

Texas Department of Criminal Justice



Safe Prisons/Prison Rape Elimination Act (PREA) Program Annual Report

Calendar Year 2023

Texas Board of Criminal Justice

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Overview

Pursuant to Agency Rider 31 in the General Appropriations Act, Safe Prisons Program, and Texas Government Code § 501.176, the Texas Department of Criminal Justice (TDCJ) shall annually produce a report on the Safe Prisons Program and the activities of the Texas Board of Criminal Justice (TBCJ) appointed Prison Rape Elimination Act (PREA) Ombudsman. The TDCJ, the Office of the Inspector General (OIG), and the PREA Ombudsman contributed to the report. The TDCJ Safe Prisons/PREA Program report is based on Calendar Year 2023 activity for consistency with PREA Standards, 28 C.F.R. Part § 115.87, data collection requirements.

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 or the Commission) and the Review Panel on Prison Rape (the Review Panel).

The Commission 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 Review 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 Review 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; and/or
- Vulnerability to extortion.





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

- Larger inmates are more prone to assault smaller cellmates;
- Inmates who 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 Review 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 its final report and recommendations for National PREA Standards to the United States Attorney General.

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.

On May 16, 2012, the U.S. Department of Justice (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 Audits

Facilities must demonstrate compliance with 50 (43 operational and seven auditing) Prison and Jail PREA standards. To determine compliance with PREA standards, each facility operated by the agency, or by a private organization on behalf of the agency, will be audited by PREA auditors certified through the U.S. DOJ. The audit cycle is a three-year cycle with systems auditing one-third of their facilities annually. 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 on-site audit. The on-site audit consists of a facility tour, additional document review, and interviews of staff and inmates. 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.

During Calendar Year (CY) 2023, there were 48 audits conducted by DOJ-certified PREA auditors to include an audit of the agency and 47 audits of TDCJ facilities. The 47 facilities included 35 state-operated secure facilities, three privately-operated secure facilities, two residential reentry centers, and seven transitional treatment centers. The agency and all the facilities were certified as fully compliant. The agency publishes the PREA auditor's final reports on the TDCJ website on the Administrative Review and Risk Management Division webpage at the following link:

- https://www.tdcj.texas.gov/divisions/arm/prea_audits.html

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



PREA Ombudsman

In 2007, the 80th Texas Legislature passed legislation establishing the appointment of a PREA Ombudsman to the TBCJ. The PREA Ombudsman coordinates the TDCJ's efforts to eliminate the occurrence of sexual abuse and sexual harassment in correctional facilities.

The primary responsibilities of the PREA 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 inmate complaints of sexual abuse and sexual harassment;
3. Process complaints and inquiries from elected officials, the public, and inmates 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.

The TBCJ designates the PREA Ombudsman as the TDCJ PREA coordinator. As such, the office provides oversight of PREA operations on correctional and community residential facilities. PREA staff conducts site visits and inspections of facilities to ensure compliance with TDCJ PREA policies and PREA standards. Staff within the office of the PREA Ombudsman provide technical assistance and guidance to facility administration regarding PREA compliance objectives, make recommendations for improvement, conduct PREA training for facility-based staff, and assist unit administration with facilitating DOJ PREA Audits.

The PREA Ombudsman is trained and certified as a U.S. 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.

Monitoring Agency Policies

In 2023, 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 2023, 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 Bureau of Justice Statistics (BJS), the National Institute of Corrections (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.

Impartial Resolution of PREA Complaints and Inquiries

The PREA Ombudsman processes complaints and inquiries related to inmates 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.

PREA Ombudsman contact information is readily available to the public and inmates. Posters, brochures, and TDCJ website notification provide 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 2023, the PREA Ombudsman Office received 3,053 public and inmate inquiries. Of the 3,053 public and inmate inquiries, 1,452 were referred to various TDCJ departments for processing, and the remaining 1,601 inquiries were processed by the PREA Ombudsman Office. Public and inmate inquiries are received through various reporting methods. In CY 2023, of the 3,053 public and inmate inquiries, 738 were received by email; 1,485 were received by mail; and 830 were received telephonically. Inmate inquiries are received from inmates in a TDCJ secure facility. Public inquiries



are received from various sources and categorized as “legislative” or “general” inquiry. Of the 3,053 inquiries received, 1,625 were identified as inmate inquiries, and 1,428 were identified as public inquiries with 10 being categorized as legislative inquiries and 1,418 being categorized as general inquiries. 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 2023.

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 inmate-on-inmate or staff-on-inmate sexual abuse or sexual harassment that occurs within a TDCJ correctional facility is encouraged to immediately report the allegation. Inmates incarcerated in the TDCJ are encouraged to immediately report allegations of sexual abuse and sexual harassment to correctional staff on their current facility; however, inmates may report allegations of sexual abuse and sexual harassment directly to the PREA Ombudsman Office, the OIG, the TDCJ Safe Prisons/PREA Management Office (TDCJ-SPPMO), or the Office of the Independent Ombudsman. In addition, inmates may report allegations of sexual abuse or sexual harassment through the TDCJ grievance process. Agency employees are required to immediately report allegations of sexual abuse and sexual harassment to their supervisors.

Friends of inmates 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 Office of the Independent Ombudsman 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.

TBCJ Office of the Inspector General

The TBCJ OIG is committed to working with the TDCJ Correctional Institutions Division (TDCJ-CID), TDCJ Private Facility Contract Monitoring/Oversight Division (TDCJ-PFCMOD), TDCJ Health Services Division (TDCJ-HSD), the Special Prosecution Unit (SPU), and local District Attorneys to create a safer environment for the TDCJ employees and inmates. As such, the OIG maintains open lines of communications



with TDCJ administrators, medical staff, and prosecutors to ensure timely and appropriate medical examinations and assistance, evidence preservation, victim services, and timely adjudication of sexual assault investigations.

The OIG investigators take a professional, victim-centered approach to sexual assaults and proactively investigate these crimes and prosecute the perpetrators in a manner that helps restore the victim's dignity and sense of control, while decreasing the victim's anxiety and increasing the understanding of the criminal justice system and process.

The OIG investigators acknowledge that sexual assaults are personal violent crimes that have great psychological and physical effects on the victim. Therefore, all inmate allegations of sexual assault are conducted in a professional and confidential manner. To enhance the probability of a successful prosecution, investigators utilize law enforcement best practices for criminal investigations to complete a prompt, thorough, and objective investigation.

The OIG policies and practices regarding sexual assaults complies with the DOJ Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations Adults/Adolescents," (2nd ed.) and State/Federal PREA Standards.

The OIG understands that each investigation is unique and contains many variables including differing local jurisdiction protocols, which prevent a standard step-by-step investigative process. Therefore, OIG investigators are trained and provided resources to make informed decisions in each case, rather than applying a limiting general standard to all investigations.

