

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

Institutional Division

SERIOUS INCIDENT REVIEW

TO:	Gary Johnson Director, TDCJ-ID	DATE:	December 19, 2000
THRU:	Janie Cockrell Deputy Director for Security		
FROM:	Gary Gomez Region III Director	SUBJECT:	Serious Incident Connally Unit December 13, 2000

BACKGROUND

On December 13, 2000, at approximately 1120 hours, seven offenders assigned to the Connally Unit, a maximum-security facility, overpowered and restrained nine maintenance supervisors, four correctional officers and three uninvolved offenders, and escaped from the facility. An Incident Review Team was formed at the request of Gary Johnson, Director, TDCJ-Institutional Division. The team was comprised of the following members:

- ◆ Gary Gomez, Director, Region III
- ◆ R. C. Thaler, Senior Warden, Estelle Unit
- ◆ David Doughty, Senior Warden, Stiles Unit
- ◆ Elizabeth Burns, Assistant Warden, Ramsey III
- ◆ Patrick O'Shaughnessy, Division Director, Office of the Inspector General
- ◆ Micky Price, Area Director, Facilities Operations & Maintenance
- ◆ Karen Hall, Administrative Technician, Executive Services
- ◆ William H. Moody, Member of the Texas Board of Criminal Justice, served as the liaison on the review team for the Board.

SCOPE AND OBJECTIVES

The scope of the review was to examine the unit security operations and procedures, maintenance procedures, emergency response plan, unit staffing, and the unit classification process. The objectives of the team were to identify procedures that may prevent similar incidents from occurring in the future, and to offer recommendations and corrective actions to the Connally Unit Warden. The team used visual inspections of the incident scene, interviews with staff, and a review of all applicable documents and procedures pertinent to the escape.

INCIDENT REVIEW

PARTICIPANT SUMMARY

Victims

Employees

Patrick Moczygemba, Maintenance Supervisor V
Mark Burgess, Maintenance Supervisor IV
Alan Camber, Maintenance Supervisor IV
Mark Garza, Maintenance Supervisor IV
Martin Gilley, Maintenance Supervisor IV
Ronny Haun, Maintenance Supervisor IV
Lester Moczygemba, Maintenance Supervisor IV
Terry Schmidt, Maintenance Supervisor IV
Manuel Segura, Maintenance Supervisor IV
Randy Albert, Correctional Officer III, Field Force
Lou Gips, Correctional Officer IV, Backgate Picket
Vernon Janssen, Correctional Officer IV, Backgate
Alejandro Marroquin, Correctional Officer III, Maintenance Paint Squad

Offenders

David Cook, #435179, W/M, Door Closer Mechanic
Roger Fishwick, #604792, W/M, Door Closer Mechanic
Ambrosio Martinez, #648556, H/M, Plumber

Assailants / Escapees

Joseph Garcia, # 774391, Maintenance Department Material Handler, H/M, serving a 50 year sentence for Murder out of Bexar County.

Randy Halprin, #786259, Maintenance Department Material Handler, W/M, serving a 30 year sentence for Injury to a Child out of Tarrant County.

Larry Harper, #861910, Maintenance Department Material Handler, W/M, serving a 30 year sentence and a 50 year sentence for multiple counts of Aggravated Sexual Assault out of El Paso County.

Patrick Murphy, #386888, Maintenance Department Carpenter, W/M, serving a 6 year sentence for Burglary of a Building and a 50 year sentence for Aggravated Sexual Assault out of Dallas County.

Donald Newbury, #824631, Maintenance Department Door Closer Mechanic, W/M, serving a 99 year sentence for counts of Aggravated Robbery with a Deadly Weapon out of Travis County.

George Rivas, #702267, Maintenance Department Support Service Inmate - Clerk, H/M, serving a life sentence for multiple counts of Aggravated Kidnapping, Aggravated Robbery and Burglary out of El Paso County.

Michael Rodriguez, #698074, Inside Yard Squad, H/M, serving a life sentence for Capital Murder out of Bexar County.

CHRONOLOGY OF EVENTS

On December 13, 2000, at approximately 1120, the employees of the Connally Unit Maintenance Department returned 20 offenders that were assigned to the Maintenance Department to their housing areas and went to lunch. Patrick Moczygamba, Maintenance Supervisor V, arranged for a group of five offenders, Joseph Garcia #774391, Randy Halprin #786259, Larry Harper #861910, Donald Newbury #824631, and George Rivas #702267, to stay in the Maintenance Department to seal the floor in the warehouse. It was not uncommon for these offenders to be assigned to special projects in the Maintenance Department. Mark Burgess, Maintenance Supervisor IV also gave permission for one of his offenders, Patrick Murphy #386888, to stay in for lunch to complete an ongoing project. Mr. P. Moczygamba agreed to stay and supervise the offenders.

