

**PREA AUDIT REPORT     Interim    Final  
ADULT PRISONS & JAILS**

**Date of report:** 30 June 2017

<b>Auditor Information</b>			
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<b>Date of facility visit:</b> 28 - 30 June 2017			
<b>Facility Information</b>			
<b>Facility name:</b> Dolph Briscoe/Cotulla Unit			
<b>Facility physical address:</b> 1459 West HWY 85, Dilley, Texas 78017/610 FM 624, Cotulla, Texas 78014			
<b>Facility mailing address:</b> <i>(if different from above)</i>			
<b>Facility telephone number:</b> 830-965-4444/860-879-3077			
<b>The facility is:</b>	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
<b>Facility type:</b>	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
<b>Name of facility's Chief Executive Officer:</b> Senior Warden Jimmy Smith			
<b>Number of staff assigned to the facility in the last 12 months:</b> 260/108			
<b>Designed facility capacity:</b> 1384/606			
<b>Current population of facility:</b> 1360/588			
<b>Facility security levels/Offender custody levels:</b> Minimum – Maximum G-1, G-2, G-4/ G-1, G-2 Transient			
<b>Age range of the population:</b> 18 – 59/ 18 - 73			
<b>Name of PREA Compliance Manager:</b> Celeste Ramirez		<b>Title:</b> Unit SAFE Prisons/PREA Manager	
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<b>Agency Information</b>			
<b>Name of agency:</b> Texas Department of Criminal Justice			
<b>Governing authority or parent agency:</b> <i>(if applicable)</i>			
<b>Physical address:</b> 861-B-I-45 North, Huntsville, Texas 77320			
<b>Mailing address:</b> <i>(if different from above)</i> P.O. Box 99, Huntsville, Texas 77342			
<b>Telephone number:</b> 936-295-6371			
<b>Agency Chief Executive Officer</b>			
<b>Name:</b> Bryan Collier		<b>Title:</b> Executive Director	
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<b>Agency-Wide PREA Coordinator</b>			
<b>Name:</b> Lorie Davis		<b>Title:</b> Director, Correctional Institutions Divisions	
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## AUDIT FINDINGS

### NARRATIVE

The Dolph Briscoe Unit is a Texas state prison located near the town of Dilley in Frio County, Texas. The unit opened in January 1992 and is named for former Texas Governor Dolph Briscoe. As of August 31, 2013 the Dolph Briscoe Unit employs 260 people of whom approximately 165 are security related employees, approximately 81 non security and approximately 14 are employees of the Windham School District. Offenders in the unit may have access to literacy education, as well as adult education and GED courses through the Windham School District programs, as well as English as a second language, special education and pre-release courses. The unit also runs career and technology programs for inmates including: construction carpentry, electrical trades, landscape design, construction and maintenance. Offenders may also have the opportunity of working with local community works projects such as with the local food bank, Habitat for Humanity and other local organizations. The unit also runs agricultural operations including maintenance of security animals (horses and dogs) and edible crops.

The Cotulla Unit was named after Polish immigrant Joseph Cotulla, who migrated to the United States, joined the Union Army in Brownsville, Texas and later started a ranch in LaSalle County Texas. Joseph Cotulla learn a railroad was going through LaSalle County so he donated part of his land and erected a railroad Depot and named the area Cotulla, which in the same year became the county seat of LaSalle County, Texas. The Cotulla Unit has approximately 108 security and non-security staff.

The PREA Audit of the Dolph Briscoe/Cotulla Unit, Texas Department of Criminal Justice (TDCJ), was conducted on June 28-30, 2017, by United States Department of Justice Certified PREA Lead Auditor Marc L. Coudriet, Certified PREA Auditor Debra Dawson and Certified PREA Auditor Larry Hershman. Prior to the audit, the Dolph Briscoe/Cotulla Unit provided the lead auditor with appropriate policies, procedures and facility documentation related to the standards for review. No youthful offenders or female inmates are housed at the Dolph Briscoe/Cotulla Unit. The audit was coordinated through the American Correctional Association, Alexandria, Virginia. The audit began at 11:30 AM CST, following their ACA Audit closeout brief. The following facility personnel were assigned to assist the auditor during the audit and tour process: Senior Warden Jimmy Smith; Celeste Ramirez, Unit Safe Prisons/PREA Manager; Assistant Warden Jorge Robert Alvarez; Major Harrison; Major Todd and CO Jaqueline Sanchez. The TDCJ Regional Director and Regional Safe Prisons/PREA Manager were present during this audit as the Agency liaison and to provide insight and guidance on Agency-wide policies as it pertains to the PREA Program. All areas of the Dolph Briscoe/Cotulla Unit were toured including, receiving, all inmate housing units, restrictive housing, the medical area, food service, education, law library, work areas and the recreation areas. The auditors informally interviewed (16) staff and (10) inmates.

The PREA Resource Audit Instrument used for Adult Prisons and Jails was furnished by the National PREA Resource Center. To summarize, there are seven sections, A through G, comprised of the following: A) Pre-Audit Questionnaire; B) the Auditor Compliance Tool; C) Instructions for the PREA Audit Tour; D) the Interview Protocols; E) the Auditor's Summary Report; F) the Process Map; and G) the Checklist of Documentation.

Following the protocols of making contacts, and checking on the posting of notices (posting was initiated through the American Correctional Association (ACA) and the facility, Dolph Briscoe/Cotulla Unit) this auditor reviewed each item on the Pre-Audit Questionnaire and additional material sent prior to discussion and the audit visit.

