

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

Date of report: 12/29/2016

Auditor Information			
Auditor name: Marilyn McAuley			
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Telephone number: 208-794-1901			
Date of facility visit: 12.09/2016			
Facility Information			
Facility name: William P. Clements, Jr. Unit			
Facility physical address: 9601 SPUR 591, Amarillo, TX 79107-9606			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: 806-381-7080			
The facility is:	<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		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Kevin Foley			
Number of staff assigned to the facility in the last 12 months: 284			
Designed facility capacity: 3,798			
Current population of facility: 3,677			
Facility security levels/inmate custody levels: Maxim G1-G5, Ad Seg			
Age range of the population: 19-78			
Name of PREA Compliance Manager: Michael Venable		Title: Unit Safe Prisons PREA Manager	
Email address: Michael.Venable@tdcj.texas.gov		Telephone number: 806-381-7080	
Agency Information			
Name of agency: Texas Department of Criminal Justice			
Governing authority or parent agency: <i>(if applicable)</i> State of Texas			
Physical address: 861-BI-45 North, Huntsville, Texas, 77320			
Mailing address: <i>(if different from above)</i> P.O. Box 99, Huntsville, Texas, 77342			
Telephone number: 936-295-6371			
Agency Chief Executive Officer			
Name: Bryan Collier		Title: Executive Director	
Email address: Bryan.Collier@tdcj.texas.gov		Telephone number: 936-437-2101	
Agency-Wide PREA Coordinator			
Name: Lori Davis		Title: Director, Correctional Institutions Division	
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AUDIT FINDINGS

NARRATIVE

The Prison Rape Elimination Act (PREA) Audit for the William P. Clements Jr. Unit (hereafter referred to as the Clements Unit) from initial notification through this auditor's Summary Report Adult Prisons and Jails/PREA Final Report began October 2016 with the notice that the Texas Department of Criminal Justice (TDCJ) through the American Correctional Association (ACA) had scheduled a PREA Audit with a tour date of November 9-11, 2016 of the Clements Unit, Amarillo, Texas. PREA Certified Auditor Marilyn (Lynn) McAuley (lead) was notified by ACA e-mail of her appointment and schedule.

The audit process started with a contact from the TDCJ Office of Administrative Review and Risk Management, Huntsville, Texas. The Manager for the TDCJ, Review and Standards, mailed a USB thumb drive to the auditor. The thumb drive contained three essential parts with: Part One including master files documents for each of the 43 standards; Part Two included supporting documents; and Part Three contained the PREA Pre-audit Questionnaire. Part one had separate documentation that was labeled for easy access to each part of the 43 standards. Also the Agency Head, PREA Coordinator and Agency Contract Administrator's Interviews and the TDCJ Safe Prison PREA Plan were included in Part One. The areas of Part Two included: American Correctional Association (ACA) Re-accreditation report for November 4-6, 2013 audit; facility physical plant schematic; unit video camera location report; Staffing rosters, incident review minutes and population report for the daily facility's staffing plan showing offender population on the 1st, 10th and 20th day of each month for twelve months prior to the audit. Also included in Part Two was: staff, medical, volunteer and contractor PREA training acknowledgements; list of sexual abuse allegations; List of transgender offenders; investigation reports, medical notes; Cross Gender search log; Spanish interpreters; list of new hires with background checks; Offender PREA Training acknowledgements; offenders who disclosed sexual victimization during screening; sexual abuse grievances; certified offender victim representatives list. Part three of the thumb drive contained the PREA Pre-audit Questionnaire folder (PAQ). The Clements Unit layout provided valuable information prior to the actual facility visit and gave the auditor information necessary to complete pre-audit work. The 43 standards folders (one for each standard) contained substantiated compliance documentation for each of the standards addressing: interviews, screening appraisals of the incoming offenders, and treatment of offenders with intersex conditions, gender identity disorder, gender dysphoria, and staff personnel discipline forms. The ACA Standards Compliance Reaccreditation Report provided valuable information on facility description, condition of confinement, medical, mental health and programs that could be confirmed with observation, review of documentation and interviews. The Pre-audit Questionnaire which was a stand-alone folder provided required data necessary for the auditor to make a decision on compliance of the standards, and information for the auditor to use in completing the PREA Compliance Audit Instrument. The PAQ provided comprehensive, specific material that could be verified by the auditor on site with review of documentation, interviews with staff and offenders and observations during the tour of the facility. All of the documentation on the thumb drive was reviewed by the auditor prior to arriving at the Clements Unit.

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, sent by New York Department of Corrections and Community Supervision; 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. These instruments were used for guidance during the tour, interviews with staff and offenders and recommendations for review of documentations.

Following the protocols of making contacts, and checking on the posting of notices (posting was initiated through the American Correctional Association and the facility, Clements Unit) the auditor, on her own, began review of the Pre-Audit Questionnaire and the material sent prior to discussion and the audit visit. The postings gave offenders an address to write to if they had concerns. No offender wrote a letter. Each item on the thumb drive was reviewed. Of particular interest to the auditors was the detailed information for each of the 43 standards in the Pre-Audit Questionnaire. Also, in this preliminary review, special interest was taken in the compliance documentation provided for each standard. The information from the standard files and the PAQ was used to complete the PREA Compliance Audit Instrument Checklist of Policies/Procedures and the PREA Resource Audit Instrument reviewed in advance to identify additional information that might be required and could be collected prior and during the audit visit.

The auditor sent a list of documents required during the audit and a daily audit activity schedule for the 3 days of the audit prior to arriving at the facility. This schedule was discussed during the initial briefing and revised based on the needs of individuals involved in the audit process. The first audit briefing discussed tour protocols and points of interest for the following two days and prior to beginning the facility tour. The interview process started with the Warden and facility Unit Safe Prison PREA Manager Interviews after the morning PREA audit briefing on the first day of the audit. At this time, a review of the offender population offender counts on the first day of the audit was 3,677 offenders. A list of offenders broken down by housing unit was provided to the auditor who selected two offenders from each housing unit to be interviewed. Random selection of offenders resulted in: 58 Clements offenders (1.6% of 3,677 Clements offenders) to be interviewed. Offenders selected to be interviewed including: one non-English offender with an interpreter; two offenders who had reported sexual abuse and 2 gay offenders. Interviews with security, non-security and specialized staff included male and female staff with years of service ranging from 10 months to 28 years. Staff who may have contact with offenders at the Clements Unit was 1,182. Random and special staff selection of 48 (4.1% of 1,182) staff was interviewed. The agency's commitment to educating staff and offenders on the agency's zero tolerance toward all forms of sexual abuse and sexual harassment was evident in the auditor's interviews with staff and offenders. Those interviewed were extremely knowledgeable of the the agency's policies regarding the PREA standards.

Security staff were interviewed from both day and evening shifts and included: Major; captain; Lieutenants; Sergeants; Correctional Officers; SHU officer; intake officer; first responder; intermediate/higher-level staff (unannounced rounds); and staff who perform offender screening. Non-security staff interviewed included: transitional staff; program staff; administrative staff; medical staff; mental health staff; human resource manager; SAFE/SANE staff; volunteer; contractor; investigative staff; incident review team member; and retaliation monitor. The TDCJ has an excellent training program resulting in all security and non-security staff aware of their responsibility regarding zero tolerance toward all forms of sexual abuse and sexual harassment and the agency's approach to preventing, detecting, and responding to such conduct.

The facility provided an outline of Clements Unit and Clements Unit Layout plans showing all the building on site to review prior to actual tour. The major part of the observation process was during the official tour of the facility utilizing the PREA compliance audit instrument – instructions for PREA audit tour paying special attention to the following areas: intake/reception; general housing; segregated housing; residential mental health unit; health care and mental health; food service; disciplinary office; training; academic/vocational programs; guidance and community supervision; ministerial services; and law library and general library. The PREA audit instrument was used to look at areas recommended and questions to ask; recording the answers for use in deciding compliance in the standards. It was important to observe and confirm the required signs, telling offenders of their right to be free of sexual abuse and how to report incidents of sexual abuse, were posted. During the tour of the facility the auditor observed logs to confirm unannounced rounds are being done on both the day and evening shifts. Clements Unit is a large facility and the auditor toured parts of the facility each of the three days of the audit. The audit tour was complete and all buildings were visited.

Review of the documentation received in advance of the site visit included a thorough look at: policies, procedures and directives; letters and emails, training curriculum and attendance reports; organizational charts; posters, brochures, offender orientation manual, films and other PREA related materials; unannounced round logs; Annual TDCJ Report on Sexual Victimization for 6 years 2009-2014; employee manual; facility specific material; staffing plan with annual review; investigation guidelines; and ACA VCR report. Each piece of information received and identified with a part of the standard was compared for compliance. Observations during the tours, informal interviews with staff and offenders, and review of documents confirm that the Clements Unit staff considers PREA a number one priority and have developed, implemented and are monitoring all of the 43 standard to ensure compliance with the standards requirements.

Sampling techniques for interviews with staff, offenders, and files included random selection of staff and offenders from: list of all offenders by housing unit; list of all employees broken down by security and non-security staff; list of employees hired during the last 12 months; list of volunteers and contractors; investigators assigned to facility; specialty staff; available SANE/SAFE staff; intake staff; medical and mental health staff; and list of offenders who: are disabled/limited English proficient; transgender/intersex/gay/bisexual; in SHU for risk of sexual victimization; who reported a sexual abuse; and who disclosed sexual victimization during risk screening. Files selected for review were based on requirements of the standards.

