

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

**Safe Prisons/Prison Rape Elimination Act (PREA)
Program**

Calendar Year 2019



Prepared By

Texas Department of Criminal Justice

PREA Ombudsman

Office of Inspector General

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Safe Prisons/PREA Program

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SAFE PRISONS/PREA PROGRAM

Correctional Institutions Division

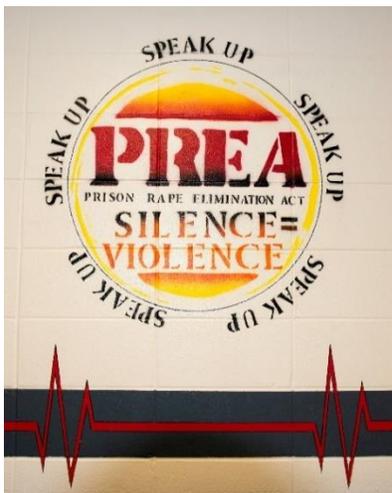
The Texas Department of Criminal Justice (TDCJ) operates a Safe Prisons/PREA Program for the purpose of preventing and limiting offender-on-offender sexual abuse and sexual harassment, physical assaults and extortion. The TDCJ strives to maintain the safety and security of all offenders incarcerated within the agency.¹

The components of the Safe Prisons/PREA Program are as follows:

I. Education of Correctional Officers and staff about the importance of preventing sexual abuse and sexual harassment, extortion and offender physical assault.

The education of correctional officers and staff on the importance of preventing sexual abuse, sexual harassment, extortion and offender physical assaults is one of the primary objectives of the Safe Prisons/PREA Program. A key component of the objective is the reliable transmittal of information from the Safe Prisons/PREA Management Office (SPPMO) to the facility staff. To accomplish this objective, notices to staff are routinely distributed at agency meetings regarding the Safe Prisons/PREA Program and the TDCJ's policy regarding offender protection issues.

Sexual abuse awareness posters (in both Spanish and English) are posted in all facilities in areas readily accessible to staff and offenders. These posters are intended to raise awareness of the issue of sexual abuse and sexual harassment, provide direction regarding various methods to report allegations, and emphasize the agency's "zero-tolerance" policy on sexual abuse and sexual harassment within its correctional facilities. The agency requires facility administrators to display the posters in strategically located areas identifying an individual at the facility level, and at the agency headquarters, who the offender, staff, and visitors can contact to report allegations of sexual abuse and sexual harassment.



The Training and Leader Development Division (TLDD) provides practical and relevant training services to correctional officers and supervisors to prepare them to support and carry out the mission of the TDCJ. The TDCJ recognizes that to be successful in providing safety and security to the offender population requires competent, well-trained correctional staff. Within the TLDD are five instructional training programs, each designated to facilitate specialized training to respective unit correctional staff, providing them the information and skills necessary to perform their duties and functions safely and effectively within the correctional environment.

¹ Safe Prisons/PREA Program report is based on Calendar Year 2019 activity for consistency with PREA Standards, 28 C.F.R. Part §115.87 data collection requirements.

The five instructional training programs offered are as follows:

- *Pre-Service Training Program*
- *In-Service Training Program*
- *Leadership Development Training Program*
- *Specialized Training Program (Topics such as Armory Operations, Defensive Tactics, etc.)*
- *Ancillary Training Program*



One of the goals of the training is to provide a comprehensive, but concise overview of the Safe Prisons/PREA Program and its initiatives. Topics of discussion include identifying, addressing, preventing, and reporting sexual abuse and sexual harassment, extortion, predation on offenders, retaliation, and the Prison Rape Elimination Act (PREA). In addition, the physical characteristics of both the potential sexual abuse victims and potential predators are presented to help the audience understand how this information is used in the assignment of offenders to a housing area and work assignment. Specific strategies are discussed in order to enhance the identification, investigation, prosecution and prevention of sexual abuse and sexual harassment in prison.

The table below provides Calendar Year (CY) 2019 statistics related to TLDD instructional training programs containing Safe Prisons/PREA Program curriculum.

CY 2019 TLDD Training Statistics

CTSD Training Programs with Safe Prisons/PREA Program Curriculum	CY 2019	
	Total Classes Conducted	Total Participants Completing
Pre-Service Training	214	6,348
In-Service Training		
Non-Supervisor	919	20,228
Supervisor	326	5,150
TLDD Instructor In-Service	2	144
Leadership Development Training		
Sergeant, Food Service, and Laundry Manager Training Academy	12	922
Lieutenant Command School	12	243
Correctional Administrator Preparedness Training	3	71
Advanced Management Training for Majors	3	161
Assistant Warden Annual Training	1	105
Senior Warden Annual Training	1	81
Ancillary Training Program		
Staff Survivor	202	1,457
Correctional Awareness	152	598
Security Awareness	20	739
Restrictive Housing Training	n/a*	1,396
Gender Specificity Training	n/a*	154
Mental Health Training	n/a*	56

*Completion of Restrictive Housing, Gender Specificity, and Mental Health training is documented in the employee's training record in the agency training database. Employees are not enrolled into a specific class, but rather receive these trainings as part of the On the Job Training (OJT) Program after Pre-Service.

16-Hour Restrictive Housing Training Course is conducted for all employees who are newly assigned to work in a restrictive housing area. This includes all newly assigned OJTs, direct hire employees, employees who are assigned to general population but are utilized to help conduct meals/movement/etc., in the restrictive housing area, and veteran employees who have been assigned to restrictive housing prior to creation of the 16-hour program at one facility and transfer to restrictive housing at a different facility. Completion of this training is documented in the TDCJ training database.

12-Hour Gender Specificity Training Course is conducted for those correctional employees that will be assigned to a unit that houses female offenders. Correctional employees who transfer to a unit that houses female offenders, and who have not previously completed the 12-hour Gender Specificity Training will be required to complete the training course prior to being assigned to a shift or department. Completion of this training is documented in the TDCJ training database.

32-Hour Mental Health Training Course that once was a pre-requisite training for employees assigned to designated mental health facilities has been incorporated into the Pre-Service Training Academy curriculum. Completion of this training is documented in the TDCJ training database.

The TDCJ video "Safe Prisons/PREA in Texas" re-enforces the agency's zero tolerance policy against sexual abuse and sexual harassment and illustrates the agency's support of the Safe Prisons/PREA Program initiatives.

In addition to the TDCJ zero-tolerance policy for sexual abuse and sexual harassment, the video includes the topics of staff and offenders' right to be free from retaliation for reporting sexual abuse and sexual harassment; dynamics of sexual abuse and sexual harassment; and how to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, and intersex (LGBTI). TLDD continues to present the video for viewing by correctional staff during correctional awareness, In-Service, Pre-Service, security awareness, and staff survivor training. All staff on the unit are shown the video during direct hire sessions as well to ensure compliance with the PREA standards.

The SPPMO and regional coordinators conducted quarterly trainings for unit safe prisons/PREA managers (USPPM). The training provided staff with policy and procedure discussions on topics such as sexual abuse and extortion prevention; investigative report writing, interviewing techniques, data collection and mainframe applications related to tracking victim and predators. The SPPMO also held trainings related directly to the implementation and processes associated with PREA audits.

The SPPMO assists in the preparation of an employee information card for distribution to correctional staff. The information card documents the agency's zero tolerance policy on sexual abuse and sexual harassment; steps to take if a sexual abuse occurs; definitions for the Safe Prisons/PREA Program, sexual abuse and the PREA. The information card also contains information regarding the agency's core values; recognition and prevention of heat and cold related illnesses, suicide high risk factors and signs; and sexual assault/abuse red flags providing staff with cues regarding victim, predator and staff behaviors and characteristics.

Safe Prisons/PREA Plan and Safe Prisons/PREA Operations Manual

The Safe Prisons/PREA Plan encompasses previous policies and procedures, as well as new processes that have evolved since the inception of the SPPMO, creating one cohesive strategy for providing staff and offender safety. The plan is periodically updated and reflects the agency's commitment to reduce incidents of extortion, protect offenders who are at increased risk of harm by others, take a proactive approach to prevent sexual abuse of offenders, address the needs of offenders who have been sexually abused, and make violators subject to criminal charges, civil liability and disciplinary action. Additionally, the TDCJ developed and implemented a Safe Prisons Operations Manual containing instructional guidelines and processes to enhance the overall effectiveness of the Safe Prisons Program.

The plan and operations manual sets forth the guidelines and procedures for investigating requests from offenders alleging increased risk of harm (e.g., sexual abuse, extortion and physical assault) from other offenders. It also encompasses procedures to follow when a staff member is notified by other means (other than from the offender them self) that an offender's safety has been threatened. The policy provides different options for staff to take in order to protect an offender from harm and discusses when it is appropriate to use each option. The options include, but are not limited to:

- a. Verbal intervention between offenders who are having a conflict;
- b. Changes in the housing assignments of one or more offenders within their housing area or other housing area of the same custody level, as well as changes to an offender's work assignment or work-shift hours;
- c. Placement of aggressive/assaultive offenders in restrictive housing or review for a change of custody (e.g., due to major disciplinary offenses);
- d. Transfer to another unit;
- e. Assignment to safekeeping status;
- f. Assignment to protective safekeeping; or
- g. Recommendation for transfer pursuant to the Interstate Corrections Compact.

In August 2014, the TDCJ revised the *Safe Prisons Plan* and the *Safe Prisons Operations Manual* in response to the National PREA standards and changed the titles to the *Safe Prisons/PREA Plan* and *Safe Prisons/PREA Operations Manual*.

The policy revisions include new definitions relating to incidents of sexual abuse and sexual harassment of incarcerated offenders. Although many TDCJ policies were already

in compliance with the federal Prison Rape Elimination Act (PREA) Standards, other policies were revised to incorporate the requirements contained within the PREA standards.

