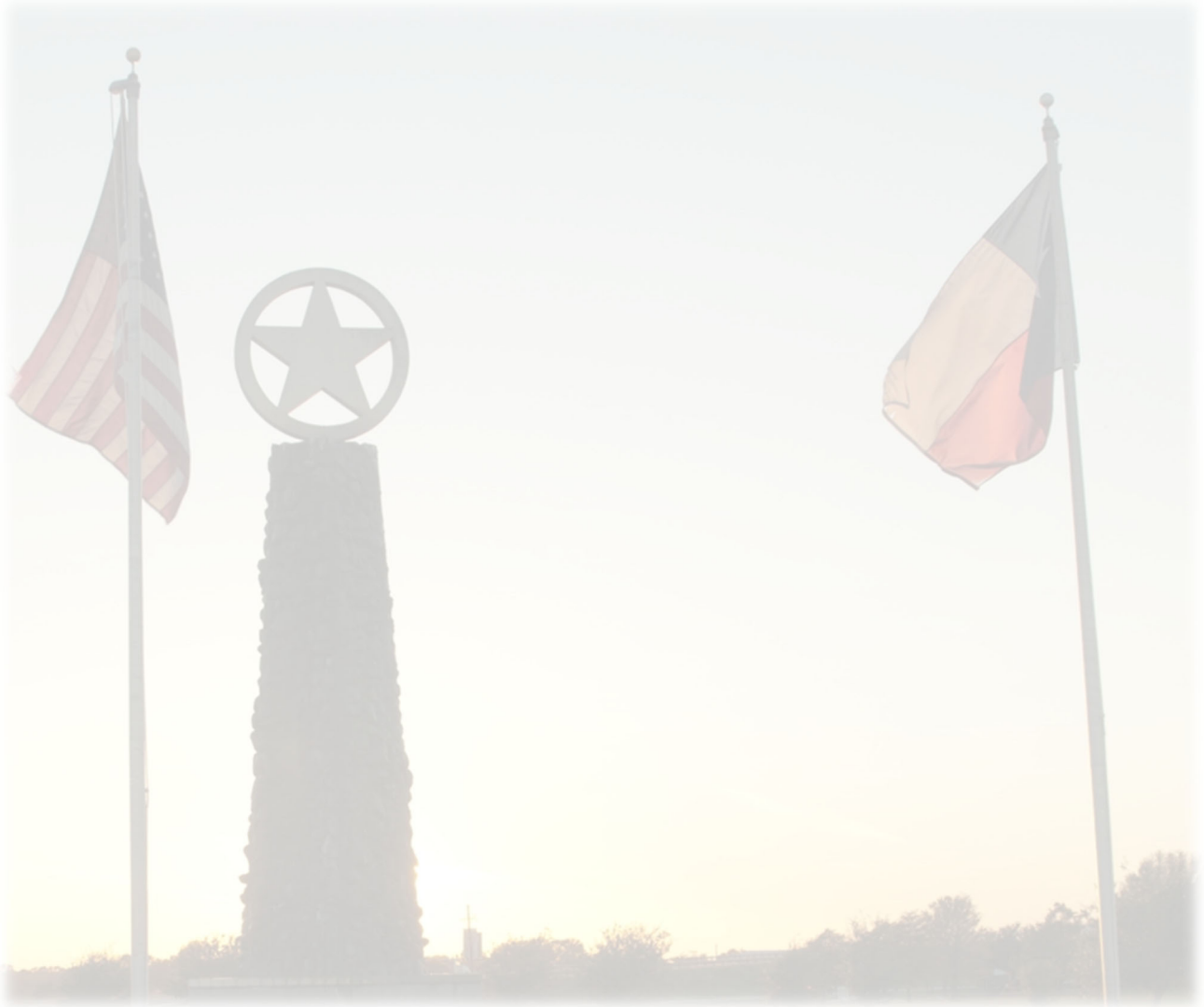


# Texas Board of Criminal Justice



## Independent Ombudsman Resolution Fiscal Year 2022 Report

December 2022

## Texas Board of Criminal Justice

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## Overview

As required by the 87th Texas Legislature General Appropriations Act (GAA) for the 2022-2023 biennium by Article V, Texas Department of Criminal Justice (TDCJ) Rider 46, the TDCJ is required to provide an annual public report on the activities of the Ombudsman. Additionally, Rider 30 requires the Ombudsman to respond to all agency and legislatively referred complaints in a timely manner and to develop performance measures, trend analysis, and a method of resolution for issues presented.