In compliance with state and federal laws and when evidentiarily and medically appropriate, OIG investigators order sexual assault evidence kits to be completed and medical examinations to occur. Further, in accordance with National Protocols for Sexual Assault Medical Forensic Examination standards, OIG investigators are trained and provided resources to aid them in making well-informed decisions about evidence collection.

When sufficient information reveals that a sexual assault occurred or allegations of a sexual assault incident are received by any communicative method, including outcries, third party, and anonymous reports, OIG investigators are required to initiate a sexual assault investigation.

When any member of the OIG has any knowledge, suspicion, or information regarding an incident of sexual abuse, harassment, assault, or improper sexual activity with a person in custody; retaliation against inmates or staff who reported such an incident; any staff neglect or violation of responsibilities that may have



contributed to an incident or retaliation; or upon opening of a sexual assault investigation or investigation involving improper sexual activity with a person in custody, the OIG notifies the unit Safe Prison staff and unit administration.

The OIG complies with PREA Standard 115.61, Staff and Agency Reporting Duties, by notifying, as necessary, other state agencies including the Texas Department of Family and Protective Services.

Incidents involving Sexual Assault, Aggravated Sexual Assault, and Improper Sexual Activity with a Person in Custody, including any "criminal attempt," are documented in the OIG record management system (OIG-RMS); the culmination of this information is reported monthly to the TDCJ's Executive Services, Safe Prisons Program Manager, and the PREA Ombudsman. As such, OIG investigators ensure the input of timely, complete, and accurate information involving these incidents into the OIG-RMS.

Safe Prisons/PREA Program – TDCJ-CID

TDCJ's Correctional Institutions Division (TDCJ-CID) operates a Safe Prisons/PREA Program for the purpose of preventing and limiting inmate-on-inmate sexual abuse and sexual harassment, physical assaults, and extortion. The TDCJ strives to maintain the safety and security of all inmates incarcerated within the agency.



The TDCJ has staff members assigned full-time to Safe Prisons/PREA management offices across the state. There are approximately 114 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.

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

Staff Education

The education of correctional officers and staff on the importance of preventing sexual abuse, sexual harassment, extortion, and inmate physical assaults is one of the primary objectives of the Safe Prisons/PREA Program. A key component of the objective is the reliable transmission of information from the TDCJ-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 inmate protection issues.

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

The *Safe Prisons/PREA Plan* encompasses policies and procedures that have evolved since the inception of the TDCJ-SPPMO, creating a cohesive strategy for providing staff and inmate safety. The plan is periodically updated to better reflect the agency's commitment to reduce incidents of extortion; protect inmates who are at increased risk of harm by others; take a proactive approach to prevent sexual abuse of inmates; address the needs of inmates who have been sexually abused; and make violators subject to criminal charges, civil liability, and disciplinary action. Additionally, the TDCJ operates under the provisions of a *Safe Prisons Operations Manual*, which contains 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 inmates alleging increased risk of harm (e.g., sexual abuse, extortion, and physical assault) from other inmates. It also encompasses procedures to follow when a staff member is notified by other means (other than directly from the inmate) that an inmate's safety has been threatened. The manual provides different options for staff to utilize to protect an inmate from harm and explains when it is appropriate to use each option. The options include, but are not limited to:

- a. Verbal intervention between inmates who are having a conflict;
- b. Changes in the housing assignments of one or more inmates within their housing area or other housing area of the same custody level, as well as changes to an inmate's work assignment or work-shift hours;
- c. Placement of aggressive/assaultive inmates in restrictive housing;
- d. Reviewing the aggressive/assaultive inmate for a change of custody level due to major disciplinary offense;
- e. Transferring the vulnerable inmate to another unit;
- f. Assignment of the vulnerable inmate to safekeeping status;
- g. Assignment of the vulnerable inmate to protective safekeeping; or
- h. Considering a transfer to another state pursuant to the Interstate Corrections Compact.



Staff Training and Development

The TDCJ Training and Leader Development Division (TDCJ-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 agency recognizes that to be successful in providing safety and security to the inmate population requires competent, well-trained correctional staff. Within the TDCJ-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.

The following table provides CY 2023 statistics related to the TDCJ-TLDD instructional training programs containing Safe Prisons/PREA Program curriculum.

CY 2023 TLDD Training Statistics

Training Programs with Safe Prisons/PREA Program Curriculum	CY 2023 Total Classes Conducted	CY 2023 Total Participants Completed
Core Training Programs		
<i>Pre-Cadet Training Program</i>	210	404
<i>Pre-Service Training Academy</i>	247	5,274
<i>In-Service Training</i>	922	13,201
<i>Supervisor's In-Service Training</i>	376	4,164
<i>Residential Staff Certification Training</i>	6	129
Supplemental Training Programs		
<i>Correctional Awareness Training</i>	168	386
<i>Security Awareness Training</i>	6	152
<i>Staff Survivor Training</i>	191	664
Leadership Development Training Programs		
<i>Sergeants Course</i>	12	764
Unit-Based Training Programs		
<i>On-the-job Training Program</i>	N/A*	4,613
<i>Restrictive Housing Training</i>	1,297	4,206
<i>Gender Specificity Training</i>	87	642

*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 in a specific class, but rather receive these trainings as part of the On-the-Job Training (OJT) Program after Pre-Service.

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 inmates, retaliation, and the PREA. In addition, the physical characteristics of both the potential victims and potential predators are

presented to help staff understand how this information is used in the assignment of inmates to a housing area and work assignment. Specific strategies are discussed in training to enhance the identification, investigation, prosecution, and prevention of sexual abuse and sexual harassment in prison.

Staff Training Video

The TDCJ video “Safe Prisons/PREA in Texas” reinforces 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.



TDCJ-TLDD presents 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 as to ensure compliance with the PREA standards.

In addition to the TDCJ zero-tolerance policy for sexual abuse and sexual harassment, the video includes the topics of staff and inmates’ 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 inmates, including lesbian, gay, bisexual, transgender, and intersex (LGBTI).

Continued Staff Training

The TDCJ-SPPMO and PREA Ombudsman Regional Compliance conducts quarterly trainings for unit safe prisons/PREA managers (USPPM). The training provides staff with policy and procedure discussions on topics such as sexual abuse and extortion prevention, investigative report writing, interviewing techniques, data collection, and computerized system applications related to tracking victims and predators. The TDCJ-SPPMO also holds trainings related directly to the implementation and processes associated with PREA audits.



Staff Training on Inmate Care and Protection

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 inmates. It also sets forth guidelines and procedures for investigating allegations of inmate victimization and measures to prevent an inmate from being victimized.