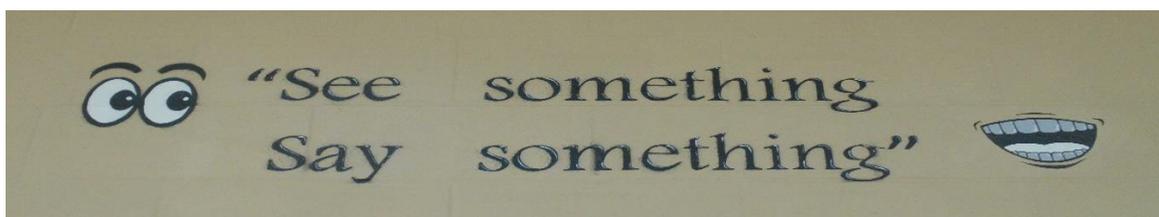
II. Offender Education

Available in English and Spanish, the *Offender Orientation Handbook* is provided to all offenders upon admission into the TDCJ, and upon request thereafter. The handbook is designed to inform them of prison life, agency policies and their roles and responsibilities. The handbook includes information related to offender protection, sexual abuse prevention, reporting, and perpetrator consequences for engaging in sexually aggressive behavior. Similar to the employee information card, all offenders receive a pamphlet that contains information regarding recognition and prevention of heat and cold related illnesses, suicide prevention and warning signs, and the Safe Prisons/PREA Program with specific information on sexual abuse prevention, reporting and what steps to take if an assault occurs. The pamphlet is also provided during the intake process, upon transfer to another facility, and upon request thereafter. To ensure receipt, all offenders are asked if they received the pamphlet during the Offender Assessment Screening and Unit Classification Committee.

The TDCJ conducts an enhanced offender orientation process at 23 major intake facilities that deliver a formal presentation on prison life. The ten-hour curriculum is comprised of two segments: a five-hour video or live presentation conducted by an employee who covers general information documented in the Offender Orientation Handbook, and a five-hour peer education segment that includes the Sexual Abuse Awareness curriculum and a comprehensive educational awareness segment on health services topics.

The TDCJ also provides additional training following orientation through the Offender Peer Education Program. The program consists of a 12-hour training that is split into two separate portions; (9 hours) Wall Talk for males or Woman to Woman for females that focuses on health issues, and (3 hours) Sexual Assault Awareness that focuses on prevention of sexual abuse and is delivered within 30 days of an offender's arrival into TDCJ.

The TDCJ collaborates with several community-based organizations on a Human Immunodeficiency Virus (HIV) offender peer education program. The Wall Talk Curriculum – Peer Education Program concept provides for offenders being trained as peer educators to share information to their counterparts on such topics as infectious diseases, sexually transmitted infections and other health related topics. The program includes training offender peer educators; increasing the knowledge level of the peer educators and recipients of the training session; and expanding the number of topics addressed.



The Sexual Assault Awareness Training (3 hour) portion of the Offender Peer Education Program is a TDCJ Safe Prisons/PREA Program initiative that utilizes offender peer educators to discuss issues of prevention, reporting, and state and federal laws pertaining to sexual abuse. The curriculum, provided in English and Spanish, helps teach offenders strategies to avoid victimization and emphasizes that offender-on-offender assault is not to be expected or tolerated. Peer educators receive initial training to be peer educators and are provided with a manual titled, “Safe Prisons Peer Educator Training Manual” that provides guidelines, activities, and background information to teach the three-hour session. This direct intervention helps change certain perceptions and attitudes among the offender population regarding prison sexual abuse. Due to the success of this concept with other prison-based initiatives, the TDCJ implemented the peer education program at all units with the exception of psychiatric inpatient, intermediate sanction, and substance abuse treatment facilities. These facilities provide PREA curriculum during orientation. In CY 2019, 356 new offender peer educators were trained with a total of 1,510 peer educators’ system wide.

In CY 2019, peer educators conducted 3,948 Sexual Abuse Awareness classes with 60,160 offender participants attending. The Sexual Abuse Awareness curriculum is currently being provided in all state and private contract correctional facilities. In addition, a Spanish Sexual Abuse Awareness curriculum assists Spanish speaking offenders with limited English proficiency. In CY 2019, of the 3,948 classes held, 580 Spanish Sexual Abuse Awareness classes were conducted with 1,738 offender participants attending. The Sexual Abuse Awareness class is also presented to offenders during Phase II of the Gang Renouncement and Disassociation (GRAD) program if an offender did not previously attend a class. In CY 2019, of the 3,948 classes held, 14 Sexual Abuse Awareness classes were conducted during Phase III of GRAD with 119 offender participants attending. A peer education coordinator manages the peer education services and monitors performance of program operations. The peer education coordinator works in collaboration with the agency’s Health Services Division to update the curriculum as required.

In 2013, the SPPMO collaborated with TDCJ Media Services in the production of an offender educational video, titled *Safe Prisons/PREA Offender Training*. The video explains the TDCJ zero tolerance policy regarding sexual abuse and sexual harassment. Additionally, offenders learn how to report incidents or suspicions of sexual abuse and sexual harassment; understand their right to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents. Furthermore, offenders gain knowledge of TDCJ policies and procedures for responding to issues of sexual abuse and sexual harassment. This video is currently in revision and pending release.



III. Screening for Risk of Sexual Victimization and Abusiveness

The *Safe Prisons/PREA Plan* and the *Safe Prisons/PREA Operations Manual* requires an assessment and re-assessment of all offenders during an intake screening and upon transfer to another unit for his or her risk of being sexually abused by other offenders or sexually

abusive toward other offenders. The Safe Prisons/PREA Program Offender Assessment Screening tool includes specific criteria mandated by the federal PREA standards to assess offenders for risk of sexual victimization. One component of the assessment tool directs staff to document offenders who identify as LGBTI or demonstrate gender nonconforming characteristics. An offender who identifies as transgender or intersex are assigned special population codes to ensure staff provide appropriate opportunities to shower and be searched separately from other offenders, as well as to assist in biannual reviews of any threats to safety.

IV. Use of security-related criteria and offender characteristics common to offender sexual abuse victims in making housing and job assignments.

The following policies establish the use of offender security-related criteria and characteristics in making housing and job assignments:

Administrative Directive (AD)-04.17, “Offender Housing Assignment Criteria and Procedures”

- ◆ “Housing assignments shall be made objectively on the basis of an offender’s total record and as required by the offender’s current needs and circumstances, as reflected in the offender’s unit/facility file, Health Summary for Classification form, the information contained in the offender’s computerized classification record and unit/facility record, in order to ensure that each offender receives appropriate and adequate safety, supervision and treatment.”
- ◆ “The following are criteria relative to offenders’ security characteristics which, in addition to custody designation, shall be considered in making housing assignments:
 - a. Criminal history;
 - b. History of institutional sexual violence or victimization;
 - c. Current offense (type and seriousness), sentence length and amount of time completed on sentence;
 - d. Violent or passive tendencies;
 - e. Security Precaution Designator (SPD);
 - f. Criminal sophistication;
 - g. Offender enemies;
 - h. Homosexual (both active and passive) tendencies;
 - i. Physical characteristics such as height, age, and weight;
 - j. Security threat group affiliation;
 - k. Current institutional adjustment, as reflected in the offender’s disciplinary record;
 - l. Special safety requirements; and
 - m. Predator Codes.

AD-04.68, “Offenders Requiring Single-Cell Housing”

- ◆ This policy outlines those categories of offenders who require single-cell housing due to vulnerability, medical or mental health problems, developmentally disabled, or other reasons related to offender health, safety, or security, in accordance with state law and TDCJ rules and regulations.
- ◆ The following characteristics, an offender’s perception of their own vulnerability, and any other factors or characteristics that are indicative of a need for single-cell housing due to vulnerability shall be considered in making the discretionary determination to single-cell offenders in safekeeping:
 1. Sexual orientation issues as demonstrated by in-prison or out-of-prison behavior, for example, the offender is lesbian, gay, or bisexual and is fearful of living with other offenders.
 2. A weak offender, such as an offender who is easily exploited due to age, size developmental disability, physical weakness, and other similar traits.
 3. A transgender or intersex offender who display visible physical characteristics. A transgender or intersex offender’s housing and programming assignments are reassessed twice per year to review for any threats to safety experienced by the offender.
 4. An offender may require single-cell housing on one unit, but may be designated for multiple-cell housing on another unit for specific reasons, such as:
 - a. Incompatibility with other offenders;
 - b. Offender request due to fear of enemies;
 - c. Offender is an institutional or law enforcement informant;
 - d. Offender or relative is a former law enforcement officer; or
 - e. Other similar circumstances.

AD-04.18, “Offender Jobs: Assignments, Job Descriptions, Selection Criteria, Work Programs and Supervision”

- ◆ “The TDCJ provides work opportunities and establish offender job programs in accordance with state and federal law. Job assignments are based on rational and objective criteria to ensure that the safety, security, treatment and rehabilitative needs of the offenders are met.”
- ◆ The following security-related criteria is considered in making job assignments:
 1. Custody designation;
 2. Security precaution designators;
 3. Criminal history, to include all prior adult incarcerations;
 4. Current offense, length of sentence and time served on sentence;

5. Violent or passive tendencies;
6. Offender enemies;
7. Security Threat Group (STG) affiliation;
8. Current institutional adjustment, as reflected in the offender's disciplinary record; and
9. Special safety requirements.

V. Use of an offender's assault history in making housing assignments.

The use of an offender's assault history in making cell assignments is set forth in the following policies:

AD-04.17, "Offender Housing Assignment Criteria and Procedures"

- ◆ "Unless there are specific mitigating circumstances, an offender shall not be assigned to dormitory housing at a prison regardless of custody designation, if:
 1. The offender has been convicted within the previous 12 months of a disciplinary offense involving possession of a weapon;
 2. The offender has been convicted within the previous 24 months of a disciplinary offense involving either assault with a weapon or sexual abuse;
 3. The offender demonstrates a recent pattern of in-prison assaultive behavior, defined as three or more separate, major (Level 1 or Level 2) disciplinary convictions within the past 24 months for offender or staff assaults, with or without a weapon; or
 4. The offender has a history of institutional sexual violence against another offender, as reflected in the offender's institutional adjustment records."

Safe Prisons/PREA Plan

- ◆ Placement of Aggressive/Assaultive Offenders in Restrictive Housing or Change of Custody Due to Major Disciplinary Offenses.

A change of custody for the aggressor in accordance with the *Disciplinary Rules and Procedures for Offenders* and *Classification Plan* is also an option. Instead of placing the more vulnerable offender in another housing area, this option removes the offender who has engaged in aggressive or assaultive behavior. Although a change in custody cannot be initiated by unit/facility administration, it may be authorized by the Unit Classification Committee (UCC) without further approval unless it involves placing the aggressor in restrictive housing (maximum custody). The guidelines for assignment of an offender to restrictive housing are set forth in the *Restrictive Housing Plan*. Removing the aggressor not only protects the offender specifically found to be at risk, but other offenders in their housing area as well. Additionally, placing the aggressor in a more restrictive custody classification (G4, G5 or restrictive housing) will limit

their opportunity to victimize other offenders and encourage them to modify their aggressive behavior.