At approximately 1130, Mr. P. Moczygamba was working in the office when Offender Rivas asked him to come back into the warehouse. Offender Harper asked him to look at a motor that was under a table. The offenders were clearing the floor to begin sealing and claimed that they were unsure of what they should do with the motor. As Mr. P. Moczygamba leaned down to look at the motor, one of the offenders struck him in the head with what was later discovered to be an axe handle, and he was rendered unconscious. When he regained consciousness he began to struggle with the offenders. Offender Garcia held a hand-made knife to Mr. P. Moczygamba's neck and told him that a few more years wouldn't mean anything to their sentences and they would kill one of the employees if they needed to. The offenders removed Mr. P. Moczygamba's pants and shirt, tied his hands and legs, and placed a gag in his mouth. A pillowcase was placed over his head and he was carried to the electrical room at the back of the warehouse where he was forced to lie face down on the floor.

Offender Michael Rodriguez #698074, was assigned to the inside yard squad on the day of the incident. Due to inclement weather conditions, the inside yard squad offenders did not turn out for work. Possibly in anticipation of the weather related work restriction, Offender Rodriguez had an appointment to visit the unit law library on the morning of the incident. The law library check-in log confirmed that Offender Rodriguez attended his appointment and checked out at 0940. Although we cannot verify the exact time Offender Rodriguez gained access to the maintenance area, it is the opinion of the review team that Offender Rodriguez was inadvertently allowed through the gate at A Turnout. Several employees report seeing Offender Rodriguez sitting on a bench in front of the Maintenance Department at various times that morning. After Mr. P. Moczygamba was subdued, Offender Rodriguez entered the Maintenance Department where he became an active participant in the escape.

At approximately 1145, Alan Camber, Maintenance Supervisor IV, and Alejandro Marroquin, Correctional Officer III, entered the maintenance office and each sat down at a desk in the office as they began talking. Offenders Rivas, Halprin, Harper, Murphy, and Newbury came into the office and began talking with them. Offender Rivas walked behind

Officer Marroquin and grabbed him in a bear hug from behind. Officer Marroquin began struggling as Offenders Halprin, Harper and Newbury helped Offender Rivas force Officer Marroquin to the floor. The offenders bound Officer Marroquin's hands and legs with plastic ties and duct tape and attempted to place a gag in his mouth. Officer Marroquin refused to open his mouth to be gagged and Offender Newbury struck him in the nose with a closed fist forcing Officer Marroquin to allow the offenders to gag him. Officer Marroquin was then carried to the electrical room where he was placed on the floor next to Mr. P. Moczygemba.

Simultaneously, Offender Murphy was asking Mr. Camber about a part for a vacuum cleaner, when Offender Garcia attacked him from behind. After subduing Officer Marroquin, Offender Rivas assisted Offender Garcia in forcing Mr. Camber to the floor. Offender Garcia placed a pointed object in Mr. Camber's left ear, threatening to apply force. Mr. Camber, in fear of his life, stopped struggling. The offenders bound Mr. Camber's hands with plastic ties and duct tape and removed his boots and jeans. He was then dragged into the electrical room where the offenders struck his head against the electrical conduit on the wall causing him to lose consciousness. The offenders then placed a gag in his mouth, a pillowcase over his head and wrapped duct tape around his eyes outside of the pillowcase.

At approximately 1200, Mr. Manuel Segura, Maintenance Supervisor IV, and Mr. Mark Burgess, Maintenance Supervisor IV returned to the Maintenance Department. Offender Rivas came into the office and told Mr. Burgess that Mr. P. Moczygemba was in the warehouse. Mr. Burgess entered the warehouse but did not see Mr. P. Moczygemba. Offender Halprin followed Mr. Burgess into the warehouse and knelt down beside a box and asked Mr. Burgess to come look at a motor. As Mr. Burgess approached Offender Halprin, he was struck in the back of the head by one of the offenders. As he regained consciousness, Mr. Burgess felt a sharp point at the back of his neck, another in his back, and one below his right armpit. Offender Rivas stated "This is no joke, we go home and you go home, or not, it's up to you." Offender Halprin removed Mr. Burgess' clothing, bound his feet and hands with tie straps and duct tape, placed a gag in his mouth, and placed duct tape over his eyes. Offenders Rivas and Halprin then carried him to the electrical room and forced him to the floor. Offender Garcia then placed a sharp object in Mr. Burgess' left ear and threatened to apply force. A pillowcase was then placed over Mr. Burgess' head and secured with duct tape.

Immediately after Mr. Burgess was subdued, Offender Rivas called Mr. Segura into the warehouse and told him that Mr. P. Moczygemba needed him at the back dock. As he walked into the warehouse, Offenders Newbury and Rivas grabbed him from behind and forced him to the floor. The offenders bound his wrists with plastic ties and placed a gag in his mouth. Offender Newbury then removed Mr. Segura's boots and jeans and then taped his ankles together with duct tape. He was carried to the electrical room where a pillowcase was placed over his head. Offender Rivas told him that if he calmed down and stayed quiet, nothing would happen to him.