The TDCJ-SPPMO takes an active role in ensuring that appropriate services are provided to inmate victims of sexual abuse. For example, the TDCJ-SPPMO collaborated with the TDCJ-TLDD, TDCJ-HSD, and TDCJ-Victim Services Division to develop an approved training curriculum for inmate victim representatives who provide support and resources to inmates that are administered an evidence collection kit due to an alleged sexual abuse incident. A lesson plan entitled "Inmate Victim Representatives Sexual Abuse Training" was designed to develop appropriate skills in psychologists, sociologists, chaplains, social workers, and case managers who provide counseling and emotional support services for an inmate who alleges sexual abuse and undergoes a forensic medical exam. State law identifies inmate victim representatives as psychologists, sociologists, case managers, and chaplains.

The TDCJ-SPPMO and the TDCJ sexual assault nurse examiner (SANE) coordinator facilitate training annually for all newly designated inmate victim representatives. The Inmate Victim Representative (IVR) curriculum was developed with the assistance of Texas Association Against Sexual Assault and includes information on the effects of trauma on the brain and classroom activities. A total of 50 IVRs were trained or received continued training in CY 2023.

The TDCJ continues to educate staff to ensure adequate services are available at each of the agency's units to address the victim's needs. The TDCJ-TLDD Pre-Service program consists of a "Health and Wellness – Suicide Prevention" lesson that includes a 14-minute video entitled "Responding to Inmate 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 inmate may be experiencing mental health issues and how to provide the right type of assistance. The TDCJ provided training on suicide prevention to 5,274 new cadets and 13,201 veteran correctional officers during Pre-Service and In-Service trainings in CY 2023. In addition, 4,164 correctional supervisors participated in suicide prevention training during In-Service.

Staff Information Card

The TDCJ-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 sexual abuse



occurs; and 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.

The employee information cards help alert staff to inmates who may exhibit signs or symptoms that put them at risk for suicide. Unit employees are required to carry these cards on their person while on duty.

Posters

Sexual abuse awareness posters (in both English and Spanish) are posted in all facilities in areas readily accessible to staff and inmates. These posters are intended to raise awareness on the issues of sexual abuse and sexual harassment, provide direction regarding various methods of reporting 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. These posters must identify an individual at the facility and an individual at the agency's headquarters, who the inmate, staff, and visitors can contact to report allegations of sexual abuse and sexual harassment.

Inmate Education

The education of inmates on the importance of preventing sexual abuse, sexual harassment, extortion, and inmate physical assaults is one of the primary objectives of the Safe Prisons/PREA Program. To accomplish this objective, inmates are provided this information through a variety of means.

Inmate Orientation

Available in English and Spanish, the *Inmate Orientation Handbook* is provided to all inmates upon admission into the TDCJ. It is always available in the unit's law library and is available upon request thereafter. The handbook is designed to inform inmates of prison life, agency policies, and their roles and responsibilities. The handbook includes information related to inmate protection, sexual abuse prevention, reporting, and perpetrator consequences for engaging in sexually aggressive behavior.

Similar to the employee information card, all inmates 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 provided during the intake/orientation process, upon transfer to another facility, and upon request thereafter. To ensure receipt, all inmates are asked if they received the pamphlet during the Inmate Assessment Screening and Unit Classification Committee.

The TDCJ conducts an enhanced inmate orientation process at 21 major intake facilities that deliver a formal presentation on prison life. The 10-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 *Inmate 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.

Inmate Peer Education Program

The TDCJ also provides additional training following orientation through the Inmate Peer Education Program. Inmates participate in the program within 30 days of arriving to TDCJ.

Inmates who are peer educators receive training and are provided with a manual titled *Safe Prisons Peer Educator Training Manual* that provides guidelines, activities, and background information to conduct the session. This direct intervention helps change certain perceptions and attitudes among the inmate population regarding prison sexual abuse. Due to the success of this peer educator concept, TDCJ implemented the peer education program for other prison-based initiatives throughout the system.

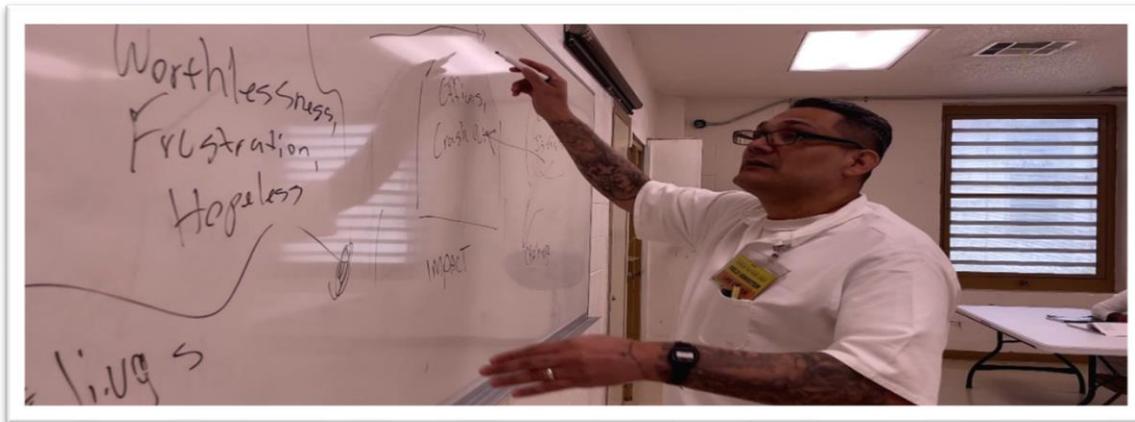
In CY 2023, 244 new inmate peer educators were trained, bringing the total roster of inmate peer educators to 1,442. A peer education coordinator manages the peer education services and monitors performance of program operations. The peer education coordinator works in collaboration with the TDCJ-HSD to update the curriculum as required.

The Inmate Peer Education Program consists of a 12-hour training that is split into two separate portions:

- Wall Talk for all male inmates or Woman-to-Woman for female inmates: A nine-hour program that focuses on health issues; and
- Sexual Assault Awareness: A three-hour program that focuses on prevention of sexual abuse.

The nine-hour Wall Talk or Woman-to-Woman curriculum and concept relies on inmates who are trained peer educators to share information with their counterparts

on topics such as infectious diseases, sexually transmitted infections, and other health-related topics. The program includes training inmate peer educators; increasing the knowledge level of the peer educators and recipients of the training session; and expanding the number of topics addressed.



The three-hour Sexual Assault Awareness Training portion of the program is a TDCJ Safe Prisons/PREA Program initiative that utilizes inmates who are trained 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 inmates strategies to avoid victimization and emphasizes that inmate-on-inmate assault is not to be expected or tolerated.