VI. Use of protective safekeeping or safekeeping status.

Protective safekeeping is a classification for those offenders who require separate housing and the highest level of protection due to threats of harm by others or the likelihood of victimization.

Safekeeping is a status assigned to offenders who require separate housing within general population because of a potential for victimization due to threats to their safety, a history of homosexual behavior, or LGBTI identity, or other similar reasons. Offenders assigned to safekeeping status are separated from other general population offenders by housing assignment. This separation makes it difficult for general population offenders to enter their housing areas.

The following factors are taken into consideration as well as any other relevant circumstances prior to placement in protective safekeeping or safekeeping:

1. Any objective evidence discovered during an investigation that would indicate an offender is being extorted or victimized. Examples of objective evidence include visible physical injuries, medical reports, commissary account records, witness accounts and other similar evidence;
2. Offender's physical size;
3. Mental/physical impairments;
4. Age/first time offender;
5. Sexual orientation (claims of homosexuality should be corroborated by permanent records, disciplinary reports or any other evidence to support homosexual activity);
6. Determination whether the alleged problem is unit or geographic specific. If an offender's problem is confined to a specific individual, alternatives such as cell changes or unit transfer could alleviate the situation;
7. Factors that would preclude an offender's placement into safekeeping. For example, it would not be prudent to recommend safekeeping for an offender who has a felony conviction for sexual assault of another offender; or
8. An offender's previous history in safekeeping status on prior commitment.

Staff from the Classification and Records Department produces a monthly activity report that tracks:

1. Requests for protective safekeeping/safekeeping/transfers;
2. Offenders placed in protective safekeeping/safekeeping/transfers;
3. Offenders denied protective safekeeping/safekeeping/transfers; and
4. Requests that include allegations of extortion, sexual assault and violence.

The *Classification Plan* sets forth the characteristics and boundaries of protective safekeeping and safekeeping, while the *Safe Prisons/PREA Plan* and the *Protective*

Safekeeping Plan discuss the procedures to be used in assisting offenders who may need additional protection.

VII. Use of surveillance cameras.

As of December 31, 2020, there were 16,416 surveillance cameras on units across the state. Surveillance Cameras enhance efforts to prevent contraband from entering the TDCJ facilities, protect offenders from sexual abuse, and increase offender and staff safety. Future expansion of new surveillance systems includes the following units: Eastham, Wynne, Ellis, Beto, Lewis, Smith, Mountain View, and Clemens. This expansion will be completed by August 2021 and bring the total number of surveillance cameras across the state to 19,395. In addition, surveillance systems at the following units are currently being refreshed or are scheduled to be refreshed: Connally, Darrington, Polunsky, Stiles, McConnell, and Telford.

VIII. Staff training and education on the care and protection for offenders who have been victimized.

- ◆ Staff are oriented on and required to be familiar with the *Safe Prisons/PREA Plan*. This policy sets forth the philosophy of the TDCJ regarding the duty to protect offenders. It also sets forth guidelines and procedures for investigating allegations of offender victimization and measures to prevent an offender from being victimized.
- ◆ The SPPMO takes an active role in ensuring that appropriate services are provided to offender victims of sexual abuse. For example, the SPPMO collaborated with TLDD, Health Services Division and Victim Services Division to develop an approved training curriculum for offender victim representatives who provide support and resources to offenders that are administered an evidence collection kit due to an alleged sexual abuse incident. A lesson plan entitled “Offender Victim Representatives Sexual Abuse Training” was designed to develop appropriate skills in psychologists, sociologists, chaplains, social workers and case managers to provide counseling and emotional support services for an offender who alleges sexual abuse and undergoes a forensic medical exam. State law identifies offender victim representatives as psychologists, sociologists, case managers, and chaplains. The SPPMO and the TDCJ sexual assault nurse examiner (SANE) coordinator facilitate training annually for all newly designated offender victim representatives. The Offender Victim Representative (OVR) curriculum was revised in 2014 to include the effects of trauma on the brain and classroom activities. Prior to the publication of the 2014 curriculum, the SPPMO sought assistance from the Texas Association Against Sexual Assault (TAASA) by requesting review of the course revisions to ensure accuracy of course information. TAASA provided several recommendations regarding presentation flow which was applied to the 2014 curriculum revision. A total of 166 OVR’s were trained or received refresher training in CY 2019. The TDCJ continues to educate additional staff to ensure adequate services are available at each of the agency’s units to address the victim’s needs.

- ◆ The TLDD Pre-Service program consists of a Health and Wellness – Suicide Prevention lesson that includes a 14-minute video entitled “Responding to Offender Suicides and Attempted Suicides” that details the responsibilities of staff in these critical situations. The Pre-Service program also includes a 10-minute video entitled, “Mental Health First Aid,” to help staff identify signs that an offender may be experiencing mental health issues and how to provide the right type of assistance. The TDCJ provided training on suicide prevention to 6,348 new cadets and 20,228 veteran correctional officers during Pre-Service and In-Service academies in CY 2019. In addition, 5,150 correctional supervisors participated in suicide prevention training during In-Service.
- ◆ Employee information cards containing suicide risk factors have been distributed to all TDCJ units. The employee information cards help alert staff to offenders who may exhibit signs or symptoms that put them at risk for suicide. Unit employees are always required to have and carry these cards on their person while on duty.

IX. Tracking and reporting of alleged sexual abuse.

Organizationally, the PREA Ombudsman serves as the Safe Prisons/PREA Program coordinator. The SPPMO conducts statistical analysis of alleged sexual abuse; monitors each alleged incident to ensure agency compliance with current policies; identifies issues for further policy development; and facilitates training and awareness programs for staff and offenders.

Historically, alleged offender-on-offender sexual abuse and other serious/unusual incidents were reported to the Emergency Action Center (EAC). Beginning in September 2013, allegations of staff-on-offender sexual abuse and staff-on-offender sexual harassment were also reported to the EAC. Prior to that date, allegations involving staff were investigated; however, only the allegations that met the elements of the Texas Penal Code for Sexual Assault or Improper Relationship with a Person in Custody were tracked for reporting purposes. The new term, which defines staff-on-offender sexual abuse, includes allegations of attempted, threatened and requested acts, and occurrences of invasion of privacy and voyeurism.

Initially, all incidents of alleged sexual abuse are reported to EAC, who makes the reports available to the SPPMO, the Office of Inspector General (OIG) and the PREA ombudsman. After reviewing the allegations, the OIG advises the TDCJ of those incidents that meet the elements of the penal code. In addition to reports received through EAC, the OIG receives reports through other sources. Information reported to the OIG from other sources is not processed through EAC; however, it is reconciled monthly for statistical purposes. Alleged sexual abuse and staff-on-offender sexual harassment reported through EAC may require an administrative review unless the allegation was unfounded. An administrative review is a detailed report that is submitted by the warden through the appropriate regional director to the EAC. Any findings requiring recommendations or corrective action must have a follow-up report submitted within 90 days to the deputy director of Prison and Jail Operations.

Allegations of sexual abuse are also reviewed by the OIG. OIG determines if the incident meets the elements of a felony penal code violation. When OIG determines the allegation meets the elements of a penal code, a thorough criminal investigation is conducted. If probable cause is established or if there is sufficient information to make a determination regarding the allegation, the formal criminal felony investigation is presented to the Special Prosecution Unit (SPU) or the local district attorney for possible prosecution.

The deputy director of Prison and Jail Operations and the deputy director of Management Operations review administrative review reports regarding sexual abuse within the TDCJ facilities. In addition, the PREA ombudsman reviews the administrative reviews associated with allegations of sexual abuse and staff-on-offender sexual harassment.

Classification designators have been developed for electronic notification and tracking of offender sexual predators, potential sexual predators, and potential sex victims on the TDCJ mainframe. This designator enables the unit administration to identify offenders who are more likely to be sexual predators and victims.

The TDCJ has staff members assigned full-time to Safe Prisons/PREA management offices across the state. There are approximately 92 unit-based employees whose primary responsibility is the management of Safe Prisons/PREA operations, investigations, tracking, and analysis on the unit level. There are five full-time Safe Prisons/PREA management office staff assigned to the central office.

X. Other Initiatives

A TDCJ sexual predator and victim computer system application helps in the process of identifying potential predators and victims on the facilities. The database is a collaborative effort between the SPPMO, Classification & Records and the OIG. All allegations of sexual abuse are referred to the OIG for assessment of criminal or administrative violations and applicable investigation. The SPPMO policies outline the process for identifying potential predators, which encompasses OIG case reporting, unit identification, and analytical data from the database. Appropriate codes are then identified and added by the Safe Prisons/PREA Program manager on the TDCJ computer system. This identification assists in decisions regarding offender housing or programmatic assignments both within the institutions and post-release. The application also includes tracking of extortion predators and victims.

The SPPMO conducts analysis of all alleged offender-on-offender sexual abuse incidents. The analysis identifies trends related to the time of day allegations are more likely to be made, physical location, and custody classes with a higher rate of alleged sexual abuse reports. This information is passed on to the units to enable them to make decisions related to their staffing plans, building schedules, physical plants, and housing assignments.

The SPPMO also identifies trends related to the age, height and weight of both victims and predators. This information is relayed on to the facilities to make staff aware of these physical characteristics when determining housing assignments.

Agency policy requires correctional staff to notify the OIG staff following an alleged sexual abuse report. Upon notification of an alleged sexual abuse, the OIG staff begins the investigation process through the collection of information obtained in one-on-one interviews with the victim and alleged aggressor. The OIG staff are responsible for determining the need for a sexual assault evidence collection exam to be performed. The OIG investigator may consult with the onsite medical personnel regarding the necessity of such an exam. The location of the alleged sexual abuse is secured and checked for any evidence, which is collected. Upon receipt of all investigative data, the OIG investigator reviews the information to assess whether it meets the elements of an offense.

Additionally, the OIG coordinates and consults with security personnel on sexual assault initiatives, both pro-active and re-active, utilizing covert surveillance equipment and enhanced investigative processes. As state of Texas certified Peace Officers, OIG investigators are required to participate in annual continuing education and training. While the state of Texas sets the mandatory training topics, the OIG also adds training topics that are tailored specifically for OIG investigators and sexual assault investigations.

The OIG record management system (RMS) maintains information on all criminal and administrative investigations. The RMS also provides statistical reports related the aforementioned investigations.

