

Date: \_\_\_\_\_

To: Texas Department of Criminal Justice Board  
Attn: Executive Director  
P.O. Box 99  
Huntsville, TX 77340-0099

Subject: Retaliation & Conspiracy to Violate Offenders' First Amendment Rights

RE: \_\_\_\_\_ (facility name)

Dear Director,

The primary problem concerns Texas Department of Criminal Justice (TDCJ) Prison Officials' conspiratorial practice to violate inmates' First Amendment Right. Part of this practice consists of manifold reprisals and deliberate disregard for rules and regulations which govern their duty to receive, process and answer inmate grievances (I-127s) in compliance with TDCJ Offender Handbook, I-202 (Rev. 11/02), Grievance Procedures for Offenders (Chapter 1). See also AD-03.82 (rev. 5): Management of Offender Grievances, and Board Policy 03.77: Offender Grievances.

According to the TDCJ Handbook, Grievance Procedure for Offenders, Chapter 1, Subsection F, the purpose of the Offender Grievance Procedure is to:

"Provide a vehicle for review of department policies, procedures, practices, conditions, incidents and actions which may adversely affect an inmate's welfare, status and program," and to "provide for resolution for grievances at the lowest possible level with timely responses to the appellant."

However, when we exercise use of the grievance procedure, Prison Officials join together to harass and retaliate (P.D. 22(rev. 12), R. 22b, "*harassing or retaliating against an offender or another individual for participating in an official investigation/inquiry or for pursuing legal activities (i.e. petitioning the courts) - Violation Level 1*") against us with a combination of any of the following unethical acts. We are also subject to mistreatment per (P.D. 22(rev. 12), R. 23, "Mistreatment of offenders"). I have personally experienced the harassment which I have marked with an X:

- 1) Refuse to answer I-127s.
- 2) Give general answers that purport review but that do not provide actual redress.
- 3) Refuse to give receipt for I-127s.
- 4) Claim to never have received I-127s from offenders.
- 5) Claim to return I-127 to offender (offender never receives I-127).
- 6) Use the Offender Appeals Screening Form (I-127 back revised 9-1-2001) to manipulate improper, excessive and repetitive delays (violation of P.D. 22(rev.12), R.10).
- 7) Detaching and discarding offender's supporting documents from I-127s and returning I-127 to inmate with written statement refusing to process I-127 (or grant favorable hearing) because no supporting documents accompany I-127 (violation of P.D. 22(rev.12), R. 32).
- 8) Dishonesty (P.D. 22(rev.12), R. 10) in "screening out" I-127s. This unethical method is used in the "rejection criteria" to obstruct the I-127s from ever being processed.
- 9) Reporting deliberate false information (P.D. 22(rev.12), R.10) in the course of responding to I- 127s.
- 10) The use of biased "Unit Grievance Investigators" that investigate to the offender's detriment.
- 11) Punitive and harassing cell searches (P.D. 22(rev.12), R. 22(b)) to dissuade submittal of I-127s, or distribution of the name and housing location of a complaining griever to fellow Officers for the purpose of retaliation
- 12) Intra-facility, intra-housing unit, inter-cell transfers; reclassification, subsequent unassignment, and disregard for reassignment, etc.

\_\_\_ 13) Other: \_\_\_\_\_  
\_\_\_\_\_

Overview

Such acts of moral turpitude are some of the dirty tricks used in their collusive practice of reprisals. They are concerted acts which violate the conspiracy laws of Title 42 U.S.C. 1995(3) and 1986, and the Texas Penal Code. They are underhanded attempts to assail our efforts to be heard - to frustrate our use of the grievance procedure - and render the "vehicle for review" ineffective. Thus, we become disturbed with a mental anguish that compels us to grab and adopt other means and channels through which to seek and obtain resolution.

The United States Supreme Court requires inmates to exhaust administrative review before entering the arena of judicial review. However, this process becomes unfairly difficult when TDCJ Prison Officials tamper with the appeals process.

TDCJ Prison Officials should understand and respect the reality (Law) that grievances filed through an official grievance procedure are constitutionally protected and deliberate interference with its procedure may result in civil or prosecutorial penalty.

Conclusion

This problem permeates the prison population and adversely affects numerous offenders. Some offenders decline to use the grievance procedure due to fear of reprisals. Others have witnessed uncorrected problems that fellow offenders continue to experience and feel the use of the I-127 lacks corrective action. Nevertheless, I persist in spite of the onslaught of reprisals. I suffer from many of the aforementioned unethical acts. I also have unanswered I-127s in desperate need of location and resolution.

Therefore, I request a thorough and appropriate investigation to ascertain necessary facts to correct this unlawful problem. Thank you in advance.

Respectfully Submitted,

Signature: \_\_\_\_\_  
Name, ID#: \_\_\_\_\_

Additional Information (Log #, comments, description of event, etc.): \_\_\_\_\_  
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CC: TDCJ Legal Affairs, Attn: Leonard Peck, P.O. Box 99, Huntsville, TX 77342-0099  
TDCJ - Office of the Inspector General, Investigations Department, P.O. Box 4003, Huntsville, TX 77342  
United States Department of Justice - Civil Rights Division, Special Litigation Section, 950 Pennsylvania Avenue, NW, PHB, Washington, D.C. 20530  
State Bar of Texas, Grievance Commission, 1414 Colorado, Austin, TX 78701  
ACLU of Texas, Lisa Graybill, Executive Director, P.O. Box 12905, Austin, TX 78711  
Chairman of the Board of Crim. Justice, Christina Crain, PO Box 13084 Austin, TX 78711  
Cmte. on Criminal Justice, Sen. John Whitmire, P.O. Box 12068, Capitol Station, Austin, TX 78711  
TDCJ Offender Grievance Program, Sandy Murphy, 9011 Normal Park #101A Huntsville TX

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Central Grievance Office, P.O. Box 99, Huntsville, TX 77342-0099

Governor Rick Perry, 1100 San Jacinto, Austin, TX 78701

Senator John Whitmire, Committee on Criminal Justice, P.O. Box 12068, Austin, TX 78711

TX Civil Rights Project, Attn: Atty Scott Medlock, 1405 Montopolis Dr., Austin, TX 78741-3438

Brandi Grissom, Texas Tribune, 823 Congress Ave., Suite 210, Austin, TX 78701

*(Cross out address above if you were unable to send them a copy of this petition.)*