



CRUEL & USUAL PUNISHMENT

EXCESSIVE USE OF FORCE
AT THE ESTELLE UNIT

a report by the Prison Justice League

EXECUTIVE SUMMARY

The Texas Department of Criminal Justice (TDCJ) operates one of the largest prison systems in the country. Charged with overseeing the incarceration of 150,000 prisoners, TDCJ is responsible for ensuring the health and safety of Texas prisoners. The Estelle Unit (hereafter referred to as “Estelle”) in Huntsville, Texas is one of 109 prison units across the state; TDCJ’s administrative offices are also located in Huntsville.

In 2014, the Prison Justice League conducted research which revealed countless instances of Estelle officers using excessive force on prisoners, with injuries including missing teeth, fractured skulls, broken bones, ruptured eyeballs, and prolonged hospitalizations. It is a pattern apparently well-known to prison officials, but ignored.

AN INTRODUCTION TO ESTELLE

Located ten miles north of Huntsville, Texas, Estelle is a prison that is home to approximately 1,300 male prisoners. Established in 1984, Estelle sits on 5,459 acres in Huntsville, neighboring six other prisons. Huntsville, a small city 70 miles north of Houston, fits the stereotype of a “prison town”: a small, rural East Texas city with an economy dependent on jobs in the prison system. Its population is just over 35,000 people, and TDCJ employs approximately twenty percent (7,000) of the city’s residents.¹ The prisoner population in Huntsville accounts for almost half of its total population.²

TDCJ and the city of Huntsville are co-dependent on each other which can create a point of conflict for TDCJ. Stories of abuses can alienate Huntsville citizens and shrink the pool of potential employees for an agency that is already chronically understaffed.

Estelle’s prisoner population is divided into two categories: the General Population and the High Security Population. The latter is housed in Estelle’s High Security Unit, a self-contained facility just north of the main prison facility. Estelle was the first of TDCJ’s “Supermax” units built in response to an increase in prison

overcrowding and is used exclusively for solitary confinement.³ The unit houses prisoners who have been classified as too violent or too vulnerable, including prisoners in protective custody,* to coexist with the unit's general population.⁴

Estelle houses physically handicapped prisoners, including visually impaired prisoners, a regional medical unit, and a geriatric unit.⁵ The prison also temporarily houses prisoners from other facilities who need physical or respiratory therapy and dialysis. As a result, approximately one-third of the general population at the unit is over the age of 50, and hundreds of others are deaf, blind, mobility-impaired, or all three.⁶ The presence of these programs gives a false impression of a rehabilitative environment. In reality, however, the supposedly rehabilitative environment is actually rampant with excessive force on that same vulnerable population.

A DANGEROUS LEGACY

Prisoners at Estelle have experienced violence and excessive force long before the Prison Justice League began collecting anecdotal data from its members. In May of 1999, Mark Knox was brutally assaulted by four correctional officers at the High Security Unit. The officers later claimed Knox, who had a history of mental illness, made crude remarks to a female nurse. As punishment, the officers physically assaulted Knox. He filed a lawsuit against the offending guards and several TDCJ officials which prompted many more prisoners to come forward with their own stories of staff abuse.⁷

In 2007, several high-ranking correctional officers physically assaulted Larry Cox. During a routine, unannounced cell search, Cox got into a minor scuffle with correctional officers. Because he resisted, officers removed Cox from his cell, a process known as an "extraction," handcuffed him and threw him to the ground.⁸ In the process, Cox's head slammed against his metal bunk before hitting the concrete floor. The fall fractured his spinal cord and broke two of his vertebrae. Severely injured and unable to stand, Cox requested medical attention numerous times, but he was unable to walk himself to the medical unit. Although he requested medical help, prison staff did not escort him to the infirmary, and

*Protective custody is an administrative segregation status designed to provide ultimate protection to prisoners who are being threatened or harmed by other prisoners.

reported that Cox refused treatment. For two days Cox laid on the floor of his cell, screaming for help and in extreme pain. After two days, a correctional officer, worried by Cox's condition, contacted a nurse at a different prison and requested that she give him a medical exam.⁹

Cox was later transferred to Galveston Hospital where he died ten days later from his injuries.¹⁰ Following Cox's death, the Texas State Senate Criminal Justice committee held a hearing where corrections officers, nurses, and TDCJ administrative officials testified. All parties involved denied blame.¹¹

PURPOSE

Over the past year, the Prison Justice League (PJL) received numerous complaints from its incarcerated members alleging staff abuse against prisoners at Estelle.

