

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND OPERATING
PROCEDURE**

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DATE: 06/22/05

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SUPERSEDES: N/A

SUBJECT: SAFE PRISONS PROGRAM

AUTHORITY: Prison Rape Elimination Act (2003); TDCJ Administrative Directive 16.20

PURPOSE: To provide specific guidelines and procedures for Institutional Parole Officers and District Parole Officers reporting incidents of sexual assault of offenders while incarcerated in a correctional facility.

DEFINITIONS:

Sexual Abuse: Forcing another person, by violence or threats of violence, to perform a sexual act (a sexual act is any intentional contact between the genitalia of one person and the genitalia, mouth, anus, or hands of another person), sexual fondling, or sexual assault with an object. The term "sexual abuse" also includes the acts relating to sexual assault as described in the Texas Penal Code (Chapter 21).

Sexual Fondling: The touching of the private body parts of another person (including the genitalia, anus, groin, breast, inner thigh, or buttocks) for the purpose of sexual gratification.

Sexual Assault: Intentionally or knowingly causing the penetration of the anus or sexual organ of another person by any means without that person's consent; causing the penetration of the mouth of another person by the sexual organ of the actor without that person's consent; or causing the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor's.

Attempted Sexual Assault: Any attempted act of sexual assault as described under Texas Penal Code 22.011.

Office of the Inspector General (OIG): The Investigations Division is the primary investigative arm of the Texas Department of Criminal Justice and, as such, has responsibility for collecting evidence, conducting interviews with victims and subjects, conducting criminal investigations, and presenting cases to a prosecutor for consideration for prosecution as appropriate.

Prison Rape Elimination Act (PREA): Signed into law in 2003, PREA establishes guidelines for the TDCJ-CID (Correctional Institutions Division) Safe Prisons Program in order to protect individuals from prison rape.

Safe Prisons Program: Established by TDCJ-CID in compliance with the Prison Rape Elimination Act to prevent sexual abuse of offenders, address the needs of offenders who have been sexually assaulted, and discipline and prosecute offenders who sexually abuse others.

Unit Safe Prisons Coordinator: The Unit Safe Prisons Program Coordinator is appointed by the Warden of each institution to coordinate, collect, and maintain data, and to provide monthly reports to Regional Safe Prisons Staff and the Agency Safe Prisons Program Manager regarding sexual abuse or assault of inmates.

PROCEDURE:

I. BACKGROUND

- A. According to the Prison Rape Elimination Act of 2003, approximately 13 percent of all inmates in prisons throughout the United States have been sexually assaulted while incarcerated. These numbers are a conservative estimate due to the insufficient research and data reported as to the actual extent of prison rape. Inmates with mental illness as well as young, first-time offenders are at an increased risk of sexual victimization. Prison rape often goes unreported and inmate victims do not receive adequate treatment. Most prison staff are not adequately trained to prevent, report, or treat victims of sexual assault. HIV and AIDS are major health concerns within correctional facilities. Infection rates for other sexually transmitted diseases, tuberculosis, and hepatitis B and C are also far greater for prisoners than those outside prisons. Prison rape also increases the level of violence directed at inmates and staff and raises health care expenditures.
- B. Also, according to PREA, prison rape endangers public safety because brutalized inmates are more likely to commit crimes once they are released. Victims of prison rape suffer severe physical and psychological effects that impede their ability to integrate into their communities and maintain stable employment.
- C. The purposes of the Prison Rape Elimination Act (PREA) are to establish a zero-tolerance standard for the incidence of prison rape; make its prevention a top priority within each prison system; develop and implement national standards for the detection, prevention, reduction, and punishment of prison rape; improve data and information; and increase the accountability of prison officials who fail to detect, prevent, reduce, and punish prison rape.
- D. The Texas Department of Criminal Justice - Correctional Institutions Division has established and implemented its Safe Prisons Program in order to comply with PREA.

II. PAROLE DIVISION RESPONSIBILITIES

- A. The Parole Division is committed to supporting the Prison Rape Elimination Act and the Safe Prisons Program. Procedures have been established for District Parole Officers to report allegations of sexual assault while the offender was incarcerated as well as the

responsibilities of Institutional Parole Officers regarding offenders who have committed sexual assault while incarcerated and inmates who were victims of sexual assault.

1. Institutional Parole Officers

- a. If the offender commits a sexual assault while in prison, the IPO shall:
 - (1) If there is a conviction, make appropriate recommendations to the Board for sex offender special conditions;
 - (2) Document the offense, victim, and disposition information in the Institutional Adjustment or Present Offense section of the Case Summary if the inmate is convicted of the sexual offense.
- b. If the offender reports being a victim of a sexual assault while in prison, the IPO shall:
 - (1) Verify that the offense was reported to appropriate CID personnel by contacting the Unit Safe Prisons Coordinator;
 - (2) Document the offense, perpetrator, and disposition information in the Institutional Adjustment section of the Case Summary;
 - (3) Evaluate the need for any special condition recommendations to the Board.

2. District Parole Officers

- a. If, after release, an offender is identified as having committed a sexual assault while incarcerated, the District Parole Office shall:
 - (1) Make the appropriate sex offender treatment referrals per policy, if sex offender special conditions were imposed prior to release;
 - (2) Evaluate the need for post- release special condition for sex offender evaluation imposition for Coleman-related cases through appropriate channels as required by Parole Division policy; and
 - (3) Review the information to verify the victim's location to ensure no contact will be made between the offender and victim
- b. If an offender reports that he/she was a victim of sexual assault while incarcerated but has not previously reported the assault to CID, the District Parole Officer shall:
 - (1) Ascertain as much information regarding the assault as possible:
 - (a) Who assaulted offender;

- (b) When and where did it occur;
- (c) Was it an isolated incident;
- (d) Without going into too much detail, get a description of what type of assault occurred.

- (2) Immediately notify his/her Unit Supervisor, who will complete an Offender Related Incident (ORI) and forward it as required. The Region Director will forward the ORI to Central and to the Safe Prisons Program in Huntsville to Ralph Bales at RBA1614 on the Mainframe. The Region Director or designee shall notify the Office of the Inspector General, in compliance with requirements of AD 16.20;
- (3) Encourage the offender to contact local law enforcement to file formal charges against the perpetrator, if possible;
- (4) Make referrals to Rape Crisis Centers, medical/mental treatment services, etc., as needed; and
- (5) Review information to verify the perpetrator's location to ensure no contact will be made between the offender and the perpetrator.

- c. The District Parole Officer in an Intermediate Sanction Facility follows the same procedures as the field Parole Officer ensuring that the facility's Unit Safe Prisons Coordinator is aware of the assault and that TDCJ-CID's Safe Prisons policy is followed.

- B. Sexual assault is a serious violation of a person's dignity and sense of security. No one asks to be raped and no one deserves to be brutalized. The offender who reports being sexually assaulted while in prison shall be treated in the same manner as any other victim of a sexual assault. Prison rape is not to be minimized and the victim should not be made to feel that rape is a reasonable consequence of being incarcerated.

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