The Ombudsman accounts for number and types of inquiries made, the resolution of each inquiry, and how each inquiry was resolved.

The 2022 GAA, Article V, Rider 46 requires a report be provided by December 1, 2022, to the Governor, Lieutenant Governor, Speaker of the House, and the legislative committees tasked with criminal justice and appropriations.

## Office of the Independent Ombudsman

In accordance with Texas Government Code §493.016, the Texas Board of Criminal Justice (TBCJ) Ombudsman Program provides a single point of contact for elected officials and members of the public who have inquiries regarding the agency, inmates, or staff. When necessary, investigations shall be coordinated through appropriate TDCJ officials. The Office of the Independent Ombudsman strives to provide timely responses to the public.

The TBCJ Ombudsman Program facilitates public access to agency staff through coordination with divisional offices. Public knowledge of the program and its procedures are available through the TDCJ website. Informational posters, both in English and Spanish, have been placed on TDCJ correctional facilities, secure parole facilities, and district parole offices. The posters outline how the ombudsman can be contacted. The TDCJ website provides contact information for each ombudsman section.

The program follows Texas Government Code §493.016; the Governor's Compact with Texans; and TDCJ Executive Directive (ED) 02.03, "Ombudsman Program."

In Fiscal Year (FY) 2022, the Ombudsman Office attended two TDCJ Summit family conferences.



## Executive Summary

This report contains information regarding inquiries closed from September 1, 2021 through August 31, 2022 (FY 2022). During FY 2022, resolutions were provided for 11,949 inquiries based on the following ombudsman inquiry categories:

INQUIRY CATEGORIES	TOTAL
Emergency	1,875
Legal	25
Classification	292
Grievance Program	96
Communication	184
Health Services	1,459
Religious	5
Disciplinary	298
Transportation	5
Facility Operations	1,029
Victim	3
Parole	173
Other/Miscellaneous	5,054
Staff Complaint	1,393
FYI/Referrals/Thank You	58

**OMBUDSMAN CATEGORIES TOTAL 11,949**



# Ombudsman Reporting Resolutions

## Emergency

<b>Allegations/Threats and/or Physical harm from another Inmate, Request for protection, Extortion to include obtaining currency, property, or demanding the performance of an action by coercion, deception, or violence.</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Duplicate request from same requestor	3
Grievance filed and pending outcome	2
Other action taken	13
General information provided/Policy or process explained	898
Referred to OIG**	2
Inmate reassigned unit/housing/job/class/program	122
Investigated - No corrective action necessary	178
Some corrective action/Some unable to provide outcome requested	9
Not satisfied with response/rebuttal	3
Contact information provided	1
Disciplinary overturned	2
Pending Litigation/Provided general information	1
Referred to PREA*	2
No contact information for requestor	3
<b>TOTAL</b>	<b>1,239</b>
<small>* "Referred to Prison Rape Elimination Act (PREA)" indicates the resolution code used to close out the inquiry however, all sexual assault/abuse allegations are referred to PREA and the Office of the Inspector General (OIG).</small>	
<small>** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.</small>	

<b>Physical Harm or Threats of Physical Harm from Staff</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Additional information received from requester	1
Other action taken	1
General information provided/Policy or process explained	374
Referred to OIG**	4
Inmate reassigned unit/housing/job/class/program	7
Some corrective action/unable to provide action requested	2
No contact information for requestor	2
Grievance filed and pending outcome	2
Investigated - No corrective action necessary	100
Requested action approved/taken	1
<b>TOTAL</b>	<b>494</b>
<small>** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.</small>	



<b>Medical Emergencies</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	87
Inmate reassigned unit/housing/job/class/program	2
Not satisfied with response/rebuttal	2
Investigated - No corrective action necessary	18
Seen by medical/Medication provided/Co-pay issues addressed	2
<b>TOTAL</b>	<b>111</b>