Ms. Brenda German, Administrative Assistance IV provided the PREA standards files for preliminary review, these files were used to complete most of the information on the PREA Compliance Audit Instrument Checklist of Policies/Procedures and other documents in advance to identify additional information that might be required during the site visit. Additional information of the Dolph Briscoe/Cotulla Unit was provided in a booklet upon arrival to Dilley, Texas.

The Texas Department of Criminal Justice contracted with ACA to conduct a PREA Audit of the Dolph Briscoe/Cotulla Unit, June 28-30, 2017.

The auditors stayed in Dilley, Texas and were transported to the Dolph Briscoe/Cotulla Unit daily by Senior Warden Jimmy Smith or the Regional Safe Prisons/PREA Manager. On Wednesday the tour was completed and the auditor conducted formal interviews with twenty-five staff (25) and fifty-one (51) inmates. Formal and/or Informal interviews were conducted with staff from all shifts. On Thursday a total of five (5) staff and one hundred-five inmates (105) were formally interviewed. The total number of formal and informal interviews for this audit is thirty-nine (39) staff and one hundred sixty-six inmates for the Dolph Briscoe/Cotulla Units. Formal interviews were conducted utilizing the PREA questionnaires with the following facility staff: Senior Warden, Unit PREA Compliance Manager, Human Resource Managers, one high level staff, Chaplain, Investigator, medical staff, staff who perform screening for risk of victimization and abusiveness, staff on the incident review team, the designated staff member charged with monitoring retaliation, receiving staff, and random staff. There were no contractors or volunteers on the premises during the dates of the audit. Formal interviews were conducted utilizing the PREA questionnaires with the following inmate groups: inmates who filed a PREA grievance; inmates who identify in a LGBTI group, inmates who have limited English speaking skills, inmates who have reported victimization and random inmates from the restrictive housing and general housing population.

The mission of the Texas Department of Criminal Justice is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society and assist victims of crime.

The mission statement of the Dolph Briscoe/Cotulla Unit is perpetuate the high level of security set as standard by the American Correctional Association and TDCJ/CID in order to maintain the safety of both our employees and our community. As a team we strive to build and maintain a system that will effectively and efficiently create an atmosphere for offenders that is conducive to promoting the work skills and rehabilitation in an effort to reduce the rate of recidivism.

## **SUMMARY OF AUDIT FINDINGS**

Number of standards exceeded: 9

Number of standards met: 32

Number of standards not met: 0

Number of standards not applicable: 2

## DESCRIPTION OF FACILITY CHARACTERISTICS

The Dolph Briscoe Unit is a prison located on the edge of the city of Dilley, Texas. The prison, with approximately 426 acres of land, is operated by the Texas Department of Criminal Justice. The unit, which opened in January 1992, was named after Dolph Briscoe, a former State Governor of Texas.

The Dolph Briscoe Unit provides an assortment of vocational activities for the offenders, to include: Construction Carpentry, Horticulture, Electrical Trades, Construction and Maintenance and OSHA Safety Certificate. The Unit vocational certification programs are sponsored through the Windham School District, OSHA, Southwest Texas Junior College Academic and Southwest Texas Junior College Vocational to assist the offenders in rehabilitation and re-entry into society.

The Construction Fundamentals, Plumbing, and Electrical vocational courses offer the offenders the opportunity to earn a vocational certificate from Southwest Texas Junior College Vocational. The length of the certificate course varies based on the course curriculum.

The Windham School District provides all educational services at the Dolph Briscoe Unit. This school district was approved and established by the Texas State Legislature for the purpose to teach the Texas Department of Criminal Justice (TDCJ) offenders valuable skills to assist them in the re-entry into society with education and skills needed for success in the workforce. The Windham School District is the largest school district in the State of Texas.

The Windham School District provides GED Prep Course, Adult Basic Education (ABE), and provides Special Education on an individual basis. The TABE test is administered to determine the offender's educational placement for the courses that are offered. This placement allows the offender to start at their current competency level and progress upward to their educational goal.

All GED testing is performed at Dolph Briscoe Unit; the Windham School District is certified across the State of Texas as a GED testing site for the offender population.

The Windham School District Staff at the Dolph Briscoe Unit consists of one (1) Principal, one (1) Librarian Assistant, four (4) Academic Teachers and two (2) Vocational Instructors; all are licensed and/or certified with the State of Texas. The Windham School Principal has a Master's Degree and the Academic Teachers have Bachelor Degrees and selected teachers have their special education certifications.

Based on the number of educational and vocational opportunities that are provided at the Dolph Briscoe/Cotulla Unit, the offender's quality of life is greatly enhanced in this area of the Dolph Briscoe/Cotulla Unit. The Dolph Briscoe Unit has a fulltime Chaplain that administers to the needs of the offender population as well as to any staff needs. Volunteer ministry services are also conducted at the Dolph Briscoe Unit. The Dolph Briscoe/Cotulla Complex has 146 active volunteers that were approved by the Texas Department of Criminal Justice. Though these volunteers are registered with the Dolph Briscoe Unit, they may also volunteer at other TDCJ facilities.

The Dolph Briscoe/Cotulla Unit has an on-site Medical Department that is staffed 12 hours daily with on-call emergency care that is available 24 hours a day through Tele-med services and the E911 system. The Medical Facility has 12 medical staff personnel and 3 mental health staff assigned to it, the Medical and Mental Health Program is provided by the University of Texas Medical Branch, UTMB. The Medical Department has an onsite Tele-med Services system for electronic specialty clinics and on-site specialty medical services, such as Dermatology, Assistive Disability Services (ADS), Urology, Psychiatry care and cardiology care.