The facility provided the auditors offices to hold staff and offender reviews. Facility staff provided excellent service making sure the individuals selected were available for the auditor to interview them. The auditors used the PREA Audit Instrument for: random sample of offenders; special class of offenders; random sample of staff (security and non-security); specialized staff; Warden; and Unit Safe Prison PREA Managers. While the recommended questions were asked for staff and offenders the auditors also added questions that would help in deciding compliance of the various standards.

Clements Unit with staff that works extremely well as a team is a well-managed operation with obvious complete cooperation between management, security, medical, mental health and other staff in developing, implementing and monitoring on a daily basis the requirements of the 43 PREA standards. Review of documentation, observations during the tour, interviews with staff and offenders and comparing the information with the total requirements of the PREA audit was enhanced by the extreme cooperation of all staff at Clements Unit in providing additional information as requested. Staff is completely knowledgeable of the PREA standards and enforces the standards to ensure the safety of offenders and staff at the Clements Unit. In conclusion the auditor based her decision of compliance for the standards on: data gathering; review of documentation; observations during tour of facility; sampling techniques for interviews with staff, offenders, and files; interviews; and comparing policies and practice to the requirements of the standards addressing all parts of each of the 43 standards.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Texas Department of Criminal Justice's mission is to provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime. The Clements Unit's mission is; to protect the public by keeping a secure institution while recognizing the cost factor of this institution to the taxpayers of the State of Texas; recognize our rehabilitative purpose and work toward release of a productive law abiding member of society; perform our daily task in such a manner that it promotes pride and a working atmosphere that our employees can enjoy working free of any type of illegal harassment or discrimination; insist that those offenders confined here abide by all rules and regulations of this agency and conduct themselves morally and adapt a work ethic; make offenders responsible for keeping this institution clean and safe; to reinforce positive behavior while ensuring the consequences of negative behavior is avoided; work together as a team respecting and appreciating different views and ideas and being able to say "I make a difference" and understand this is true because of the support received from those who work beside us.

The William P. Clements Jr. Unit (hereafter referred to as Clements Unit) is located at 9601 SPUR 59, Amarillo Texas 79107, located in Potter County. The Clements Unit is built on approximately 592 acres with 36 acres inside the secure perimeter and is next to the Nathaniel J. Neal Unit. The operations of the facility include an industry, maintenance department, kennel operations, field force, and unit garden and provide community service to local, state, and non-profit organizations. The Clements Unit is a maximum security unit, with a maximum capacity of 3,798 offenders. The daily population on the first day of the audit was 3,677 offenders.

The Clements Unit was opened in March 1990. The facility is comprised of three distinct and separate compounds: General Population (GP) Compound; Cellblock (ECB) Compound; and the Mental Health Compound. The GP Compound contains Administration, Gymnasiums, Commissaries, Vocation, Food Service, Offender Dining Halls, Officer Dining Rooms, Laundry, Necessities, Supply, Recreation, Craft Shop (not in use) Medical, Education, General Library, Law Library, Maintenance, Industries Boot Factory, Pre-Hearing Detention, Solitary Confinement, Transient Housing, G1 Outside Minimum Custody housing, G2 Minimum Custody housing, G3 Minimum Custody housing and G4 Medium Custody housing. The ECB Compound contains G5 Close Custody housing and Administrative Segregation 1, 2 and 3. The Mental Health Compound houses the Program for Aggressive Mentally Ill Offenders (PAMIO), Program for the Chronic Mentally Ill (CMI) and Mental Health Offices. Because of the size of the facility and number of buildings the tour of the facility was broken down to include all three days of the audit. The auditor utilized the PREA Compliance Audit Instrument-Instructions for PREA Audit Tour while touring and observing all areas in the facility to verify compliance with the standards. The auditor found offenders are able to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing them. Observations during tours of the housing units confirm staff of the opposite gender announces their presence when entering an offender housing unit. All staff, 100% have received training on conducting cross-gender pat-down searches and searches of transgender and intersex offenders in a professional and respectful manner, consistent with security needs. No blind spots were found, cameras were strategically placed and supervision of offenders were adequate to meet or exceed compliance with the standards and keep offenders safe from sexual abuse.

The Clements Unit has 38 buildings with housing: 16 single cell units; 12 multiple occupancy cell units; 8 open bay/dorm units; and 490 segregation cells (administrative and disciplinary). Video monitoring includes 353 cameras strategically located throughout the facility. These cameras are monitored in: Senior Warden's Office; GP Central Control; 3-Building Lieutenant's Office; ECB Central Control; ECB Major's Office, 12-Building Control; Maintenance; Kitchen; and Infirmary. The facility is in the process of expanding its video program by replacing existing cameras and installing 1,200 to 1,600 cameras. Interviews with the Agency Head designee, the Director, Correctional Institutions Division and the Warden confirm that when updating the video monitoring system they have considered how the technology will enhance the agency's ability to protect offenders from sexual abuse. There has been no expansion, renovations or changes at Clements Unit since August 20, 2012. However, during the interview with the Agency Head designee, the Director, Correctional Institutions Division and the Warden confirmed a multi-disciplinary team from maintenance; engineering, security, Safe Prisons/PREA Management Office, and administration are involved in the process and would account for assessment of design for safe environment.

The maximum security Clements Unit rated capacity is 3,798 with 3,677 (includes 2,036 minimum; 1,225 maximum; 416 (CMI/PAMIO) population on the first day of the audit. The three custody levels consist of General Population levels G-1-G-5, Administration Segregation levels 1A to 3A and Mental Health. The average length of stay for offenders is 18 years and age range of the offenders is 19-78 years. There were 1,329 offenders admitted to the Clements Unit during the last 12 months that received training on the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment upon arrival at the facility. Additionally, these offenders were assessed during intake screening for their risk of being sexually abused by other offenders or sexually abusive toward other offenders within 72 hours of their arrival to the facility.

Currently staff that has contact with offenders at Clements is 1,182 with 284 hired within the last 12 months. Background record checks were completed on the new staff and staff receiving promotions. The Clements Unit has excellent security, offender movement and tracking controlled according to the daily Building Schedule (activities schedule). Mass callouts are used for meals, education, work and religious activities. There is also a written pass system. The Clements Unit has 808 Security Staff assigned to the facility including: three Majors; 12 Captains; 20 Lieutenants; 61 Sergeants; and 712 Correctional Officers operating on two 12-hour security shifts. Also, there is an 8-hour Administrative shift. The facility has 123 non-security staff. During the audit documentation reviewed confirmed 100% of staff in the Clements Unit had received the original PREA training prior to the last 12 months and 100% of staff was retrained during the last 12 months. Staff is very proud of their jobs, knowledgeable about their duties especially to the PREA Standards and confirms they have

received and understand the required original PREA training and new PREA updated training. Review of files and interviews with staff confirm that staff has signed forms confirming they have received and understood the original and new PREA training as required by the standards.

The Medical department is managed by Texas Tech (using Texas Tech University Hospital and the Norwest Texas Hospital) and has medical capabilities that include an ambulatory medical clinic, a telemedicine center, dental and mental health services, and a 17-bed infirmary. Staffing includes: medical 56; dental 7; mental health-PAMIO 54; and out-patient mental health 24. There are Specialty Clinics available that include oral surgery and physical therapy, as well as an on-site medical and psychiatric treatment team.

The Windham School District (WSD) offers a variety of education programs to the offenders housed at the Clements Unit. The programs range from Literacy and Special Education and Pre-Release programs to Cognitive Intervention. The Education Department has a GED success rate of 78%. Career and Technology programs are also offered. Volunteer programs are also available in the form of substance abuse education and faith-based services. The Chaplaincy Department offers volunteer programming for offenders, which honors all Faith services and provides ministerial visits and spiritual growth programs. There is 9 WSD staff at the Clements unit.

The Agency has zero tolerance for sexual abuse and sexual harassment. Sexual abuse and sexual harassment violate Department rules and threaten security. All reports of sexual abuse, sexual harassment, and retaliation against an offender or staff member for reporting or taking part in an investigation of possible sexual abuse or harassment is thoroughly investigated and if there is evidence that a crime was committed, it is prosecuted to the fullest extent permitted by law. Today, TDCJ is proud to be a leader in the national efforts to improve correctional practices under the Prison Rape Elimination Act of 2003 (PREA). The Clements Unit is a well-managed prison housing maximum classification of offenders. Administration has designed, developed, implemented and now are monitoring a comprehensive PREA practice to prevent, detect and respond to sexual abuse and sexual harassment that meets or exceeds all of the required PREA standards.

SUMMARY OF AUDIT FINDINGS

Comparing policies and practice with data received and reviewed, observations, and interviews with staff and offenders to the standard requirements began with the pre-audit activity, continued during the site visit and was completed during the post audit summary report stage. There were 7 standards that substantially exceed requirement of the standard: 115.11 Zero tolerance of sexual abuse and sexual harassment: PREA Coordinator; 115.22 Policies to ensure referrals of allegations for investigations; 115.31 Employee training; 115.32 Volunteer and contractor training; 115.33 Inmate education; 115.34 Specialized training: Investigations; and 115.64 Staff first responder duties. Standards that are non-applicable include: 115.14 Youthful inmates; and 115.66 Preservation of ability to protect inmates from contact with abusers. The other 34 standards are compliant.