With nearly 800 members across Texas' 109 prison units, PJL receives a wealth of information from its members, including hundreds of letters a month describing problems across the system. However, PJL receives the greatest number of letters from prisoners at Estelle where there are 114 members—the highest concentration of members in the state. The letters describe violent physical assaults by staff against blind, deaf, and elderly prisoners, with a consistency that is deeply disturbing.

First, the report will identify the key problems at Estelle and summarize PJL's findings. Next, it will examine the causes of the problem, and the harm it's caused our members. The report concludes with recommendations policymakers could consider as they seek to improve conditions at Estelle.

METHODOLOGY

In response to complaints from our members, PJL conducted a survey of our members at Estelle. In July 2014, PJL sent surveys to members at Estelle (initially to 94 members) with a cover letter describing the purpose of the survey and requesting their response. Therefore, those who responded to the survey did so voluntarily, and the survey results reflect self-reported information. PJL collected

surveys from 63 prisoners at Estelle. All communication was limited to written, postal correspondence. When PJJ staff analyzed the survey results, a pattern of staff abuse and excessive force emerged.

This report highlights PJJ's findings from its survey and analyzes these findings in the context of the policies and procedures that govern staff conduct and prisoners' grievance claims. Findings include data that PJJ's staff analyzed and anecdotes from survey respondents who reported their experiences with staff's excessive use of force.

As a result of these findings, PJJ filed a legal complaint against TDCJ, specifically against the agency's Executive Director, the warden of Estelle and several staff members employed at Estelle requesting declaratory and injunctive relief on behalf of its members located at Estelle.

This report is intended to complement PJJ's legal complaints by highlighting the experiences of survey respondents, who participated in this project to help end the violence, especially on the most vulnerable prisoners, at Estelle. After conducting an investigation on the unit, we wish to share with the public the information PJJ obtained from our members.

About the Prison Justice League (PJJ)

The Prison Justice League (PJJ) works to improve conditions in Texas prisons through litigation, advocacy, and by empowering our members. We address the needs of prisoners in Texas, challenge institutions of punishment and hold them accountable for their actions, and serve as a voice for prisoners and the communities most affected by the criminal justice system. PJJ was established in June 2013 and is a 501(c)(3) nonprofit, grassroots organization that believes in building power among our members and in communities most impacted by institutions of punishment and mass incarceration.



PROBLEM STATEMENT

At Estelle, correctional staff are assaulting prisoners at alarming rates. While all prisoners are susceptible to mistreatment from correctional officers, the rate at which disabled prisoners are targeted for excessive force is disturbing. Excessive use of force describes when corrections staff use an “unreasonable” amount of force in situations that do not warrant it. Staff are trained on Use of Force and when to implement it for situations that have no other alternative.

There are several factors that contribute to the proliferation of assaults against prisoners at Estelle.

First, the administrative mechanisms available to prisoners and their families to seek relief are largely ineffective. Second, correctional staff regularly retaliate against prisoners—often violently—who pursue recourse through the Offender Grievance System. This effectively makes the grievance system unavailable to a prisoner.

Third, leadership at Estelle is aware of the excessive use of force because they are able to read and respond to filed grievances on the subject, and some prisoners have written directly to the warden informing her of staff assaults. However, armed with this knowledge, leadership has failed to appropriately discipline the offending correctional staff. The final factor contributing to the culture of violence at Estelle is the lack of meaningful, independent oversight to ensure policies are being followed, maintain transparency within the organization, and hold TDCJ accountable.

The existing policies, programs, and procedures have failed to protect the most vulnerable prisoners at Estelle. TDCJ must take steps to prevent the excessive use of force at Estelle and reduce the number of assaults that take place there.

SUMMARY OF FINDINGS

According to survey respondents, correctional staff routinely assault* prisoners—particularly blind, deaf, and physically disabled prisoners. These unprovoked assaults have led to serious injuries, including missing teeth, busted skulls, broken bones, ruptured eyeballs, and prolonged hospitalizations.