**Allegations of Sexual Assault/Sexual Abuse (penetration of the anus, sexual organ, or mouth of another person by any means, without that person's consent, sexual contact between the genitals of one person and the genitals, mouth, anus, or hands of another person, to include sexual fondling, without that person's consent) \***

<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	20
Duplicate request from same requestor	1
No contact information for requestor	1
Referred to OIG**	2
Investigate-No corrective action necessary	4
Referred to PREA*	2
Other action taken	1
<b>TOTAL</b>	<b>31</b>

*\* "Referred to PREA indicates the resolution code used to close out the inquiry however, all sexual assault/abuse allegations are referred to PREA and OIG.*

*\*\* "Referred to OIG" indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.*

## Legal

**Access to Courts, Indigent Supplies, Telephone Access to Attorneys, Law Library, Attorney Visits, Notary Work, Open Records Requests, Legal Issues not otherwise specified**

<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	18
Request to disregard	1
Requested action approved/taken	1
Investigated- No corrective action necessary	3
Referred to OIG**	1
Other action taken	1
<b>TOTAL</b>	<b>25</b>

*\*\* "Referred to OIG" indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.*



## Classification

<b>Housing/Unit Assignment, Job assignment, Restrictive Housing, Education/Vocational Training, Rehabilitation Programs, Classification Status and/or Custody Level, Furlough/Work Release/Emergency Absences, Security Threat Group, Time Calculations, Classification Issues not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Grievance filed and pending outcome	5
Other action taken	18
General information provided/Policy or process explained	209
Inmate reassigned unit/housing/job/class/program	7
Investigated - No corrective action necessary	20
Seen by medical/Medication provided/Co-pay issues addressed	1
Referred to Board of Pardons and Paroles (BPP)	1
Some requested action taken/unable to provide outcome	4
No contact information for requestor	1
<b>TOTAL</b>	<b>266</b>

<b>Transfers within State (facility transfer requests)</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	17
Investigated - No corrective action necessary	5
Inmate reassigned unit/housing/job/class/program	3
<b>TOTAL</b>	<b>25</b>

<b>Transfers out of State (transfers to out of state prisons Interstate Corrections Compact)</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	1
<b>TOTAL</b>	<b>1</b>

## Grievance Program

<b>Allegations against Grievance Staff, Procedure, Processing, and/or Response Time, Access to Grievance Forms</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	86
Investigated - No corrective action necessary	6
Other action taken	3
Some requested action taken/unable to provide outcome	1
<b>TOTAL</b>	<b>96</b>





## Communication

<b>Visitation, Telephone Access, Access to Forms, General Mail, Packages, Publications, Special/Legal/Media Mail, Mail not being delivered in accordance with Correspondence Rules Time Limits, Issues not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Grievance filed and pending outcome	1
Other action taken	8
Request to disregard	1
Inmates reassigned unit/housing/job/class/program	1
General information provided/Policy or process explained	140
Investigated - No corrective action necessary	7
Property replaced/returned/settlement	2
<b>TOTAL</b>	<b>160</b>

<b>Inmate Well Being</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	22
Investigated - No corrective action necessary	1
Seen by Medical/Medication provided/Co-pay issues addressed	1
<b>TOTAL</b>	<b>24</b>

## Health Services

<b>Housing Based on Medical Restrictions, Medical Personnel, Confidentiality/Privacy of Medical Information, Work Assignment Based on Medical Restrictions, Countermanded Medical Orders, Access/Denial to Medical Care and Services, Dental, Health Records, Infectious Diseases, Medical Classification/Health Summary [HSM-18], Medical Pass Issues, Medication Issues, Psychiatric/Psychological Programs, Not Satisfied with Treatment, Assistive Disability Services ADS, Podiatry, Ophthalmology/Optomtry/Glasses, Medical Transfers, Medical Copayment, Ancillary Medical Services, Medical Issues not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Some requested action taken/unable to provide outcome	1
Inmate reassigned unit/housing/job/class/program	1
Records corrected	1
Other action taken	47
General information provided/Policy or process explained	1,376
Seen by medical/Medication provided/Co-pay issues addressed	26
No contact information for requester	1
Investigated - No corrective action necessary	6
<b>TOTAL</b>	<b>1,459</b>