An explanation of the findings related to each standard showing policies, practice, observations and interviews are provided in this report under each standard. The Texas Department of Criminal Justice is a leader in national efforts to improve correctional practices under the Prison Rape Elimination Act of 2003 (PREA). Evidence supports PREA is a priority for the Department and there is exceptionally strong leadership at the Clements Unit enforcing the Department's PREA policies that were developed using best practices in corrections.

Number of standards exceeded: 7

Number of standards met: 34

Number of standards not met: 0

Number of standards not applicable: 2

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The auditor reviewed: ED-03.03 P:1; PREA Plan P: ii, 2-6, 14-16, 30 and confirm policies are in place and enforced to ensure the agency has written policies mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct. The policies include definitions of prohibited behaviors regarding sexual assault and sexual harassment of offenders with sanctions for those found to have participated in prohibited behaviors. Also, the PREA Plan includes the agency strategies and response to reduce and prevent sexual abuse and sexual harassment of offenders. Interviews with the PREA Coordinator, Warden and Unit Safe Prison PREA Manager confirm they have been trained on PREA compliance and know PREA means Safe and Secure Prisons. The agency has a zero tolerance toward all forms of sexual abuse and sexual harassment. During the tour of the facility the auditor observed posters in English and Spanish regarding TDCJ zero tolerance toward all forms of sexual abuse and sexual harassment strategically placed throughout the facility.

The TDCJ Executive Director appointment of the Director, Correctional Institutions Division (CID) as the state-wide PREA Coordinator (TDCJ organizational Chart) confirms the Executive Director has designated an upper-level, agency-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee the agency's efforts to comply with the PREA standards in all of its facilities at all times. Review of ED-03.03 P: 1 and interview with the PREA Coordinator confirms policy is in place and she is responsible for the TDCJ agency-wide PREA requirements and has sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities. The PREA Coordinator position in the agency's organizational structure is CID Director reporting to the Executive Director. Interview with the PREA Coordinator, observation during the audit and review of TDCJ Organizational Chart confirms her status.

The Clements Unit is one of many facilities under the direction of TDCJ. Review of PREA Plan P: 8 and interview with the PREA Coordinator and review of the PREA Coordinator duties confirms the agency operates more than one facility, and has required each facility to designate a PREA Compliance Manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA Standards.

The agency's commitment to PREA is shown in the organizational structure developed. There is a PREA Coordinator responsible for the agency-wide PREA with Regional PREA Compliance Managers responsible for PREA in a number of facilities. If a facility does not have a PREA Compliance Manager located at the facility then the facility Warden designates a Unit Safe Prison PREA Manager. Interviews with the PREA Coordinator, the Unit Safe Prison PREA Manager confirm that the Unit Safe Prison PREA Manager has been designated at Clements Unit and he has sufficient time and authority to coordinate the facility's efforts to comply with the PREA Standards. The Clements Unit Safe Prison PREA Manager is a Sergeant with direct access to the Warden.

Review of documentation, observation of zero tolerance posters during tours of facility and interviews with staff and offenders, as described, confirms TDCJ is compliant with Standard 115.11. The agency's zero tolerance for sexual abuse and sexual harassment is a top priority. The Clements Unit staff is committed to operating in compliance with PREA and continues to report all allegations of any form of sexual misconduct to the Office of Inspector General (OIG) a separate division of TDCJ for review and follow up. The facility has invested the necessary resources and time to educate the offender population about their rights under PREA and to train security and civilian staff, contract staff, and volunteers concerning their obligation to identify and report knowledge or suspicion of inappropriate activity related to PREA. The agency's strong support for developing, implementing and monitoring the PREA Standards is evident with the policies developed and enforced. The agency's priority commitment to PREA is evident with three levels of staff beginning with the agency-wide PREA Coordinator, PREA Compliance Managers with multiple facilities and facility Unit Safe Prison PREA Manager. In conclusion, the auditor finds the facility substantially exceeded the requirement for Standard 115.11 Zero Tolerance of Sexual Abuse and Sexual Harassment; PREA Coordinator.

Standard 115.12 Contracting with other entities for the confinement of inmates

- 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of Solicitation, Offer and Award for TDCJ contracts confirms that contracts for the confinement of its offenders with private agencies or other entities, including other government agencies, include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards.

Review of TDCJ Modification of Contract – Description of Modification C 4.25 PREA – Contract will comply with PREA Standards and TDCJ Contract Monitor will monitor each contract for compliance with all PREA Standards confirm any new contract or contract renewal provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards.

Interview with the Agency Contract Administrator confirms that the TDCJ has a contract monitor on site for each of the 15 contract facilities who oversee all the operational practices, the contract practice and the day to day operations of the particular facility. One of their primary responsibilities in monitoring is to make sure that the facility is PREA compliant. The contract monitor completes a compliance review checklist of documentation. All 15 contract facilities have undergone their initial PREA audits. Based on review of documentation and interview with the Agency Contract Administrator the Agency is compliant with Standard 115.12.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-11.52 P: 2-3; SOPM-07.02 P: 1; SOPM-08.01P: 1-2; SOPM-08.06 P: 1; confirm Clements Unit management has developed, documented, and makes its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, Clements Unit has taken into consideration: 1) Generally accepted detention and correctional practices; 2) Any judicial findings of inadequacy; 3) Any findings of inadequacy from Federal investigative agencies; 4) Any findings of inadequacy from internal or external oversight bodies; 5) All components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated); 6) The composition of the offender population; 7) The number and placement of supervisory staff; 8) Institution programs occurring on a particular shift; 9) Any applicable State or local laws, regulations, or standards; 10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and 11) Any other relevant factors. Interviews with the Warden, PREA Coordinator and Unit Safe Prison PREA Manager found the Clements Unit has staffing plans providing adequate staffing levels to protect offenders against sexual abuse using video surveillance to monitor offender movement throughout the complex. The staffing plan is: reviewed annually (May 3, 2016); documented and available. According to the Unit Safe Prison PREA Manager the staffing positions are allocated from the staffing plan established by TDCJ. The Staffing Plan is: within generally accepted guidelines and practices; considers all 11 areas in the first paragraph; determined by the facility physical layout and its daily operational needs; based on the average number of offenders since August 20, 2012 of 3,798 offenders; and is review annually. The facility provided an example of the Clements Unit Facility

Post Closure Report showing circumstances: when the staffing plan was not complied with; the facility documents and justifies all deviations from the plan as reviewed; and reasons staffing plan not met. Deviations from the Staffing Plan are documented in reports and include: Staffing; hospital escorts; and direct and constant observation.

The auditor reviewed: AD-11.52 (f) P:4 and Attachment-A Position Deviation Form; SOPM-08.1P: 1-3; and the Facility Annual Staffing Audit Review RE: Consultation with PREA Coordinator confirming the agency, whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by 115.11, the agency assess, determine, and document whether adjustments are needed to: 1) The staffing plan established pursuant to the first paragraph of this section; 2) The facility's deployment of video monitoring systems and other monitoring technologies; and 3) The resources the facility has available to commit to ensure adherence to the staffing plan. The current average daily staffing level is based on 612 offenders in Clements Unit with the actual average daily number of offenders since August 20, 2012 being 589 offenders. This staffing level is within generally accepted guidelines and practices. Interview with the PREA Coordinator confirmed she is consulted regarding assessments of and adjustments to the staffing plan for Clements Unit on an annual basis.

Review of TDCJ: PO-07.002 P: 2; PO-07.003 P: 2; PO-07.004 P: 2; and PO-07.005 P: 2 confirm Clements Unit has implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice has been implemented for night shifts as well as day shifts. The facility has a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

The auditor reviewed data in examples of log book entries showing executive team and security supervisor announced/unannounced rounds on day and evening shifts; examples of weekly administrative activity report; day and evening shifts, and examples of security supervisor report; Interviews with: PREA Coordinator; Unit Safe Prison PREA Manager; Warden, intermediate-level and higher-level supervisors; and offenders; confirm unannounced rounds are being done on both shifts on a regular basis. Observation while visiting the housing units and reviewing the log books confirm unannounced rounds are being done per Standard 115.13.

Review of: documentation showing development, review and recommendations for improvement of the staffing plan; observation during tour of the facility; interviews with staff during tours; and interviews with random selection of staff and offenders; the Clements Unit is found compliant with the requirements of Standard 115.13 Supervision and Monitoring.

Standard 115.14 Youthful inmates

- 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

A youthful offender shall not be placed in a housing unit in which the youthful offender will have sight, sound or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters. In areas outside of housing units, agencies shall either; 1) maintain sight and sound separation between youthful offenders and adult offenders, or 2) provide direct staff supervision when youthful offenders and adult offenders have sight, sound, or physical contact. Agencies shall make its best efforts to avoid placing youthful offenders in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful offenders daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful offenders shall also have access to other programs and work opportunities to the extent possible. Clements Unit does not have any youthful offenders so Standard 115.14 Youthful inmates is non-applicable.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of AD-03.22 P: 2-3 and Post Orders P: 1 confirms the facility does not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners and all cross-gender strip searches and cross-gender visual body cavity searches are documented. Interview with random selection of staff and offenders found the facility does not allow cross-gender viewing and searches except in exigent circumstances or when performed by medical practitioners per agency policy. There were 8 cross-gender searches or cross-gender visual body cavity searches at the Clements Unit due to exigent circumstances that were documented during the last twelve months. During the tour of housing units the auditor interviewed security staff who confirmed they do not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances.