The Sexual Assault Awareness curriculum is provided in all state and private contract correctional facilities. In CY 2023, peer educators conducted 3,474 Sexual Assault Awareness classes with 63,915 inmate participants attending. A Spanish Sexual Abuse Awareness curriculum assists Spanish-speaking inmates with limited English proficiency. Of the 3,474 classes held in CY 2023, 510 Sexual Assault Awareness classes were conducted in Spanish with 5,283 inmate participants attending.

The Sexual Assault Awareness class is also presented to inmates during Phase III of the Gang Renouncement and Disassociation (GRAD) program if an inmate did not previously attend a class. Of the 3,474 classes held in CY 2023, four Sexual Abuse Awareness classes were conducted during Phase III of GRAD with 27 inmate participants attending.

Screening for Risk of Sexual Victimization and Abusiveness

The *Safe Prisons/PREA Plan* and the *Safe Prisons/PREA Operations Manual* require an assessment and re-assessment of all inmates during an intake screening and upon transfer to another unit for his or her risk of being sexually abused by or sexually abusive toward other inmates. The Safe Prisons/PREA Program Inmate Assessment



Screening tool includes specific criteria mandated by the federal PREA standards to assess inmates for risk of sexual victimization.

One component of the assessment tool directs staff to document inmates who identify as LGBTI or demonstrate gender nonconforming characteristics. An inmate who identifies as transgender or intersex is assigned special population codes to ensure staff provide appropriate opportunities to shower and be searched separately from other inmates, as well as to assist in biannual reviews of any threats to safety.

Inmate Housing Assignments

To further prevent sexual abuse, sexual harassment, extortion, and inmate physical assaults, TDCJ utilizes security-related criteria and identified inmate characteristics in making housing assignments.

The following policies have been established to govern the use of inmate, security-related criteria and characteristics in making housing assignments:

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

The directive outlines a comprehensive listing of housing assignment criteria and procedures for all TDCJ staff involved in making housing assignments. The directive establishes:

Housing assignments shall be made objectively based on an inmate’s total record and as required by the inmate’s current needs and circumstances, as reflected in the inmate’s unit/facility file, Health Summary for Classification form, the information contained in the inmate’s electronic record and unit/facility record, to ensure that each inmate receives appropriate and adequate safety, supervision, and treatment.

The following are security-related criteria 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 designators;
- f. Criminal sophistication;
- g. Inmate enemies;
- h. Lesbian, gay, and bisexual (both active and passive) tendencies;
- i. Transgender and intersex identification;



- j. Characteristics such as height, age, and weight;
- k. Security threat group affiliation;
- l. Current institutional adjustment, as reflected in the inmate's disciplinary record;
- m. Special safety requirements; and
- n. Predator Codes.

Unless there are specific mitigating circumstances, an inmate shall not be assigned to dormitory housing at a prison, regardless of custody designation, if:

1. The inmate has been convicted within the previous 12 months of a disciplinary offense involving possession of a weapon;
2. The inmate has been convicted within the previous 24 months of a disciplinary offense involving either assault with a weapon or sexual abuse;
3. The inmate 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 inmate or staff assaults, with or without a weapon; or
4. The inmate has a history of institutional sexual violence against another inmate, as reflected in the inmate's institutional adjustment records.

AD-04.68, "Inmates Requiring Single-Cell Housing"

This directive outlines those categories of inmates who require single-cell housing due to vulnerability, medical or mental health problems, developmental disabilities, or other reasons related to inmate health, safety, or security, in accordance with state law and TDCJ rules and regulations. The directive establishes:

The following characteristics, an inmate'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 inmates in safekeeping:

1. Sexual orientation issues as demonstrated by in-prison or out-of-prison behavior, for example, the inmate is lesbian, gay, or bisexual and is fearful of living with other inmates.
2. A vulnerable inmate, such as an inmate who is easily exploited due to age, size, developmental disability, physical weakness, and other similar traits.



3. A transgender or intersex inmate who displays visible physical characteristics. A transgender or intersex inmate's housing and programming assignments are reassessed twice per year taking into consideration any threats to safety experienced by the inmate.
4. An inmate 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 inmates;
 - b. Inmate request due to fear of enemies;
 - c. Inmate is an institutional or law enforcement informant;
 - d. Inmate or relative is a former law enforcement officer; or
 - e. Other similar circumstances.

Safe Prisons/PREA Plan

In addition to the agency's policies, the *Safe Prisons/PREA Plan* involves guidelines surrounding the placement of aggressive/assaultive inmates in restrictive housing or housing assignments for inmates who have had a change of custody level due to a major disciplinary offense. The plan states:

A change of custody for the aggressor in accordance with the *Disciplinary Rules and Procedures for Inmates* and *Classification Plan* is also an option. Instead of placing the more vulnerable inmate in another housing area, this option removes the inmate 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 inmate to restrictive housing are set forth in the *Restrictive Housing Plan*. Removing the aggressor not only protects the inmate specifically found to be at risk, but other inmates 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 inmates and encourage them to modify their aggressive behavior.

Inmate Job Assignments

To further prevent sexual abuse, sexual harassment, extortion, and inmate physical assaults, the TDCJ utilizes security-related criteria and identified inmate characteristics in making job assignments.

The following policies have been established to govern the use of inmate security-related criteria and characteristics in making job assignments:



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

This directive outlines the responsibilities and criteria in making inmate job assignments by TDCJ staff. The directive establishes:

The TDCJ provides work opportunities and establishes inmate 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 inmates are met.

The following security-related criteria are 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. Inmate enemies;
7. Security Threat Group affiliation;
8. Current institutional adjustment, as reflected in the inmate’s disciplinary record; and
9. Special safety requirements.

Protective Safekeeping or Safekeeping Status

Protective safekeeping is a classification for those inmates 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 inmates who require separate housing within general population because of a potential for victimization due to threats to their safety, a history of homosexual behavior, LGBTI identity, or other similar reasons. Inmates assigned to safekeeping status are separated from other general population inmates by housing assignment.

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 inmate 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. Inmate’s physical size;



3. Mental/physical impairments;
4. Age/first time inmate;
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 inmate'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 inmate's placement into safekeeping. For example, it would not be prudent to recommend safekeeping for an inmate who has a felony conviction for sexual assault of another inmate; or
8. An inmate's previous history in safekeeping status on prior commitment.

Agency staff from the TDCJ Classification and Records Department produce a monthly activity report that tracks:

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

The agency's *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 inmates who may need additional protection.

Surveillance Cameras

As of December 31, 2023, there were 20,495 surveillance cameras on units across the state. Surveillance cameras enhance efforts to prevent contraband from entering the TDCJ facilities, protect inmates from sexual abuse, and increase inmate and staff safety.

The agency plans an expansion of the surveillance system with a completion date in CY 2024. This expansion will bring the total number of surveillance cameras across the state to 21,293.