At approximately 1220, Mr. Jerry McDowell, Recreational Program Specialist IV, entered the Maintenance Department. Offenders Rivas, Halprin and Murphy were sitting in the office. Mr. McDowell asked the offenders why they were alone. Offender Rivas told him that Mr. P. Moczygemba went to 18 Dorm. Mr. McDowell then requested to check-out the 3 Gym toolbox. Offender Murphy went into the warehouse and brought back the toolbox and the check-out log. Offender Murphy handed the tool box and the log to Offender Halprin, who in turn handed it to Mr. McDowell. After signing the check-out log, Mr. McDowell turned and walked out of the Maintenance Department. Offender Rivas followed him and asked him to come back into the shop, but Mr. McDowell refused and left the area.

At approximately 1225, Mr. Mark Garza, Maintenance Supervisor IV, Mr. Martin Gilley, Maintenance Supervisor IV, and Mr. Ronny Haun, Maintenance Supervisor IV returned to the Maintenance Department. Mr. Gilley went into the electrical shop and Mr. Garza sat down at a desk in the office. Mr. Haun walked into the warehouse where Offender Newbury asked him to come and look at something on the shelf. As Mr. Haun approached the shelf, Offender Newbury grabbed him and placed him in a headlock. Offender Rivas assisted Offender Newbury in forcing Mr. Haun to the floor and attempted to place a gag in his mouth. As Mr. Haun struggled with the offenders, Rivas struck him in the nose twice with a closed fist and forced the gag into his mouth. An unknown offender approached them and put a plexiglas knife to the back of Mr. Haun's left ear. The offenders secured Mr. Haun's legs and arms with duct tape and placed a pillowcase over his head and wrapped it with duct tape. Mr. Haun was dragged to the electrical room where the offenders unbound his legs, removed his boots and jeans, and then rebound his legs using plastic zip ties.

As this was occurring, Mr. Garza was sitting in the maintenance office. Offender Harper came into the office and asked Mr. Garza to come into the warehouse to look at a motor. Offender Rivas approached Mr. Garza from behind and put a sharp object to the front of his neck. Mr. Garza pushed the object away from his neck as Offenders Halprin and Harper attacked him forcing him to the floor. The offenders placed plastic ties around Mr. Garza's arms and legs and dragged him to the electrical room. A gag was placed in Mr. Garza's mouth and a pillowcase was placed over his head and taped.

After Mr. Garza was subdued, Offender Garcia walked into the electrical shop and asked Mr. Gilley if he wanted something to eat. Mr. Gilley declined the offer and Offender Garcia left the shop. Offender Murphy entered the electrical shop and told Mr. Gilley that Mr. P. Moczygamba wanted to see him in the warehouse. Mr. Gilley entered the warehouse where he was attacked by Offenders Garcia, Halprin, Newbury and Rodriguez. Offender Halprin told Mr. Gilley not to resist and that he would not be hurt. Offenders Newbury and Garcia held hand-made knives behind each of Mr. Gilley's ears. The offenders removed his pants and bound his legs using plastic straps. A pillowcase was placed over Mr. Gilley's head and taped. The offenders forced Mr. Gilley into the electrical room where they placed a gag in his mouth and tied his hands behind his back using plastic ties.

At approximately 1240, Mr. Terry Schmidt, Maintenance Supervisor IV, returned from lunch escorting two offenders, David Cook #435179 and Roger Fishwick #604792, from 18 Dorm to the Maintenance Department. Mr. Schmidt was leaving maintenance with Offenders Fishwick and Cook, when Offender Rivas told him that Mr. P. Moczygamba wanted to talk to him in the shop. Mr. Schmidt went into the maintenance warehouse where several offenders attacked him from behind. One of the offenders held a hand-made knife to Mr. Schmidt's head and told him to shut up. The offenders pushed Mr. Schmidt to the floor and tied his hands and feet with plastic straps. They placed a gag in his mouth and a pillowcase over his head and dragged him to the electrical room.

Offenders Fishwick and Cook entered the maintenance office where Offender Murphy approached them. Offender Murphy told them that they were having a food spread in the back and to fix themselves a plate. Offender Cook immediately went to the back of the warehouse. Offender Cook was struck in the face by Offender Rivas as he approached the back of the warehouse. Offender Cook swung back at Offender Rivas striking him in the face. An unknown offender approached Offender Cook from behind and struck him in the back of the head with an axe handle. The offenders then bound Offender Cook's arms and legs and dragged him into the electrical room.