The Dolph Briscoe/Cotulla Unit utilizes Methodist Medical Group (UMC) in San Antonio, Texas for its primary SANE/SAFE forensic examinations, if the SANE/SAFE examiner is not available, the Methodist Medical Group medical staff will use a SANE locator system called Utilization Review, which will locate the nearest SANE examiner on duty throughout the state of Texas.

The Dolph Briscoe Unit has a pack dog training program that can track in large rural areas and assist the local law enforcement communities.

The Dolph Briscoe Unit has seventeen (17) buildings, zero (0) single cell housing areas, four (4) dormitory housing and twelve (12) multiple occupancy housing areas. The Dolph Briscoe Unit has restrictive housing with seven (7) single-occupancy cells for Restrictive and Administrative housing. Two chain link fences with razor wire surround the unit and other structures include administrative spaces, security towers, and maintenance. Security at the front gate provides control for all staff /visitor entry and exit and a rear gate for vehicle entrance. Access Control Posts are located throughout the Unit and in each housing area. The unit has electronic equipment to monitor the Unit in specific areas.

The Cotulla Unit has nineteen (19) buildings, zero (0) single cell housing areas, twenty-four (24) dormitory housing and three (3) multiple occupancy housing areas. The Dolph Briscoe Unit has restrictive housing with ten (10) single-occupancy cells for Restrictive and Administrative housing. Two chain link fences with razor wire surround the unit and other structures include administrative spaces, security towers, and maintenance. Security at the front gate provides control for all staff /visitor entry and exit and a rear gate for vehicle entrance. Access Control Posts are located throughout the Unit and in each housing area. The unit has electronic equipment to monitor the Unit in specific areas.

**Standard 115.11 Zero tolerance of sexual abuse and sexual harassment; PREA Coordinator**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Executive Directive - 03.03, dated March 31, 2015, outlines the Texas Department of Criminal Justice (TDCJ) Zero Tolerance Policy and established the Safe Prisons/PREA Plan. The Safe Prisons/PREA Plan directs that each Warden appoint a Unit Safe Prisons/PREA Manager to coordinate the implementation of the Safe Prisons/PREA Plan at each facility. The Safe Prisons/PREA Plan also defines prohibited behavior regarding sexual abuse and sexual harassment. The TDCJ employs an upper level Agency Wide PREA Coordinator with sufficient time and authority to develop, implement and oversee the agency efforts to comply with the PREA Standards.

**Standard 115.12 Contracting with other entities for the confinement of offenders**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Auditor has reviewed the contracts awarded by TDCJ; all are appropriate and are in compliance with PREA standards. The Dolph Briscoe/Cotulla Unit does not currently have any inmate being confined with other contracted entities.

### Standard 115.13 Supervision and monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This finding is based on a review of the Administrative Directive (AD) 11.52, Security Staffing, dated March 4, 2016, the Unit Staffing Plan, Staffing Rosters and Post Orders, staff interviews and observations the Dolph Briscoe/Cotulla Unit exceeds this standard.

TDCJ has developed and documented the staffing plans that provide adequate levels of staffing for the Dolph Briscoe/Cotulla Unit. When deviations occur, they are properly documented, justified and explained. This auditor reviewed shift rosters and deviations were properly noted.

TDCJ has completed the required annual review of the staffing plans in consultation with the PREA Coordinator as required by standard 115.11, to assess, determine and document whether adjustments to the staffing plans are needed.

The Dolph Briscoe/Cotulla Unit has exceeded this standard by providing overlapping fields of observation and eliminating all known "blind spots". They accomplished this through the use of camera surveillance which is enhanced by having roving patrols whose observation capabilities are enhanced with outstanding placement and usage of mirrors; which is further enhanced by keeping windows and see-through wall partitions unencumbered for a large field of observation throughout the Unit.

Senior Warden Smith has also implemented a staff logbook system; a staff sign in logbook is placed throughout the unit and its outlying buildings. Staff are to sign their names in the logbooks as the patrol that area, different color ink pens are used to differentiate the rank of the person signing in for quick visual reference.

This system ensures that appropriate staff personnel are patrolling and supervising all areas of the unit every day and it eliminates the chance of missing an area or not providing an even level of supervision throughout the Unit.

### Standard 115.14 Youthful Offenders

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**X Not Applicable** The Dolph Briscoe/Cotulla Unit does not house Youthful Offenders.

### **Standard 115.15 Limits to cross-gender viewing and searches**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor has reviewed AD 03.23 Offender Searches, The Dolph Briscoe/Cotulla Unit does allow cross gender strip searches of male inmates by female staff only after approval of a supervisor. The Cross Gender Search logs indicated the last supervisor approved cross gender search was performed in 2015. A review of building turnout rosters indicate the unannounced rounds are being made as required and annotated in a staff sign in logbook located throughout the Unit. TDCJ and Dolph Briscoe/Cotulla Unit policy required female correctional staff to announce their presence in each housing area every time they enter the area. In the housing units the showers have the half door design partitions and restroom areas with permanent or moveable partitions that adequately block the view of people in the dayroom and walkways. The unit had placed partitions in outside search areas to prevent viewing while conducting strip searches. In the restroom areas throughout the Unit, there are partitions and/or visual blocks across the bottom half of the windows to prevent viewing. Senior Warden Smith added additional moveable partitions in toilet areas that were noted by the audit team with concerns to cross gender viewing in the N4 Cotulla dormitories and some Dolph Briscoe dayroom areas.