Tracking and Reporting

The TDCJ-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 inmates.



The agency requires the following incidents to be reported to the TDCJ Emergency Action Center (TDCJ-EAC):

- alleged inmate-on-inmate sexual abuse;
- allegations of staff-on-inmate sexual abuse
 - including allegations of attempted, threatened, and requested acts, and occurrences of invasion of privacy and voyeurism;
- allegations of staff-on-inmate sexual harassment; and
- other serious/unusual incidents.

The TDCJ-EAC makes the reports of alleged sexual abuse or harassment available to the TDCJ-SPPMO, the OIG, and the PREA Ombudsman.

After reviewing the reported allegations, the OIG advises the TDCJ of those incidents that violate the law. When OIG determines the allegation meets the elements of the 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 SPU or the local district attorney for possible prosecution.

In addition to reports received through the TDCJ-EAC, the OIG receives reports from other sources. Information reported to the OIG from other sources is not processed through the TDCJ-EAC; however, it is reconciled monthly for statistical purposes.

Alleged sexual abuse and staff-on-inmate sexual harassment reported through the TDCJ-EAC may require an administrative review unless the allegation was unfounded. An administrative review is a detailed report that is submitted to the TDCJ-EAC by the unit's warden through the assigned regional director. Any findings requiring recommendations or corrective action must have a follow-up report submitted within 90 days to the appropriate deputy division director of the TDCJ-CID.

The TDCJ-CID's deputy division directors examine administrative review reports regarding sexual abuse within the TDCJ facilities. In addition, the PREA Ombudsman examines the administrative reviews associated with allegations of sexual abuse and staff-on-inmate sexual harassment.

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



Other Initiatives

A TDCJ sexual predator and victim computer system application helps to identify potential predators and victims at a unit. The database is a collaborative effort between the TDCJ-SPPMO, TDCJ Classification and Records, and the OIG.

The TDCJ-SPPMO policies outline the process for identifying potential predators, which encompasses the 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 inmate housing or programmatic assignments both within the institutions and post-release. The application also includes tracking of extortion predators and victims.

The TDCJ-SPPMO conducts analysis of all alleged inmate-on-inmate 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 TDCJ-SPPMO also identifies trends related to the age, height, and weight of both victims and predators. This information is relayed 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. Allegations of sexual abuse are referred to the OIG for assessment of criminal or administrative violations and applicable investigation. 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 proactive and reactive, 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



adds training topics that are tailored specifically for OIG investigators and sexual assault investigations.

The OIG-RMS maintains information on all criminal and administrative investigations. The OIG-RMS also provides statistical reports related to the aforementioned investigations.

Medical services are provided to inmates through the university medical school health care providers. Medical services personnel oversee any medical examination performed in response to an allegation of sexual assault. Inmates are transported to a public medical facility for the administration of the forensic collection kit.

Information obtained from the inmate during the medical interview, evaluation, and examination are shared with OIG investigators. 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 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 examination coordinator is responsible for providing liaison functions with non-healthcare departments in the TDCJ.

Specialized training for medical and mental health care staff is provided in New Employee Orientation during the first week of employment. The training for clinical staff includes how to detect and assess signs of sexual assault/abuse, how to respond effectively and professionally, and 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.

Department of Justice (DOJ) PREA Grants

The TDCJ-SPPMO received several grants from the DOJ to support compliance with PREA standards which continued funding projects during CY 2023.

The TDCJ was awarded grant funding for three projects, including screening for sexual victimization, enhancement of peer education for inmates, and mobile training lab for staff training in the field. Project funds allowed for the revision of the Peer Education manual and provides Inmate Peer Educators with revised training manuals. Grant funding has enabled the agency to increase education efforts when delivering PREA-related information and education to staff and inmates.

Funding from these grants will support efforts into CY 2024.



Collection and Reporting 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 inmates. The TDCJ does not include personal identifying information of employees or inmates in the compilation of this report.

In CY 2023, the PREA Ombudsman assisted in the coordination of data requested by the BJS for the completion of the SSV for 2023. In addition, the PREA Ombudsman coordinated with the TDCJ Executive Services Department, the TDCJ-SPPMO, and the OIG to monitor the collection of data associated with sexual abuse and sexual harassment in prisons to ensure the 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 inmate-on-inmate allegations of sexual abuse and staff-on-inmate sexual abuse and sexual harassment reported to the TDCJ-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 TDCJ-EAC and made available to the PREA Ombudsman Office as an alleged sexual abuse. However, upon reconciliation with the OIG, the incidents are divided into two categories that are consistent with BJS definitions and are used to assist in the compilation of data to complete the SSV each year:

1. Incidents that violate the law in Texas Penal Code Sections 22.011, 22.021, or 39.04 and after the OIG opens a criminal case are categorized as *Nonconsensual Sexual Act*.
2. Incidents that do not violate the law in Texas Penal Codes Sections 22.011, 22.021, and 39.04, the OIG does not open a criminal case, and they are identified as *Abusive Sexual Contact*.

During CY 2023, there were 738 allegations of staff-on-inmate sexual abuse and sexual harassment incidents reported to the PREA Ombudsman by the TDCJ. Of the 738 staff-on-inmate allegations, 505 were considered sexual abuse, 86 involved sexual harassment, and 147 were categorized as voyeurism. Of the 505 sexual abuse



allegations, 103 (20.4%) were identified by the 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 847 allegations of inmate-on-inmate alleged sexual abuse incidents reported to the PREA Ombudsman by the TDCJ. Of the 847 inmate-on-inmate allegations, 426 were identified by the OIG as violating the Texas Penal Code for Sexual Assault or Aggravated Sexual Assault, and subsequently categorized as *Nonconsensual Sexual Act*. The remaining 421 inmate-on-inmate allegations were categorized as the *Abusive Sexual Contact* of one inmate 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 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-Inmate Alleged Sexual Abuse, Sexual Harassment, and Voyeurism Statistics

The following table indicates staff-on-inmate 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 2023 Staff-On-Inmate Dispositions

INCIDENT	TOTAL	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED
Sexual Abuse	505	35	186	284
Sexual Harassment	86	1	14	71
Voyeurism	147	0	45	102
TOTAL	738	36	245	457

Inmate-On-Inmate Alleged Nonconsensual Sexual Act Statistics

The PREA Ombudsman received 426 reports of alleged sexual abuse from TDCJ, resulting in the PREA Ombudsman reviewing 426 administrative investigations identified as alleged nonconsensual sexual acts. There were 24 correctional facilities where five or more allegations were reported to have occurred. These facilities accounted for 79.1% of the allegations reported occurring in TDCJ correctional facilities. There was one alleged nonconsensual sexual act reported on a different facility than where the incident allegedly occurred. A total of 14 out of the 426 incidents reported occurred on a female facility and six incidents reported occurred on a co-gender facility. Of the 426 cases reviewed, six cases were substantiated, 49 cases were unfounded, and 371 cases were unsubstantiated. There were 85 allegations that had no identified assailants; 306 allegations had one assailant, and 35 allegations had multiple (two or more) assailants, resulting in a total of 841 participants. There was a total of 426 alleged victims and 415 alleged assailants reported.