Our investigation showed that senior officers regularly commit assaults against prisoners:

- **65%** of respondents reported being assaulted during their incarceration at Estelle.
- **35%** witnessed assaults against other prisoners at Estelle.
- **None** of the respondents reported never being assaulted or witnessing an assault during their incarceration at Estelle.

Of the respondents who reported being assaulted:

- **46%** of respondents who reported being assaulted are physically impaired (either deaf, blind, or otherwise physically handicapped).
- **76%** of respondents who were assaulted filed a grievance; 24% of respondents who were assaulted did not file a grievance.
- **69%** of those who did not file a grievance after an assault said they didn't file because they feared retaliation from staff. The remainder of prisoners (31%) who did not file a grievance after an assault indicated they did not believe filing a grievance would help.

*A physical attack to include striking, hitting, punching, kicking or causing physical and bodily harm.

- **41.5%** of respondents assaulted did not receive medical care following an assault; 58.5% of respondents assaulted did receive care.
- **17%** of respondents—out of those who did receive medical care following a staff assault—received care immediately following the assault. The others waited several hours to several days.

According to survey respondents, the abuse happens with the knowledge of the unit's senior staff, including Warden Tracy Bailey. Grievances filed on the unit about staff abusing prisoners are routinely ignored and unaddressed by administrative leadership. Therefore, PJJL believes that leadership is aware of their staff's conduct but does not discipline abusive officers or prevent future abuse of prisoners.

Over 60 Estelle prisoners write to us regularly to share accounts of verbal and physical assault by staff members. The rate at which disabled and elderly prisoners are targeted for abuse is especially concerning. Taken together, these stories expose an entrenched system of abuse by ranking staff against the most vulnerable members of the prison population. Victims of these abuses attempt to use the grievance procedure to seek justice for themselves and to alert authorities of wrongdoing. However, not only are the grievances ignored or unresponsive, prisoners are retaliated against for using the grievance procedure in the first place. From our investigation, it is clear that both the Warden and Assistant Warden are aware of the problems and have done nothing to address the actions of their staff.

The Current Problem at Estelle

Over the past year, prisoners at Estelle have reported to PJJ the corrections guards' excessive use of force, prevalent physical and sexual assaults, and retaliation for using the grievance system. Members have also indicated that the rate at which impaired prisoners, those who are deaf, blind, elderly, or physically handicapped, are targeted is alarming. Our members have attempted to use the appropriate channels after assaults, but have not been successful. The general response to a grievance is "no action warranted" and our members have faced retaliation for filing a grievance in the first place.

Excessive use of force describes when corrections staff use an "unreasonable" amount of force in situations that do not warrant it. Furthermore, it also describes using force as a form of punishment or to simply cause harm. Staff are trained on Use of Force and when to implement it for situations that have no other alternative. Excessive use of force has resulted in serious injuries for our members and other prisoners at Estelle.

“ *The officer ran me into some tables in the Chow Hall by grabbing my blind cane and slanging me into the tables. One sergeant stuck his hand through the bars of my cell and hit me on the head and said, ‘what are you going to do, blind man? I will beat your blind ass.’* **”**

TDCJ Board Policy 03.46 describes Standards for the Use of Force. It says, “All reasonable steps shall be taken to prevent the necessity for the use of force... when no reasonable alternative exists, only the minimum amount of force necessary to control a situation shall be used. In no event shall any type of force be used as a means of discipline or punishment.”

In fact, it is unconstitutional to use force as a form of punishment or to simply cause harm. Furthermore, officers have a duty to protect prisoners from danger posed by other officers and courts have adopted a “bystander” liability for officers on the scene of an excessive force incident.¹² Accounts from our members at Estelle indicate that corrections staff are not using the minimum amount of force necessary to control a situation, and that they may be using force as a form of punishment for perceived wrongs or for filing grievances.

PHYSICAL ASSAULTS & SERIOUS INJURY

Every one of PJJ’s surveyed members at Estelle reported feeling unsafe at the unit. A majority of survey respondents have either been assaulted by staff themselves, or have witnessed an assault. Sixty-five percent of the sample have personally endured a physical assault by an Estelle staff member and 90% have witnessed a blind, deaf, or elderly prisoner physically assaulted. This data, combined with anecdotal evidence from PJJ members, illuminates a culture of violence, fear, and retaliation at Estelle.

