

Frequently Asked Questions

Whom do I contact if a member of my family is having problems on the unit?

Many concerns can be resolved with a simple phone call or correspondence to Unit Administrative Staff. Additionally, TDCJ has an Internet website (www.tdcj.state.tx.us) which provides a variety of information about the agency and its programs, including a complete listing of units and a profile of each.

How does my family member file a grievance?

Instructions on how to file a grievance are posted in housing areas, law libraries, and high traffic areas of the unit, such as hallways, dining halls, etc. Also, a complete Offender Grievance Operations Manual, the same manual provided to grievance staff, is located in the law library on each unit.

How do I know the grievance process is fair?

The Offender Grievance Program constantly strives to conduct thorough investigations and provide responses that are positive, factual, and useful to the offender. The philosophy of the program is to “do the right thing.” Even though the phrase is old and well used, no other phrase better describes the mind-set necessary to work with offender issues.

Will retaliation result from filing a grievance?

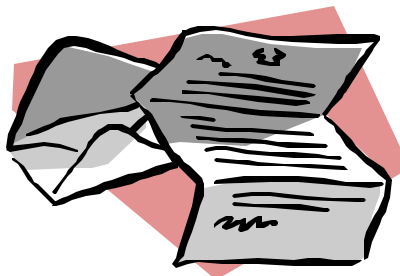
Agency policy prohibits retaliation against an offender for filing a grievance. Allegations of this nature are forwarded to the Office of the Inspector General for action that could result in the termination of the offending employee.



The success of the Offender Grievance Program depends upon earning the trust and confidence of offenders, staff and the general public. We believe in what we do and are proud of the accomplishments of the program. Our decisions are not always popular but we pride ourselves in “doing the right thing.”



If you wish to comment about the grievance procedure, write to:



**Administrator
Offender Grievance Program
P.O. Box 99
Huntsville, Texas 77342-0099**

Texas Department of Criminal Justice



Offender Grievance Program

Administrative Review
and
Risk Management Division



Introduction

An effective grievance program extends far beyond the staff of the grievance department. It involves an ongoing commitment by both staff and offenders at every facility to solve problems. The grievance program also provides a variety of supportive and protective functions by giving the offender an alternative to confrontation and an outlet for frustration and aggression. The program offers the offender a less formal alternative to litigation, thus saving taxpayers the cost of defending the agency in court. Grievances, when taken collectively, provide a wealth of insight into the daily operations of each facility that is helpful in maintaining a safe and secure environment for staff and offenders.

In 1975, the then Texas Department of Corrections initiated a formal procedure for the review of offender grievances patterned after existing programs in other states. The past 29 years have brought about many changes in policies, procedures, and personnel; however, the original concepts of the Offender Grievance Program have not changed. ***Our mission today is to promote awareness and positive intervention between staff and offenders, to identify and resolve issues at the lowest possible level, and to facilitate the flow of information between the Units and Agency leaders.***

Sweeping changes to the program occurred on September 1, 1999 that affected both staff and offenders. Staff were held more accountable for the quality of their investigations and responses, while offenders were held accountable to submit their grievances correctly, thereby sharing the responsibility to resolve problems.

The current offender grievance process facilitates problem resolution at two distinct administrative levels. The first, commonly referred to as Step 1, allows the Warden to identify and resolve issues at the unit level. The second level, known as Step 2, affords an offender the opportunity to appeal the Warden's decision. Step 2 grievances are sent off the unit to the Central Grievance Office in Huntsville, Texas for review. Once the two-step process has been completed, the offender's administrative remedies within TDCJ have been exhausted.

During Fiscal Year 2004 Texas offenders located in TDCJ units across the state filed a combined 219,658 Step 1 and Step 2 grievances, which represented only a slight increase from the previous fiscal year. Approximately 24% of all Step 1 grievances were appealed to the second step, indicating that effective problem resolution is occurring at the unit level.

Grievable Issues

- √ TDCJ policies and procedures
- √ Actions of an employee or another offender
- √ Harassment and/or retaliation for use of the grievance procedure or access to courts
- √ Loss or damage of personal property by TDCJ
- √ Basic care (things that TDCJ has control over)

Non-Grievable Issues

- x State or Federal Laws
- x Parole decisions
- x Time-served credit disputes
- x Matters for which other formal appeal mechanisms exist
- x Any matter beyond the control of the Agency

Remedies which are available through the Grievance Procedure

- √ Restitution of property, either monetary or compensatory;
- √ Change of policy, procedure, rule, or practice;
- √ Correction of records;
- √ Other relief, as appropriate.

Remedies which are not available through the Grievance Procedure

- x Requests for disciplinary action against employees.
- x Requests for consequential or punitive damages



Grievance or Ombudsman?

Many times offenders involve their families or friends on the outside to help resolve problems inside the prisons. In response, TDCJ created the *Ombudsman Office* to assist with the inquiries received from interested parties outside of the TDCJ system. The *Offender Grievance Program* provides offenders with a mechanism to resolve issues or concerns that arise inside the prison. Although a very similar role, the processes and the recipients of the services provided are distinctly different. If you as a friend or family member have a question or concern, you may contact the TDCJ Ombudsman Office at (936) 437-8035. If an offender has an issue or concern, he should follow the rules to file a grievance.