Offender Fishwick at first declined the offer to eat with the other offenders, but Offender Rivas insisted that he join them. As he was walking toward the warehouse door, Offender

Murphy began pushing him inside the warehouse. Offender Rivas grabbed Offender Fishwick and pulled him into the warehouse. Offender Fishwick was struck in the back of the head with an axe handle. Offender Fishwick was forced to the floor where he saw Offender Cook lying on the floor at the back of the warehouse. The offenders bound Offender Fishwick's hands and feet with plastic ties and covered his face with duct tape. A pillowcase was placed over his head and he was taken to the electrical room.

At approximately 1245, Randy Albert, Correctional Officer III, entered the maintenance office to get a hitch for the unit's utility vehicle (Gator). He was assigned to the field force and was supervising the trash crew that day, and wanted to use the Gator to haul some lumber. Officer Albert entered the office and saw only offenders. He asked where Mr. P. Moczygemba was and was told that he was in the warehouse. Officer Albert walked into the warehouse where he again saw only offenders. He noticed a handheld radio and a set of keys on the floor and knew something was wrong, but was then attacked from behind by three offenders and forced to the floor. One of the offenders placed a knife to Officer Albert's face and told him not to move. Officer Albert grabbed the knife with his left hand and was able to bend the blade. One of the offenders then struck him in the head with an axe handle. The offenders handcuffed him with the handcuffs he was carrying and bound his legs with rope and tape and dragged him to the electrical room.

At approximately 1300, Mr. Lester Moczygemba, Maintenance Supervisor IV, returned from the boiler room with Offender Ambrosio Martinez #648556, to dispose of a piece of metal. Mr. L. Moczygemba noticed that the maintenance truck was pulled into the shop and the overhead door was closed behind it and locked. Offender Newbury approached Mr. L. Moczygemba and brandished a flat piece of metal, approximately 10-12 inches in length, and sharpened on both sides. Mr. L. Moczygemba pushed Offender Newbury's hand away and told him to stop. Mr. L. Moczygemba turned toward Offender Martinez. As he turned, Offender Newbury came up behind him and put the hand-made knife to his throat. Offender Newbury told him that he was serious and he did not want to hurt him, but he would if he did not lie down. Mr. L. Moczygemba laid down on the floor and Offender Halprin and Offender Newbury tied his hands and feet with plastic ties and duct tape and placed a sheet over his head. The offenders then took Mr. L. Moczygemba to the electrical room.

As this was occurring, Offender Martinez was attacked by Offender Murphy, who stabbed him on his left ring finger. Offenders Rivas and Garcia placed Offender Martinez's hands behind his back and bound his arms and legs with plastic straps and duct tape. One of the assailants then dragged Offender Martinez to the electrical room.

After the last victim was taken to the electrical room, the offenders secured the door from the outside. Mr. Schmidt was able to free himself of his restraints and began helping the others. Mr. Garza carried a pocketknife that was not discovered by the assailants. Mr. Schmidt was able to use the pocketknife to free the hostages' arms and legs from the restraints, except for Officer Albert who was handcuffed. The victims began to prepare themselves in case their assailants returned. They began tearing electrical conduit from the walls using it to barricade the door and potentially for their own defense. When the assailants realized that the victims had removed their restraints, one of the offenders attempted to regain entry into the room. When his attempt was unsuccessful, he tried to seal the door so that the victims could not exit. He secured the door using a hand-operated winch (come-a-long) to winch the door closed.

At approximately 1305, Officer Perez who was assigned to Central Control, telephoned the Maintenance Department and asked to speak with a supervisor. Offender Rivas, who answered the call, instructed another offender to come to the phone and impersonate Mr. P. Moczygemba. Officer Perez informed them that it was count time. The

offender impersonating Mr. P. Moczygemba returned the phone call to Lieutenant Carr and advised that there were ten offenders in the Maintenance Department. To ensure that the count would balance, the offenders were careful to include the three offenders who were subdued in the electrical room and Offender Rodriguez who did not work in the department. Lieutenant Carr had no reason to believe that the person providing the count was an inmate and believed that the count he was given was accurate. Earlier during the incident, an offender, now believed to be Offender Rivas, impersonated a supervisor and called the A Turnout officer, the 3 Building desk officer, and the 18-19 Turnout officer. He notified them that only a skeleton crew of offenders would return to their job assignments after lunch.

At approximately 1315, Lou Gips, Correctional Officer IV, was working the backgate picket (B-Radio Tower). Officer Gips received a call from a person claiming to be from the Maintenance Department, informing him that maintenance employees were coming to install monitors in the picket. The telephone call and the description of the work order seemed legitimate to Officer Gips, because a similar installation was recently made on one of the other pickets. At approximately 1320, Vernon Janssen, Correctional Officer IV, who was working the backgate sallyport, received a similar call. He was also informed that a crew of maintenance employees would be installing monitors at the back gate.

