



Texas Board of Criminal Justice
Director, Office of the Ombudsman
P.O. Box 99
Huntsville, Texas 77342-0099

January 18, 2022

re: assault and endangerment from mixed classifications, ██████████, TDCJ # ██████████

To the Texas Board of Criminal Justice Ombudsman Director:

I am writing on behalf of LGBTQ community member Mx. ██████████, Texas Department of Criminal Justice (TDCJ) number ██████████, currently incarcerated at the Michael Unit.

Mx. ██████████ reports that on January 2, 2022, at Michael Unit 8 Building J Pod 1 Section (a safekeeping designated section), a guard identified by the name "██████████" left section doors open and allowed persons housed in general population to move freely into the safekeeping section, where they were able to harm Mx. ██████████ (and possibly other safekeeping designated persons). This violates TDCJ policy concerning the separation of safekeeping persons in their housing areas, and appears to also violate Texas law requiring the separation of custody classifications by secure barriers.

Mx. ██████████ reports that between 2 and 3pm, a person from general population was able to access the safekeeping section without challenge, along with several other persons from general population. The person approached Mx. ██████████'s cell and threatened to kill Mx. ██████████ due to their being a member of the LGBTQ community. Mx. ██████████ reports the person then went to the restroom, filled a cup with urine, returned, and assaulted Mx. ██████████ by throwing the urine in Mx. ██████████'s face. No security personnel responded.

The assailant was then able to freely leave the section and return with combustible materials, which he set afire in front of Mx. ██████████'s cell door. Mx. ██████████ reports having a seizure due to the smoke, and still there was no response from security, nor was there any response from medical.

Mx. ██████████ reports that security staff only entered the safekeeping area 8-J-1 two times during the entire day shift. It is not known at what point the doors between the sections were secured.



Mx. [REDACTED] indicates allowance of general population into safekeeping housing areas has become a routine occurrence.

TPI is requesting that an investigation be conducted and action be taken to assure safekeeping housing areas on Michael Unit are secure from access by persons in general population.

TPI is requesting an investigation into the failure by Michael Unit security and medical staff to respond to the breach in security on January 2 and other dates when similar failures to respond have put incarcerated persons—perhaps intentionally put safekeeping incarcerated persons—at increased risk of violence.

TPI is requesting an investigation into the actions of the guard responsible for allowing persons from general population into the safekeeping housing area on January 2, and removal of that person from all duties related to the protection, prevention of violence against, and security of persons in safekeeping classifications.

TPI is requesting an investigation into actions by any other guards allowing persons from general population into safekeeping housing areas on this and other dates, and removal of all such staff from duties related to the protection, prevention of violence against, and security of persons in safekeeping classifications.

TPI is requesting an investigation of the supervisors responsible for overseeing staff who have allowed persons from general population into the safekeeping housing areas, and removal of any supervisory persons responsible for allowing and promoting violence against persons in safekeeping designated housing from all duties related to the protection, prevention of violence against, and security of persons in safekeeping classifications.

We look forward to receiving communication from your office that this issue is being addressed in a manner that will move the agency closer to ending the TDCJ-sanctioned discrimination and abuse of LGBTQ and intersex persons, which in addition to constituting violence in itself, encourages violence from TDCJ staff and other incarcerated persons and fails to meet PREA guidelines requiring zero tolerance of sexual abuse and sexual harassment.

Sincerely,

TPI Incident Numbers

- 2022-00002, Assault
- 2022-00003, Place or leave in danger

Nell Gaither, President
Trans Pride Initiative

cc: TDCJ Office of the Inspector General
TDCJ Region II Director
TDCJ Patient Liaison Program