As of August 20, 2015 for a facility whose rated capacity with 50 or more offenders or August 20, 2017 for a facility whose rated capacity does not exceed 50 offenders, the facility shall not permit cross-gender pat-down searches of female offenders, absent exigent circumstances and documents all cross-gender strip searches and cross-gender visual body cavity searches. Facilities shall not restrict female offenders' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. The Clements Unit is an all-male facility. Therefore this part of the standard is non-applicable.

Review of PREA Plan P: 9 confirms the facility has implemented policies and procedures that enable offenders to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breast, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. These policies and procedures require staff of the opposite gender to announce their presence when entering an offender housing unit. Interviews with random selection of staff and random selection of offenders from each housing unit and tour of the housing units confirm offenders are able to shower perform bodily functions and change clothing without non-medical staff of the opposite gender viewing them as required by the Standard. Interviews with random staff and random offenders and observation during the tour of the housing units confirm staff of the opposite gender announces their presence when entering an offender housing unit.

Review of: AD-03.22 P: 1-2; PREA Plan P: 16; confirm policies are in place to ensure the facility not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary by learning that information as part of a broader medical examination conducted in private by a medical practitioner. Interviews with a random selection of staff including; Major; Captain; Lieutenants; Sergeants; and Correctional Officers confirm they have been trained not to search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. The facility did not have such a search occurring in the past 12 months.

Review of CID-CTSD Curricula PL 11-13 confirm policies are in place to ensure training security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Documentation was provided showing that Clements security staff (100%) has signed a document showing they have received and understands the cross-gender pat-down searches and searches of transgender and intersex offenders. Interviews with random selection of staff confirmed they have received this training in training academy, with initial PREA training and receive in-service PREA training annually.

In conclusion, based on documentation provided and reviewed; observations of showers, toilet areas and dressing areas and interviews with staff and offenders the Clements Unit is compliant with Standard 115.15 Limits to Cross-Gender Viewing and Searches.

Standard 115.16 Inmates with disabilities and inmates 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-04.25 P: 2-4, 8-9; AD-06.25 P:1-2; CMHC G-51.1 P: 1-2; CMHC G-61.5 P: 1-2; Intake Procedure 1.10 and 6.05; PREA Plan P: 32; SM-05.50 P: 1, 4; confirm the agency has policies in place and enforced to ensure the agency takes appropriate steps to ensure that offenders with disabilities (including, for example, offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps include, when necessary to ensure effective communication with offenders who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency ensures that written materials are provided in formats or through methods that ensure effective communication with offenders with disabilities, including offenders who have intellectual disabilities, limited reading skills, or who are blind or have low vision. An agency is not required to take actions that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans With Disabilities Act, 28 CFR 35.164.

Interviews with the CID Director and offenders with disabilities and who are limited English proficient confirm: information is delivered in different formats, written, video, English, Spanish, etc.; policies are in place to provide assistance to any offender identified as having a Special Needs in accordance with Correctional Managed Health Care policy, i.e. American Sign Language Interpreter Services; language assistance is provided to monolingual Spanish offenders; and alert systems are on facilities that house blind and deaf offenders use a system of lights and bells to alert gender supervision changes in the housing area. Interviews with a handicap offender and limited English speaking offender confirmed the facility provides information about sexual abuse and sexual harassment that he is able to understand and he is aware additional assistance is available to him.

Review of: AD-0425 P: 2-4, 8-9; CMHCG-51.1 P: 1-2; CMHCG-51.5 P: 1-2; SM-05.50 P: 4; Interpreter Service E-37.5 P:1; and PREA Plan P: 32; SPPOM-02.03 P: 1; confirm the agency has taken reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to offenders who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Interview with offenders that were limited English proficient confirms the agency has procured Interpretation Services for Individuals with Limited English Proficiency that is available over-the-phone Interpretation Services and in-person (consecutive) Interpretation Services.

Review of: AD-04.25 P: 2-4; 8-9; Intake Procedure 6.05 P: 1; and SM-05.50 P: 4 confirm the agency does not rely, per policy, on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties under 115.64, or the investigation of the offender's allegations. Interviews with staff confirm that offender interpreters for sexual abuse and sexual harassment are not allowed and facility approved interpreters are available for offenders if necessary. In the past 12 months there were no instances where offender interpreters, readers, or other types of offender assistants were used.

In conclusion, based on review of policies and procedures; observation of posters placed strategically in the facility and interviews with random sample of staff and offenders the Clements Unit has taken more than appropriate steps to ensure that offenders with disabilities and limited English proficiency have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment and is compliant with Standard 115.16 Offenders with Disabilities and Offenders who are limited English Proficient.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: ED.PD-71 P: 2, 28-29; ED.PD-73 P: 1, 3-4; ED.PD-75 P: 1-4, 9-10; PREA Plan P: 38; TDCJ Employment Application and Supplement for Agency Application confirm policies are in place and enforced to ensure the agency not hire or promote anyone who may have contact with offenders, and not enlist the services of any contractor who may have contact with offenders, who: 1) Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997); 2) 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, or if the victim did not consent or was unable to consent or refuse; or 3) Has been civilly or administratively adjudicated to have engaged in the activity described in the first paragraph (2) of this section. The interview with the Human Resource Manager found prior to appointment the facility performs criminal record background checks and considered pertinent civil or administrative adjudication for every candidate selected for an employment, contractor or potential promotional appointment is conducted as described in the first paragraph. Prior incidents of sexual harassment are considered when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders.

Review of: ED.PD-75 P: 1-4; TDCJ’s hiring policies; confirm before hiring new employees who may have contact with offenders, the agency: 1) Performs a criminal background records check; and 2) Consistent with Federal, State, and local law, makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse and the agency 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 offenders. Incidents of sexual harassment are strongly considered in considering employment, promotions and contractor. In the past 12 months 284 people who have contact with offenders were hired who had criminal background record checks. The agency performs a criminal background records check before enlisting the services of any contractor who may have contact with offenders. There was one new contractor hired at the Clements Unit during the last twelve months. A background records check was completed for the individual.

Review of ED-PD-27 P: 1-3 and ED-PD-75 P: 4, 10 and confirm policies are in place to ensure the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with offenders or have in place a system for otherwise capturing such information for current employees. Review of policies and interviews with staff confirm all agency employees are subject to an annual criminal offense check during the employee’s birth month, and six months after, to ensure there are no outstanding warrants of arrest. (Reference, PD-27, Employment Status Pending Resolution or Criminal Charges or Protective Orders, page 5, section B.).

Applicants and employees: complete a Personal History and Interview Record Form answering personnel history questions about sexual abuse and sexual harassment activity; and report previous misconduct; The TDCJ imposes upon employees a continuing affirmative duty to disclose any misconduct. Interview with the Human Resource Manager confirm policies and forms are in place to ensure material omissions regarding such misconduct, or the provision of materially false information, are grounds for termination. Review of policies and procedure, PREA Plan P: 40, and interview with the Human Resource Manager confirms unless prohibited by law, the agency provides information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work.

In conclusion, based on review of the documentation provided; observation when visiting the Human Resource area and reviewing employee files; and interviews with Human Resource staff found all elements of this standard in place. The auditor reviewed the list of new employees hired in the last year and reviewed a random selection of files and confirm compliance with the Standard 115.17 Hiring and Promotion Decisions.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion

must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

When designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities the agency shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect offenders from sexual abuse. The Clements Unit has not made a substantial expansion to existing facilities since August 20, 2012 so this part of the Standard 115.18 is not-applicable. However, Agency's SOPM 07.02 P: 1-2 is in place to cover the requirements of this standard.

Review of SOPM-01.14 P: 1 and SOPM-07.02 P: 1-2 confirm policies are in place to ensure when installing or updating a video monitoring system, or other monitoring technology, the agency shall consider how such technology may enhance the agency's ability to protect offenders from sexual abuse. The facility is in the process of expanding its video program by replacing existing cameras and installing 1,200 to 1,600 cameras to replace the existing 353 cameras. The upgrade of cameras was developed with a plan considering how the technology will enhance the agency's ability to protect offenders and staff.

The Clements Unit has not designed, acquired or are planning any substantial expansion or modification of Clements Unit. However, a plan is in place to install or updated a video monitoring system. This plan has been developed considering how the technology will enhance the agency's ability to protect offenders from sexual abuse per agency policy and the PREA Standard. Interviews with Director, Correctional Institutions Division and the Warden confirm the update to the video monitoring system ensures the facility is compliant with Standard 115.18 Upgrades to Facilities and Technology.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.03 P: 1-3; CMHCG-04.05 P: 1-6; CMHCG-57.01 P: 1-2, OIG-04.05 P: 1-6; SPPOM-05.01 P: 1, 2, 4; PREA Plan P: 25-26; confirm policies are in place and enforced to enable TDCJ the responsibility for investigating allegations of sexual abuse and the agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Interviews with warden and investigators confirm TDCJ is responsible for administrative and criminal sexual abuse investigations. Interviews with medical/mental health staff and investigators and review of specific evidence collection and preservation documentation found TDCJ does not conduct on-site forensic medical examinations. When evidentiary or medical appropriate, a victim of sexual abuse is transported to an outside hospital and is provided treatment and services as required by the laws, regulations, standards and policies established by and administered includes but is not limited to, minimum standards and the uniform evidence protocol adopted by the medical facility. The evidence protocol includes sufficient technical detail to aid responders in obtaining useable physical evidence.