The PREA Ombudsman monitors the number of administrative disciplinary sanctions against assailants for the following infractions: sexual misconduct, sexual fondling, and sexual abuse. There was one assailant who received a disciplinary case for “sexual misconduct,” two assailants who received a disciplinary case for “sexual abuse,” and zero assailants who received a disciplinary case for “sexual fondling.”



Victims of alleged nonconsensual sexual acts are interviewed and reviewed by the UCC, which 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	VICTIM
No Changes (Allegations Unfounded or Unsubstantiated)	131
Issued a Housing Change	136
Issued a Job Change	0
Received a Unit Transfer	155
Placed in Safekeeping or Protective Safekeeping	4
Released by the TDCJ Prior to Review	0
Other UCC Action	0
TOTAL	426

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, inmates 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. The chart below indicates nonconsensual sexual act incidents reported for CY 2023.

REPORTING TIME FRAME	COUNT
Within 4 days	266
5 to 30 days	88
31 to 90 days	31
Over 90 days	41
TOTAL	426

Another element of the administrative investigation is to determine the location where 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 fewer incidents were reported for a given location, or where no location information was provided.



GENERAL LOCATION	OCCURRENCES	PERCENT
Common Area (e.g., shower, dayroom, bathroom)	51	12.0%
Dormitory or Other Multiple Housing Unit	48	11.3%
Medical Area (e.g., infirmary, health clinic)	4	.09%
Perpetrator's Cell or Room	12	2.8%
Program Service Area (e.g., commissary, kitchen, laundry)	2	0.5%
Recreation Yard or Gym Area	1	0.2%
Location Unknown	7	1.6%
Staff Area (e.g., office, break room)	0	0.0%
Temporary Holding Cell	1	0.2%
Instructional Area (e.g., classroom, school, library)	0	0.0%
Victim's Cell or Room	290	68.1%
Other (Includes Disciplinary Review)	10	2.3%

Specific inmate demographic information pertaining to the reports of allegations of nonconsensual sexual acts was reviewed. Of the 426 incidents reported, 121 (28.4%) of the victims were Black; 136 (31.9%) of the victims were Hispanic, 164 (38.5%) of the victims were White, and five (1.2%) were another ethnicity. Conversely, of the 415 assailants identified, 247 (59.5%) were Black; 96 (23.1) were Hispanic, 71 (17.1%) were White, and one (0.2%) were another ethnicity.

The average age of the victim was 36.6 and the average age of the assailant was 37.9. However, there were 100 incidents (24.1%) where the alleged assailant was at least 10 years older than the alleged victim. The average height of the victim was 5'9.1" and the average height of the assailant was 5'9.1". There were 37 incidents (8.9%) where the alleged assailant was at least six inches taller than the alleged victim. The average weight of the alleged victim was 179.6 pounds, and the average weight of the alleged assailant was 189.3 pounds. There were 87 incidents (21.0%) 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 2023, there were 45 facilities that demonstrated an increase in reports of incidents occurring on the facility. While the majority of the 45 facilities experienced a minimal increase, there were 13 facilities that had an increase of five or more allegations reported than in CY 2022. Twenty-six facilities demonstrated a decrease of reported incidents on the facility from the previous year. While the majority of the 26 facilities experienced a minimal decrease, there were six facilities that demonstrated a decrease of five or more allegations than in CY 2022.



Inmate-On-Inmate Abusive Sexual Contact Statistics

The PREA Ombudsman reviewed 421 administrative investigations that were deemed as abusive sexual contact. There were 32 correctional facilities where five or more allegations were reported to have occurred. These facilities accounted for 72.9% of the allegations reported occurring in TDCJ correctional facilities. There were five Abusive Sexual Contact cases that were reported on a facility different than where the incident allegedly occurred. Fifty-five of the 421 incidents occurred on a female facility and two incidents occurred on a co-gender facility. Of the investigations reviewed, 12 cases were substantiated, 57 cases were unfounded, and 352 cases were unsubstantiated.

The substantiated cases resulted in three cases where disciplinary penalties were administered. The unfounded cases resulted in two disciplinary penalties administered. Lastly, 91 of the allegations had no identified assailants; 301 of the allegations had one assailant; and 29 allegations had multiple (two or more) assailants, resulting in a total of 805 participants. There was a total of 421 alleged victims and 384 alleged assailants reported.

The PREA Ombudsman monitors the number of administrative disciplinary convictions against assailants for the following disciplinary infractions: sexual misconduct, sexual fondling, and sexual abuse. One assailant received a disciplinary case for “sexual misconduct,” two assailants received disciplinary cases for “sexual fondling,” and zero 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	VICTIM
No Changes (Allegations Unfounded or Unsubstantiated)	164
Received a Housing Change	168
Received a Job Change	0
Received a Unit Transfer	86
Placed in Safekeeping	3
Released by the TDCJ Prior to Hearing	0
Other UCC Action (Includes Disciplinary Review)	0
TOTAL	421



Inmates are informed through various media about the necessity for reporting allegations as soon as possible, especially within the time frame that allows for the collection of physical evidence. The reporting time frame is 120 hours (five days). The chart below indicates abusive sexual contact incidents reported for CY 2023.

REPORTING TIME FRAME	COUNT	PERCENT
Within 4 days	240	57.0%
5 to 30 days	103	24.5%
31 to 90 days	40	9.5%
Over 90 days	38	9.0%
TOTAL	421	

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
Common Area (e.g., shower, dayroom, bathroom)	63	15.0%
Dormitory or Other Multiple Housing Unit	112	26.6%
Medical Area (e.g., infirmary, health clinic)	1	0.2%
Perpetrator’s Cell or Room	9	2.1%
Program Service Area (e.g., commissary, kitchen, laundry)	9	2.1%
Recreation Yard or Gym	1	0.2 %
Location Unknown	17	4.0%
Staff Area (e.g., office, break room)	1	0.2%
Temporary Holding Cell	1	0.2%
Instructional Area (e.g., classroom, school, library)	1	0.2%
Victim’s Cell or Room	194	46.1%
Other (Includes Disciplinary Review)	12	2.9%

Specific inmate demographic information pertaining to the reports of allegations of abusive sexual contact was reviewed. Of the 421 incidents reported, 108 (25.7%) of the victims were Black; 131 (31.1%) of the victims were Hispanic; 175 (41.6%) of the victims



were White; and seven were another ethnicity. Conversely, of the 384 assailants identified, 193 (50.3%) of the assailants were Black; 120 (31.3%) of the assailants were Hispanic; 70 (18.2%) of the assailants were White; and one was another ethnicity.