### **Standard 115.16 Offenders with disabilities and Offenders who are limited English proficient**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed AD -04.25, AD-06.25, Security Manual(SM)-05.50, Training Report and Roster of Spanish Interpreters and review of provided materials in making the determination of compliance. The Dolph Briscoe/Cotulla Unit provides assistance to those who are hard of hearing and Spanish interpreters to those who do not speak English. The inmates interviewed included the physically disabled and those who only spoke Spanish and appropriate interpreters were provided. The Dolph Briscoe/Cotulla Unit takes appropriate steps to ensure inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the Dolph Briscoe/Cotulla Unit's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

There have been no instances in the past twelve months of the Dolph Briscoe/Cotulla Unit using inmate interpreters to assist non English speaking inmates with PREA related issues.

### **Standard 115.17 Hiring and promotion decisions**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This finding is based on a review of Executive Directive(ED) PD-71, PD-73, PD-75, and PD-27, a review of hiring applications, pre-hiring questionnaires and interviews with the Human Resource Manager. The Dolph Briscoe/Cotulla Unit does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in any criminal justice facility, has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion. The Dolph Briscoe/Cotulla Unit considers any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. The Dolph Briscoe/Cotulla Unit performs a criminal background records check before enlisting the services of any potential employee and contractor who may have contact with inmates. The TDCJ has established a flash notification process where if any staff member is apprehended by law enforcement and an NCIC check is conducted, the agency is immediately notified, as all staff fingerprints are on file.

### **Standard 115.18 Upgrades to facilities and technologies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Dolph Briscoe/Cotulla Unit upgraded their camera system on 15 September 2016 which, by contract, installed a total of 48 cameras and added a 64 channel DVR. This video surveillance upgrade brought the camera totals to 59 cameras at the Dolph Briscoe Unit and 41 cameras at the Cotulla Unit which added to there safety and security program. The Security Memorandum (SM) 1.14, dated Sept 9, 2015, Operating and Monitoring Video Surveillance Systems, requires the Unit Administrator to ensure video surveillance systems are used to protect offenders against assault, extortion, and sexual abuse in accordance with the TDCJ Safe Prisons/PREA Plan.

Currently the Dolph Briscoe/Cotulla Unit uses well placed cameras and effectively placed mirrors, see through wall partitions/windows and security staffing to enhance the monitoring and safety surveillance.

## Standard 115.21 Evidence protocol and forensic medical examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed AD-16.03, Safe Prisons/PREA Operations Manual (SPPOM)-05.01 Sexual Abuse Checklist, Correctional Managed Health Care (CMHC) G57.1, Solicitation Letter, and Safe Prisons/PREA Operations Manual (SPPOM)-02.02 Sexual Annual Victim Reports; Medical personnel were also interviewed as well as the OIG Investigator. To the extent that the Dolph Briscoe/Cotulla Unit is responsible for investigating allegations of sexual abuse, they follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

Staff was knowledgeable of this procedure during interviews. The Dolph Briscoe/Cotulla Unit offers all victims of sexual abuse access to forensic medical examinations without financial cost, where evidentiary or medically appropriate. Such examinations are to be performed by Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) where possible. In the event a sexual abuse incident, the offender will be taken to the nearest hospital that has medical staff qualified to perform forensic medical exams, which is the Methodist Medical Group in San Antonio, Texas.

If a SANE/SAFE examiner is not available, the medical staff will use the Utilize Review system to locate the nearest SANE/SAFE examiner on duty for that day, this system track throughout Texas. Noted: Texas Senate Bill 1191 states, "Victims of sexual assault who require a forensic exam will be taken to the nearest hospital emergency department for completion of the exam. State law requires that ER staff have specialized training to complete a forensic exam, but does not require that be SANE or SAFE training." The Dolph Briscoe/Cotulla Unit has not had to utilize a non-SANE/SAFE trained forensic examiner in the past twelve months.

The Dolph Briscoe/Cotulla Unit makes available to the victim a victim advocate from employees trained as offender/victim representatives. Mental/emotional services are available on-site.

TDCJ had issued a solicitation letter to victim advocacy groups in Texas and had no response. Recommend that TDCJ again attempt to recruit Rape Crisis Centers to assist them in support of this standard.

### **Standard 115.22 Policies to ensure referrals of allegations for investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This finding is based on a review of policy SPPOM-05.05 and SPPOM-05.01, and interviews with the Office of Inspector General (OIG) investigator. Unit staff conducts the initial incident investigation and OIG determines if it meets the requirements for a criminal investigation. If the incident is deemed to be a felony, then OIG takes over the investigations.

The Dolph Briscoe/Cotulla Unit ensures that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

The Dolph Briscoe/Cotulla Unit ensures that allegations of employee wrongdoing are referred for investigation to the OIG.

The Dolph Briscoe/Cotulla Unit has a policy that ensures allegations of sexual abuse or sexual harassment are referred for investigation and publishes such policy on its website.

The Dolph Briscoe/Cotulla Unit documents all such referrals.

### **Standard 115.31 Employee training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed the following documents in making the above decision. The Safe Prisons/PREA Program training and education is performed in accordance with the Correctional Training and Staff Development lesson plan, the SPPOM-06, ED-12.10, AD-12.20, ED PD-97 and the Safe Prisons/PREA Plan. Employees interviewed were knowledgeable of their duties under the PREA program and all indicated that PREA is a reoccurring subject taught during turn out training on their shifts.

The following areas are covered in the PREA training received by staff: the TDCJ's zero tolerance policy on sexual abuse and sexual harassment; methods for fulfilling responsibilities under the TDCJ sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; the right of offenders to be free from sexual abuse and sexual harassment; the right of offenders and staff to be free from retaliation for reporting sexual abuse and sexual harassment; the characteristics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with offenders; how to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and the common characteristics of victims and predators, sometimes referred to as red flags.

All staff receives PREA training during in-service training annually. Staff acknowledge in writing they receive and understand the training.