Review of policies and procedures and interviews with medical and investigative staff confirm policies are in place to ensure the protocol is developmentally appropriate for youth where applicable, and, as appropriate, is adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violent Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. The Clements Unit is a male adult facility for offenders 18 years and older. Therefore, the part of the standard for youth is non-applicable.

Review of: CMHCG-05.01 P: 1-4; CMHCG-57.9 P: 1-2; OIG-04.05 P: 3; PREA Plan P: 13; policies and procedures and interviews with medical staff and the SANE/SAFE Coordinator for the local Hospital confirm there are policies are in place and enforced to ensure the agency offers all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioner. The agency documents its efforts to provide SAFEs or SANEs. Interviews with the Unit Safe Prison PREA Manager found they have contract hospitals in the area to provide SANE/SAFE forensic medical examinations with the PREA Audit Report

service available 24/7. Should a SANE/SAFE not be available the offender would be seen by medical staff in the emergency room. Interview with facility medical staff confirm the service is available without financial cost to the offender. There were 4 forensic medical exams on offenders from Clements Unit conducted during the past 12 months. The 4 forensic medical exams were performed by qualified SANE/SAFE nurse examiners. There is a team of six SANE/SAFE nurses available to do the forensic medical examinations 24/7. The agency reports victims of sexual assault who require a forensic exam are 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 do not require that be SANE or SAFE training. When possible SANE or SAFE will be utilized. The reference is Senate Bill 1191.

Review of Solicitation Letter confirm TDCJ has policies in place and enforced to ensure the agency attempts to make available to the victim a victim advocate from a rape crisis center. If a rape crisis center is not available to provide victim advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member. Agency documents efforts to secure services from rape crisis centers. For the purpose of this standard, a rape crisis center refers to an entity that provides intervention and related assistance, such as the services specified in 42 U.S.C. 14043g(b)(2)(c), to victims of sexual assault of all ages. The agency may utilize a rape crisis center that is part of a governmental unit as long as the center is not part of the criminal justice system (such as a law enforcement agency) and offers a comparable level of confidentiality as a nongovernmental entity that provides similar victim services.

Review of: SPPOM-02.02 P: 1-2; PREA Plan P: 26; Sexual Annual Victim Representation List of Rape Advocacy Centers; and interviews with Clements Unit Safe Prison PREA Manager, facility medical staff and SANE/SAFE Coordinator from the local hospital confirm a rape crisis center staff is made available to provide victim advocate services. The Unit uses a TDCJ Offender Victim Representative in making a victim advocate available to the victim. The four offenders were provided and accepted victim advocate service.

Review of: CID-OVR Training; PREA Plan P: 12; Solicitation Letter; SPPOM-02.02 P:1-2; and interview with the Offender Victim Representation confirm that policies are in place and enforced to ensure as requested by the victim, the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews and provide emotional support, crisis intervention, information, and referrals. Interviews with medical staff, Unit Safe Prison PREA Manager and SANE/SAFE Coordinator from the local hospital confirm that policies are in place to ensure victim advocate services are available.

The requirements of all paragraphs of this section shall also apply to: 1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and 2) Any Department of Justice Component that is responsible for investigating allegations of sexual abuse in prisons or jails. The agency is responsible for administrative and criminal investigations. Therefore, this part of Standard 115.21 is non-applicable.

Review of PREA Plan P: 25 and SPPOM-02.02 P: 1-3 confirm for the purposes of this section, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. The agency is responsible for administrative and criminal investigations. Therefore, this part of Standard 115.21 is non-applicable.

In conclusion, based on; documentation reviewed; interviews with medical, mental health staff and hospital staff; TDCJ is responsible for administrative and criminal investigations; forensic medical examinations are conducted in a hospital; and are available to victims at no cost with victim advocate services available to offender victims of sexual abuse. The Clements Unit is compliant with Standard 115.21 Evidence Protocol and Forensic Medical Examinations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-02.15 P: 5, 14 and Attachment B; AD-16.20 P: 1, 3-4; OIG-04.05 P: 1; PREA Plan P: 26; SPPOM-05.01 P: 1; SPPOM-05.05 P: 1; confirm policies are in place and enforced to ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Interview with the CID Director found there are multiple policies that cover both administrative and criminal investigations for sexual abuse or sexual harassment. All administrative investigations are reported to, and then conducted by TDCJ police, the Office of the Inspector General (OIG) which is a separate division of TDCJ. The OIG also assists in conducting staff-on-offender sexual abuse administrative investigations as well. During the last 12 month there were 108 allegations (63 of them from the same offender) of sexual abuse at Clements with 4 substantiated, 27 unsubstantiated 77 unfounded and 104 completed with 4 active/open. Four of the allegations have been referred for criminal investigation. Four of the allegations were reported by another TDCJ facility receiving offenders from the Clements Unit and 2 were for allegations from an offender arriving at the Clements Unit that occurred at another TDCJ facility. All allegations were handled according to Agency policies and procedures and PREA Standards.

Reviews of: AD-02.15 P: 1, 3-5 and Attachment B; AD-16.20 P: 3, 4, 6; ED.PD-29 P: 1, 4, 5; BP-01.07 P: 1, 2, 4; OIG-04.05 P: 1, 3, 5; SPPOM-05.01 P: 2; and interviews with investigative staff confirm policies are in place and enforced to ensure allegations of sexual abuse or sexual harassment are referred for investigation to an agency (TDCJ) with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency publishes such policy on its website or, if it does not have one, makes the policy available through other means. The agency documents all such referrals. Review of the TDCJ's website found: the PREA Policy; History of Combating Sexual Abuse; Report Sexual Abuse; all having valuable additional information available by clicking on the area desired.

Review of policies included SPPOM-05.01 P: 1-4. The interviews with the PREA Coordinator and investigative staff found administrative investigations are conducted by staff trained in PREA investigations. The reports are given to a supervisor who completes the documentation requirements contained within the Safe Prisons/PREA Manual and EAC requirements. Notifications are made to the appropriate officials, such as the facility warden, the OIG, medical and mental health staff, and the Unit Safe Prisons PREA manager. Depending on the nature of the incident, forensic medical exams are conducted, victim representatives are offered, statements gathered, interviews conducted, review of available monitoring equipment, and other elements to satisfy a sound correctional investigation into the allegations are completed. Summaries of investigations are reviewed through established incident review processes. All policies governing such investigations and conducted are complied with.

If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity. The TDCJ is responsible for conducting criminal investigations. Review of policies and procedures confirm that TDCJ is responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails and has in place a policy governing the conduct of such investigations. This part of the standard is non-applicable.

Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations. The Department of Justice is not responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in Texas Department of Criminal Justice facilities. Therefore, this part of the standard is non-applicable.

In conclusion, based on the interview with the CID Director and investigators for the Clements Unit they confirmed the policies are in place to ensure all allegations of sexual abuse, sexual threats and retaliation concerning an incident of sexual abuse or sexual harassment is thoroughly investigated. Other interviews with random staff and specialty staff confirm that all allegations of sexual abuse, sexual harassment and retaliation are immediately investigated. Referrals of allegations for investigations is a number one priority of the facility and the requirements of the agency policies and the standards are enforced immediately with staff and offenders aware of the seriously implications of PREA. Review of documents including files, observations during tour, and interviews with staff and offenders the facility substantially exceed the requirements for Standard 115.22 Policies to Ensure Referrals of Allegations for Investigations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific

corrective actions taken by the facility.

Review of: AD-12.20 P: 1, 8; PREA Curriculum CID Pre-Service Training and In-Service Training; P: 1-22; PREA Plan P: 37-38; SPPOM-06.01 P: 1-2; confirm TDCJ has policies in place and enforced to ensure training all employees who may have contact with offenders on: 1) Its zero-tolerance policy for sexual abuse and sexual harassment P:3; 2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures P:3,4; 3) Offenders 'rights to be free from sexual abuse and sexual harassment P:4; 4) The right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment P:7; 5) The dynamics of sexual abuse and sexual harassment in confinement P:4; 6) The common reactions of sexual abuse and sexual harassment victims P:7-8; 7) How to detect and respond to signs of threatened and actual sexual abuse P:7; 8) How to avoid inappropriate relationships with offenders P:5; 9) How to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders P:9; and 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities P:7. Interviews with random sample of staff, specialty staff and executive staff, and review of employee signed training rosters confirm that the PREA training has been given to: each new employee; all current staff within one year of the effective date of PREA and PREA training is including in the annual in-service training. The training records show that all employees signed they have received and understood their responsibilities under PREA.