The average age of the victim was 37.9, and the average age of the assailant was 37.7. However, there were 86 incidents (22.4%) where the alleged assailant was at least ten years older than the alleged victim. The average height of the victim was 5'8.3" and the average height of the assailant was 5'8.5". There were 33 incidents (8.6%) where the alleged assailant was at least six inches taller than the alleged victim. The average weight of the alleged victim was 181.4 pounds, and the average weight of the alleged assailant was 197.3 pounds. There were 103 incidents (26.8%) 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 2023, there were 51 facilities that demonstrated an increase of reports of abusive sexual contact occurring on the facility. While the majority of the 51 facilities experienced a minimal increase, there were eight facilities that had an increase of five or more allegations reported than in CY 2022. Twenty-three facilities demonstrated a decrease of reported abusive sexual contact incidents on the facility. While the majority of the 23 facilities experienced a minimal decrease, there were five facilities that demonstrated a decrease of five or more reported allegations than in CY 2022.

PREA Oversight of Administrative Investigations

In CY 2023, the PREA Ombudsman reviewed the administrative investigations of allegations of sexual abuse and staff-on-inmate sexual harassment. Allegations of sexual abuse and staff-on-inmate sexual harassment are reported to the TDCJ-EAC within three hours of the allegation being reported to facility staff. Once the TDCJ-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 are determined to be unfounded do not require an administrative review. In CY 2023, the PREA Ombudsman Office reviewed 847 administrative investigations pertaining to allegations of inmate-on-inmate sexual abuse and 738 allegations of staff-on-inmate sexual abuse and sexual harassment.

Sexual Assault OIG Case Tracking

The OIG-RMS maintains information on all criminal and administrative investigations. The OIG-RMS maintains a master name file of all parties involved in an investigation and documents the individual role of each party. The OIG-RMS also



provides statistical reports related to the aforementioned investigations, which are shared with the appropriate TDCJ officials.

Status of Sexual Assault OIG Investigations

During CY 2023, the OIG documented 440 alleged inmate-on-inmate 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-Inmate Sexual Assault and Improper Sexual Activity with Persons in Custody

Additionally, during CY 2023, the OIG documented 65 alleged incidents of sexual assault and 49 alleged incidents of Improper Sexual Activity with Persons in Custody, referenced in Texas Penal Code 39.04.

OIG Reporting Delays

During CY 2023, 35 inmates made delayed sexual assault outcries greater than 365 days, with the greatest 14,293 days, 39 years later. Excluding the 35 incidents, the average time for an inmate to report a sexual assault was approximately 37 days.

OIG Investigative Status and Dispositions

The following tables 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 determined to have occurred, based on a preponderance of the evidence. “Unsubstantiated” means the investigation concluded that evidence was insufficient to determine whether the event occurred. “Unfounded” means the investigation determined that the alleged incident did not occur, or the alleged incident is physically impossible to have occurred.



Reported Inmate-on-Inmate Sexual Assault Violations by Penal Code Section, Current Disposition, Location, and Historic Case Counts – Penal Code 22.011 and 22.021

Allegations reported under Penal Code Sections 22.011 and 22.021 include allegations of inmate-on-inmate sexual assaults and aggravated sexual assaults. In CY 2023, there were 440 sexual assault cases opened by the OIG. Of the 440 cases, 426 were processed through the TDCJ-EAC and forwarded to the PREA Ombudsman for review; 14 cases were opened by the OIG without a TDCJ-EAC number.

INMATE-ON-INMATE SEXUAL ASSAULT VIOLATIONS JANUARY 1, 2023 – DECEMBER 31, 2023	PENAL CODE	REPORTED CASES
Sexual Assault	22.011	385
Aggravated Sexual Assault	22.021	55
TOTAL NUMBER OF CASES REPORTED		440

INMATE-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY CURRENT DISPOSITION JANUARY 1, 2023 – DECEMBER 31, 2023	NUMBER OF CASES
Substantiated	33
Unsubstantiated	275
Unfounded	2
Investigation Ongoing	130
TOTAL NUMBER OF CASES REPORTED	440

INMATE-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023– DECEMBER 31, 2023	COUNTY	CASES REPORTED
Allred	Wichita	33
Beto	Anderson	25
Boyd	Freestone	3



INMATE-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023– DECEMBER 31, 2023	COUNTY	CASES REPORTED
Bradshaw	Rusk	1
Briscoe	Frio	1
Byrd	Walker	6
Clemens	Brazoria	4
Clements	Potter	21
Coffield	Anderson	13
Cole	Fannin	1
Connally	Karnes	18
Cotulla	La Salle	1
Crain	Coryell	1
Dalhart	Hartley	1
Daniel	Scurry	1
Dominguez	Bexar	2
Duncan	Angelina	1
East Texas Treatment Facility	Rusk	8
Ellis	Walker	2
Estelle	Walker	10
Estes	Johnson	1
Ferguson	Madison	5
Formby	Hale	1
Garza West	Bee	1
Gist	Jefferson	4
Goodman	Jasper	1
Goree	Walker	2
Halbert	Burnet	1
Hightower	Liberty	4



INMATE-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023– DECEMBER 31, 2023	COUNTY	CASES REPORTED
Hodge	Cherokee	8
Holliday	Walker	1
Hughes	Coryell	27
Hutchins	Dallas	1
Jester III	Fort Bend	2
Jordan	Gray	3
Leblanc	Jefferson	5
Lewis	Tyler	13
Lindsey	Jack	1
Lopez	Hidalgo	1
Lychner	Harris	4
Lynaugh	Pecos	1
Marlin	Falls	1
McConnell	Bee	15
Memorial	Brazoria	18
Michael	Anderson	40
Middleton	Jones	2
Montford	Lubbock	3
Moore	Fannin	1
O'Daniel	Coryell	2
Murray	Coryell	2
Plane	Liberty	2
Polunsky	Polk	13
Ramsey	Brazoria	3
Roach	Childress	6
Robertson	Jones	14



INMATE-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023– DECEMBER 31, 2023	COUNTY	CASES REPORTED
San Saba	San Saba	1
Scott	Fort Bend	3
Segovia	Hidalgo	1
Skyview	Cherokee	5
Smith	Dawson	6
Stevenson	DeWitt	2
Stiles	Jefferson	14
Stringfellow	Brazoria	4
Telford	Bowie	20
Terrell	Brazoria	1
Torres	Medina	2
Travis	Travis	1
Wainwright	Houston	4
Wallace	Mitchell	3
Willacy	Willacy	3
Woodman	Coryell	4
Wynne	Walker	3
Young	Galveston	1
TOTAL		440

INMATE-ON-INMATE SEXUAL ASSAULT HISTORIC CASE COUNTS	PENAL CODE	CALENDAR YEAR				
		2019	2020	2021	2022	2023
Sexual Assault	22.011	272	263	373	409	385
Aggravated Sexual Assault	22.021	46	45	46	57	55
TOTAL NUMBER OF CASES REPORTED		318	308	419	466	440

Statistical information provided for CY 2019 – CY 2023 depicts the incidents of alleged inmate-on-inmate sexual assaults in the year they were reported.