### **Standard 115.32 Volunteer and contractor training**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on a review of the training curriculum, Volunteer Handbook, Safe Prisons/PREA Plan and Volunteer Acknowledgement forms, the volunteers and contractors at the Dolph Briscoe/Cotulla Unit are receiving the required training on sexual assault and sexual harassment. The Dolph Briscoe/Cotulla Unit ensures all volunteers and contractors who have contact with offenders have been trained regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

The Dolph Briscoe/Cotulla Unit ensures all volunteers and contractors who have contact with offenders have been notified of the TDCJ's zero-tolerance policy regarding sexual abuse and sexual harassment and informed of the procedures for reporting incidents. The contractors and volunteers are aware of PREA and their duties and responsibilities and are tested to ensure they have an accepted level of competency in regards to PREA. All contractors and volunteers had received initial PREA training during their initial training.

TDCJ requires volunteers to attend training at least every two years; The Dolph Briscoe/Cotulla Unit has approximately one hundred-forty-six (146) active volunteers between the two units.

### **Standard 115.33 Offender Education**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above decision this auditor reviewed the TDCJ, Unit Classification Procedure Manual (UCPM) 5.0, dated June 2012, Safe Prisons/PREA Plan, CMHC Policy G-51.1, G-51.5, Administrative Directive (AD)-04.25, and AD-06.25. Inmate education is being delivered by the Dolph Briscoe/Cotulla Unit to all newly arriving inmates within the thirty days as required. Information on the Zero tolerance policy, how to report sexual abuse and sexual harassment is being provided during the initial receiving process.

Inmates are receiving the required comprehensive PREA education within 30 days of receiving the offender; offenders are provided this comprehensive education either in person or through video regarding their rights to be free from sexual abuse and sexual harassment, to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. PREA Posters are in the housing units, in all entry ways throughout the Unit and the information is in the inmate handbook. Information is available in Spanish for those who do not understand English. The comprehensive education is reinforced during the Classification process where inmates are interviewed by Unit Safe Prisons Personnel. Offenders are provided education in formats accessible to all offenders, including those who are limited English proficient, hard of hearing, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills. Inmates interviewed were aware of the TDCJ's Zero Tolerance policy and acknowledged they had received PREA training during orientation or within 30 days of the implementation of PREA if confined prior to August 20, 2012. The Dolph Briscoe/Cotulla Unit has the zero tolerance policy posted on bulletin boards throughout the units and the PREA education video is shown to the inmate population, monthly, in English and Spanish, which are the two predominant languages at the units.

### **Standard 115.34 Specialized training: Investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed Board Policy (BP)-01.07, Correctional Training & Staff Development (CTSD) Specialized Investigations, Office of the Inspector General (OIG) Lesson Plans 3201, OIG Operations Procedure Manual (OPM) -02.15 and related sign in sheets.

Specialized training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. TDCJ maintains documentation that agency investigators have received and completed the training in conducting sexual abuse investigations.

This Specialized training was in addition to the mandatory training requirements for sexual assault investigations. OIG investigators receive in-service training that specifically relates to sexual assaults within confinement setting.

### **Standard 115.35 Specialized training: Medical and mental health care**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor has reviewed CMHC Policies C-19.1, C25.1 and C 57.1. Also reviewed was the Medical/Mental Health Training. The Dolph Briscoe/Cotulla Unit has ensured that all fulltime and any part-time medical and dental health care practitioners who work regularly in its facilities have been trained in: how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

Appropriate documentation is maintained to show that medical, mental health and dental staff has received this training in addition to the training required for employees, contractors, and volunteers. Mental health services are provided on-site.

The Cluster Nurse Manager, Ms. Emily Hart has implemented the online PREA training as a mandatory part of the medical staff performance evaluations, therefore, exceeding the minimum requirement for this standard by adding additional training evolutions for her staff and enhancing their knowledge and proficiency in the PREA program.

#### **Standard 115.41 Screening for risk of victimization and abusiveness**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor has reviewed the SPPOM-03.01, and the PREA Screening Assessment Instrument. Additionally, interviews with Classification staff and inmates, both formal and informal, were conducted. The initial screening considers prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the TDCJ, in assessing offenders for risk of being sexually abusive.

An objective screening tool is used to record these initial assessments. The receiving screening includes, at a minimum, the following criteria to assess offenders for risk of sexual victimization: any mental, physical, or developmental disability; the age of the offender; the physical build of the offender; previous incarceration; whether the criminal history is exclusively nonviolent; prior convictions for sex offenses against an adult or child; perception of the offender as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; previous sexual victimization; the offender's own perception of vulnerability. The inmate's age, physical stature and the information previously stated are used at the Dolph Briscoe/Cotulla Unit to ensure a safe and racially blended living environment.

#### **Standard 115.42 Use of screening information**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above determination, this auditor has reviewed AD-04.14, Offender Housing Assignments, Ad-04.18, Offenders Job Assignments, Safe Prisons/PREA Plan, SPPOM-03.01 Special Population Review and inmate interviews.

Decisions are made on an individual case by case basis in determining the housing and job assignment of each offender. Offender are housed in such a manner so as to ensure, to the maximum extent possible, the safety, security and treatment needs of all offenders are being met, as well as to maintain the safety and security of the public, staff, and the unit/facility.

The Dolph Briscoe/Cotulla Unit Classification personnel uses information from the risk assessment screening document to make housing, bed, work, education, and program assignments with the goal of separating offenders at high risk of being sexually victimized from offenders at high risk of being sexually abusive.