Review of the PREA Plan P: 32-33 and confirm policies are in place and enforced to ensure; TDCJ training is tailored to the gender of the offenders at the employee's facility; employees who are reassigned from facilities housing the opposite gender are given additional training; between training the agency provides employees who may have contact with inmates with information about current policies regarding sexual abuse and harassment; the training and retraining is given annually; and staff attending PREA training document they have attended and understand the training . Interviews with staff confirm employees receive additional training if the employee is reassigned from a facility that houses only female offenders, or vice versa. Familiarization training policy review confirms all agency employees who have been newly transferred from one facility to another receive familiarization on compliance with PREA and the Department's Sexual Abuse Prevention and Response Procedures. Such familiarization training is tailored to the gender of the offender at the facility. The Clements Unit is an all-male facility and by facility policy staff is trained tailored to male offenders. Staff interviews confirm they have received training tailored to male offenders. Interviews with Unit Safe Prison PREA Manager and staff confirm all current 1,182 employees (100%) were originally trained in PREA Policies and the agency provided each employee with refresher training every year to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures and the agency provides refresher information on current sexual abuse and sexual harassment policies. During the last 12 months the Clements Unit has 284 new employees who have contact with inmates that received the mandatory training while attending the academy or special training for non-security staff. Review of ED-12.10 P: 1-8 and PD-97 P: 1,4-6, Attachment A and interviews with staff including review of signed documents by staff receiving training confirm policies are in place and enforced to ensure documents, through employee signature or electronic verification, that employees understand the training they have received.

In conclusion, based on the excellent PREA employee training curriculum developed including training tailored to the gender of the offenders at the employee's facility, and tracking program in place to confirm all employees who have contact with offenders have received and understand their responsibilities under PREA and interviews with specialty, security and non-security staff and observations and questions answered during tour of the facility the Clements Unit substantially exceeds the requirements of Standard 115.31 Employee 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: A Letter of Orientation for Special Volunteers; A Handbook for Volunteers; AD-02.46 P: 1; PD-29 P: 6; PREA Plan P:34-35; Volunteer Training Facilitators Guide; Volunteer and Contractor Curriculum P: 21-24 S: 34-35; Explanation Statement of Fact; Volunteer Service Plan: confirm policies are in place and enforced to ensure that all volunteers and contractors who have contact with offenders have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and PREA Audit Report

procedures. Interviews with the Unit Safe Prison PREA Manager and volunteers and contractors who have contact with offenders confirm they have received PREA training on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures.

Review of PREA Plan P: 34-35 and Volunteer and Contractors Facilitators Guide Plan and interviews with the Unit Safe Prison PREA Manager and volunteers and contractors confirm policies are in place to ensure the level and type of training provided to volunteers and contractors is based on the services they provide and level of contact they have with offenders, but all volunteers and contractors who have contact with offenders are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Interviews with Unit Safe Prison PREA Manager and volunteers and contractors who have contact with offenders found they have been notified of the agency's zero-tolerance policy on sexual abuse and sexual harassment as well as informed about how to report such incidents. Interview with the individual who supervises volunteers confirmed volunteers receive training based on the level of contact they have with offenders with all volunteers trained in the agency's zero tolerance policy.

Review of AD-07.35 P: 12 and Acknowledgement of training/orientation Appendix F confirms the facility maintains documentation confirming that volunteers and contractors have received the required PREA training and understands the training they have received. Sample PREA Volunteer and Contractors Training Forms signed by the volunteers and contractors were reviewed showing they had received and understood their responsibilities from the PREA training. There were 100 % of 24,514 Agency volunteers and 100% of 65 facility contractors who have contact with offenders who were trained in agency policies and procedures regarding sexual abuse/harassment prevention, detection, and response.

Documentation reviewed; interviews with Unit Safe Prison PREA Manager and volunteers and contractors; reviewing volunteer signed rosters; and observations during tour with response to questions; confirm the Clements Unit is compliant with this standard. Based on the high level of PREA training TDCJ provides the Clements Unit substantially exceeds the requirements of Standard 115.32 Volunteer and Contractor Training.

Standard 115.33 Inmate 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: Offender Orientation Handbook, March 2016; SPPOM-06.02 P: 1-2; PREA Plan P: 32; UCP-5.00 P: 1-2 and Unit Orientation; Prison Rape TAASA Brochure; confirm policies are in place and enforced to ensure during the arrival to the facility process, offenders receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Interview with staff receiving the offenders confirm offenders are provided with information about the Department's zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment immediately when they arrive at the facility during intake. Interviews with random sample of offenders confirm they receive the valuable PREA information verbally and in writing. The auditor observed arrival of new offenders to the facility and saw the PREA packets given to the offenders. There were 1,182 offenders at Clements Unit admitted during the past 12 months with 100% given PREA information at intake. Review of policies identified in the first paragraph confirm policy is in place and enforced to ensure within 30 days of intake, the agency provides comprehensive education to offenders either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

During the interview with admitting staff the staff advised they meets every offender privately on the day of their arrival to the facility and addresses their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents. This process was confirmed with interviews of random sample of offenders and staff. Review of policies confirms policies are in place to ensure current offenders who received such education upon transfer to a different facility to the extent that the policies and procedures of the offender's new facility differ from those of the previous facility. According to interviews with the Unit Safe Prison PREA Manager and staff all offenders in the facility have been educated in

PREA and offenders transferred in from another facility receive the PREA information upon arriving at the facility with formal PREA during orientation which is given within 7 day from arriving at the facility. Interviews with transfer-in offenders confirm they receive PREA information at intake and PREA education at the orientation.

Review of: AD-04.25 P: 1; AD-06.25 P: 1; CMHCG-51.1 P: 2; List of staff who speak languages other than English or Spanish; Offender SAA Video, Letters, Script; SPPOM-02.03 P: 1; confirm the agency has policies in place that require they provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as to offenders who have limited reading skills. Copies of New and Updated PREA Materials and PREA: Offender Orientation Film Implementation was reviewed and confirms PREA material is available in a variety of languages with interpretation services provided in accordance with the Department's Language Access Policy. In the event that an offender has difficulty understanding the written material due to a disability or limited reading skills then appropriate staff provides assistance. The auditor reviewed the films and found them to be excellent content and of professional quality. The films are shown to all offenders during the reception, classification and facility offender orientation process. Interview with the Unit Safe Prison PREA Manager confirms the Reasonable Accommodations PREA Information ensures reasonable accommodations for offenders with Sensorial Disabilities provides equal access to all information provided to general population.

Review of PREA Plan P: 32 and SPPOM-06.02 P: 1-2, attachment Q and interviews with random sample of offenders confirmed they had received PREA written information and participated in PREA educational sessions and documented in writing their receipt and understanding of the material the day they receive the training. The intake supervising staff also confirmed offenders sign a form when receiving material and training. Review of offender signed documentation confirms the agency policy requires maintaining documentation of offender participation in these education sessions.

Review of PREA Plan P: 32, Prison Rape Brochures and Offender SAA Video Script and interviews with staff and inmates confirm in addition to providing such education, the agency ensures that key information is continuously and readily available or visible to offenders through posters, offender handbooks, or other written formats. Observations during the tour of the facility found PREA posters, telling offenders of their right to be free of sexual abuse and how to report incidents of sexual abuse, are strategically placed throughout the facility. Each offender receives an Offender Orientation Handbook and The Prevention of Sexual Abuse in Prison. Interviews with offenders find they are aware of their rights to be free from sexual abuse and sexual harassment and know how to report such allegations.

In conclusion, based on all offenders arriving at the facility receiving PREA information on day of arrival; offenders receiving complete PREA education training within 7 days of arrival at the facility; professional written PREA materials developed; PREA films available and offenders signing acknowledgement forms documenting training received the auditor finds the Clements Unit substantially exceeds requirement of Standard 115.33 Offender Education.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: BP-01.07 P: 1-3; CID Specialized Investigation-Conducting a Thorough Investigation; OIG-02.15 P:1, 3-4; OIG-04.05 P: 1,3,5; OIG curriculum LP-2029/LP-3201;PD-97 P: 5-6,Attachment A; CTSD Specialized Investigations; PD-97 Training and Staff Development; confirm policies are in place and enforced that ensure that in addition to the general training provided to all employees pursuant to 115.31, TDCJ ensures that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings. Interview with investigative staff found they received training specific to conducting sexual abuse investigations in confinement settings beginning with a three week investigations school and then on-the-job-training with a seasoned investigator. Additionally they have completed the special course "Investigating Sexual Abuse in a Confinement Setting" a course on interview, interrogation, and evidence collection.

Review of: AD-16.03 P: 1-2; CID Specialized Investigations; CMHC-25.1 P: 1; and interviews with investigators confirm policies are in PREA Audit Report

place and enforced to ensure specialized training includes 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. Interviews with investigative staff found the specialized training for investigators included: Techniques for interviewing sexual abuse victims; Proper use of Miranda and Garrity warnings; Sexual abuse evidence collection in confinement settings; and Criteria and evidence required to substantiate a case for administrative or prosecution referral. Review of training logs confirmed training received.

Review of: OIG.OPM-02.15 P: 1; NIC PREA Training Test Results; PD-97 P: 5-6, Attachment A; confirm TDCJ has policies in place and maintains documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. Training reports are on record and reviewed by the auditor confirming the 12 investigators for the Clements Unit currently employed by TDCJ have completed the required specialized training for investigators.

Any State entity or Department of Justice component that investigates sexual abuse in confinement setting shall provide such training to its agents and investigators who conduct such investigations. There is no State or Department of Justice component and this part of the standard is non-applicable.