Meanwhile, in attempt to call for help, Mr. Camber was able to set off the fire alarm from within the electrical room. At approximately 1335, Central Control was alerted by a flashing light on the control panel that the fire alarms were activated in the Maintenance Department. Officer Perez attempted to contact the department by telephone, but there was no answer.

At approximately 1340, two males wearing civilian clothing and two males in offender clothing approached the backgate in the Gator. The two males in offender clothing got out of the vehicle and walked to the pedestrian gate. The offenders knew that they were not allowed to exit through the vehicle gate and complied to keep the situation from seeming suspicious. Officer Gips, convinced by the earlier telephone call and expecting maintenance workers, opened the walk-through gate allowing the offenders into the fenced area behind the gatehouse. Officer Gips then opened the vehicle gate to allow the Gator into the vehicle area. Officer Janssen was inside the gatehouse and not aware that Officer Gips had opened the gate allowing the offenders into the vehicle area. The males dressed as civilians carried monitors and electrical wire with them as they exited the vehicle and walked into the gatehouse. They opened the back door of the gatehouse allowing the two dressed in prison whites to enter. Before Officer Janssen could ask for identification, a civilian dressed offender began examining an electrical outlet that was near the desk in the office area. The telephone that was on the desk rang and the civilian dressed offender answered it. The caller, impersonating an employee, was one of the offenders who remained in the Maintenance Department, calling to verify that the offenders had arrived to their destination at the back gate. The offender that answered the telephone, then handed the telephone receiver to Officer Janssen telling him that the call was for him. As Officer Janssen leaned over to take the receiver, one of the civilian dressed offenders grabbed him from behind putting his arm around Officer Janssen's throat and forcing him to the floor. The offenders removed Janssen's uniform pants and shoes, bound his arms and legs, and taped his mouth with duct tape. They placed Officer Janssen in the restroom in the gatehouse and secured the door.

At approximately 1345, one of the offenders, dressed in civilian clothing, exited the gatehouse, walked up to the exterior gate, and identified himself as "Maintenance." Officer Gips remembered seeing the maintenance supervisor earlier that day, wearing the clothes and the hat that were now worn by the offender, and from his vantage point, thought that it was the same person. Officer Gips looked around to make sure that there were no offenders in

the area and opened the outside gate allowing this person to exit the compound. He subsequently opened the picket door allowing him to enter the tower. As the offender was coming up the stairs, the picket telephone rang. The caller identified himself as a maintenance supervisor and asked if Area Maintenance staff had arrived. The offender reached the top of the stairs and took the telephone call. He then removed his jacket and placed it on the chair in the picket, grabbing a .357 revolver that was lying on the desk. The offender, who was later identified to be Offender Halprin, held Officer Gips at gunpoint and told him that it was an escape. One of the offenders, still in offender clothing, later discovered to be Offender Murphy, yelled from the ground to open the gate. Offender Halprin, not familiar with the picket controls, threatened Officer Gips' life and forced him to provide instructions on how to open the picket door and the vehicle gate. Offender Halprin asked Officer Gips what kind of guns were in the picket and their whereabouts. The field force's guns and the transportation officer's guns were stored in the bottom of the picket. This was not the unit armory. After collecting the guns, Offender Murphy instructed Officer Gips to go downstairs. When they got to the bottom of the stairs, Offender Halprin used Gips' belt and one of his shoestrings to bind his hands and tie him to a structure within the picket. The offenders then exited the tower with the guns.

Immediately after the offenders exited the picket, Officer Gips freed himself and ran up the stairs to the top of the picket. The three offenders that had remained in the Maintenance Department drove the maintenance truck through the open vehicle gate where they picked up the weapons and their four accomplices and exited the compound. The maintenance truck had been brought inside the compound earlier that day in anticipation of an afternoon trip for supplies. At approximately 1358, Officer Gips used his handheld radio to request assistance. Officer Gips reported at that time that he could see the maintenance truck driving past 19 Building outside of the compound.

Warden Keith was in the company of a local law enforcement officer on the compound, when he heard the distress call. The officer immediately notified other local law enforcement to be on the lookout for a white TDCJ truck. While returning to the unit at approximately 1400, Officer Barton Olsen, assigned to the community work squad, reported seeing the white maintenance truck in the downtown area of Kenedy, in the vicinity of City Hall. Immediately after seeing the vehicle, Officer Olsen heard a call on the hand held radio and responded with directions to where he had seen the vehicle.

As an intensive search continued, at approximately 1600, a white TDCJ pickup was found abandoned behind the Wal-Mart in Kenedy. Based on film footage recorded by an automated teller machine camera in the Wal-Mart parking lot, it is believed that the escapees left the area in one or possibly two vehicles that were left in the parking lot by an unknown accomplice on the morning of the incident. A task force formed by the Office of the Inspector General, with the assistance of state and local law enforcement agencies has been investigating leads to the whereabouts of the fugitives. As of the date of this review, the escapees still remain at large.

