



# Texas Department of Criminal Justice

## STEP 1 OFFENDER GRIEVANCE FORM

### OFFICE USE ONLY

Grievance #: \_\_\_\_\_

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

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

Grievance Code: \_\_\_\_\_

Investigator ID #: \_\_\_\_\_

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

Date Retd to Offender: \_\_\_\_\_

Offender Name: \_\_\_\_\_ TDCJ # \_\_\_\_\_

Unit: \_\_\_\_\_ Housing Assignment: \_\_\_\_\_

Unit where incident occurred: \_\_\_\_\_

You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.

Who did you talk to (name, title)? \_\_\_\_\_ When? \_\_\_\_\_

What was their response? \_\_\_\_\_

What action was taken? \_\_\_\_\_

State your grievance in the space provided. Please state who, what, when, where and the disciplinary case number if appropriate

I file this Grievance against the Texas Board of Criminal Justice's revision to the TDCJ Correspondence rules, effective 1st October 2013.

This revision restricts indigent prisoners to five one-ounce domestic letters per month and removes all references to the first 60 days that a prisoner is indigent.

Prisoners retain their First Amendment Right to free speech ie. Right to be free from unjustified governmental interference with communication. This revised policy violates the First and Fourteenth Amendments. It is also contrary to the standards established in

**Guajardo -v- Estelle**, 432 F.Supp 1373. Guajardo established that "prison furnish postage and stationary to indigent inmates for special and attorney correspondence and five additional letters **per week** without waiting period, but with right to recoup amounts expended during the first **60 days**" - This revision clearly violates this standard.

Secondly, in light that general correspondence rules touch on the rights of persons not incarcerated to receive mail, this revision also violates the Constitutional Rights of my friends and family.

Finally, there is no legitimate or rational basis (besides administrative convenience) for the increased communication restrictions on indigent prisoners. It is arbitrary, unreasonable and unrelated to any legitimate interest in security, order or rehabilitation.

Thank you for your understanding.

Action Requested to resolve your Complaint.

Immediate Repeal of this Revision.

Offender Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Grievance Response:

Signature Authority: \_\_\_\_\_ Date: \_\_\_\_\_

If you are dissatisfied with the Step 1 response, you may submit a Step 2 (I-128) to the Unit Grievance Investigator within 15 days from the date of the Step 1 response. State the reason for appeal on the Step 2 Form.

Returned because: \*Resubmit this form when the corrections are made.

- ☐ 1. Grievable time period has expired.
- ☐ 2. Submission in excess of 1 every 7 days. \*
- ☐ 3. Originals not submitted. \*
- ☐ 4. Inappropriate/Excessive attachments. \*
- ☐ 5. No documented attempt at informal resolution. \*
- ☐ 6. No requested relief is stated. \*
- ☐ 7. Malicious use of vulgar, indecent, or physically threatening language. \*
- ☐ 8. The issue presented is not grievable.
- ☐ 9. Redundant, Refer to grievance # \_\_\_\_\_
- ☐ 10. Illegible/Incomprehensible. \*
- ☐ 11. Inappropriate. \*

UGI Printed Name/Signature: \_\_\_\_\_

Application of the screening criteria for this grievance is not expected to adversely affect the offender's health.

Medical Signature Authority: \_\_\_\_\_

I-127 Back (Revised 11-2010)

### OFFICE USE ONLY

Initial Submission UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**2<sup>nd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_

**3<sup>rd</sup> Submission** UGI Initials: \_\_\_\_\_

Grievance #: \_\_\_\_\_

Screening Criteria Used: \_\_\_\_\_

Date Recd from Offender: \_\_\_\_\_

Date Returned to Offender: \_\_\_\_\_