One-third of the population at the Estelle Unit is over

the age of 50, and of those reporting assaults, 66% are over the age of 45, 25% are between the ages of 55 and 65 years old, and 8% are between 66 and 74 years of age.

As a point of comparison, men between the ages of 18 and 34 years of age account for only 14% of reported physical assaults.

SEXUAL ASSAULTS

High rates of both staff-on-prisoner and prisoner-on-prisoner sexual assaults at Estelle have been, and remain, a serious problem for the prison. In 2014, states around the nation implemented the Prison Rape Elimination Act (PREA) passed by US Congress in 2003, which created standards for correctional administrators to implement in order to prevent sexual assaults in prisons and jails across the country.¹³ PREA requires the United States Department of Justice’s Bureau of Justice Statistics (BJS) to collect and publicize information on sexual assaults in correctional settings.¹⁴ Although generally understood as prisoner-on-prisoner sexual aggression, prison rape also involves correctional staff. In 2013, “48% of substantiated [sexual assault] incidents involved staff.”¹⁵

In 2010, Texas led the nation with the highest rates of both instances of sexual assaults in prison.¹⁶ Furthermore, Texas accounted for five out of ten prison facilities with the highest rates of reported sexual assault in the nation.¹⁷ At Estelle, 15% of prisoners reported sexual victimization from fellow prisoners and staff alike, which was the highest correctional sexual assault rate in the country for a single facility. The same year, the Bureau of Justice Statistics reported the average

rate of sexual assault per facility nationwide at 4.5%.¹⁸ Therefore, sexual assaults at Estelle occurred at more than three times the national average.

While alarming, the high rates of sexual assault at Estelle are not surprising when taken in context with our other findings; in fact, it is more evidence of unchecked staff abuse that continues to proliferate in the absence of meaningful independent oversight and proper staff training and policy implementation.

According to a Texas Board of Criminal Justice publication, a PREA Ombudsman brochure, TDCJ has a “zero tolerance” policy concerning sexual assaults.¹⁹ In 2003, the TDCJ established the Safe Prisons Program which created and implemented policies and procedures that aimed to prevent, detect, and report prisoner-on-prisoner sexual assaults in correctional facilities. Interestingly, the Safe Prisons Program’s mission does not actively address staff-on-prisoner sexual assaults, although those types of assaults have been recorded by BJS.

POOR MEDICAL CARE

Due to the aging population at Estelle, as well as the serious levels of physical impairment, poor medical care and maintenance are serious issues. It is clear that immediate medical care following assaults is not consistent: our surveys show that of prisoners needing immediate medical attention following an assault, 41.5% were never seen by medical staff.

“I have suffered injuries to my left knee and elbow. I received no medical care. I am in constant pain. These people hate me.”

The cost of providing healthcare to Texas’ large prison population is \$9.54 per prisoner per day.²⁰ Although this works out to be a very large amount per year, it’s actually the lowest per-capita spent on prisoner healthcare needs.

Many Estelle officers hinder a prisoner’s ability to receive medical care. Officers retaliate against prisoners when they exercise their legal rights by refusing to issue prisoners medical Lay-Ins. A Lay-In is a paper pass a prisoner must have in order to leave the housing area and travel to the medical area for a scheduled appointment. Without a Lay-In, a prisoner cannot go to a medical appointment. Therefore, when officers deny prisoners their right to Lay-In, the prisoners miss their rarely scheduled appointments with medical staff.

If a prisoner attempts to file a grievance after missing a medical appointment, the grievance is usually dismissed due to records indicating the prisoner refused to go to medical for treatment. Prisoners at the Estelle Unit have been stripped of even the most basic human rights, including their right to medical care.

“Frank” from Amarillo, Texas, is a 51-year-old, 120 pound, legally blind prisoner. He has been blind since 1998 and is reliant on other prisoners for help with his paperwork, including writing his grievances. His vision is such that he must put on three pairs of thick-lensed glasses and hold the paper no more than one inch from his face in order to see.