Medical services are provided to offenders through the university medical school health care providers. Medical services personnel oversee any medical examination performed in response to an allegation of sexual assault. Offenders are transported to a public medical facility for the administration of the forensic collection kit. Information obtained from the offender during the medical interview, evaluation and examination are shared with OIG investigators. In order to enhance coordination of the medical process with security personnel, the TDCJ employs a sexual assault examination coordinator who is a licensed registered nurse and a certified sexual assault nurse examiner (SANE). The SANE is responsible for planning and implementing training for unit level nurses, mid-level practitioners (physician assistants and advanced practice nurses), physicians, and mental health care practitioners. The training for clinical staff includes how to detect and assess signs of sexual assault/abuse, how to respond effectively and professionally, how and to whom to report allegations or suspicions of sexual assault/abuse or sexual harassment. Health care administrative staff are included in general training topics. The coordinator is also responsible for providing liaison functions with non-health care departments in the TDCJ.

Since 2015, specialized training for medical and mental health care staff has been provided in New Employee Orientation during the first week of employment.

XI. Demonstration Projects to Establish “Zero Tolerance” Cultures for Sexual Assault in Correctional Facilities.

In June 2015, the SPPMO applied for the Department of Justice PREA Program Grant: Demonstration Projects to Establish “Zero Tolerance” Cultures for Sexual Assault in Correctional Facilities. The grant application titled, “Safe Prisons Information Tracking

System” involved a Safe Prisons/PREA informational data system to enhance the preventative infrastructure and technology for each TDCJ state operated and contract facility. Design strategies focused on specific PREA standard requirements, which include: §115.41, Screening for risk of victimization and abusiveness; §115.42, Use of screening information; §115.62, Agency protection duties; §115.65, Coordinated response; §115.71, Criminal and administrative agency investigations; §115.81, Medical and mental health screenings and history of sexual abuse; §115.83, Ongoing medical and mental health care for sexual abuse victims and abusers; §115.86, Sexual abuse incident reviews; §115.87, Data collection; and §115.88, Data review for corrective action. Application of an enhanced web-based information and management system will not only increase the agency’s effectiveness with identifying and managing vulnerable and predatory offenders, it will also enhance the current process for completing offender protection investigations and offender PREA assessments. Additionally, the web-based system will link to other departmental databases, expedite review processes, create greater statistical analysis capabilities, and facilitate tracking offender victim/predator sexual abuse activity; thereby, strengthening the agency’s zero tolerance policy.

In September 2015, the SPPMO was awarded the grant in the amount of \$875,326 (\$437,663 federal / \$437,663 in-kind match) for a two-year period beginning October 1, 2015 through September 30, 2017. The TDCJ entered into an interagency agreement with Sam Houston State University (SHSU) for the custom development and support of the web-based system. An extension was granted in CY17 and SHSU continued programming. At the end of the extended grant period, Information Technology Division designated an internal team to complete the programing requirements.

The SPPMO partnered with the Information Technology Division (ITD) to develop the Safe Prisons/PREA Automated Network System (SPPANS), a web-based solution that automates offender protection investigations (OPIs), PREA risk assessments and Safe Prisons/PREA reports. This system deployed in January 2020.

XII. Prison Rape Elimination Act of 2003

On September 4, 2003, President George W. Bush signed PREA into law (Public Law 108-79) to address the issue of sexual violence in prisons. Two key components of the act were the appointments of the National Prison Rape Elimination Commission (NPREC), and the Review Panel on Prison Rape.

The Commission or NPREC is a bipartisan panel created by Congress and charged with studying federal, state and local government policies and practices related to the prevention, detection, response and monitoring of sexual abuse in correction and detention facilities in the United States. The Commission completed the study and reported its findings, conclusions and recommendations to the United States President, United States Congress, the United States Attorney General, and other federal and state officials.

The Commission conducted eight public hearings between June 2005 and December 2007. The purpose of the hearings was to gather documentation and listen to testimony of correctional professionals and offender advocacy groups to assist in the preparation of the

report and the drafting of the standards. The TDCJ administrators participated in three of the hearings; assisted the Commission in FY 2008 by providing documents utilized in preparing the standards and submitted an agency response to the request for public comments on the draft of the PREA standards. In addition, the Allred Unit in Iowa Park, Texas was chosen to participate in the Standards Implementation Needs Assessment (SINA) Project in June 2008, which provided unit staff the opportunity to speak directly with representatives drafting the PREA standards to discuss the possible effects the implementation of the standards would have on correctional facilities.

The three member Review Panel on Prison Rape was created to conduct hearings on prison rape and to interview officials who oversee the three facilities with the highest incidence of prison rape and the two facilities with the lowest incidence of prison rape in prisons, jails, and community corrections facilities.

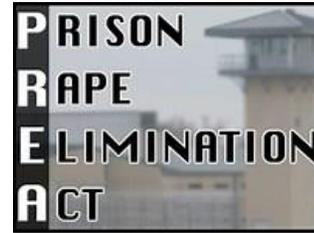
The Bureau of Justice Statistics (BJS) conducted a National Inmate Survey (NIS) in the spring of 2007, which provided a special report to the Panel in December 2007 to assist in determining the facilities that will participate in the Panel hearings. The NIS is a self-administered survey that provides anonymity to respondents and encourages the reporting of victimization. The survey collects reports of sexual violence directly from the inmates, utilizing an Audio Computer-Assisted Self Interview (ACASI) process in which inmates interact with a computer-assisted questionnaire. A total of 146 state and federal prisons participated in the survey, with 15 of those facilities in Texas. Because of the sampling error, the survey could not provide an exact ranking for all facilities as required under the PREA. However, the survey did provide the ability to statistically identify a small group of facilities with the highest rate of sexual victimization of 9.3% or greater. The report identified five correctional facilities in the state of Texas among the top ten facilities in the nation meeting this criterion.

The Panel conducted hearings in Washington, D.C. and Houston, Texas in the spring of 2008 with the TDCJ administrators and unit officials from the five facilities in Texas participating in the hearing in Houston. The hearing included a visit to a local prison facility, and testimony from TDCJ administrators and employees. In addition, the TDCJ provided documentation on existing policies and procedures; information related to the reporting and processing of administrative and criminal investigations of allegations of sexual abuse, and reports on grievances and disciplinary cases concerning sexual abuse alleged against offenders or staff.

The Panel published its findings and policy recommendations in its *Report On Rape In Federal And State Prisons In The U.S.* in August 2008. The Panel identified several common characteristics of victims of inmate-on-inmate prison rape, which may include one or more of the following:

- ◆ Physical attributes (height, weight);
- ◆ Smaller inmates housed with larger cellmates;
- ◆ Age of the victim in contrast to the assailant;
- ◆ Nature of the victim's current offense;

- ◆ History of prior incarceration;
- ◆ Mental illness or physical limitations;
- ◆ Lack of gang affiliation or social support;
- ◆ Low self-confidence, or
- ◆ Vulnerability to extortion.



In addition, the Panel identified common characteristics of inmate sexual assault perpetrators. The study indicated:

- ◆ Larger inmates are more prone to assault smaller cellmates;
- ◆ Inmates that have a history of committing sexual offenses or engaging in sexual misconduct are at higher risk of committing sexual abuse;
- ◆ Inmates with a history of incarceration are more prone to engage in sexual abuse;
- ◆ Inmates with a history of engaging in violence are more prone to engage in sexual violence;
- ◆ Inmates that engage in extortion are more prone to engage in sexual abuse;
- ◆ Inmates' gang affiliation may determine if they are more prone to engage in sexual abuse, and
- ◆ Inmates exhibiting aggressive attitudes during the intake process are more prone to engage in sexual abuse.

The Panel concluded its report with recommendations to policymakers and correctional administrators based on information and testimonies obtained from the hearings. In June 2009, the Commission submitted their final report and recommendations for National PREA Standards to the United States Attorney General.

National Inmate Survey – 2

The BJS conducted its second round of National Inmate Surveys (NIS-2) between October 2008 and December 2009. There were 167 state and federal prisons, 86 jails, and ten special confinement facilities operated by Immigration and Customs Enforcement, the U.S. Military, and correctional authorities in Indian country that participated in the survey, with 19 of those facilities in Texas. The survey provided facility rankings with eight male prisons, two female prisons, and six jails identified as “high rate” facilities based on survey responses regarding the prevalence of inmate-on-inmate sexual victimization and four male prisons, two female prisons, and five jails identified as “high rate” based on the prevalence of staff sexual misconduct. The report, titled *Sexual Victimization in Prisons and Jails Reported by Inmates, 2008-09*, which was made public in August 2010, identified three male correctional facilities in the state of Texas among the “high rate” of inmate-on-inmate sexual victimization and one male correctional facility with a “high rate” of staff sexual misconduct. Seven male prisons, four female prisons and nine jails were identified as “low rate” facilities based on a small percentage of inmates reporting any sexual victimization by another inmate or staff. Three of the Texas correctional facilities were identified among the “low rate”, which included one male facility and two female facilities.

The Panel conducted hearings in Washington, D.C. in the spring of 2011 with TDCJ administrators and unit officials from one facility identified in the “high rate” and one facility with “low rate” participating in the hearing. The hearing was preceded with a unit visit from a member of the Panel and staff associated with the Department of Justice (DOJ) on the two facilities selected to testify in Washington, D.C. In addition, the TDCJ provided documentation on existing policies and procedures; information related to the reporting and processing of administrative and criminal investigations of allegations of sexual abuse, and reports on grievances and disciplinary cases concerning sexual abuse alleged against offender or staff. The Panel published its findings in the Review Panel on Prison Rape’s *Report on Sexual Victimization in Prisons and Jails* in April 2012.

National Inmate Survey – 3

Data collection for the third round of the National Inmate Surveys (NIS-3) for 22 randomly selected Texas facilities began November 7, 2011 and continued through April 13, 2012. Key elements of the NIS-3 included random samples of inmates who are 16 years old or older housed in adult facilities, as this population had not been included in any previous PREA study. In addition, the survey instrument was modified to include measure of mental and physical health, as well as indicators of facility safety and security. The data collected from the NIS-3 was intended to provide additional information on inmate risk factors and identify facility characteristics related to variations in sexual victimization.

In May 2013, the BJS released its final report, titled *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12*. The report highlighted a sample of 241 state and federal prisons was drawn to produce a sample representing approximately 10% of the 1,158 state and 194 federal adult confinement facilities. The survey was conducted by the RTI International as in the previous two surveys. The survey was administered to 106,532 offenders ages 16 or older, with 43,721 of those offenders specifically incarcerated in 233 state and federal prisons with the remaining 62,811 offenders incarcerated in jails, ICE, Indian country jails, and military facilities.