DISCOVERY

Security Operations and Procedures

The Connally Unit security procedures were evaluated through a review of all applicable documents, on-site inspections, and interviews with unit security staff.

Findings

- ◆ A review was conducted of all post orders and other policies relating to staffed positions involved in this incident: Backgate Officer Post Order 07.054; Backgate Picket Post Order 07.048; Perimeter Picket Post Order 07.046; Turnout Door Officer Post Order 07.103; Maintenance Officer Post Order 07.053; and Administrative Directive 03.28. The team found that the above post orders were in place, current, and available for staff review at each identified post.
- ◆ Post Order 07.048 provides guidelines for backgate picket procedures. The post order states that the backgate picket officer shall ensure all persons entering or exiting the unit through the backgate are properly identified and must present their photo identification card. Additionally, Administrative Directive 03.28 instructs that all uniformed and non-uniformed personnel will be required to show their TDCJ identification card prior to admission to or exit from the facility.
- ◆ The backgate picket officer allowed an individual to pass through the exterior gate of the backgate sallyport without properly and positively identifying the person. This is in violation of Post Order 7. 048. The backgate picket officer then allowed this unidentified person to enter the picket where weapons are stored and gate controls are secured. The Building Major had been on this picket with this officer, within the previous month of this incident, providing him specific training on proper procedures for the backgate picket.
- ◆ A review of the Agency's post orders indicates that there are no specific instructions or procedures that outline identification or authorization requirements prior to allowing individuals into a perimeter picket.
- ◆ Offender Rodriguez was able to gain access to Maintenance Department and become an active participant in this incident.
- ◆ The maintenance truck had been moved inside the compound on the morning of the incident, at approximately 1037, to be utilized by a staff member for a parts pickup in the afternoon. There was no need for this vehicle to be inside the compound.
- ◆ Mr. McDowell went to the Maintenance Department to check-out the 3 Gym toolbox. Offender Rivas told Mr. McDowell that Mr. P. Moczygamba was in 18 Dorm and that there were no other supervisors in the department. Mr. McDowell retrieved his tools, left the area and did not report to security staff that he had encountered offenders that were not under supervision.
- ◆ An offender that was not assigned to the tool room issued Mr. McDowell his toolbox. Although the contents of the toolbox did not include sensitive tools (bolt cutters, cutting torches, etc.), Administrative Directive 03.19 states that only offenders assigned to a tool room and authorized personnel shall be permitted access to tools.

- ◆ Having taken Mr. P. Moczygemba's keys, the offenders were able to gain access to the Maintenance Department's sensitive tools that are kept in the tool room. Sensitive tools include any tools or equipment likely to be used in an escape attempt or that poses a threat to unit security. See Attachment G for a list of tools that were taken from the tool room.
- ◆ The victims set off the fire alarm from within the Maintenance Department at approximately 1335. The Control Picket officer was alerted by the activated alarm and called the Maintenance Department. When there was no answer, she silenced the alarm on her control panel.
- ◆ Two officers are normally assigned to the Central Control Picket and were on this date. However, one of the officers had left her post for a period of time and was not in the Central Control Picket when the fire alarm went off. (This remains under review.)
- ◆ The pillowcases that were placed over the heads of the victims, were the containers that were used by the laundry department to deliver rags to the departments.

Recommendations

- ◆ Although routine practice is for the backgate officer to assist the backgate picket officer in the identification of persons entering and exiting the backgate, Post Orders 07.048 and 07.054 should have specific guidelines requiring these actions at units that have both a backgate picket officer and a backgate officer.
- ◆ All current perimeter picket post orders should be revised to include basic requirements of perimeter picket officers to only allow authorized personnel into the picket and only after such personnel has been properly identified by the picket officer. With the exception of the relieving officer upon shift change, anyone needing access to a perimeter picket must be given authorization by a security supervisor.
- ◆ The unit administration should review turnout door procedures and ensure only authorized offenders are allowed passage through this area.
- ◆ All departments should adhere to the unit administration's instruction and the guidelines outlined in Administrative Directive 03.28, which requires that vehicles remain outside the compound unless vehicle entry is necessary to perform a specific function. In such cases that vehicle should be inside the compound only so long as is necessary to perform that service and only while an employee attends it and then immediately removed from the compound.
- ◆ Mr. McDowell should have reported immediately to security staff that the offenders in the Maintenance Department were unsupervised. Unit administration should ensure that all employees are aware of their responsibility to alert security staff upon detection of this type of situation.
- ◆ Unit Administration should ensure that all employees are aware of the guidelines outlined in Administrative Directive 03.19. Only employees and offenders that are assigned to a

tool room should have access. Additionally, employees should not accept tools from unauthorized personnel or offenders, but should immediately report the violation to a supervisor.

