

Texas Department of Criminal Justice
Institutional Division

Inter-Office Communications

To: Major Lily/Captain Clifton/Warden Henson

Date: December 13, 2016

From: Dominique A. Mitchell, Program Supervisor I

Subject: Investigation Follow-up Response

My integrity, ethics, and character have been called into question due to an email I sent to Captain Clifton. I am willing to fully cooperate with any and all investigations as I stand by my email and decision to submit the concerns to the Courage Program Captain. I have been directed by my Supervisor Director Rhodes to report any security concerns to Captain Clifton only. I am not authorized nor allowed to submit security concerns to the Major, Warden, or Assistant Warden as ordered by Director Rhodes. I am only accountable within the policies of the Texas Department of Criminal Justice to report issues not investigate any claims or allegations of refusal of services, abuse, mistreatment, or use of excessive force.

It is the responsibility and duty of the Courage Program Director to report concerns to the Warden/Assistant Warden in which he has failed to do as Warden Henson indicated that he had no knowledge of any of the security concerns that I have reported within the year. I question Director Rhodes's motives and timing for forwarding the email with concerns to the Clemens Unit Wardens as he has received multiple emails from me with staff and offender complaints/concerns over a three (3) year period that have not been reported or forwarded. In addition, Director Rhodes has received numerous I-60 complaints and concerns from offenders and from the Warden to follow-up and address.

An allegation (an accusation that may or may not be true) of abuse and mistreatment disclosed by a Youthful Offender is reported to the Program Director in accordance with policies and procedures. The Courage Program Director is required to report to the appropriate authorities (Department of Family and Protective Services) and/or Warden of any incidents deemed wrongful and meeting the guidelines of abuse, neglect, or exploitation in accordance with policy CPOM 02.05. None of the allegations were reported to Department of Family and Protective Services by Director Rhodes as requested by former Courage Program Assistant Directors Mr. Holmes and Ms. Thomas.

It is my belief and opinion that Director Rhodes forwarded the email in an attempt to set-up me, Captain Clifton, and Major Lilly who he (Director Rhodes) has claimed that Warden Henson has problems with. It is also in my opinion that the Director Rhodes forwarded the information to relieve some of the scrutiny of him as Director Rhodes has made several negative claims that Warden Henson is in his business and trying to run his Department.

In reference to a few areas of concerns addressed with me on December 9, 2016, please find the following follow-up responses:

1. My use of the term "unattended" is correct and appropriate in the following situation the dayroom was left unattended by Correctional Staff as I personally witnessed and reported to Captain Clifton. On the day in question, I, Dominique A. Mitchell, Program Supervisor was locked in the dayroom without my knowledge for over twenty minutes with approximately 18 offenders while providing program services. The Correctional Officer on duty left her duty post with no other officer on C3 or C4 row. Offenders and I screamed down for help until an Officer heard me calling up and let me out. He questioned where the officer was and notified officers that I was alone, locked in the dayroom which is a violation of policies and procedures. I notified the Courage Program Director Rhodes immediately upon my return to the office of the incident. Director Rhodes failed to notify the Major or Warden so I notified Captain Clifton in person after I found out the name of the officer who was responsible for leaving her post. Captain Clifton can verify that I reported the incident. My safety was compromised by Correctional staff as I was locked alone with no security in a closed area with aggressive and dangerous youth. I am willing to submit to you, Major Lilly the name of the Correctional Officer who left me alone in C3 row dayroom and the name of the Correctional Officer who will verify that the event did happen. This is not hearsay, but a fact.
2. I have observed and reported to Sergeant Sanderson on numerous occasions Courage Program offenders staged in the dayroom for more than two (2) hours after groups or lunch with only one Correctional Officer providing coverage to both C3/C4 rows. I have often requested that he, Sergeant Sanderson come to C3 Row to have the doors rolled to let the offenders back in their cells as Courage Program Offenders wearing yellow, green, and orange bands are not allowed in the dayroom together for an extended period and should never be allowed dayroom time.