Nationwide results of the NIS-3 indicated seven male prisons and six female prisons were identified as “low rate” facilities based on a small percentage of offenders reporting any sexual victimization by another inmate or staff, with the TDCJ having one female prison identified in this category. Nationally, 11 male prisons and one female prison were identified as “high rate” facilities based on the reported prevalence of inmate-on-inmate sexual victimization, with the TDCJ having three male prisons identified in this category. Eight male prisons and four female prisons were identified as “high rate” facilities based on the reported prevalence of staff sexual misconduct, with the TDCJ having two male prisons identified in this category.

PREA Standards

The proposed Standards titled “*Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Adult Prisons and Jails*” are separated into five categories; 40 standard statements; an assessment checklist for each standard statement; and a discussion of each standard. The discussion provides explanation for the rationale of the standard and offers guidance for achieving compliance.

In March 2010, the DOJ published an Advance Notice of Proposed Rulemaking (ANPRM) to solicit public input on the Commission's proposed national standards prior to publishing a final rule adopting the standards. The DOJ welcomed all comments, including comments addressing specific standards proposed by the Commission. In May 2010, the agency submitted its comments on 13 of the 40 standards. In addition, the DOJ specifically requested comments regarding three general questions.

Following receipt of approximately 650 comments, the DOJ carefully considered each comment and modified the NPREC proposed standards. On February 3, 2011, the DOJ published the Notice of Proposed Rulemaking (28 C.F.R. Part 115) to propose such national standards for comment and to respond to the public comments received on the ANPRM. The TDCJ had relatively few issues relating to the recommendations offered by the DOJ because most of the recommendations were similar to agency policy. For this reason and because the DOJ considered the comments submitted in 2010, the TDCJ had few issues relating to the proposed national standards.

On May 16, 2012, the DOJ released its final rule adopting national standards to prevent, detect, and respond to sexual abuse in confinement facilities, pursuant to the Prison Rape Elimination Act of 2003. Subpart A, Standards for Adult Prisons and Jails contain 50 operational and auditing standards within 13 distinct sections contained in the following list:

1. Prevention planning;
2. Responsive planning;
3. Training and education;
4. Screening for risk of sexual victimization and abusiveness;
5. Reporting;
6. Official response following an inmate report;
7. Investigations;
8. Discipline;
9. Medical and mental care;
10. Data collection and review;
11. Audits;
12. Auditing and corrective action; and
13. State compliance.

PREA standards require state governors to certify full compliance with the standards or submit assurances that the state is working towards full compliance, otherwise the state may be subject to the loss of five percent of any DOJ grant funds that would be received for prison purposes.

PREA Audits

Facilities must demonstrate compliance with 50 (43 operational and 7 auditing) Prison and Jail standards. To determine compliance with PREA standards, each facility operated by the agency, or by private organization on behalf of the agency, will be audited by PREA auditors certified through the U.S. Department of Justice. The audit cycle is a three-year cycle with systems auditing one-third of their facilities annually, the first audit cycle began

August 20, 2013. Each facility type is audited by PREA auditors utilizing the approved PREA audit instrument.

The PREA audit consists of three phases: the pre-audit, on-site audit and post audit. The pre-audit involves the completion of the Pre-Audit Questionnaire by the facility PREA Manager (warden or designee), which is forwarded to the auditor for review prior to the onsite audit. The onsite audit consists of a facility tour, additional document review, and interviews of staff and offenders. During the post audit phase, the auditor determines the unit's compliance of meeting the standards, completes the final report and if necessary, implements a corrective action plan and/or an appeal process.

In August 2014, the TDCJ moved forward with achieving compliance with the PREA standards for all facilities. As of September 2017, the TDCJ completed its first cycle of PREA Audits and immediately began the second cycle.



During CY 2019, the TDCJ received full PREA compliance at 45 facilities audited by Department of Justice certified PREA auditors. Of the 45 facilities, 34 were state operated prisons and jails, 2 secure private facilities, 3 residential reentry centers, and 6 transitional treatment center sites. The agency publishes the PREA auditor's final report on the TDCJ website in the Administrative Review and Risk Management Division webpage.

Special Recognition

The TDCJ received the Lucy Webb Hayes Award during the ACA Winter Conference in January 2018. The Lucy Webb Hayes Award is presented to the agency or program that has achieved both American Correctional Association (ACA) full accreditation and PREA compliance for every component within their area of responsibility.

The Lucy Webb Hayes award represents the dedication of these agencies to enhancing public safety and the well-being of those in the agency's care.

Lucy Hayes was the wife of President Rutherford B. Hayes, who served as ACA's first President at its founding in 1870. Following this, he became the 19th President of the United States from 1877 to 1881. After his U.S. Presidency ended, he came back to serve once again as ACA's President from 1883-1892. Lucy, his first lady, was the one who influenced Rutherford to take an interest in reform of the prison systems in Ohio, since, at the time of ACA's formation in 1870, he was then the Governor of Ohio.



The TDCJ remains fully committed to maintaining full PREA compliance certification on all facilities.

PREA OMBUDSMAN

The 80th Texas Legislature passed legislation in 2007 establishing the appointment of an ombudsman to the Texas Board of Criminal Justice (TBCJ). The primary purpose of the ombudsman is to coordinate the TDCJ's efforts to eliminate the occurrence of sexual abuse and sexual harassment in correctional facilities. The primary responsibilities of the ombudsman are to: (1) monitor TDCJ policies and procedures for the prevention of sexual abuse in correctional facilities as well as compliance with PREA ombudsman policies and procedures (2) oversee the administrative investigation of offender complaints of sexual abuse and sexual harassment (3) process complaints and inquiries from elected officials, the public, and offenders concerning sexual abuse and sexual harassment and ensure the impartial resolution, and (4) collect statistics regarding all allegations of sexual abuse from correctional facilities in accordance with the National PREA standards.

In 2014, the current PREA ombudsman received training and certification as a Department of Justice (DOJ) PREA Auditor for Adult Prisons and Jails. This certification has a two-fold effect that enables the PREA ombudsman to utilize PREA audit methodology to assist in fulfilling the primary responsibilities of the PREA ombudsman and provide technical guidance and recommendations to ensure PREA compliance on all TDCJ facilities. During CY 2017, the PREA ombudsman completed the DOJ PREA Auditor Recertification process and recertified for an additional three years.

Historically, the CID director was the designated Safe Prisons/PREA coordinator. In 2019, the PREA Ombudsman Office underwent structural changes resulting in the TBCJ designating the PREA ombudsman as the TDCJ PREA coordinator. With this added role, the PREA Ombudsman Office expanded by receiving six additional staff members who were previously assigned as Regional Safe Prisons/PREA managers for the CID. The new Regional PREA Compliance Managers (RPCM) now report directly to the PREA ombudsman and provide oversight of PREA operations on correctional and community residential facilities within their respective regions. RPCM's conduct site visits and inspections of facilities to ensure compliance with TDCJ PREA policies and PREA standards. Additionally, RPCM's provide technical assistance and guidance to facility administration regarding PREA compliance objectives, make recommendations for improvement, conduct PREA training to facility-based staff, and assist unit administration with facilitating Department of Justice PREA Audits.

Monitoring Agency Policies

In 2019, the PREA ombudsman reviewed the TDCJ policies related to the prevention, detection, reporting and investigation of sexual abuse and sexual harassment in correctional facilities to ensure the duties and responsibilities of the PREA ombudsman are reflected within the policies. The PREA ombudsman is included in the TDCJ policy review process, which submits agency policies to administrators for review and comments before adoption. Being a part of the review process enables the PREA ombudsman to provide responses to policies that may impact the duties and responsibilities of the PREA ombudsman and assess the impact the PREA standards may have on the current policies and procedures.

In 2019, the PREA ombudsman monitored the compliance of the processing of allegations of sexual abuse and sexual harassment with agency policies and researched best practices in the areas of sexual abuse prevention, detection, reporting, investigation and education. Most of the research involved reviewing best practices identified by the BJS, the NIC, and the National PREA Resource Center; attending conferences that provide the opportunity to network with correctional professionals involved with issues related to sexual abuse in prison, and sharing information with other correctional professionals across the United States. Best practices identified by the PREA ombudsman were shared with the TDCJ leadership for consideration and possible implementation.

Oversight of Administrative Investigations

In CY 2019, the PREA ombudsman reviewed the administrative investigations of allegations of sexual abuse and staff-on-offender sexual harassment. Allegations of sexual abuse and staff-on-offender sexual harassment are reported to the EAC within three hours of the allegation being reported to facility staff. Once the EAC receives the incident report, the report is available to the PREA Ombudsman Office for review. Upon completion of the investigation, the facility administrator completes an administrative review detailing information specific to the incident. Allegations that were determined to be unfounded do not require an administrative review. In CY 2019, the PREA Ombudsman Office reviewed 625 administrative investigations pertaining to allegations of offender-on-offender sexual abuse and 612 allegations of staff-on-offender sexual abuse and sexual harassment.

Impartial Resolution of PREA Complaints and Inquiries

The PREA ombudsman processes complaints and inquiries concerning offenders incarcerated in the TDCJ correctional facilities and from the public regarding allegations of sexual abuse and sexual harassment. Additionally, the PREA ombudsman responds to inquiries requesting information regarding the PREA and PREA standards.

The PREA ombudsman reports directly to the chairman of the TBCJ, providing an external source where public inquiries can be processed and investigations conducted that are independent of the investigations conducted by TDCJ staff, ensuring an impartial resolution to those complaints. The PREA ombudsman uses discretion to respond directly or forward complaints to appropriate TDCJ staff for investigation and disposition. This process provides multiple avenues for oversight and monitoring of allegations of sexual abuse and sexual harassment to occur.

PREA ombudsman contact information is readily available to the public and offenders. Posters, brochures, and TDCJ Website notification provides an address, phone number, and information regarding the responsibilities and authority of the PREA ombudsman and how to report sexual abuse and sexual harassment.