Frank has suffered retaliation for filing grievances while at Estelle. According to Frank, Officer Atkinson was angry that he had filed a grievance against her friend and fellow officer for stripping Frank’s cell during a routine cell search and for confiscating Frank’s legal paperwork. Officer Atkinson has found ways to harass and intimidate Frank. In one instance she let the heavy metal crash gates to slam Frank in the face. The impact sent Frank’s slight frame crashing to the floor and broke his special eyeglasses in the process. On a different occasion, Frank was standing at the picket office, speaking with Officer Atkinson about his mail, when she abruptly grabbed his head, took her pen, and jabbed him in the eye.



CAUSES

“ *This is not a unit for the blind and handicapped...they do not have a chance here...they are the ones fighting for their lives on Estelle.*

There are several factors contributing to the proliferation of excessive use of forces at Estelle. First, the administrative mechanisms available to prisoners to seek relief are largely ineffective. Second, correctional staff regularly retaliate against prisoners, often violently, who pursue recourse through the Offender Grievance System. Third, leadership at Estelle is aware that officers engage in excessive use of force but do nothing to stop the assaults from taking place and do not reprimand bad actors. Finally, there is no meaningful, independent oversight to ensure policies are being followed, maintain transparency within the organization, and hold TDCJ accountable.

A FAILED GRIEVANCE SYSTEM

The “Offender Grievance Program” is the program that prisoners can use to address staff wrongdoings and seek help if they’ve been a victim of excessive force. Established in 1975, the grievance system is intended to facilitate problem resolution for issues encountered while in prison, including TDCJ policies and procedures, actions of other prisoners or prison staff, loss or damage of personal property, and more.²¹ TDCJ Administrative Directive 03.82 describes the management of offender grievances. AD-03.82 details the valuable benefits for TDCJ, including “conflict resolution, cost savings

“*They beat somebody every day that is blind or handicapped. People are afraid to say anything because they think that they might be next.*”

and efficiency from improved management information, averting litigation, and minimizing judicial oversight through comprehensive self-monitoring.”²² The grievance system provides an opportunity for a prisoner to bring to the attention of the unit administration and leadership a specific problem they are having, including the actions of a TDCJ employee or another prisoner. They do this by filling out a Step 1 Grievance Form and submitting it to a Grievance Officer for review. The grievance investigator, a prison staff member responsible for ensuring the proper handling of grievances, conducts an investigation and interviews relevant staff members. The grievance investigator has 30 days to respond to a Step 1 grievance after it has been submitted by a prisoner.

If the response to a Step 1 grievance is unsatisfactory for the prisoner, he may file an appeal, also known as a Step 2 grievance. A Step 2 grievance is a written form that explains why the Step 1 grievance response was unsatisfactory. Step 2 grievances are sent to the main office in Huntsville for review and this office has 35 days to respond.

It is generally accepted—by prisoners and advocates alike—that the grievance procedure does not work. On paper, the grievance procedure policies are adequate. However, our members continually report feeling frustrated by the grievance system due to what they perceive as a lack of proper investigation. For example, in grievances related to the actions of a prison staff member, the grievance response will indicate that the accused officer denies their claim and that no further action is warranted. In many cases, it becomes the prisoners’ word against a staff member, and the “investigation” involves asking a staff member whether the accusation is true or not.

During a recent survey, 76% of the responders indicated they filed a grievance after being assaulted by a staff member. Of those, 98% received a “no action warranted” response and the investigation came to a halt. Many of those responses are a result of an investigation that involves asking the offending officer whether what the prisoner describes in the grievance is true. If the officer denies the events as described, the investigation ends and a “no action warranted” response is given.

In the same survey group, 24% of prisoners who were physically assaulted by a staff member did not file a grievance. Of those who did not file a grievance, 31% did not file a grievance because they indicated they did not believe the grievance system worked. 69% of those that did not file a grievance did not do so because they feared retaliation for filing.

This is a problem because fear of retaliation creates a barrier to filing a grievance, and, therefore a lack of access to courts—a right afforded to state prisoners. If prisoners are too fearful to file a grievance because they are afraid of physical retaliation, this effectively violates their constitutional rights.

‘What are you going to do, Blind Man?’