## Religious

<b>Religious Service/Membership, Religious Paraphernalia, Religious Grooming, Discrimination based on Religion, Religious Issues not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	4
Investigated - No corrective action necessary	1
<b>TOTAL</b>	<b>5</b>

## Disciplinary

<b>Improperly Charged, Notice/Service Deficiency, Investigation Deficiency, Failure to allow, call, or interview witnesses and/ or cross examination, Denied Presentation of Documentary and/or Other Evidence, Hearing/Investigation was not impartial, Counsel Substitute Deficiency, Insufficient/Improper Evidence to Support Findings, Improper Punishment, Accused Excluded from Hearing, Conspiracy/Retaliation, Frivolous Issue, Disciplinary Overturn Request, Disciplinary Issues not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Duplicate request from the same requestor	1
Inquiry status	1
Request action approved/taken	1
Grievance filed and pending outcome	4
Other action taken	3
Referred to OIG**	1
General information provided/Policy or process explained	251
Contact information provided	1
Referred to BPP	1
Inmate reassigned unit/housing/job/class/program	1
Investigated - No corrective action necessary	29
Some requested action taken/unable to provide outcome requested	2
Disciplinary overturned	1
No contact information for requestor	1
<b>TOTAL</b>	<b>298</b>
** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.	



## Transportation

<b>Transportation (any issue regarding inmate movement via bus, van, etc.)</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	1
Other action taken	4
<b>TOTAL</b>	<b>5</b>

## Facility Operations

<b>Food, Commissary, Trust Fund, Sanitation, Necessities, Activity Rotation, Living &amp; Working Conditions, Grooming, Recreation, Showers, Confiscated/Contraband Property, Property Policy Questions/Complaints, Property Lost/Damaged/Stolen, Searches, Maintenance, Facility Lockdown, Inmate Drug Testing Procedures, Craft Shop</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Contact information provided	4
Maintenance work order submitted and/or completed	1
Not satisfied with response/Rebuttal	1
Grievance filed and pending outcome	6
Other action taken	15
General information provided/Policy or process explained	302
Investigated – No corrective action necessary	38
Inmate reassigned unit/housing/job/class/program	1
No TDCJ jurisdiction	2
Some request action taken/Some unable to provide outcome	5
Referred to OIG**	1
<b>TOTAL</b>	<b>376</b>

\*\* "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.

<b>Facility concerns not otherwise specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Records corrected	1
Other action taken	1
Some requested action taken/unable to provide outcome	6
General information provided/Policy or process explained	586
Inmate reassigned unit/housing/job/class/program	3
Investigated – No corrective action necessary	52
Maintenance work order submitted and/or completed	2
No contact information for requestor	2
<b>TOTAL</b>	<b>653</b>



## Victim

<b>Victim</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	1
Other action taken	2
<b>TOTAL</b>	<b>3</b>

## Parole

<b>Parole Status and/or Parole Review Process Inquiry</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	143
Referred to BPP	12
Referred to PREA*	1
Contact information provided	1
Other action taken	12
<b>TOTAL</b>	<b>169</b>

\* "Referred to PREA indicates the resolution code used to close out the inquiry however, all sexual assault/abuse allegations are referred to PREA and OIG.

<b>Parole Division Policy/Procedure Inquiry/ISF Release Inquiry</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	2
<b>TOTAL</b>	<b>2</b>

<b>Pardons/Commutations/Special Parole Reviews/Special Medical Needs Parole Inquiry</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	1
<b>TOTAL</b>	<b>1</b>

<b>Support/Non-Support Letters for Parole Release</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	1
<b>TOTAL</b>	<b>1</b>



## Other/Miscellaneous

<b>Allegations against Inmates</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Other action taken	3
General information provided/Policy or process explained	39
Referred to OIG**	6
Inmate reassigned unit/housing/job/class/program	5
Investigated - No corrective action necessary	10
Referred to PREA*	1
<b>TOTAL</b>	<b>64</b>
* "Referred to PREA indicates the resolution code used to close out the inquiry however, all sexual assault/abuse allegations are referred to PREA and OIG.	
** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.	