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3. I have observed and heard Correctional Officers, Correctional Officers with Rank, and the Courage Program staff use derogatory, offensive language or excessive profanity in reference to and/or towards offenders. In fact, from the Courage Program Office profanity can be heard in the hallways of the Tank housing quarters daily by Correctional Officers when calling the offenders out for school, meals, and/or work. As demanded by Assistant Warden Henson, I am willing to submit names of staff with other witnesses who can verify the accounts, but only under confidential circumstances due to fear of retaliation from Correctional Staff and Clemens Unit Administrators with guidance from Huntsville and/or Regional III Administration.

4. In reference to Youthful Offenders claiming abuse by Correctional Officers, I will provide you with the names of all offenders who have requested that Department of Family and Protective Services be contacted and an investigation by OIG. I will also provide the names of offenders who have reported incidents under confidential clearances to prevent retaliation by staff.

One incident that was supposedly witnessed by Director Rhodes involved the Warden and a Lieutenant. Director Rhodes informed the Courage Program staff that the Warden placed his foot on top of the head of the offender while he was already restrained. After the incident when the Offender was placed on C4 row on transient status, I witnessed the Lieutenant in question taunting with the offender with offensive language in an attempt to provoke him in which I interjected and words were exchanged between us. The interaction between the staff and I is a fact not hearsay. I reported the incident to Captain Clifton. The Offender reported the incident in a grievance that was never addressed and his family contacted Huntsville who was investigating. I am willing to submit the family's name and contact information as verification to any internal or external source.

In a separate incident at the Courage Program Office, I witnessed a Lieutenant put his hands on a Youthful Offender and threaten him while he was sitting down for refusing to remove a pair of boots off his feet. The offender was neither aggressive nor threatening. The offender did initially refuse to take boots off. There were two staff witnesses present and the incident was reported immediately to Captain Clifton.

In the last meeting with Director Rhodes and Case Manager IV Smith on December 2, 2016, I voiced my opinions that I believe that an offender would be seriously injured. Director Rhodes stated "it is not the Courage Program Office problem, the Major and Captain will take the blame. I am just waiting for my two years to retire." Director Rhodes and Ms. Smith also indicated that it (offender killed) has happened before and that it was covered up. In addition, Director Rhodes has indicated on numerous occasions that staff falsifying documents and writing fake disciplinary cases is nothing new and has been going on for a long time. I also addressed this issue at in-service in November 2016 during the session on "Core Values" with Warden Munoz. I have addressed the issue of the Courage Program Staff "turning a blind eye" to poor behavior from staff and offenders numerous times. Some staff members do not report co-workers or offenders who fail to adhere to agency procedures.

5. Protective Custody offenders are not being afforded out of cell time in accordance with the Safe Prison Plan for P7 designated offenders. Offenders assigned a custody level of P7 should receive recreation, dayroom, and telephone privileges. Youthful Offenders listed as P7 custody have been denied recreation for one (1) year and have never received dayroom or telephone privileges. The Youthful Offenders only exit their cells for showers, medical, and Unit Classification Committee. All of my requests for services were denied for the reason of lack of staffing in which Captain Frederick has acknowledged on December 9, 2016. This verifies that the information that I reported in the email is true and accurate. In addition, one Offender in question spent almost two years locked in his cell without any service. The Clemens Unit Wardens, Majors, and Captains have all been aware of this issue for more than a year. Recently I have been in communication with Captain Clifton and Major Lilly in an effort to provide an alternative solution. Captain Clifton has been very instrumental in providing follow-up and has created a plan that he is waiting for approval that will ensure compliance with the Safe Prison Plan.

I have no reason to provide false information as implied and I am willing to submit to a polygraph, complete an affidavit, and testify for the incidents in which I was personally involved in or have witnessed. I am also willing and requesting to speak with Representatives from OIG, Region III Directors, and/or Rehabilitation Division Administrators in order to clear my name.

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