The agency has trained investigators in each facility who act immediately to any actual or potential allegation of sexual abuse or harassment. These individuals notify the IG immediately and the investigation process begins. In conclusion, based on review of policies, procedures and training records, and interviews with investigators: investigators have received special training in conducting investigations in confinement settings, received specialized training and signed forms documenting they have received and understand the training resulting in the facility substantially exceeds the requirement for Standard 115.34 Specialized Training: Investigations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.03 P: 1; CMHC G-19.1 P: 1; CMHC G-25.1 P: 1; CMHC G-57.1 P: 1; and Medical and Mental Health Training Post-Test; confirm TDCJ ensures that all full-and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: 1) How to detect and assess signs of sexual abuse and sexual harassment; 2) How to preserve physical evidence of sexual abuse; 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. Interviews with medical and mental health staff confirm that full-and-part medical and mental health care practitioners have received training as described in 1-3 in the first paragraph. Medical and mental health care practitioners who work regularly at the Clements Unit include 65 contractors with 100% receiving the required training.

If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations. The TDCJ policy does not train medical staff to conduct forensic medical exams as this policy directs medical staff to send offender victims to an outside hospital emergency department for evaluation by a certified Sexual Assault Forensic Examiner (SAFE) or certified Sexual Assault Nurse Examiner (SANE). Interviews with medical staff confirm they do not perform forensic medical exams as the offender is taken to a medical facility that has SAFE and SANE service 24/7. Therefore, this part of Standard 115.35 is non-applicable.

Review of policies and interviews with medical staff confirm TDCJ policies are in place and enforced to ensure medical and mental health care practitioners receive the training mandated for employees under standard 115.31 or for contractors and volunteers under 115.32, depending upon the practitioner's status at the agency. The University of Texas Medical Branch (UTMB) staff/practitioners who regularly work at Clements Unit have received the specialized training. Interviews with medical and mental health contract staff confirm they receive PREA training mandated for employees under 115.31. Review of training records indicate that all medical and mental health staff sign showing they received and understand the PREA training.

In conclusion, based on review of policies, procedures, training records; interviews with medical and mental health staff and observations
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during the tour of the medical and mental health area of the Clements Unit meets the requirements of and is compliant with Standard 115.35 Specialized Training: Medical and Mental Health Care.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: CMHC-E-35.1 P: 1; PREA Plan P: 16; SPPOM-03.01 P; Attachment E; confirm policies are in place and enforced that ensures all offenders are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other offenders or sexually abusive toward other offenders. Interview with staff who performs screening for risk of victimization and abusiveness confirms that he screens offenders upon admission to the facility and transfer from another facility for risk of sexual abuse victimization or sexual abusiveness toward other offenders per TDCJ policies. Interviews of random sample of offenders confirm they received the screening as described.

Review of: SPPOM-03.01 P: 1; SPPOM-03.01 Attachment E; SPPOM-03.01 P: 1 Assessment Screening; and PREA Plan P: 16; confirm policy is in place and enforced ensuring intake screening ordinarily take place within 72 hours of arrival at the facility. Interview with the staff who performs the screening at the facility confirm by TDCJ policy the initial assessment must include a preliminary review by Security, Health Services and Classification staff within 24 hours of an offender's arrival at the reception facility. The sending facility senior correction counselor advises the receiving facility and each in-transit facility, via electronic mail to the watch commander, of any such history. Upon each transfer, any offender so identified will be screened by a security supervisor within 24 hours of arrival at the facility for any indication of current sexual vulnerability or sexually aggressive behavior. Information from the screening process, the initial assessment, quarterly reviews, and offender disciplinary history, will be reviewed and considered for purposes of classification, housing assignments and programming, etc. During the last 12 months 1,312 offenders at the Clements Unit entering the facility were screened for risk of sexual victimization or risk of sexually abusing other offenders within 24 hours of their entry into the facility.

Review of: IPM-CL-69 P: 3; Offender Intake Processing Psychological Screening; SPPOM-03.01 Attachment E; confirm that assessments are being conducted using an objective screening instrument. Interviews with the PREA Coordinator, Unit Safe Prison PREA Manager and classification staff and review of the Intake Screening Form confirm the agency meets the requirement of using objective screening instrument. The auditor attended a screening of an offender observing that the objective screening instrument was being used.

Review of PPOM-03.01 P: 4-5 and PREA Plan P: 16 confirms that the objective screening instrument used during intake screening considers, at a minimum, the following criteria to assess offenders for risk of sexual victimization: 1) Whether the offender has a mental, physical, or developmental disability; 2) The age of the offender; 3) The physical build of the offender; 4) Whether the offender has previously been incarcerated; 5) Whether the offender's criminal history is exclusively nonviolent; 6) Whether the offender has prior convictions for sex offenses against an adult or child; 7) Whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; 8) Whether the offender has previously experienced sexual victimization; 9) The offender's own perception of vulnerability; and 10) Whether the offender is detained solely for civil immigration purposes. (d) Note each item prescribed by the PREA standard that is missing from the facility's risk screening instrument; note each item not prescribed in the PREA standards that is included in the facility's instrument. Interview with staff performing the screening process and review of the screening instrument confirmed that the initial risk screening considers: consideration of any offender disabilities; offender age; physical build; previous incarceration; criminal history exclusively nonviolent; offender criminal history; perceived sexual orientation; previous sexual victimization; offender perception of vulnerability and whether detention is related to civil immigration.

Review of: CMHC-E-35.1 P: 2; Intake Procedures-5.06 P: 1; and PREA Plan P: 17; confirms policies and forms are in place to ensure 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 agency, in assessing offenders for risk of being sexually abusive. Interview with the staff performing the screening process and review of the risk screening form confirmed that the initial risk screening includes assessments including: prior acts of sexual abuse, prior convictions for violent offenses and history of prior institutional violence or sexual abuse, as known to the agency, to

assess the offender for risk of being sexually abusive. Review of the PREA Intake Screening Form confirms all of the screening areas identified by the staff performing the screening appear on this form.

Review of PREA Plan P: 17 and forms and interview with screening staff confirms TDCJ policies are in place to ensure within a set time period, not to exceed 30 days from the offender's arrival at the facility, the facility will reassess the offender's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening. There were 41 offenders at Clements Unit that required additional 30 day screening. The additional screening was per policy and standard requirement. Interview with the staff performing the screening process confirmed that the facility reassess the offender's risk of victimization or abusiveness within 30 days per TDCJ policy. Interviews with random sample of offenders confirm the reassessment process occurs as required.

Review of SPPOM-03.01 Assessment Screening documents and interview with screening staff confirms policy is in place and enforced to ensure an offender's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness.

Review of SPPOM-03.01 P: 2 and Assessment Screening confirms policy is in place and enforced to ensure offenders are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked about: whether the offender has a mental, physical, or developmental disability; whether the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether the offender has previously experienced sexual victimization; and the offender's own perception of vulnerability. Interview with the staff performing the screening process confirm that offenders are not disciplined for refusing to answer, or for not disclosing complete information in response to questions asked. Interview with specialty staff and Unit Safe Prison PREA Manager also confirm offenders are not disciplined for these four areas of this section.

Review of: CMHC-A-09.1 P: 1; CMHC-H-61.1 P: 1; PREA Plan P: 19; SPPOM-03.01 P: 2; confirm TDCJ has policies in place to ensure the department implements appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the offender's detriment by staff or other offenders. According to interviews with the PREA Coordinator, Unit Safe Prison PREA Manager and the staff responsible for screening offenders confirm the agency outlines who should have access to an offender's risk assessment within the facility in order to protect sensitive information from exploitation and those including only those with a "need to know" allowed having access. Apart from reporting to designated supervisions or officials, staff does not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in Agency policy, to make treatment, investigation, and other security and management decisions.

In conclusion, based on review of policies and screening forms; interviews with PREA Coordinator, Unit Safe Prison PREA Manager and the staff responsible for screening; and observations when visiting the screening process for offenders the Clements Unit is compliant with Standard 115.41 Screening for Risk of Victimization and Abusiveness.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-04.17 P: 1; AD-04.18 P: 1; IPM-4.01 P: 1; PREA Plan P: 18; SPPOM-03.01 Assessment Screening P: 1; SPPOM-03.02 P: 1-2; UCPM 4.00 P: 1-2; confirms TDCJ has a policy in place showing how use of information from the risk screening required by 115.41 is limited to inform housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. According to the interviews with staff responsible for screening and the Unit Safe Prison PREA Manager the agency information from the risk screening during intake is reviewed and assessed with the Unit Safe Prison PREA Manager, security and medical/mental health staff. Information is only used to inform housing, bed, work, education and program assignments.

Review of: AD-04,17 P: 1; AD-04.18 P: 1; CMHC-E-35.1P: 1-2; PREA Plan P: 18; SPPOM-03.01 P: 1; SPPOM-03.02 P: 1-2; UCPM-4.00
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P: 2; confirm TDCJ policies are in place to ensure the agency makes individualized determinations about how to ensure the safety of each offender. Interviews with the staff responsible for screening offenders and the Unit Safe Prison PREA Manager found the facility uses the intake screening information to make individualized determinations to ensure offender safety.

Review of CMHC-G-51.11 P: 1-2 confirms policy is in place to ensure in deciding whether to assign a transgender or intersex offender to a facility for male or female offenders, and in making other housing and programming assignments, the agency considers on a case-by-case basis whether a placement would ensure the offender's health and safety, and whether the placement would present management or security problems. According to the interview with Unit Safe Prison PREA Manager, transgender or intersex offenders goes through PREA risk assessment with the information gained from the correction counselor interview the basis for determining the offender's initial housing assignment. This housing assignment may be changed after the offender is further evaluated by the appropriate staff. According to interviews with transgender offenders staff asked them about their safety with housing and programmatic decisions of when and where education, work and exercise would occur. The transgender offenders said they: had not been put in housing area only for transgender offenders; are allowed the opportunity to shower separately from other offenders; and they had not been search for the sole purpose of determining their genital status. The transgender offenders stated they are treated with respect by security and non-security staff and feel safe in the Clements Unit.