<b>Allegations/Threats and/or Physical harm from another Inmate, Request for protection, Extortion to include obtaining currency, property, or demanding the performance of an action by coercion, deception, or violence.</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
Duplicate request from same requestor	4
Additional information received from requestor	38
Request to disregard	1
Grievance filed and pending outcome	2
Not satisfied with response/Rebuttal	1
Other action taken	9
General information provided/Policy or process explained	4,820
Requested additional information from requestor	1
Some requested action taken/unable to provide outcome	4
Referred to OIG**	6
Maintenance work order submitted and/or completed	1
Investigated - No corrective action necessary	32
Seen by medical/Medication provided/Co-pay issues addressed	2
Inmate reassigned unit/housing/job/class/program	3
Request action approved/taken	1
Referred to BPP	1
Contact information provided	1
Pending Litigation/Provide general information	2
No contact information for requestor	50
Not TDCJ jurisdiction	2
<b>TOTAL</b>	<b>4,981</b>
** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.	



<b>Improper TDCJ does not have the authority to address the issue(s).</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	6
Not TDCJ jurisdiction	2
No contact information for requestor	1
<b>TOTAL</b>	<b>9</b>

## Staff Complaint

<b>Use of Force, Use of Chemical Agents, Allegations of Criminal Activity by Staff, Allegations of Retaliation/Harassment for Use of Grievance Procedure, Allegations of Harassment for Contributing to or Cooperating with an Official Investigation, Threats from Staff, Allegations of Profanity/Racial Slurs/Taunting/Badgering/Intimidation, Allegations of Denial/Interference with Activity, Allegations of Unprofessional Staff Conduct, Staff Issues Not Otherwise Specified</b>	
<b>Resolutions/Outcomes</b>	<b>Reporting</b>
General information provided/Policy or process explained	980
Duplicate request from the same requestor	4
Other action taken	11
Request approved/Corrective action taken	6
Additional Information received from requester	1
Contact information provided	1
Referred to BPP	1
No contact information for requestor	4
Request to disregard	1
Not satisfied with response/rebuttal	2
Seen by medical/Medication provided/Co-pay issues addressed	9
Records corrected	1
Referred to OIG**	10
Inmate reassigned unit/housing/job/class/program	8
Referred to PREA*	3
Investigated - No corrective action necessary	328
Some requested action taken/Some unable to provide outcome	15
Grievance filed and pending outcome	8
<b>TOTAL</b>	<b>1,393</b>
* "Referred to PREA indicates the resolution code used to close out the inquiry however, all sexual assault/abuse allegations are referred to PREA and OIG.	
** "Referred to OIG indicates the resolution code used to close out the inquiry however, all inquiries involving complaints of physical harm by staff are referred to OIG.	



## FYI/Referrals/Thank You

<b>FYI Ombudsman office cc'd on inquiries from or to various TDCJ officials/offices. Filed for informational purposes only.</b>	
<b><i>Resolutions/Outcomes</i></b>	<b><i>Reporting</i></b>
Additional information received from requestor	43
Request to disregard	2
<b>TOTAL</b>	<b>45</b>

<b>Telephone/Internet/Mail Contacts Used when Ombudsman office receives numerous letters same subject, same requestor.</b>	
<b><i>Resolutions/Outcomes</i></b>	<b><i>Reporting</i></b>
Duplicate request from same requestor	13
<b>TOTAL</b>	<b>13</b>

## Total Inquiries

<b>TOTAL 11,949</b>
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## Performance Measures

The Independent Ombudsman performance measures provide correspondence should be answered within reasonable timeframes dependent on the individual inquiry as well as the investigative method being utilized to answer the inquiry.

## Trend Analysis

The Texas Board of Criminal Justice Office of the Independent Ombudsman gathers information to assist with identifying statistical trends. Due to the office being newly created, trend identification will not be available until Fiscal Year 2023 data is obtained.

## Acknowledgements

This report was prepared by the Texas Board of Criminal Justice Office of the Independent Ombudsman.





# Independent Ombudsman Resolution FY 2022 Report

*published by*

**THE  
TEXAS DEPARTMENT  
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CRIMINAL JUSTICE**

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