The requirement for semi-annual review of placement and programming assignments for transgender or intersex offender is outlined in the Safe Prison/PREA Plan. A transgender or intersex offender's views with respect to his or her own safety shall be given serious consideration. Offenders identified as transgender or intersex is being given the opportunity to shower and be strip searched separately from other offenders.

### **Standard 115.43 Protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above determination, this auditor has reviewed the SPPOM-05.05, Ad SEG Plan, I-169 Form and I-201, Guidelines for ASC Members, the Safe Prisons/PREA Plan, and interview with Unit Safe Prisons/PREA Manager.

At the Dolph Briscoe/Cotulla Unit no inmates at high risk for sexual victimization will be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If the Unit cannot conduct such an assessment immediately, the facility may hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment. Any inmates placed in segregated housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document the reasons the inmates was restricted from program access.

No inmates have been placed in involuntary protective custody in the past twelve months at the Dolph Briscoe/Cotulla Unit. If it is determined an inmate requires Protective Custody beyond twenty-four hours, the inmate is placed in awaiting transfer status and is transferred to a facility that can best provide for the needs of the inmate.

### **Standard 115.51 Offender reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed ED-02.10 PREA Complaints and Inquiries, Safe Prison Plan, Section IV, Reporting Allegations, General Information Guide for Families, AD 14.09 Postage & Correspondence, the PREA Brochure published by the PREA Ombudsman and interviews with random staff and inmates. Inmates and/or staff can report abuse or harassment to the PREA Ombudsman or the Office of the Inspector General.

The Dolph Briscoe/Cotulla Unit provides multiple ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse, and staff neglect or violations or responsibilities that contribute to such incidents. Hotline phone numbers are posted at every inmate phone, however, the inmates cannot use the number themselves due to the phone system used at this Unit, the inmates can send the number to a third party to report on their behalf. Inmates are provided at least one way to report abuse or harassment to an entity that is not part of the Dolph Briscoe/Cotulla Unit. Inmates can report abuse or harassment to the PREA Ombudsman, an external entity and a third party via visitation or the mail system. Staff accepts reports made verbally, in writing, anonymously or from third parties and promptly documents verbal reports. The Dolph Briscoe/Cotulla Unit does not hold any inmates solely for civil immigration purposes.

### **Standard 115.52 Exhaustion of administrative remedies**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making this decision this auditor reviewed AD-03.77, AD-03.82, OGOM 1.01, Safe Prisons/PREA Plan and interviews with staff and inmates.

The Dolph Briscoe/Cotulla Unit does not impose a time limit on when an inmate may submit a grievance regarding an allegation of sexual abuse, nor require an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. Inmates who allege sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and such grievance is not referred to a staff member who is the subject of the complaint. The Dolph Briscoe/Cotulla Unit shall issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. The Dolph Briscoe/Cotulla Unit policy and practice complies with all remaining aspects of PREA standard 115.52.

### **Standard 115.53 Offender access to outside confidential support services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor has reviewed Board Policy (BP) 03.91, the Safe Prisons/PREA Plan, SPPOM 02.02 and the solicitation letter. Additionally, interviews were conducted with random inmates. The Dolph Briscoe/Cotulla Unit provides access to victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and in the law library and provides them support services from the on-site mental health staff. The Dolph Briscoe/Cotulla Unit allows reasonable written or video communication between offenders and these organizations and agencies, in as confidential a manner as possible. The Dolph Briscoe/Cotulla Unit informs inmates, prior to giving them access, of the extent to which these communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. There is a comprehensive list of Rape Crisis Centers available to the inmate in the law library. In addition, Senior Warden Jimmy Smith allows The Rape Crisis Center in San Antonio, Texas to voluntarily provide rape crisis information to the inmate population with hotline phone numbers and other contact information.

### **Standard 115.54 Third-party reporting**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The Dolph Briscoe/Cotulla Unit meets this standard. This is based on a review of policies ED 02.03, ED 02.10, SPPOM 04.02, The General Information Guide for Families Offenders and the Safe Prisons/PREA Plan. The Dolph Briscoe/Cotulla Unit has a system in place to receive third party reports of sexual abuse or reassessment and distributes publicly, information on how to report sexual abuse or harassment of behalf of inmates.

### **Standard 115.61 Staff and agency reporting duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This decision of compliance was based on a review of AD 16.20, ED PD-29, CMHC E-35.02, G-57.01, the Safe Prisons Plan/PREA Plan and interviews with random staff, the Unit Safe Prisons/PREA Manager, mental health staff and medical staff interviews by auditor. Staff was knowledgeable of their duties to report all instances outlined in this standard.

The Dolph Briscoe/Cotulla Unit requires staff to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in the units, whether or not it is part of the unit; retaliation against inmates or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Additionally, staff are prohibited from revealing any information related to sexual abuse reporting to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigations, and other security and management decisions.

### **Standard 115.62 Agency protection duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This determination is based on a review of SPPOM 05.01, SPPOM 05.03 and interviews with staff and the Unit Safe Prisons/PREA Manager. Staff interviewed responded appropriately of their duties to immediately protect the inmate.

### **Standard 115.63 Reporting to other confinement facilities**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor has reviewed AD-16.20, SPPOM-04.01, SPPOM-04.02BP-02.09, BP-01.07, Safe Prisons/PREA Plan, interviews with Unit Safe Prisons/PREA Manager and the Warden. Upon receiving an allegation that an offender was sexually abused while confined at another facility, the Senior Warden or designee notifies the head of the facility or appropriate office of the agency where the alleged incident occurred. This is done as soon as possible, but no later than 72 hours after receiving the allegation and all actions are documented. This notification is documented.