On November 17, 2013 at 11:15 AM, “Sam” was walking to his seat for lunch in the chow hall. As a legally blind prisoners at Estelle, Sam depends on his walking cane to move safely around the prison. That day, as he made his way around the chow hall, Officer Hoot approached him from behind. She was angry that he had filed a grievance against her for prohibiting him from sitting in the handicapped section of the chow hall on a previous occasion. Without warning, Officer Hoot grabbed Sam’s walking cane from behind—a startling and frightening experience for a visually-impaired person—and began to shove him into the dining tables. “You wrote me up? You’re going to have to pay for that,” Officer Hoot yelled as she “slung” the 62-year-old man into the tables. She confiscated Sam’s walking stick, leaving him virtually immobile.

On a separate occasion, Sam was in his cell when Sergeant Rodriguez approached. The sergeant stuck his hand through Sam’s cell, hit him on the head and taunted him, “What are you going to do, blind man? I will beat your blind ass.” Sam reported feeling defeated and knew in the back of his mind that there is no such thing as justice at Estelle.

Sam has served over six years on a ten-year sentence at Estelle. During his incarceration at Estelle, prison guards physically assaulted him in two separate incidents. In uneven, scrawling handwriting, he wrote to PJJ, sharing his story of these incidents and his attempt to seek justice. Following both assaults, Sam filed grievances against prison staff risking subsequent retaliation by staff for formally complaining. Unfortunately, Sam’s terrifying and humiliating experience is not an isolated incident.

LACK OF STAFF ACCOUNTABILITY

Estelle prisoners are frequently victims of verbal or physical abuse from Estelle staff for seemingly no reason. Furthermore, PJJ's investigation showed that blind, deaf, and mobility impaired prisoners account for almost half of assaults reported by our members. According to PJJ members and detailed in our legal complaint, any officer walking the halls of Estelle has the opportunity to physically abuse a prisoner—either by striking him, twisting his arm, slamming him into a wall, or throwing him to the ground. Due to the lack of accountability and discipline among correctional officers, prison staff can inflict abuse with little fear of reprisal from senior staff.

Since staff abuse on prisoners is commonly accepted at Estelle, assaults are commonplace in the hallways and in plain view of other staff. In fact, 76% of survey

Estelle is one of the main prison units in the state for visually impaired prisoners and hundreds are transferred here each year to take advantage of the various programs and services available to vision impaired prisoners. Although the yellow line is supposed to be discernible to the blind with the aid of their walking sticks due to the waxed surface, many blind prisoners at Estelle do not have a walking cane or have had theirs confiscated. That means they rely on the walls to guide them. At times, they have accidentally stepped on the yellow line and paid for their mistake. Our members have reported having their head abruptly slammed into the concrete wall by staff for stepping on the yellow line.

Officers have been known to take blind canes, walkers, and wheelchairs away from mobility impaired prisoners randomly and force them to crawl or feel their way back to their housing areas. Deaf prisoners are subject to similar acts of humiliation and degradation. They report that officers approach them from behind,



“I feel unsafe. I watch and witness several prisoners get beat down for nothing! Most of them are handicapped.”

respondents reported feeling unsafe in the hallways at Estelle. However, using the hallways is a necessary part of prison life and they must be used to get to the chow hall for meals, and different areas of the prison for medical appointments, school, and work.

At most prison units across the state, hallways are marked with a yellow line on the floor. The line is there to establish distance between prisoners and staff and is viewed as a management tool; the thinking is that keeping bodily distance between guards and prisoners can help reduce altercations, and, thus, the use of excessive force. Prisoners who cross the yellow line can get written a disciplinary case for being “out of place.”

scream orders an inch away from their ears, and use violence when they are unresponsive.

NO OVERSIGHT

PJJ believes that the excessive use of force described above is not being addressed within the existing framework or with channels designed to mitigate the use of force, including the grievance system. We believe the administrators at Estelle are aware of their staff using excessive force, but do nothing to stop it. We see a need for an independent, investigative body that would

provide oversight to unit operations and investigate complaints of staff physical abuse and poor conditions. It could also ensure that established policies and proce-

dures were followed and that the grievance system was used without retaliation. Otherwise, use of excessive force will continue to go unchecked at Estelle.

