

Texas Board of Criminal Justice



**Independent
Ombudsman Resolution
Fiscal Year 2023 Report**

December 2023

Texas Board of Criminal Justice

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Overview

As required by the 88th Texas Legislature General Appropriations Act for the 2024-2025 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.

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 inquiries.

The TBCJ Independent 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) 2023, the Ombudsman Office attended one TDCJ Summit family conference.



Executive Summary

This report contains information regarding inquiries closed from September 1, 2022, through August 31, 2023 (FY 2023). During FY 2023, resolutions were provided for 9,748 inquiries based on the following ombudsman inquiry categories:

INQUIRY CATEGORIES	TOTAL
Emergency	1,537
Legal	18
Victim	5
Classification	263
Religious	12
Grievance Program	134
Communication	207
Transportation	3
Health Services	1,973
Disciplinary	315
Facility Operations	928
Parole	222
Other/Miscellaneous	3,421
Staff Complaint	664
FYI/Referrals/Thank You	46

OMBUDSMAN CATEGORIES TOTAL 9,748



Ombudsman Reporting Resolutions

Emergency

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.

<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Duplicate request from same requester	2
No contact information for requester	2
Additional information received from requester	1
Property replaced/returned/settlement	1
Pending Litigation/Provided general information	1
General information provided/Policy or process explained	895
Request to disregard	5
Contact information provided	2
Other action taken	21
Requested action approved/taken	3
Referred to Office of Inspector General	3
Inmate reassigned unit/housing/job/class/program	135
Seen by medical/Medication provided/Co-pay issues addressed	1
Investigated - No corrective action necessary	51
Some corrective action/Some unable to provide outcome requested	4
TOTAL	1,127

Physical Harm or Threats of Physical Harm from Staff

<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Additional information received from requester	1
General information provided/Policy or process explained	246
Duplicate request from same requester	2
Referred to Prison Rape Elimination Act Ombudsman	1
Referred to Office of Inspector General	1
Inmate reassigned unit/housing/job/class/program	16
Investigated - No corrective action necessary	42
Some corrective action/Unable to provide some action requested	3
TOTAL	312



Medical Emergencies	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	54
Inmate reassigned unit/housing/job/class/program	4
Investigated - No corrective action necessary	6
Seen by medical/Medication provided/Co-pay issues addressed	3
TOTAL	67

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) *	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	27
Inmate reassigned unit/housing/job/class/program	1
Referred to Prison Rape Elimination Act Ombudsman	3
TOTAL	31

Legal

Access to Courts, Indigent Supplies, Telephone Access to Attorneys, Law Library, Attorney Visits, Notary Work, Open Records Requests, Legal Issues not otherwise specified	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	14
Access to Courts issue resolved	2
Referred to Texas Board of Pardons and Paroles	1
Other action taken	1
TOTAL	18

Victim

Victim	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	1
Referred to Office of Inspector General	1
Referred to Texas Board of Pardons and Paroles	1
Other action taken	2
TOTAL	5



Classification

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	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Inmate information provided/information provided to victim	2
Other action taken	27
Additional information received from requester	3
General information provided/Policy or process explained	209
Inmate reassigned unit/housing/job/class/program	5
Request to disregard	1
Investigated - No corrective action necessary	6
Request approved/Corrective action taken	1
Referred to Texas Board of Pardons and Paroles	1
Grievance filed and pending outcome	1
Necessities provided	1
TOTAL	257

Transfers within State (facility transfer requests)	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	6
TOTAL	6

Religious

Religious Service/Membership, Religious Paraphernalia, Religious Grooming, Discrimination based on Religion, Religious Issues not otherwise specified	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	9
Other action taken	2
Some requested action taken/Some unable to provide outcome	1
TOTAL	12

Transportation

Transportation (any issue regarding inmate movement via bus, van, etc.)	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	3
TOTAL	3



Grievance Program

Allegations against Grievance Staff, Procedure, Processing, and/or Response Time, Access to Grievance Forms	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Other action taken	9
Additional information received from requester	1
Request approved/Corrective action taken	1
Not satisfied with response/Rebuttal	1
Grievance filed and pending outcome	1
General information provided/Policy or process explained	116
Investigated - No corrective action necessary	5
TOTAL	134

Communication

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	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Other action taken	13
Not satisfied with response/rebuttal	1
Contact information provided	8
General information provided/Policy or process explained	170
Reinstated/visitor list approved	1
Some requested action taken/Some unable to provide outcome	1
Telephone access/information provided	2
Investigated - No corrective action necessary	2
Request approved/action taken	2
TOTAL	200

Inmate Well Being	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Telephone access/information provided	1
General information provided/Policy or process explained	6
TOTAL	7

Health Services

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	
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Classification/Health Summary [HSM 18], Medical Pass Issues, Medication Issues, Psychiatric/Psychological Programs, Not Satisfied with Treatment, Assistive Disability Services ADS, Podiatry, Ophthalmology/Optomery/Glasses, Medical Transfers, Medical Copayment, Ancillary Medical Services, Medical Issues not otherwise specified	
Resolutions/Outcomes	Reporting
Other action taken	87
No contact information for requester	1
Necessities provided	1
Not TDCJ jurisdiction	1
Request to disregard	1
Contact information provided	2
Referred to Office of Inspector General	2
General information provided/Policy or process explained	1,850
Seen by medical/Medication provided/Co-pay issues addressed	28
TOTAL	1,973

