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TESTIMONY 2013

H.B. 968

Dear Members of the Committee,

Thank you for allowing me this opportunity to present testimony in favor of H.B. 968, a critical policy that will improve transparency around the grievance process in Texas' state corrections system. This bill will help to better clarify patterns of problems that contribute to violence on units and to dissatisfaction among correctional staff, while giving leadership more information to make effective decisions about resource allocation or other necessary improvements.

ENHANCED REPORTING WILL ALLOW TDCJ TO PINPOINT SPECIFIC PROBLEMS AND INCREASE EFFICIENCY

The primary mechanism provided to individuals incarcerated in state prisons to resolve problems is the offender grievance system, which is under the supervision of the Texas Department of Criminal Justice's (TDCJ) executive director. Grievances are examined first on a unit level as Step One grievances. If a satisfactory resolution is not provided, the individuals may appeal to the Central Grievance Office via Step Two grievances. In 2011, incarcerated individuals in TDCJ filed 174,525 Step One grievances and 43,323 Step Two grievances.¹

By far the greatest issue grieved in Step One grievances is a problem with facility operations – not medical, religious, disciplinary, or complaints against staff. In 2011, individuals filed 54,213 Step One complaints about some aspect of a unit facility, representing 31 percent of all Step One grievances. This issue also resonated in Step Two grievances, as 23 percent of all Step Two appeals represented complaints about facility operations.

The sheer number of complaints filed about the operations of TDCJ facilities point to a **need for a stronger mechanism to assist TDCJ administrators as they deal with outdated facilities, overburdened infrastructures, and insufficient staffing**. This bill will strengthen the strategies currently being used by TDCJ in its efforts to address patterns identified through grievances, and it will provide a valuable tool to administrators and legislative committees as they look for ways to more effectively manage and appropriate funds to help TDCJ fulfill its mission.

In addition, this bill will ultimately improve the grievance system, increasing fairness and responsiveness to complaints by incarcerated individuals, resulting in a prison system that is safer, more secure, and more conducive to rehabilitation.

KEY FINDINGS

- In TDCJ's appropriations request for 2013, submitted in 2010, the agency requested more than \$200 million for Institutional Operations and Maintenance.² Creating a system whereby administrators could pinpoint specific problems around this issue would greatly assist them in better managing TDCJ units, resulting in a more efficient use of funds and potential cost savings.
- From 2010 to 2011, Step One grievances increased by .56 percent.³ Annual increases place larger burdens on unit grievance officers, who must investigate, file, and respond to each grievance.

Solution offered on reverse.

COST-SAVING AND PUBLIC SAFETY-DRIVEN SOLUTION: SUPPORT H.B. 968 BY REPRESENTATIVE TURNER

- **H.B. 968 will help TDCJ administrators continue to pinpoint ongoing issues and better manage the Department, including through improved allocation of funds to each unit.** More information about grievances will help TDCJ administrators expand their current understanding of the problems that frequently occur on a given unit or within a region. Under this bill, TDCJ will **create an annual report** that summarizes the grievances filed on and appealed from each unit, explain why appealed grievances were overturned, and provide an overview at the unit level and across units about major contributors to grievances and tools needed to address them.
- **H.B. 968 will increase the safety and security of TDCJ units.** A recent survey of incarcerated individuals by TCJC pointed to tremendous dissatisfaction with the current grievance system, leading to units that are unsafe and not conducive to rehabilitation.⁴ A system that uses the grievances of incarcerated individuals to identify problems will help the system become more fair and responsive. Furthermore, the bill's implementation of a zero-tolerance policy for retaliation against inmates for filing a grievance will ideally make individuals more comfortable grieving complaints about problems on the unit that can be addressed to improve individuals' safety and well being.

CONCLUSION

Thank you again for allowing me the opportunity to testify in favor of this bill. With increased transparency around the grievance system, state leadership will be better able to identify and respond to contributors to grievances that are proving costly, unsafe, or unsanitary. The Texas Criminal Justice Coalition strongly urges you to support H.B. 968, for increased accountability, safer and healthier working and living environments, and better managed facilities.

Citations

¹ Texas Department of Criminal Justice, *Offender Grievance Program, Fiscal Year 2011 Report*, 3.

² Texas Department of Criminal Justice, Legislative Appropriations Request for Fiscal Years 2012 and 2013, August 30, 2010, 26.

³ TDCJ, *Offender Grievance*, 1.

⁴ Texas Criminal Justice Coalition, *Perceptions of Texas Criminal Justice and Corrections Agencies: Incarcerated Individuals and Their Loved Ones*, 2012, 7-8.