‘Too Much Aggression’

“Greg”, a 30-year-old man from East Austin, has been in the system since he was 14 years old, aging out of the juvenile system at 17. When he was eight, his right eye was hit by a rock and was injured. In addition, he has glaucoma in his left eye, a condition that worsens as he ages. Greg has dealt with poor vision and other side effects as a result of his conditions and wears large plastic glasses to protect his eyes from further damage. On February 12, 2014, at 2:30 PM, Greg had just finished washing his face when he noticed his right eye was painful and leaking fluid. Having experience with eye problems in the past and fearing a serious problem, he immediately requested to be escorted to the infirmary. On the way to the infirmary, Sergeant Williams and Officer Abbott approached him. Knowing that Sgt. Williams has a history of violent altercations with other prisoners, Greg attempted to gain the attention of another officer who might be able to assist him. Instead, Williams grabbed Greg and forcefully slammed him against the wall. He then handcuffed him and together they made their way down the hall to the infirmary. Greg says, “Sgt. Williams was showing too much aggression for a situation that was not hostile.” As Greg walked down the hallways with Sgt. Williams, he continued to try to elicit help from other staff members. According to Greg, Lt. McCreary grabbed Greg by his shirt collar and said, “Shut up, before I green light my officers to slam you on your face.”

When Greg finally arrived at the infirmary, he attempted to share information about his eye injury with the nurse, but was threatened by Sgt. Williams to stop talking or “else he was going on his face.” Greg disregarded this threat and opened his mouth to ask for help when, almost instantly, Sgt. Williams and Abbott slammed him into the insulin cart on the way to the ground where Sgt. Williams repeatedly slammed Greg’s head into the cement floor. In handcuffs, Greg wasn’t able to move his body to protect his eye and soon there was a pool of blood on the floor. Greg was taken to a free world hospital where he had an emergency surgery to remove his right eyeball. It had ruptured during the assault. Greg is still waiting on a prosthetic eye almost year after the incident.

Greg has filed several grievances but hasn’t received a satisfactory response. His family has contacted the Ombudsmans’ Office to follow up on the assault and to get answers for what happened. According to Greg, his mother was told by the Ombudsmans’ office that they had contacted him and that he refused to speak to them—a claim which Greg vehemently denies. His mother followed up with the Ombudsmans’ Office about this and was told they were still investigating.

RECOMMENDATIONS

We recommend the following to help put an end to the abusive conditions at Estelle and throughout the TDCJ prison system:

1. Punish bad actors, provide better training, and pay better salaries.

Correctional staff that violate TDCJ policy and the law should be consistently reprimanded in accordance with TDCJ policies and the law. They should be given additional training on alternatives to the use of force. Officers' salaries should be increased to attract a more qualified, skilled, and disciplined workforce.

2. Establish meaningful, independent oversight. We believe that the majority of correctional staff follow the rules. However, there are people who abuse their power and are able to proliferate because there is no one holding them accountable for their actions. We recommend establishing an oversight body outside of the TDCJ and the Board of Criminal Justice that is able to inspect prisons and make unannounced visits to investigate claims of abuse. This committee would be separate from the TDCJ and report directly to someone outside of the department.

3. Investigate the abuses at Estelle. A legislative committee such as the Senate Criminal Justice or House Corrections committees should investigate the abuses at Estelle and make recommendations for reforms.

4. Require corrections guards to wear body cameras. This would minimize the use of excessive force and provide accurate and complete recordings of uses of force in compliance with established policy.

5. Set up a toll-free abuse hotline for prisoners, family members, advocates, and TDCJ employees willing to come forward. The hotline will be an excellent way to collect tips from reliable sources, and the oversight committee, or another third party, could follow up on those tips. Sources could remain anonymous if desired.



CONCLUSION

The Texas Department of Criminal Justice must be held accountable, as must those who have exercised their power in the most abusive and violent way.

At Estelle, correctional staff are assaulting prisoners at alarming rates, including the most vulnerable prisoners. Although Estelle leadership is aware of the problem, they do nothing to curb it. The grievance system is ineffective for assaulted prisoners. Established policies, including the use of force plan, are not being followed. This has led to PJL members being physically assaulted—at times, seriously—and retaliated against for using the grievance system. Independent, meaningful oversight is necessary to ensure that excessive use of force ends at Estelle.

The Texas prison population is made up of people who have committed a range of crimes, from low-level drug offenses to the most serious crimes. However, a prison sentence, whatever the length, is the punishment. Correctional staff do not have a free hand to inflict their own form of punishment on prisoners in their charge.

