



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

February 16, 2022

re: safety in danger, Estelle administration placing back in danger, SCC refusing to provide safety, [REDACTED], TDCJ # [REDACTED]

To the Texas Board of Criminal Justice Ombudsman Director:

Trans Pride Initiative (TPI) is writing on behalf of a transgender person, [REDACTED], Texas Department of Criminal Justice (TDCJ) number [REDACTED], currently incarcerated at the Estelle Unit. We are uncertain of the specific gender identity, so we will use a gender neutral title Mx. [REDACTED] and gender neutral pronouns in the discussion of this issue.

Issue Summary

Mx. [REDACTED] reports being extorted, and when attempting to address it, Mx. [REDACTED]'s life was threatened with a weapon. On reporting the issue, staff refused to provide assistance. Mx. [REDACTED] reports that only after outside pressure did staff respond to the extortion and threats, substantiating the endangerment and recommending a transfer. However, it appears the recommendation to the State Classification Committee (SCC) left out vital evidence, and the transfer was denied. Mx. [REDACTED] continues to experience increasing endangerment and refusal by Estelle Unit staff to appropriately address.

Request for Redress

TPI is requesting an immediate transfer for Mx. [REDACTED].

TPI is requesting that the "independent" ombudsman investigate the refusal of staff to respond to a report of endangerment by actually investigating instead of being entirely *dependent* on the unit personnel to inappropriately investigate themselves. It is beyond understanding how the Texas Board of Criminal Justice can claim this is an "independent" office when response after



response after response shows that the “independent” ombudsman is entirely dependent on the perpetrators of violence against persons in TDCJ custody to investigate themselves.

TPI is requesting training in TDCJ Safe Prisons/PREA policy requiring appropriate response for all individuals who refused to respond to Mx. ██████’s request for assistance in addressing endangerment. We also request removal of these persons from all positions that involve interactions and the potential for further harm against persons in TDCJ custody—particularly LGBTQ and intersex persons—until each can demonstrate full and complete understanding and compliance with requirements to respond to reports of extortion and other endangerment.

TPI is requesting an investigation into what appears to be manipulated evidence provided apparently by Estelle Unit Safe Prisons to the SCC in what appears to be an attempt to interfere with the appropriate assessment of endangerment against Mx. ██████.

Description of Issue

Mx. ██████ notes to TPI that they arrived at Estelle Unit on January 12, 2021, and on getting off the bus heard a captain calling someone a “fucking faggot,” indicating LGBTQ persons are not respected and most likely not protected when facing problems at the unit. This has turned out to be exactly the case.

At the end of January 2022, Mx. ██████ reported to us that for several months they had been extorted by members of a prison organization. It is most likely the abusive conduct exhibited by an Estelle Unit captain witnessed on arrival that Mx. ██████ felt no alternative but to submit to extortion.

At approximately January 1, 2022, or perhaps somewhat earlier, Mx. ██████ reports refusing to continue to submit to the extortion demands. Mx. ██████ reports that then or soon thereafter, a knife was pulled on them and their life threatened.

Mx. ██████ reports contacting several guards and ranking staff to try to address the issue, only to be “ignored, laughed at, and told to ‘man up.’” We do not have details of these refusals, but we will be seeking that information and will record each one as willful negligence and a failure to protect from an endangering situation.

Mx. ██████ reports that after reaching their grandmother, who contacted Estelle Unit Safe Prisons, Mx. ██████ was finally interviewed about the endangerment. Mx. ██████ provided enough details, including identifying persons participating in the extortion, and the unit substantiated the endangerment and recommended a transfer.

It is well known that providing information identifying persons threatening or committing other violence substantially increases the likelihood of violence against a person, regardless whether staff can “prove” complicity in the violence or not.

However, it appears that evidence of the endangerment was not provided to the SCC, and they refused the transfer. Mx. ██████ reports being told the transfer was denied due to lack of evidence, and being told by a unit major that no report of identifying persons participating in



the extortion had been provided to the SCC. Mx. ██████ requested that full information be provided to the SCC to make an appropriate decision, and was that request was denied.

Mx. ██████ reports that shortly after being told the transfer was denied, they talked to the Senior Warden, who told the major to reopen the investigation, but at the time of our last contact with Mx. ██████, the investigation had not been reopened.

Mx. ██████ reports that their safety was further compromised after writing a message to the unit chaplain to ask for assistance after receiving the SCC denial. The note or I-60 to the chaplain was returned to someone else, and Mx. ██████ reports hearing people spreading word that through the ventilation chases that Mx. ██████ is a “snitch” due to trying to address the endangerment.

Mx. ██████ appears to still be held in lockup in 11 Building, but has been told that they will be placed back in the same housing where the problem started, thus placing in housing that is likely the most endangering to them.

Conclusion

Mx. ██████ reports being extorted, and when attempting to address it, Mx. ██████’s life was threatened with a weapon. On reporting the issue, staff refused to provide assistance. Mx. ██████ reports that only after outside pressure did staff respond to the extortion and threats, substantiating the endangerment and recommending a transfer. However, it appears the recommendation to the State Classification Committee (SCC) left out vital evidence, and the transfer was denied. Mx. ██████ continues to experience increasing endangerment and refusal by Estelle Unit staff to appropriately address.

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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 transgender 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,

Nell Gaither, President
Trans Pride Initiative

TPI Incident Numbers

- 2022-00044, Extortion
- 2022-00045, Death threat
- 2022-00046, Leave in danger
- 2022-00047, Leave in danger
- 2022-00048, Leave in danger

cc: Safe Prisons Program Management Office
TDCJ Office of the Inspector General
TDCJ Region I Director's Office