Reported Staff-on-Inmate Sexual Assault Violations by Penal Code Section, Current Disposition, Location, and Historic Case Counts – Penal Code 22.011 and 22.021

Allegations reported under Penal Code Sections 22.011 and 22.021 include allegations of staff-on-inmate sexual assaults. In CY 2023, there were 65 staff-on-inmate criminal cases opened by the OIG. Of the 65 cases, 59 were processed through the TDCJ-EAC and forwarded to the PREA Ombudsman for review; cases were opened by the OIG without a TDCJ-EAC number.

STAFF-ON-INMATE SEXUAL ASSAULT VIOLATIONS JANUARY 1, 2023 – DECEMBER 31, 2023	PENAL CODE	REPORTED CASES
Sexual Assault	22.011	61
Aggravated Sexual Assault	22.021	4
TOTAL NUMBER OF CASES REPORTED		65

STAFF-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY CURRENT DISPOSITION JANUARY 1, 2023 – DECEMBER 31, 2023	NUMBER OF CASES
Substantiated	0
Unsubstantiated	42
Unfounded	3
Investigation Ongoing	20
TOTAL NUMBER OF CASES REPORTED	65

STAFF-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023 – DECEMBER 31, 2023	COUNTY	CASES REPORTED
Allred	Wichita	1
Beto	Anderson	4
Clements	Potter	2
Connally	Karnes	1
Crain	Coryell	2
Daniel	Scurry	1



STAFF-ON-INMATE SEXUAL ASSAULT CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023 – DECEMBER 31, 2023	COUNTY	CASES REPORTED
Henley	Liberty	1
Hobby	Falls	2
Hodge	Cherokee	1
Hospital Galveston	Galveston	1
Huntsville	Walker	2
Jester III	Fort Bend	1
Leblanc	Jefferson	1
Lewis	Tyler	1
McConnell	Bee	7
Memorial	Brazoria	2
Michael	Anderson	4
O'Daniel	Coryell	7
Murray	Coryell	3
Plane	Liberty	1
Polunsky	Polk	2
Powledge	Anderson	1
Robertson	Jones	1
Scott	Fort Bend	8
Skyview	Cherokee	5
Telford	Bowie	1
Willacy	Willacy	1
Young	Galveston	1
TOTAL		65



STAFF-ON-INMATE SEXUAL ASSAULT HISTORIC CASE COUNTS	PENAL CODE	CALENDAR YEAR				
		2019	2020	2021	2022	2023
Sexual Assault	22.011	54	54	97	69	61
Aggravated Sexual Assault	22.021	6	5	2	10	4
TOTAL NUMBER OF CASES REPORTED		60	59	99	79	65

Statistical information provided for CY 2019 – CY 2023 depicts the incidents of alleged staff-on-inmate sexual assaults in the year they were reported.

Reported Staff-on-Inmate Improper Sexual Activity with a Person in Custody Violations by Penal Code Section and Current Disposition– Penal Code 39.04

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 inmate. In CY 2023, there were 49 Improper Sexual Activity with a Person in Custody criminal cases opened. Of the 49 cases, 44 were processed through the TDCJ-EAC and forwarded to the PREA Ombudsman for review; 5 were opened by the OIG without a TDCJ-EAC number.

STAFF-ON-INMATE IMPROPER SEXUAL ACTIVITY WITH A PERSON IN CUSTODY VIOLATIONS JANUARY 1, 2023 – DECEMBER 31, 2023	PENAL CODE	REPORTED CASES
Sexual Assault	39.04	49
TOTAL NUMBER OF CASES REPORTED		49

STAFF-ON-INMATE IMPROPER SEXUAL ACTIVITY WITH A PERSON IN CUSTODY CASE COUNTS BY CURRENT DISPOSITION JANUARY 1, 2023 – DECEMBER 31, 2023	NUMBER OF CASES
Substantiated	12
Unsubstantiated	17
Unfounded	1
Investigation Ongoing	19
TOTAL NUMBER OF CASES REPORTED	49



**STAFF-ON-INMATE IMPROPER SEXUAL
ACTIVITY WITH A PERSON IN CUSTODY
CASE COUNTS BY INCIDENT LOCATION
JANUARY 1, 2023 – DECEMBER 31, 2023**

	COUNTY	CASES REPORTED
Baten	Gray	1
Beto	Anderson	4
Bradshaw	Rusk	1
Clements	Potter	2
Coffield	Anderson	2
Coleman	Caldwell	1
Connally	Karnes	1
Crain	Coryell	1
Daniel	Scurry	1
Diboll	Angelina	2
Ellis	Walker	1
Estelle	Walker	1
Ferguson	Madison	1
Hamilton	Brazos	1
Hobby	Falls	1
Hodge	Cherokee	1
Huntsville	Walker	2
Hutchins	Dallas	1
Lewis	Tyler	1
Lynaugh	Pecos	1
Marlin	Falls	1
McConnell	Bee	1
Mechler	Swisher	1
Memorial	Brazoria	1
Michael	Anderson	2



STAFF-ON-INMATE IMPROPER SEXUAL ACTIVITY WITH A PERSON IN CUSTODY CASE COUNTS BY INCIDENT LOCATION JANUARY 1, 2023 – DECEMBER 31, 2023		
	COUNTY	CASES REPORTED
Middleton	Jones	2
O'Daniel	Coryell	2
Murray	Coryell	1
Roach	Childress	1
Robertson	Jones	1
Scott	Fort Bend	2
Smith	Dawson	2
Stiles	Jefferson	1
Stringfellow	Brazoria	1
Telford	Bowie	1
Wheeler	Hale	1
Young	Galveston	1
TOTAL		49

STAFF-ON-INMATE IMPROPER SEXUALACTIVITY WITH A PERSON IN CUSTODY HISTORIC CASE COUNTS	PENAL CODE	CALENDAR YEAR				
		2019	2020	2021	2022	2023
Improper Activity with a Person in Custody	39.04	41	34	41	42	49
TOTAL NUMBER OF CASES REPORTED		41	34	41	42	49

Statistical information provided for CY 2019 – CY 2023 depicts the incidents of improper sexual activity with a person in custody in the year they were reported.



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