The flagrant use of excessive force on prisoners at Estelle is a violation of a person's civil rights and is morally reprehensible.

Acknowledgements

Cruel & Usual Punishment is © Prison Justice League, 2015 and is written by Erica Gammill & Kate Spear. Report design by Jeff Gammill.

Photographs on pages 11 and 17 © Mark Hancock/The Beaumont Enterprise.

Thanks to all of our members at Estelle who have filled out surveys, sent us their grievances, kept in touch, and met with us during prison visits. This report belongs to you.

Please note, we have changed the names of our members in these stories to protect them from retaliation and further harm. Spelling of officer's names may not be 100% accurate as TDCJ refused to provide us with a list of employees at Estelle under the Public Information Act.

For a digital download, visit: <http://www.prisonjusticeleague.org>

For more information, please visit our website or contact us at:
info@prisonjusticeleague.org

ENDNOTES

- 1 Perkinson, Robert. "Prison Heartland. Texas Tough: The Rise of America's Prison Empire." New York: Metropolitan, 2010. Page 16. Print.
- 2 Ibid, 19.
- 3 McVicker, Steve. "Unnecessary Roughness." The Houston Press 12 Oct. 2000: n. pag. Print.
- 4 Ibid.
- 5 Estelle (E2). "Unit Directory" Texas Department of Criminal Justice, 31 Aug. 2012. http://www.tdcj.state.tx.us/unit_directory/e2.html.
- 6 Texas Department of Criminal Justice, High Value Data Set. http://tdcj.state.tx.us/info_services.html
- 7 McVicker, Steve. "Unnecessary Roughness."
- 8 "Senate Panel Investigates Death of Estelle Unit Inmate." Itemonline.com. The Huntsville Item, 24 Jan. 2008. Web. 12 Jan. 2015. <http://www.itemonline.com/news/local_news/senate-panel-investigates-death-of-estelle-unit-inmate/article_19e15910-acae-5920-b26b-96fe55b90f54.html?mode=jqm>.
- 9 Ibid.
- 10 Kersplebedeb, Kar. "Beatings and Threats: Odyssey of a Prisoner-Advocate, From Virginia to Texas." Truth-Out. N.p., 13 Aug. 2013. Web. <http://www.truth-out.org/speakout/item/18167-beatings-and-threats-odyssey-of-a-prisoner-advocate-from-virginia-to-texas>.
- 11 "Senate Panel Investigates Death of Estelle Unit Inmate."
- 12 Wilkins v. Gaddy, 559 US 34, 37 (2010).
- 13 "Prison Rape Elimination Act." National PREA Resource Center. Bureau of Justice Assistance: US Department of Justice, n.d. Web. 15 Nov. 2014, <http://www.prearesourcecenter.org/about/prison-rape-elimination-act-prea>.
- 14 Beck, Allen J. "Prison Rape Elimination Act of 2003." PREA Data Collection Activities, 2014 (2014): n. pag. US Department of Justice. Bureau of Justice Statistics, May 2014.
- 15 Sexual Victimization Reported by Adult Correctional Authorities, 2009-11. Rep. no. 243904. N.p.: Bureau of Justice Statistics, n.d. Print.
- 15 Simons, Meredith, and Robert Gavin. "Texas Leads Nation in Prison Sex Abuse." Houston Chronicle. N.p., 5 Apr. 2010. Web. <http://www.chron.com/news/houston-texas/article/Texas-leads-nation-in-sex-abuse-1708170.php>.
- 16 Ibid.
- 17 Ibid.
- 18 PREA Ombudsman Office. Huntsville: Texas Board of Criminal Justice, N.d. Texas Department of Criminal Justice. Web. http://www.tdcj.state.tx.us/documents/TBCJ_PREA_Brochure.pdf.
- 19 "Healthcare in the Texas Prison System: A Looming Fiscal Crisis." <http://www.utmbhealth.com/doc/Page.asp?PageID=DOC000496>.
- 20 "Offender Grievance System." Texas Department of Criminal Justice. http://tdcj.state.tx.us/documents/Offender_Grievance_pamphlet_English.pdf
- 21 Texas Department of Criminal Justice, Administrative Directive 03.82, "Management of Offender Grievances," January 4, 2012.
- 22 Bureau of Labor Statistics. 2014.