In CY 2019, the PREA Ombudsman Office received 2,177 public and offender inquiries. Of the 2,177 public and offender inquiries, 869 were referred to various TDCJ departments for processing. The remaining 1,308 inquiries were processed by the PREA Ombudsman Office. Public and offender inquiries are received through various reporting methods. In CY 2019, of the 2,177 public and offender inquiries, 504 were received by email; 1,544 were received by mail; and 129 were received telephonically. Public inquiries are received from various sources and

categorized as “legislative” or “general” inquiry. Of the 2,177 inquiries received, 669 were categorized as public inquiries, 51 were “legislative” and 618 were “general.” Of the 2,177 public and offender inquiries, 1,508 were received from offenders assigned in a TDCJ secure facility. TDCJ staff are also provided with a method to privately report sexual abuse and sexual harassment to the PREA Ombudsman Office. No reports were received in the PREA Ombudsman Office from TDCJ staff during CY 2019.

Anyone can report allegations of sexual abuse and sexual harassment to the PREA ombudsman. Due to the serious nature of sexual abuse, anyone knowledgeable of an offender-on-offender or staff-on-offender sexual abuse or sexual harassment that occurs within a TDCJ correctional facility is encouraged to immediately report the allegation. Offenders incarcerated in the TDCJ are encouraged to immediately report allegations of sexual abuse and sexual harassment to correctional staff on their current facility; however, offenders may report allegations of sexual abuse and sexual harassment directly to the PREA Ombudsman Office, the OIG, the SPPMO, or the TDCJ ombudsman coordinator. In addition, offenders may report allegations of sexual abuse or sexual harassment through the TDCJ grievance process. TDCJ employees are required to immediately report allegations of sexual abuse and sexual harassment to their supervisors.

Friends of offenders incarcerated in the TDCJ, family members and the public are encouraged to report allegations of sexual abuse and sexual harassment to the PREA Ombudsman Office. Public inquiries concerning allegations of sexual abuse and sexual harassment received by the TBCJ and the TDCJ ombudsman coordinator are referred to the PREA Ombudsman Office for investigation and response. Inquiries pertaining to allegations of sexual abuse and sexual harassment received by the PREA ombudsman are reported immediately (same day received) to unit administration for investigation and appropriate administrative action. A thorough investigation is conducted and a comprehensive report is forwarded to the PREA Ombudsman Office for review. Depending on the results of the investigation, the PREA Ombudsman Office may elect to conduct a subsequent interview and investigation. In addition, all allegations of sexual abuse are referred to the OIG for possible criminal investigation.

Collection of Statistical Data

The TDCJ collects accurate, uniform data for every allegation of sexual abuse from facilities under its direct control and aggregates the incident-based sexual abuse data every calendar year. Incident-based data includes the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization (SSV) conducted by the DOJ. Incident-based data is collected from a variety of sources, including reports, investigative files, and sexual abuse administrative reviews. The TDCJ also collects incident-based data from every private facility with which it contracts for the confinement of offenders. The TDCJ does not include personal identifying information of employees or offenders in the compilation of this report.

In CY 2019, the PREA ombudsman assisted in the coordination of data requested by the BJS for the completion of the SSV for 2018. In addition, the PREA ombudsman coordinated with the TDCJ Executive Services Department, the SPPMO and the OIG to monitor the collection of data associated with sexual abuse and sexual harassment in prisons to ensure accuracy of data utilized in reports to agency administrators and responses to public requests concerning PREA related statistics. The procedures include monthly reconciliation of the number of offender-on-offender

allegations of sexual abuse and staff-on-offender sexual abuse and sexual harassment reported to the EAC and the PREA ombudsman and identifying those allegations that meet the elements of the Texas Penal Code for Sexual Assault (Texas Penal Code 22.011), Aggravated Sexual Assault (Texas Penal Code 22.021) and Improper Sexual Activity with a Person in Custody (Texas Penal Code 39.04) as determined by the OIG.

Initially, all allegations of sexual abuse are reported to the EAC and made available to the PREA Ombudsman Office as an alleged sexual abuse. However, upon reconciliation with OIG, the incidents are divided into two categories for reporting purposes. Incidents that meet the Texas Penal Code 22.011, 22.021, or 39.04 and after OIG opens a criminal case are categorized as *Nonconsensual Sexual Act*. However, incidents that do not meet the Texas Penal Codes 22.011, 22.021, and 39.04, OIG does not open a criminal case, are identified as *Abusive Sexual Contact*. These categories are consistent with BJS definitions and are used to assist in the compilation of data to complete the SSV each year.

During CY 2019, there were a total of 612 allegations of staff-on-offender sexual abuse and sexual harassment incidents reported to the PREA ombudsman by the TDCJ. Of the 612 staff-on-offender allegations, 459 were considered sexual abuse, 65 involved sexual harassment, and 88 were categorized as voyeurism. Of the 459 sexual abuse allegations, 77 (16.8%) were identified by OIG as meeting the elements of the Texas Penal Code for Sexual Assault, Aggravated Sexual Assault, or Improper Sexual Activity with a Person in Custody.

There were 625 allegations of offender-on-offender alleged sexual abuse incidents reported to the PREA ombudsman by the TDCJ. Of the 625 offender-on-offender allegations 251 were identified by the OIG as meeting the elements of the Texas Penal Code for Sexual Assault or Aggravated Sexual Assault, and subsequently categorized as *Nonconsensual Sexual Act*. The remaining 374 offender-on-offender allegations were categorized as the *Abusive Sexual Contact* of one offender by another. Regardless of the category, the TDCJ policy of “zero tolerance” on sexual abuse and sexual harassment assures every allegation is promptly, thoroughly and objectively investigated, with appropriate disciplinary action taken should the allegation be substantiated.

All dispositions of administrative investigations pertaining to a *Nonconsensual Sexual Act* or *Abusive Sexual Contact* are classified as outlined in the Code of Federal Regulations Title 28, Chapter 1, subpart A, section 115.5, *General Definitions* (28 C.F.R. § 115.5) as substantiated, unsubstantiated or unfounded. PREA standards require that agencies impose no standard higher than the preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The following definitions of disposition outcomes are consistent with definitions utilized by the BJS.

- **Substantiated Allegation** means an allegation that was investigated and determined to have occurred.
- **Unsubstantiated Allegation** means an allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

- **Unfounded Allegation** means an allegation that was investigated and determined not to have occurred.
- **Investigation Ongoing** means a final determination has not yet been made as to the disposition of the investigation.

The disposition of the administrative investigations reviewed by the PREA ombudsman and statistical information submitted by correctional facilities are provided in the following paragraphs and tables.

Staff-On-Offender Alleged Sexual Abuse, Sexual Harassment, and Voyeurism Statistics

The following table indicates staff-on-offender administrative investigation dispositions by incident type. Dispositions of criminal investigations conducted by the OIG are included in the OIG section and appendices later in this report.

CY 2019 Staff-On-Offender Dispositions

Incident Type	Total	Substantiated	Unfounded	Unsubstantiated
Sexual Abuse	459	28	176	255
Sexual Harassment	65	0	24	41
Voyeurism	88	0	35	53
Total	612	28	235	349

Offender-On-Offender Alleged Nonconsensual Sexual Act Statistics

The PREA ombudsman received 251 reports of alleged sexual abuse from TDCJ, resulting in the PREA ombudsman reviewing 251 administrative investigations identified as alleged nonconsensual sexual acts. There were 16 correctional facilities where five or more allegations were reported to have occurred. These facilities accounted for 29% of the allegations reported occurring in TDCJ correctional facilities. There were 36 alleged nonconsensual sexual acts reported on a different facility than where the incident allegedly occurred. A total of 14 out of the 251 incidents reported occurred on a female facility and 5 incidents reported occurred on a co-gender facility. Of the cases reviewed, two cases were substantiated, 29 cases were unfounded, and 220 cases were unsubstantiated.

The substantiated cases resulted in two cases where disciplinary penalties were administered; the unfounded cases resulted in 27 cases where disciplinary penalties were administered and three of the unsubstantiated cases resulted in disciplinary penalties being administered. There were 26 allegations that had no identified assailants; 215 allegations had one assailant and 10 allegations had multiple (two or more) assailants, resulting in a total of 487 participants. There was a total of 251 alleged victims and 236 alleged assailants reported.

The PREA Ombudsman monitors the number of convictions against assailants for the following disciplinary infractions: sexual misconduct, sexual fondling and sexual abuse. There were nine assailants who received a disciplinary case for “sexual misconduct”, and two assailants received a disciplinary case for “sexual abuse.”

Victims of alleged nonconsensual sexual acts are interviewed and reviewed by the UCC, who makes specific housing and program recommendations based on the disposition of administrative investigations. Assailants are reviewed as needed and/or required by various TDCJ policies. The following table containing UCC dispositions are based on the findings of the alleged nonconsensual sexual act investigations conducted by the unit administration.

UCC Disposition	Assailant	Victim
No Changes (Allegations Unfounded or Unsubstantiated)	202	76
Issued a Housing Change	21	68
Issued a Job Change	0	2
Received a Unit Transfer	2	78
Placed in Safekeeping or Protective Safekeeping	0	4
Released by the TDCJ Prior to Review	0	2
Other UCC Action	11	21

One of the challenges to conducting an administrative investigation of an alleged nonconsensual sexual act is the delay in reporting the incident from the time it occurred. Consequently, offenders are informed through various media, of the importance of reporting allegations of sexual abuse as soon as possible, especially within the time frame that allows for the collection of physical evidence. Pursuant to HB 616, 86th Texas Legislature, on September 1, 2019, the reporting time frame changed from 96 hours (four days) to 120 hours (five days). The chart below indicates nonconsensual sexual act incidents reported before and after September 1, 2019.

Pre-September 1, 2019		Post September 1, 2019	
Reporting Time Frame	Count	Reporting Time Frame	Count
Within 4 days	86	Within 5 days	51
5 to 30 days	38	6 to 30 days	17
31 to 90 days	18	31 – 90 days	8
Over 90 days	26	Over 90 days	7
Total	168	Total	83

Another element of the administrative investigation is to determine the location the alleged nonconsensual sexual act occurred. The following table indicates general locations where victims claimed the alleged incident occurred. The “Cellblock Housing Area” category includes general population cells and single-cell housing areas. The “Other” category depicts locations where two or less incidents were reported for a given location, or where no location information was provided.

General Location	Occurrences	Percent
Cellblock Housing Area	172	68.5%
Shower or Restroom Area	36	14.3%
Dormitory Housing Area	17	6.8%
Offender Dayroom	6	2.4%
Dining Hall or Kitchen	4	1.6%
Recreation Yard or Gym Area	4	1.6%
Other (Includes Disciplinary Review)	12	4.8%

Specific offender demographic information pertaining to the reports of allegations of nonconsensual sexual acts was reviewed. Of the 251 incidents reported, 56 (22.3%) of the victims were Black; 71 (28.3%) of the victims were Hispanic, and 124 (49.4%) of the victims were White. Conversely, of the 236 assailants identified 139 (58.9%) were Black; 47 (19.9%) were Hispanic and 49 (20.8%) were White, and 1 (0.4%) was Other.