#### **Standard 115.64 Staff first responder duties**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on a review of AD-16.03, OIG OPM-04.05, SPPOM-05.01 and interviews with security and non-security staff, Dolph Briscoe/Cotulla Unit met this standard. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond separates the alleged victim and abuser; preserves and protects any crime scene until appropriate steps can be taken to collect any evidence; and if the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and if the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating. If the first staff responder is not a security staff member, the responder request that the alleged victim not take any actions that could destroy physical evidence, and then notifies security staff.

Interviews with security and non-security staff indicated that staff were knowledgeable of their responsibilities under this standard.

#### **Standard 115.65 Coordinated response**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the decision of compliance this auditor reviewed the Safe Prisons/PREA Plan, SPPOM-05.01, interviews with staff and the Unit Safe Prison/PREA Manager. It is modeled after the TDCJ Safe Prisons/PREA Operations Manual. The plan addresses training; responding to incidents of sexual abuse; and provides responses to an alleged sexual abuse incident for first responders, medical and mental health practitioners, investigators, and facility leadership. Interviews with staff (first responders, medical and mental health practitioners, investigators, and facility leadership) confirmed they were knowledgeable about the PREA plan and the coordinated duties and collaborative responsibilities.

#### **Standard 115.66 Preservation of ability to protect Offenders from contact with abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

**X Not Applicable** TDCJ and the Dolph Briscoe/Cotulla Unit does not participate in collective bargaining.

### **Standard 115.67 Agency protection against retaliation**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Based on policy PD-22, PD-29, PD-31, PD-13, and SPPOM-05.08, the Safe Prisons/PREA Plan, interviews with the Senior Warden and the PREA Compliance Manager who is the designated staff member responsible for monitoring retaliation.

The Dolph Briscoe/Cotulla Unit have a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperates with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff, and designates the PREA Compliance Manager with monitoring retaliation.

The Dolph Briscoe/Cotulla Unit have multiple protection measures available, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff that fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. If any other individual who cooperates with an investigation expresses a fear of retaliation, the Dolph Briscoe/Cotulla Unit takes appropriate measures to protect that individual against retaliation. During the interview process, it was determined the Unit PREA Manager/SAFE Prisons Manager monitor for possible retaliations beyond the 90 days requirement, which exceeds this standard.

### **Standard 115.68 Post-allegation protective custody**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The decision of compliance was made based on a review of the Safe Prisons/PREA Plan, AD-04.63, AD-03.50, the Administrative Segregation Plan, interviews with the Safe Prisons/PREA Manager and the Senior Warden. TDCJ policies meet the requirements of the standard. Per interview with Warden, Safe Prison/PREA Compliance Manager, and inmates, there were no instances of using segregation housing to protect offenders who had alleged to have been sexually abused.

### **Standard 115.71 Criminal and administrative agency investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above decision, this auditor reviewed AD-02.15, AD 16.03, OIG Lesson Plan (OIG LP 3201) Sexual Assault Investigative Topics, OIG Operations Procedure Manual(OPM)-02.15, OPM-03.72, OP-04.05, and the Safe Prison/PREA Plan, The Dolph Briscoe/Cotulla Unit conduct investigations promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. Where sexual abuse is alleged, investigators who have received special training in sexual abuse investigations conduct these investigations.

Investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims, suspected perpetrators, and witnesses; and review prior complaints and reports of sexual abuse involving the suspected perpetrator. When the quality of evidence appears to support criminal prosecution, OIG conducts compelled interviews only after consulting with prosecutors.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and is not determined by the person's status as inmate or staff. Neither the Dolph Briscoe/Cotulla Unit nor TDCJ requires an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Administrative investigations include efforts to determine whether staff actions or failures to act contributed to the abuse; and are documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Criminal investigations are documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal are referred for prosecution.

The Dolph Briscoe/Cotulla Unit retains all written reports for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. The departure of the alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation.

**Standard 115.72 Evidentiary standard for administrative investigations**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed CTSD Lesson Plan for the Specialized Investigations Training, the Safe Prisons/PREA Plan and interviews with unit investigators and OIG investigators in making this determination. The Dolph Briscoe/Cotulla Unit imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. The "preponderance of the evidence" means that more than 50% of the evidence supports the allegation.

### **Standard 115.73 Reporting to Offenders**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed the Safe Prisons/PREA Plan, SPPOM-05.05, 05-10, 05-11, completed investigations documenting inmate notifications and interviews with the unit and OIG investigators in making the above determination.

Following an investigation into an offender allegation that he was victim of any criminal sexual assault offense the offender is informed as to whether the investigative finding was substantiated (sent to prosecution/sustained), unsubstantiated (administratively closed/not-sustained), or unfounded. Additionally, the offender victim shall be notified following the suspect assailant indictment or conviction on the related charge. This notification is made in writing.

In the past 12 months, .003% of the Dolph Briscoe/Cotulla Unit inmate population made allegations of sexual abuse or sexual harassment, 100% of those allegations were investigated and determined to be unfounded, through voluntary statements and video surveillance records.

### **Standard 115.76 Disciplinary sanctions for staff**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This decision was based on a review of AD-16.20, ED PD-13, PD-29 and PD-22. Sexual misconduct with an inmate is a level 1 violation under Texas PD-22, General Rules of Conduct and Disciplinary Action Guidelines for Employees and dismissal from employment is the recommended course of action for level 1 violations. All terminations for violations of the agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past twelve months no staff members had been determined to violate the sexual abuse of inmates' policy of the TDCJ.

### **Standard 115.77 Corrective action for contractors and volunteers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above decision this auditor reviewed ED PD-29, Volunteer Services Plan, the Volunteer Training Facilitators Guide, the Safe Prisons/PREA Plan, and volunteer and contractor training files. TDCJ Policy clearly states that any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to applicable law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.