- ◆ In accordance with the Connally Unit Fire Plan, the Control Picket officer should have immediately notified a security supervisor.

Maintenance Procedures

Information concerning Operation and Maintenance procedures was obtained through on-site inspections, interviews with staff members and a review of all applicable documents.

Findings

- ◆ Through an on site inspection of the Maintenance Department, it was discovered that the telephone in the Maintenance Supervisor's Office had outside calling capabilities. The office remained locked at all times; however, when the offenders subdued Mr. P. Moczygamba they acquired the key to the office. Although there is no evidence to support this theory, it was the observation of the review team that the assailants could have used this access to make contact with their accomplices to give instruction on the time and place to leave the drop car.
- ◆ An offender impersonating a maintenance employee notified the picket officers, that Area Maintenance was coming to install monitors in the sallyport and backgate pickets.

Recommendation

- ◆ The Agency should review the feasibility of discontinuing outside calling capabilities to telephones in areas frequented by offenders. If the discontinuation is not feasible, the Agency should review the availability of technology for limiting access to those lines.
- ◆ All current perimeter picket post orders should be revised to include basic requirements of perimeter picket officers to only allow authorized personnel into the picket and only after such personnel has been properly identified by the picket officer.

Emergency Response

Findings

- ◆ The implementation of the facility's emergency response plan was reviewed and it showed that the escape plan was current, complete, and extremely well coordinated. The unit administration responded immediately and decisively in initiating and implementing the unit's escape plan, deploying appropriate staff, and establishing search areas and perimeters. The coordinated effort by the unit administration with law enforcement entities and support staff from surrounding facilities and within the agency was exceptional.

Recommendation

- ◆ None.

Staffing

The Connally Unit operates under the staffing document of the TDCJ Security Administration and Security Staffing Plan as provided by Security Operations.

Findings

- ◆ The Connally Unit Staffing Plan allocates 526 Correctional Officer positions. Of the 526 positions, 77 were vacant on the day of the incident. Additionally, 16 Correctional Officers were on extended sick leave on the day of the incident.
- ◆ The Connally Unit 1st shift is allocated 127 Correctional Officer positions. On the date of the incident, according to card schedules, there were 106 Correctional Officer Positions assigned to 1st shift. Of those 106, 96 were actually on duty at the time of the incident.
- ◆ There were 16 maintenance employees assigned to the Maintenance Department on the day of the incident. 3 maintenance employees failed to report for duty due to severe weather conditions, 1 employee did not report for duty due to illness, and 1 employee was assigned to in-service training.
- ◆ Prior to the incident, in the morning hours, there were 11 maintenance supervisors and 26 offenders working in the Maintenance Department. This offender to employee ratio was more than sufficient. When the incident began there was 1 supervisor and 6 offenders working in the Maintenance Department which is considered adequate.
- ◆ The back gate and the backgate picket were staffed appropriately on the day of the incident.
- ◆ Unit staffing was not found to be a contributing factor in this incident.

Recommendation

- ◆ None.

Classification

The Serious Incident Review team conducted a thorough review of the classification records of the offenders involved in the incident.

Findings

- ◆ Offender Garcia, Joseph C., TDCJ #774391, was received February 10, 1997, on a 50 year sentence for Murder with a Deadly Weapon from Bexar County. He is a 29 year old Hispanic male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on January 27, 1998. Offender Garcia had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. At the time of the incident, Offender Garcia was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Maintenance Department on May 26, 2000 as a Material Handler.
- ◆ Offender Rivas, George, TDCJ #702267, was received April 20, 1995, on a life sentence for Aggravated Kidnapping with a Deadly Weapon (8), Aggravated Kidnapping (5), Aggravated Robbery with a Deadly Weapon (1), Aggravated Robbery (2), and Burglary of a Habitation (1) from El Paso County. He is a 30 year old Hispanic male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on July 13, 1998. Offender Rivas had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. At the time of the incident, Offender Rivas was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Maintenance Department on October 19, 1999 as a Support Service Inmate.
- ◆ Offender Rodriguez, Michael Anthony, TDCJ #698074, was received March 16, 1995, on a life sentence for Capital Murder with a Deadly Weapon from Bexar County. He is a 38 year old Hispanic male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on July 8, 1999. Offender Rodriguez had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. However, he was charged with an attempted escape on June 10, 1995 while assigned to the Coffield Unit. He was placed in Administrative Segregation from July 7, 1995 until September 5, 1996 when he was released as a close custody offender to general population on the Coffield Unit. Offender Rodriguez was reclassified to medium custody on December 12, 1996 and to minimum on March 31, 1997. At the time of the incident Offender Rodriguez was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Unit inside yard squad on April 19, 2000.
- ◆ Offender Halprin, Randy Ethan, TDCJ #786259, was received May 30, 1997, on a 30 year sentence for Injury to a Child / Serious Bodily Injury with a Deadly Weapon from Tarrant County. He is a 23 year old white male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on June 1, 1999. Offender Halprin had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. At the time of the incident, Offender Halprin was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Unit Maintenance Department on February 9, 2000 as a Material Handler.
- ◆ Offender Harper, Larry James, TDCJ #861910, was received March 9, 1999, on a 50 year sentence for Aggravated Sexual Assault (6) and Aggravated Sexual Assault with a Deadly Weapon (3) from El Paso County. He is a 37 year old white male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on April 8, 1999. Offender Harper had no history of assaultive