The average age of the victim was 35.3 and the average age of the assailant was 37. However, there were 53 incidents (21.1%) where the alleged assailant was ten years or older than the alleged victim. The average height of the victim was 5'8" and the average height of the assailant was also 5'8". The average victim and assailant height rose slightly compared to Calendar Year 2018. There were 24 incidents (9.6%) where the alleged assailant was at least six inches taller than the alleged victim. The average weight of the alleged victim was 189.7 pounds and the average weight of the alleged assailant was 197.3 pounds. There were 37 incidents (14.7%) where the alleged assailant was at least 40 pounds heavier than the alleged victim.

Lastly, the PREA ombudsman monitored the prevalence of alleged nonconsensual sexual acts occurring on correctional facilities to determine those facilities that demonstrated an increase in reports of incidents from the previous year. In CY 2019, there were 36 facilities that demonstrated an increase of reports of incidents occurring on the facility. While the majority of the 36 facilities experienced a minimal increase, there were two facilities that had five or more allegations reported than in CY 2018. Twenty-three facilities demonstrated a decrease of reported incidents on the facility from the previous year. While the majority of the 23 facilities experienced a minimal decrease, there were three facilities that demonstrated a decrease of 5 or more allegations than in CY 2018.

Offender-On-Offender Abusive Sexual Contact Statistics

The PREA ombudsman reviewed 374 administrative investigations that were deemed as abusive sexual contact. There were 23 correctional facilities where five or more allegations were reported to have occurred. These facilities accounted for 27% of the allegations reported occurring in TDCJ correctional facilities. There were 32 Abusive Sexual Contact cases that were reported on a different facility than where the incident allegedly occurred. There were 60 of the 374 incidents that occurred on a female facility and occurred on a co-gender facility. Of the cases reviewed, 22 cases were substantiated, 64 cases were unfounded, and 288 cases were unsubstantiated.

The substantiated cases resulted in 16 cases where disciplinary penalties were administered. The unfounded cases resulted in 39 disciplinary penalties administered and there were no unsubstantiated cases resulting in a disciplinary penalty being administered. Lastly, 41 of the allegations had no identified assailants; 315 allegations had one assailant and 18 allegations had multiple (two or more) assailants, resulting in a total of 744 participants. There was a total of 374 alleged victims and 370 alleged assailants reported.

The PREA ombudsman monitors the number of convictions against assailants for the following disciplinary infractions: sexual misconduct, sexual fondling and sexual abuse. Two assailants received a disciplinary case for "sexual misconduct"; 12 assailants received disciplinary cases for "sexual fondling" and two assailants received a disciplinary case for "sexual abuse."

Victims of alleged abusive sexual contact were interviewed by the UCC, which made specific recommendations based on the disposition of the administrative investigations. Assailants are reviewed by the UCC at the conclusion of the disciplinary hearing in which they were found guilty or as needed on a case-by-case basis. The following dispositions were based on the findings of the investigations conducted by the unit administration.

UCC DISPOSITION	Assailant	Victim
No Changes (Allegations Unfounded or Unsubstantiated)	305	120
Received a Housing Change	44	153
Received a Job Change	0	1
Received a Unit Transfer	1	60
Placed in Safekeeping	0	4
Released by the TDCJ Prior to Hearing	1	0
Other UCC Action (Includes Disciplinary Review)	19	36

Offenders are informed through various media the necessity for reporting allegations as soon as possible, especially within the time frame that allows for the collection of physical evidence. Pursuant to HB 616, 86th Texas Legislature, on September 1, 2019, the reporting time frame changed from 96 hours (four days) to 120 hours (five days). The chart below indicates abusive sexual contact incidents reported before and after September 1, 2019.

Pre-September 1, 2019		Post September 1, 2019	
Reporting Time Frame	Count	Reporting Time Frame	Count
Within 4 days	148	Within 5 days	88
5 to 30 days	62	6 to 30 days	19
31 to 90 days	16	31 – 90 days	7
Over 90 days	18	Over 90 days	16
Total	244	Total	130

The following table indicates those general locations where victims claimed the alleged abusive sexual contact occurred. The “Cellblock Housing Area” category includes general population cells and single-cell housing areas. The “Other” category identifies those locations where four or less incidents were reported for a given location or where no location information was provided.

General Location	Occurrences	Percent
Cellblock Housing Area	157	42%
Dormitory Housing Area	80	21.4%
Offender Dayroom	41	11%
Shower or Restroom Area	33	8.8%
Dining Hall or Kitchen	17	4.5%
Recreation Yard or Gym	6	1.6%
Other	40	10.7%

Specific offender demographic information pertaining to the reports of allegations of abusive sexual contact was reviewed. Of the 374 incidents reported, 93 (24.9%) of the victims were Black; 102 (27.3%) of the victims were Hispanic; 175 (46.8%) of the victims were White; and four were

Other. Conversely, of the 370 assailants identified, 181 (48.9%) of the assailants were Black; 96 (25.9%) of the assailants were Hispanic; 87 (23.5%) of the assailants were White; and six were Other.

The average age of the victim was 36.5 and the average age of the assailant was 38. However, there were 78 incidents (20.9%) where the alleged assailant was ten years or older than the alleged victim. The average height of the victim was 5'7" and the assailant was also 5'7". There were 35 incidents (9.4%) where the alleged assailant was at least six inches taller than the alleged victim. The average weight of the alleged victim was 181.7 pounds and the average weight of the alleged assailant was 197.9 pounds. There were 87 incidents (23.3%) where the alleged assailant was at least 40 pounds heavier than the alleged victim.

The PREA ombudsman monitored the prevalence of alleged abusive sexual contact occurring on correctional facilities to determine those facilities that demonstrated an increase in reported incidents from the previous year. In CY 2019, there were 50 facilities that demonstrated an increase of reports of abusive sexual contact occurring on the facility. While the majority of the 50 facilities experienced a minimal increase, there were 12 facilities that had five or more allegations reported than in CY 2018. Thirty-nine facilities demonstrated a decrease of reported abusive sexual contact incidents on the facility. While the majority of the 39 facilities experienced a minimal decrease, there were five facilities that demonstrated a decrease of five or more reported allegations than in CY 2018.

Texas Department of Criminal Justice OFFICE OF INSPECTOR GENERAL

The Office of the Inspector General (OIG), in conjunction with the Correctional Institutions Division (CID), Health Services Division, the Special Prosecution Unit (SPU), and County District Attorney, is committed to creating a safer environment for the TDCJ employees and offenders.

As such, the OIG will:

- ◆ Assist sexual assault victims in a supportive manner, conduct timely and thorough investigations with the goal of successfully prosecuting sexual predators.
- ◆ Ensure that all investigators comply with the training mandates set forth by the Texas Commission on Law Enforcement Education (TCOLE).
- ◆ Meet with Health Services Division and/or medical administrative staff, as appropriate, to ensure timely and appropriate medical examinations continue to be provided to sexual assault victims and to ensure proper procedures for obtaining and preserving evidence are followed.
- ◆ Meet with prosecutorial entities, as appropriate, to ensure the prosecutors are receiving comprehensive investigative reports and to provide any assistance needed for timely adjudication of sexual assault investigations.
- ◆ Maintain open lines of communication with CID administrators and staff to ensure the timely reporting of sexual assault allegations to OIG investigators; timely medical assistance to the victims; and the preservation of evidence.

Sexual Assault Investigative Process

The following delineates the sexual assault investigative process:

1. An offender makes an outcry directly to a correctional staff member; contacts the OIG directly, reports to the PREA ombudsman, or a third party or anonymous person makes a notification.
2. Upon notification, the OIG investigator will ensure that the victim offender is immediately offered a medical examination and, if appropriate, a sexual assault examination is performed. The OIG investigator will collect and preserve any physical or biological evidence recovered from the crime scene and/or sexual assault evidence collection kit and submit for analysis as appropriate. The offender victim may request the presence of a representative or where available, a community rape crisis advocate, during the forensic medical examination.
3. During the initial victim offender interview, the investigator will obtain the date, time, place, circumstances, and suspect's information relating to the sexual assault incident.
4. The OIG investigator will provide the suspect's information to security personnel to ensure the victim is isolated from the suspect.

5. If the crime scene is still active, the investigator will conduct a thorough investigation of the scene and recover any physical and/or biological evidence.
6. During the investigation, witnesses, potential witnesses and possible suspects are identified, interviewed, and written statements are obtained.
7. Should DNA evidence identify a suspect, the investigator will obtain a search warrant to collect comparison DNA sample from the suspect. The comparison DNA sample is sent to the Texas Department of Public Safety (DPS) crime laboratory for analysis.
8. Completed investigations are reviewed by OIG supervisors to ensure they are accurate, complete and thorough. Completed investigations containing sufficient physical or biological evidence and/or statements that support the penal statute are presented to the SPU or District Attorney's Office of jurisdiction for criminal charges. At the prosecutor's discretion, the investigation is accepted or declined for prosecution or referred to a grand jury for indictment.

Sexual Assault Case Tracking

The OIG Records Management System (RMS) maintains information on all criminal and administrative investigations. The RMS maintains a master name file of all parties involved in an investigation and documents the individual role of each party. The RMS also provides statistical reports related to the aforementioned investigations, which are shared with the appropriate TDCJ officials.

Status of Sexual Assault Investigations

During CY 2019, the OIG documented 318 alleged offender-on-offender sexual assault incidents that met one of the Texas Penal Code definitions listed below.

- ◆ Sexual assault allegations (Texas Penal Code 22.011)
- ◆ Aggravated sexual assault allegations (Texas Penal Code 22.021)

Staff-on-Offender Sexual Assault and Improper Sexual Activity with Persons in Custody

Additionally, during CY 2019, the OIG documented 60 alleged incidents of sexual assault and 41 alleged incidents of Improper Sexual Activity with Persons in Custody, state of Texas Penal Code 39.04.

Reporting Delays

During CY 2019, 35 offenders made delayed sexual assault outcries greater than 365 days with the greatest 12,236 days, 33 years later. Excluding the aforementioned 35 incidents, the average time for an offender to report a sexual assault was approximately 31 days.