The Dolph Briscoe/Cotulla Unit take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of TDCJ sexual abuse or sexual harassment policies by a contractor or volunteer.

Volunteers are prohibited from establishing or continuing in personal relationships with offenders, including engaging in, or attempting to engage in, any form of consensual sexual misconduct with offenders, including forcing or attempting to force offenders to participate in nonconsensual sexual misconduct. It is a felony offense if anyone, including a volunteer, at a TDCJ facility violates the rights of a person in custody or engages in sexual contact or sexual intercourse with a person in custody. Volunteers who violate the policy shall not be allowed to continue to perform services for the agency and may be subject to criminal prosecution. In the past twelve months there have been no reported violations by either contractors or volunteers.

**Standard 115.78 Disciplinary sanctions for Offenders**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The above decision was based on a review of CMHC E-35.1, Overview of Sex Offender Treatment Program (SOTP)-01.01, Safe Prisons PREA Plan, and interview with the OIG investigator.

Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

The sanctions are commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories. The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.

A report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred does not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

The Dolph Briscoe/Cotulla Unit prohibits all sexual activity between inmates and may discipline inmates for such activity. There has not been an administrative finding of inmate on inmate sexual abuse in the last twelve months.

### **Standard 115.81 Medical and mental health screenings; history of sexual abuse**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making this determination this auditor reviewed the Safe Prison/PREA Plan, CMHC A-09.01, H-61.1, I-70.1, Policies E-35.1, 35.2, G-57, a review of receiving medical receiving documentation well as interviews with receiving and medical staff.

If the screening indicates an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff ensured the offender was offered a follow-up meeting with a medical or mental health practitioner within 14 days of the receiving screening.

Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and on-site mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law. Medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting.

### **Standard 115.82 Access to emergency medical and mental health services**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The above decision was based on a review of CMHC A-01.1, CMHC G-57.1, SPPOM-05.01 and audit interviews with medical staff. Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and on-site mental health practitioners according to their professional judgment. If no qualified medical practitioners are on duty at the time a report of recent abuse is made, security staff first responders take preliminary steps to protect the victim and are to immediately notify the appropriate medical and on-site mental health practitioners. Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

### **Standard 115.83 Ongoing medical and mental health care for sexual abuse victims and abusers**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

The above decision is based on a review of the Safe Prison/PREA Plan, SPPOM-05.01, SPPOM-05.05, CMHC G-57.1, E-44.1, and interviews with medical/mental health staff and PREA related incidents. The Dolph Briscoe/Cotulla Unit offers medical and mental health evaluation by medical staff or on-site mental health practitioners and, as appropriate, treatment to all inmates who have been victimized by sexual abuse while incarcerated. The evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody. The Dolph Briscoe/Cotulla Unit provides such victims with medical and mental health services consistent with the community level of care. Inmate victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

### **Standard 115.86 Sexual abuse incident reviews**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above determination, this auditor reviewed the Safe Prisons/PREA Plan, SPPOM-08.01, AD-02.01, completed Incident Review reports and interviews with the Senior Warden and the Safe Prisons/PREA Manager.

An administrative review is completed for all alleged sexual abuse and staff sexual harassment incidents, unless determined unfounded. The Senior Warden shall obtain input from security supervisors, investigators, and medical practitioners when completing the review. The review is conducted within thirty days of the conclusion of the investigation. The Dolph Briscoe/Cotulla Unit review team includes upper-level management, with input from line supervisors, investigators, and medical or on-site mental health practitioners. The Dolph Briscoe/Cotulla Unit implements recommendations that result from these reviews, or documents the reasons why they don't implement the recommendations.

**Standard 115.87 Data collection**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

In making the above decision, this auditor reviewed SPPOM-01.01, BP-02.09, OIG OPM-04.05, the Safe Prison PREA Plan and interview with the Senior Warden, uniform data is collected for every incident of sexual abuse alleged to have occurred at the Dolph Briscoe/Cotulla Unit using a standardized instrument and set of definitions.

Incident-based sexual abuse data is aggregated annually. The incident-based data collected is based, at a minimum, on information necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. The PREA Ombudsman maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews. TDCJ also obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

**Standard 115.88 Data review for corrective action**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed the Safe Prison/PREA Plan, PREA Ombudsman Safe Prison Program Annual Report SOP, and the interview with the Safe Prisons/PREA Manager and Senior Warden in making the above determination of compliance. Each calendar year, the PREA ombudsman, in coordination with the TDCJ and the OIG, submits a written report regarding the activities of the PREA ombudsman during the preceding year. The report includes public information regarding statistical information regarding the total number of allegations of sexual assault investigated by the department, the outcome of the investigations, and any disciplinary sanctions imposed as a result of the investigations.

In accordance with PREA National Standard §115.88, the report includes: areas identified by facilities as needing corrective action; a summary of the corrective action taken for each facility where corrective action needed has been identified; a comparison of the current years' data and corrective actions with those from prior years, and an assessment of TDCJ's progress in addressing sexual abuse.

**Standard 115.89 Data storage, publication, and destruction**

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This auditor reviewed the PREA Ombudsman, TDCJ, OIG Annual Report and the State Records Retention policy in making this decision of compliance. TDCJ makes all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually. All reports are securely retained and maintained for at least 10 years after the date of the initial collection unless Federal, State, or local law requires.

**AUDITOR CERTIFICATION**

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any Offender or staff member, except where the names of administrative personnel are specifically requested in the report template.

Marc L. Coudriet

6/30/2017

Auditor Signature

Date