Disciplinary

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	
Resolutions/Outcomes	Reporting
Request action approved/taken	1
Grievance filed and pending outcome	1
Other action taken	2
Not satisfied with response/rebuttal	1
General information provided/Policy or process explained	294
Referred to Office of Inspector General	2
Inmate reassigned unit/housing/job/class/program	1
Investigated - No corrective action necessary	5
Disciplinary overturned	3
Some requested action taken/unable to provide outcome requested	1
No contact information for requestor	4
TOTAL	315



Facility Operations

Food, Commissary, Trust Fund, Sanitation, Necessities, Activity Rotation, Living & 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	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Grievance filed and pending outcome	1
Maintenance work order submitted and/or completed	5
No contact information for requester	1
Other action taken	27
General information provided/Policy or process explained	447
Additional information received from requester	3
Records corrected	2
Pending Litigation/Provided general information	1
Trust fund credited	2
Contact information provided	7
Not satisfied with response/Rebuttal	5
Investigated - No corrective action necessary	20
Not TDCJ jurisdiction	2
Some request action taken/Some unable to provide outcome	2
Food service issues addressed	1
Property replaced/returned/settlement	7
Inmate reassigned unit/housing/job/class/program	5
Referred to Office of Inspector General	3
TOTAL	541

Facility concerns not otherwise specified	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Other action taken	3
Duplicate request from same requester	1
General information provided/Policy or process explained	369
Maintenance work order submitted and/or completed	3
Contact information provided	2
Not TDCJ jurisdiction	1
Referred to Office of Inspector General	1
Inmate reassigned unit/housing/job/class/program	4
Investigated - No corrective action necessary	2
No contact information for requester	1
TOTAL	387



Parole

Parole Status and/or Parole Review Process Inquiry	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Other action taken	14
Parole support or protest letter received	2
Maintenance work order submitted and/or completed	1
General information provided/Policy or process explained	159
Referred to Texas Board of Pardons and Paroles	25
Contact information provided	4
TOTAL	205

Parole Division Policy/Procedure Inquiry/ISF Release Inquiry	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	4
Referred to Texas Board of Pardons and Paroles	1
TOTAL	5

Texas Board of Pardons and Paroles Policy/Procedure Inquiry	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	4
TOTAL	4

Support/Non Support Letters for Parole Release	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	3
TOTAL	3

Community Supervision Programs	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
General information provided/Policy or process explained	5
TOTAL	5



Other/Miscellaneous

Allegations against Inmates	
Resolutions/Outcomes	Reporting
Other action taken	1
General information provided/Policy or process explained	20
Referred to Office of Inspector General	30
Request to disregard	1
No contact information for requester	1
TOTAL	53

Other (general information questions: phone number/address, email addresses, directions to units, pick up procedures for releasees, etc.)	
Resolutions/Outcomes	Reporting
Additional information received from requester	3
Compliment/Thank you	1
Other action taken	23
Inquiry status	1
Referred to Office of Inspector General	6
Investigated- No corrective action necessary	3
General information provided/Policy or process explained	3,253
Inmate information provided/information provided to victim	4
Pending ligation/provided general information	1
Referred to Texas Board of Pardons and Paroles	8
Contact information provided	23
Not TDCJ jurisdiction	10
TOTAL	3,336

Improper TDCJ does not have the authority to address the issue(s).	
Resolutions/Outcomes	Reporting
General information provided/Policy or process explained	29
Inmate information provided/information provided to victim	1
No contact information for requester	2
TOTAL	32



Staff Complaint

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	
Resolutions/Outcomes	Reporting
General information provided/Policy or process explained	499
Duplicate request from the same requester	1
Other action taken	23
Request approved/Corrective action taken	3
Additional information received from requester	2
Contact information provided	29
Request to disregard	1
Pending Litigation/Provided general information	1
Not satisfied with response/Rebuttal	7
Not TDCJ jurisdiction	1
Requested additional information from requester	1
Referred to Office of Inspector General	30
Inmate reassigned unit/housing/job/class/program	6
Referred to Prison Rape Elimination Act Ombudsman	1
Investigated - No corrective action necessary	40
Referred to Texas Board of Pardons and Paroles	1
Property replaced/returned/settlement	2
Disciplinary overturned	3
No contact information for requester	3
Some requested action taken/Some unable to provide outcome	4
Grievance filed and pending outcome	6
TOTAL	664



FYI/Referrals/Thank You

FYI Ombudsman office cc'd on inquiries from or to various TDCJ officials/offices. Filed for informational purposes only.	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Additional information received from requester	34
TOTAL	34

Telephone/Internet/Mail Contacts Used when Ombudsman office receives numerous letters same subject, same requester.	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Duplicate request from same requester	9
TOTAL	9

Compliment/Thank You/Rebuttal	
<i>Resolutions/Outcomes</i>	<i>Reporting</i>
Not satisfied with response/Rebuttal	3
TOTAL	3

Total Inquiries

TOTAL 9,748



Performance Measures

Previously, the Texas Board of Criminal Justice Office of the Independent Ombudsman would strive to answer all Legislative, Agency, and General Correspondence within 10 calendar days. However, in instances when this was not feasible, extensions would be requested so that a thorough and accurate investigation and report could be completed. The current Independent Ombudsman performance measures provide correspondence should be answered within a reasonable timeframe dependent on the individual inquiry, length of investigation, 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 2024 data is obtained.

Acknowledgements

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



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