Investigative Status and Dispositions

The following appendices provide status and disposition information, and incident location on OIG sexual assault and improper sexual activity with persons in custody investigations. “Active” or “investigation ongoing” means evidence is still being gathered, processed or evaluated, and a final determination has not yet been made. “Substantiated” means the allegation was investigated and determine to have occurred, based on a preponderance of the evidence. “Unsubstantiated” means the investigation concluded that evidence was insufficient to determine whether or not the event occurred. “Unfounded” means the investigation determines that the alleged incident did not occur, or the alleged incident is physically impossible to have occurred.

Safe Prisons/PREA Program

Appendices

Appendices

- ◆ Reported Offender-on-Offender Sexual Assault Violations by Penal Code Section and Current Disposition – Penal Code 22.011 and 22.021
- ◆ Reported Staff-on-Offender Sexual Assault Violations by Penal Code Section and Current Disposition – Penal Code 22.011 and 22.021
- ◆ Reported Staff-on-Offender Improper Sexual Activity with a Person in Custody Violations by Penal Code Section and Current Disposition– Penal Code 39.04
- ◆ Calendar Year 2015 – 2019 Reported Sexual Assault and Improper Sexual Activity with a Person in Custody Violations – Counts by Penal Code Section
- ◆ Offender-on-Offender Sexual Assault Case Counts by Incident Location – Penal Codes 22.011 and 22.021
- ◆ Staff-on-Offender Sexual Assault Case Counts by Incident Location – Penal Codes 22.011 and 22.021
- ◆ Staff-on-Offender Improper Sexual Activity with a Person in Custody Case Counts by Incident Location – Penal Code 39.04

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**Reported Offender-on-Offender Sexual Assault Violations
By Penal Code Section
Penal Codes 22.011 and 22.021**

**Date Range:
January 1, 2019 – December 31, 2019**

Violations	Penal Code	Reported Cases
Sexual Assault	22.011	272
Aggravated Sexual Assault	22.021	46
Total Number of Cases Reported		318

**Reported Offender-on-Offender Sexual Assault Case Counts by
Current Disposition
Penal Codes 22.011 and 22.021**

Disposition	Number of Cases	
Substantiated	19	
Unsubstantiated	203	
Unfounded	18	
Investigation Ongoing	78	
Total Number of Cases Reported		318

Allegations reported under Penal Code Sections 22.011 and 22.021 include allegations of offender-on-offender sexual assaults and aggravated sexual assaults. In CY2019, there were 318 sexual assault cases opened by the OIG. Of the 318 cases, 251 were processed through the EAC and forwarded to the PREA ombudsman for review; 67 cases were opened by the OIG without an EAC number.

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**Reported Staff-on-Offender Sexual Assault Violations
by Penal Code Section
Penal Codes 22.011 and 22.021**

**Date Range:
January 1, 2019 – December 31, 2019**

Violations	Penal Code	Reported Cases
Sexual Assault	22.011	54
Aggravated Sexual Assault	22.021	6
Total Number of Cases Reported		60

**Reported Staff-on-Offender Sexual Assault Case Counts
by Current Disposition
Penal Codes 22.011 and 22.021**

Disposition	Number of Cases	
Substantiated	0	
Unsubstantiated	27	
Unfounded	19	
Investigation Ongoing	14	
Total Number of Cases Reported		60

Allegations reported under Penal Code Sections 22.011 and 22.021 include allegations of staff-on-offender-sexual assaults. In CY 2019, there were 60 staff-on-offender criminal cases opened by the OIG. Of the 60 cases, 46 were processed through the EAC and forwarded to the PREA ombudsman for review, 14 cases were opened by the OIG without an EAC number. One case was opened by the OIG regarding an allegation reported against parole staff that occurred in a District Parole Office. This incident is not included in the above chart.

**Texas Department of Criminal Justice
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**Reported Staff-on-Offender Improper Sexual Activity with a
Person in Custody Violations by Penal Code Section
Penal Code 39.04**

**Date Range:
January 1, 2019 – December 31, 2019**

Violation	Penal Code	Reported Cases
Improper Sexual Activity with Person in Custody	39.04	41
Total Number of Cases Reported		41

**Reported Staff-on-Offender Improper Sexual Activity with a Person in Custody
Case Counts by Current Disposition
Penal Code 39.04**

Disposition	Number of Cases	
Substantiated	10	
Unsubstantiated	20	
Unfounded	2	
Investigation Ongoing	9	
Total Number of Cases Reported		41

Allegations reported under Penal Code Section 39.04 involve allegations of staff members engaging in sexual contact, sexual intercourse or deviate sexual intercourse with an offender. In CY 2019, there were 41 Improper Sexual Activity with a Person in Custody criminal cases opened. Of the 41 cases, 31 were processed through the EAC and forwarded to the PREA ombudsman for review; 9 were opened by the OIG without an EAC number. One case was opened from an incident reported to the EAC in a previous year. Three cases were opened by the OIG regarding an allegation reported against parole staff that occurred in a District Parole Office. These incidents are not included in the above chart.

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**CY 2015 – 2019
Reported Sexual Assault Violations
By Penal Code Section**

Offender-on-Offender

Violations	Penal Code	Calendar Year				
		2015	2016	2017	2018	2019
Sexual Assault	22.011	285	238	284	269	272
Aggravated Sexual Assault	22.021	49	61	71	43	46
Total Number of Cases Reported:		334	299	355	312	318

Staff-on-Offender

Violations	Penal Code	Calendar Year				
		2015	2016	2017	2018	2019
Sexual Assault	22.011	64	30	42	49	54
Aggravated Sexual Assault	22.021	26	17	11	3	6
Total Number of Cases Reported		90	47	53	52	60

Statistical information provided for CY 2015 – CY 2019 depicts the incidents of alleged offender-on-offender and staff-on-offender sexual assaults in the year they were reported.

Improper Sexual Activity with a Person in Custody

Violations	Penal Code	Calendar Year				
		2015	2016	2017	2018	2019
Improper Sexual Activity with Person in Custody	39.04	48	39	43	47	41
Total Number of Cases Reported		48	39	43	47	41

Statistical information provided for CY 2015 – CY 2019 depicts the incidents of improper sexual activity with a person in custody in the year they were reported.

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**Offender-on-Offender Sexual Assault Case Counts by Incident Location
Penal Codes 22.011 and 22.021**

**Date Range:
January 1, 2019 – December 31, 2019**

Facility	County	Cases Reported
Allred	Wichita	7
Bartlett	Williamson	1
Beto	Anderson	20
Boyd	Freestone	7
Bradshaw	Rusk	2
Byrd	Walker	2
Clemens	Brazoria	1
Clements	Potter	8
Coffield	Anderson	9
Cole	Fannin	1
Connally	Karnes	12
Crain	Coryell	3
Daniel	Scurry	3
Darrington	Brazoria	6
Dominguez	Bexar	5
East Texas Treatment Facility	Rusk	5
Eastham	Houston	4
Ellis	Walker	1
Estelle	Walker	8
Ferguson	Madison	1
Garza West	Bee	2

Facility	County	Cases Reported
Gist	Jefferson	1
Gurney	Anderson	3
Hightower	Liberty	2
Hobby	Falls	2
Hodge	Cherokee	12
Hughes	Coryell	25
Huntsville	Walker	2
Hutchins	Dallas	3
Jester III	Fort Bend	2
Jester IV	Fort Bend	8
Kyle	Hayes	1
LeBlanc	Jefferson	4
Lewis	Tyler	5
Lychner	Harris	3
Lynaugh	Pecos	3
McConnell	Bee	16
Michael	Anderson	20
Montford	Lubbock	3
Mountain View	Coryell	4
Murray	Coryell	3
Neal	Potter	2
Pack	Karnes	1
Plane	Liberty	1
Polunsky	Polk	5
Powledge	Anderson	1
Ramsey	Brazoria	3
Roach	Childress	2
Robertson	Jones	14

Facility	County	Cases Reported
Rudd	Terry	1
San Saba	San Saba	1
Scott	Brazoria	3
Segovia	Hidalgo	1
Smith	Dawson	11
Stevenson	DeWitt	1
Stiles	Jefferson	18
Stringfellow	Brazoria	2
Telford	Bowie	17
Torres	Medina	2
Woodman	Coryell	1
Wynne	Walker	1
Grand Total		318

**Texas Department of Criminal Justice
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**Staff-on-Offender Sexual Assault Case Counts by Incident Location
Penal Code 22.011 and 22.021**

**Date Range:
January 1, 2019 – December 31, 2019**

Facility	County	Cases Reported
Allred	Wichita	1
Beto	Anderson	1
Boyd	Freestone	1
Byrd	Walker	1
Crain	Coryell	3
Daniel	Scurry	1
Darrington	Brazoria	1
Estelle	Walker	1
Hilltop	Coryell	1
Hobby	Falls	2
Hughes	Coryell	5
Jester IV	Fort Bend	8
Lewis	Tyler	2
Lynaugh	Pecos	1
Michael	Anderson	1
Middleton	Jones	1
Montford	Lubbock	1
Mountain View	Coryell	7
Murray	Coryell	5
Plane	Liberty	1
Polunsky	Polk	2

Facility	County	Cases Reported
Powledge	Anderson	1
Roach	Childress	1
Robertson	Jones	2
Rudd	Terry	1
Skyview	Cherokee	3
Stiles	Jefferson	2
Telford	Bowie	3
Grand Total		60

**Texas Department of Criminal Justice
OFFICE OF THE INSPECTOR GENERAL**

**Staff-on-Offender Improper Sexual Activity with a Person in Custody Case Counts
by Incident Location
Penal Code 39.04**

**Date Range:
January 1, 2019 – December 31, 2019**

Facility	County	Cases Reported
Allred	Wichita	1
Clements	Potter	1
Connally	Karnes	1
Crain	Coryell	4
Darrington	Brazoria	1
Dominquez	Bexar	1
East Texas Treatment Facility	Rusk	1
Hilltop	Coryell	1
Hobby	Falls	3
Hughes	Coryell	4
Hutchins	Dallas	1
LeBlanc	Jefferson	1
Middleton	Jones	1
Montford	Lubbock	1
Mountain View	Coryell	2
Murray	Coryell	4
Pack	Grimes	1
Ramsey	Brazoria	1
Roach	Childress	1
Sanchez	El Paso	1
Skyview	Cherokee	1

Facility	County	Cases Reported
Stringfellow	Brazoria	1
Telford	Bowie	1
Torres	Medina	1
Woodman	Coryell	2
Wynne	Walker	1
Young	Galveston	2
Grand Total		41