or violent behavior while incarcerated in the TDCJ – Institutional Division. At the time of the incident, Offender Harper was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Unit Maintenance Department on April 10, 2000 as a Material Handler.

- ◆ Offender Murphy, Patrick Henry Jr., TDCJ #386888, was received November 13, 1984, on a 50 year sentence for Aggravated Sexual Assault with a Deadly Weapon and Burglary of a Building from Dallas County. He is a 39 year old white male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on July 28, 1995. Offender Murphy had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. At the time of the incident, Offender Murphy was classified as a Minimum-In, State Approved Trustee III and was assigned to the Connally Unit Maintenance Department on July 23, 1997 as a Carpenter.
- ◆ Offender Newbury, Donald, TDCJ #824631, was received May 15, 1998, on a 99 year sentence for Aggravated Robbery with a Deadly Weapon from Travis County. He is a 38 year old white male. Due to the nature of his offense and the length of his sentence, he was assigned to the Connally Unit, a maximum-security facility, on July 1, 1998. He had no history of assaultive or violent behavior while incarcerated in the TDCJ – Institutional Division. However, in 1987 Offender Newbury and two fellow offenders attempted to escape from the Travis County Jail. They overpowered two correctional officers and took them hostage. The escape failed. At the time of the incident Offender Newbury was classified as a Minimum-In, State Approved Trustee III offender and was assigned to the Connally Unit Maintenance Department on August 5, 1998 as a Door Closer Mechanic.
- ◆ The Connally Unit is a maximum-security unit with a capacity of 2,848, which is an appropriate unit of assignment for the above named offenders. The offenders were assigned to housing and jobs within the Connally Unit compound. In accordance with the Texas Department of Criminal Justice – Institutional Division Classification Plan, the above named offenders were appropriately reviewed and classified as Minimum-In offenders. Offenders assigned to minimum-in custody live and work under supervision inside a secure perimeter. All seven of the offenders who escaped lived inside the unit's secure perimeter and were assigned to jobs that required them to work inside the unit's secure perimeter.

Recommendation

- ◆ None.

CONCLUSION

Upon review of the circumstances and events that contributed to the escape, it became evident to the review team members that the escape was well planned. Moreover, non-compliance with Agency policy contributed to the successful escape from the compound.

A thorough review of the Classification Plan disclosed that the offenders were properly assigned to the unit, were classified appropriately, and were assigned to appropriate work

assignments. It should be noted, that although the offenders were classified as Minimum-in, the Connally Unit is a maximum-security facility.

The unit staffing rosters for the day of the incident were reviewed thoroughly by the team members. It was determined that the escape was not a result of lack of security staff and that all posts in the area were manned that day in accordance with the guidelines established by the Security Staffing Plan.

It appears that approximately two and half-hours lapsed between the time the incident began and the time the incident was reported. The incident began at approximately 1120 when staff and offenders assigned to the Maintenance Department went to lunch. It was normal procedure to close the Maintenance Department for an hour for lunch; believing that maintenance was closed, there would be no reason to check on the department during this time period. At approximately 1230, it would be common practice for the offenders assigned to the Maintenance Department to return to their work assignments; however, an offender impersonated a maintenance employee and made a call to the A Turnout Officer, to notify them that only a skeleton crew should return after lunch. The unit began their count at 1300 and a count was called in from the Maintenance Department, leaving no reason to physically check on the department at this time. During the time period of the escape, there was no need for any staff, other than maintenance employees, to be in the area. Also, due to weather conditions, some routine activities had been cancelled causing even less activity in the area. The escape occurred during the slowest period of the day, during lunch and at count time.

Upon notification of the escape, the unit administration responded in a timely manner and in accordance with the Emergency Response Plan. The assistance of local law enforcement was requested immediately, the appropriate staff was deployed, and search areas and perimeters were established.

The Unit Administration initiated an investigation immediately after the incident occurred. Pursuant to the findings of the Serious Incident Review and the Unit Incident Review of the escape, the unit Warden will initiate appropriate corrective action to include administrative disciplinary action.