Review of Review of PREA Plan P: 19 and SPPOM 3.02 P: 1-2 confirm TDCJ policies ensure placement and programming assignments for each transgender or intersex offender is reassessed at least twice each year to review any threats to safety experienced by the offender. According to interviews with Unit Safe Prison PREA Manager and staff responsible for screening offenders, placement and programming assignments for each transgender or intersex offender is reassessed to review any threat to safety quarterly with classification and offender rehabilitation coordinator and staff responsible for screening offenders. During interviews with transgender offenders they advised me they are reassessed for their safety on a quarterly basis.

Review of Review of PREA Plan P: 19 and SPPOM-3.02 P: 2 confirm a transgender or intersex offender's own view with respect to his or her own safety shall be given serious consideration. According to interviews with Unit Safe Prison PREA Manager and staff responsible for screening offenders, transgender and intersex offenders' views of his safety are given serious consideration in placement and programming assignments. Interviews with transgender offenders confirm staff asks those questions about their safety and they responded they feel very safe at the facility.

Review of PREA Plan P: 19 confirm a policy is in place and enforced to ensure transgender and intersex offenders are given the opportunity to shower separately from other offenders. Transgender and intersex offenders take showers at a dedicated time at the Clements Unit. During interviews with transgender offenders they confirm they are able to take showers separately from other offenders.

Review of PREA Plan P: 19 confirms policies are in place and enforced to ensure the agency shall not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders. Interviews with the Warden and Unit Safe Prison PREA Manager confirms the Agency does not have any dedicated facilities, units, or wings solely for lesbian, gay, bisexual, transgender, or intersex offenders.

In conclusion, based on; review of policies and procedures; interviews with the PREA Coordinator, staff who conduct the risk screening of offenders, transgender offenders and Unit Safe Prison PREA Manager the Clements Unit is compliant with Standard 115.42 Use of Screening Information.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

SPPOM-05.05 P:5; SPPOM-Offender Protection Investigation Form P: 5; confirm the agency has a policy in place and enforced to ensure offenders at high risk for sexual victimization shall are not 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 a facility cannot conduct such an assessment immediately, the facility holds the offender in involuntary segregated housing for less than 24 hours while completing the assessment. According to interview with the Warden agency policy prohibits placing offenders at high risk for sexual victimization or has alleged sexual abuse in involuntary segregated housing in lieu of other housing areas, unless an assessment has determined there are no available alternative means of separation from potential abusers (last resort). During the last 12 months no offenders at risk of sexual victimization were held in involuntary segregated housing.

Review of Administration Segregation P: 15-16, 19 and PREA Plan P: 18 confirm the agency has a policy to ensure offenders placed in segregated housing for this purpose shall 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: 1) The opportunities that have been limited; 2) The duration of the limitation; and 3) The reasons for such limitations. According to interview with staff who supervises offenders in segregated housing for protection from sexual abuse or after having alleged sexual abuse they would have access to: programs; privileges; and education. They do not have access to work opportunities. The auditor observed and confirmed no offenders were in protective custody for protection from sexual abuse during the tour of the housing units. The Clements Unit did not place an offender in involuntary or voluntary protective custody due to being high risk for sexual victimization during the last 12 months. Since no offenders were placed in protective custody due to being high risk for sexual victimization the auditor was not able to interview an offender.

Review of Guidelines for Administrative Segregation Committee Members and PREA Plan P: 18 confirms the agency has a policy ensuring the facility assigns such offenders to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days. According to interviews with the Warden and staff supervising offenders in segregated housing, offenders at high risk for sexual victimization or who have alleged sexual abuse are placed in involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged and is used as a last resort and for a time of less than 30 days. Since no offenders were assigned to segregate housing for high risk for sexual victimization up to 30 days the auditor was not able to interview an offender.

Review of PREA Plan P: 18 confirm the agency has a policy ensuring if an involuntary segregated housing assignment is made pursuant to the first paragraph of this section, the facility shall clearly document: 1) The basis for the facility's concern for the offender's safety; and 2) The reason why no alternative means of separation can be arranged. According to interviews with the Warden, Unit Safe Prison PREA Manager and staff supervising offenders in segregated housing policies are in place to identify and document the basis for the facility's concern for the offender's safety and the reason why no alternative means of separation can be arranged. However, since zero offenders at risk of sexual victimization were held in involuntary segregated housing in the past 12 months there were no offender files to review.

Review of: Ad Seg Plan P: 11; I-204 Guideline for ASC Members P:2; PREA Plan P: 19; confirm the agency has a policy ensuring every 30 days, the facility affords such offender a review to determine whether there is a continuing need for separation from the general population. According to interviews with the Warden, Unit Safe Prison PREA Manager and staff supervising offenders in segregated housing policies are in place to ensure review of the offender every 30 days to determine whether there is a continuing need for separation from the general population. However, since zero offenders at risk of sexual victimization were held in involuntary segregated housing in the past 12 months there were no offenders to interview or files to review.

The Clements Unit has not placed an offender in involuntary or voluntary Protective Custody solely due to being a high risk for sexual victimization. In conclusion, based on review of policies and procedures and interviews with the Warden, Unit Safe Prison PREA Manager and staff supervising offenders in segregated housing; observations during tour of housing units the Clements Unit is compliant with Standard 115.43 Protective Custody.

Standard 115.51 Inmate 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific

corrective actions taken by the facility.

Review of: BP-03.91 P: 3, 8; Immigration Statement of Fact; PREA Plan P: 20; SPPOM-Attachment A; SPPOM-Attachment AS; TBCJ PREA Brochure; confirms the agency has policies in place and enforced ensuring multiple internal ways for offenders to privately report sexual abuse and sexual harassment, retaliation by other offenders or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. According to interviews with random sample of staff and offenders, an offender may report an incident of sexual abuse, sexual threats or any act of retaliation verbally or in writing, anonymously and from third parties. Verbal reports are promptly documented. Interviews with random sample of offenders confirm that they are very aware of the many ways they can report sexual abuse and how to do so privately. Observations and answers to questions during the tour showed complete offender's knowledge of PREA and reporting opportunities available to them.

Review of: AD-14.09 P: 1,8-9; BP-03.91 P: 8; ED-02.10 P: 1; PREA Plan P: 23; confirm the agency has policies in place that ensures the agency provides at least one way for offenders to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward offender reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. Offenders are not detained solely for civil immigration purposes so this part of the standard is non-applicable. According to interview with Unit Safe Prison PREA Manager and review of documentation advising offenders can contact the State PREA Ombudsman Office or the Texas Board of Criminal Justice (TBCJ) to privately report sexual abuse and sexual harassment to agency officials. Offenders can send sealed and uninspected letters to special and media correspondents. Special correspondents include: member of Texas Board of Criminal Justice; TDCJ Executive Director; Deputy Executive Director; any Division Director; Deputy Director; PREA Ombudsman; or Warden. Observations during facility tour found posters strategically posted throughout the facility and responses to questions during tour of the Complex confirm staff and offenders understand how to report abuse or harassment to a public or private entity or office that is not part of the agency. Review of the Statement of fact confirms TDCJ does not detain offenders solely for civil immigration purposes.

Review of: SPPOM-05.05 P: 1, Attachments A and J; General Information Guide for Families of Offenders Brochure; TDCJ PREA Plan P: 21; confirm the agency has policies directing staff to accept reports made verbally, in writing, anonymously, and from third parties and they are required to promptly document verbal reports. According to interviews with random sample of staff and offenders when an offender alleges sexual abuse or sexual harassment he can do so verbally, in writing, anonymously, and from third parties. Verbal reports are documented immediately. Interviews with random sample of offenders confirm they have received, read and understand the pamphlet on PREA and are aware of these opportunities to report sexual abuse or sexual harassment.

Review of PREA Plan P: 23 advising staff contact the PREA Ombudsman and the Office of the Inspector General confirm TDCJ has policies in place and enforced to ensure and provide a method for staff and offenders to privately report sexual abuse and sexual harassment of offenders. Interviews with random and specialty staff confirm they are aware of how they can privately report sexual abuse and sexual harassment of offenders as described in narrative for the standard. Staff is informed of this reporting procedure by policy and sexual abuse prevention and response training.

In conclusion, based on: review of development, implementation and monitoring of policies and procedures; interviews with random sample of staff and offenders; observations and answers to questions regarding offender reporting during tour of housing units; and the distribution of a new updated PREA pamphlet the auditor finds the Clements Unit is compliant with Standard 115.51 Offender Reporting.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-03.82 Management of Offender Grievances P: 1, 3-6; BP-03.77 Offender Grievances P: 1; confirm policies are in place and enforced to ensure the agency has an administrative procedure for dealing with offender grievances regarding sexual abuse. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager confirm administrative

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policies are in place for dealing with offender grievances regarding sexual abuse.

Review of: AD-03.82 P: 5-6; BP-03.77 P: 1; Offender Grievance Logs; and PREA Plan P: 23; confirm policies are in place and enforced to ensure: 1) The agency does not impose a time limit on when an offender may submit a grievance regarding an allegation of sexual abuse; 2) the agency applies otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse; 3) the agency does not require an offender to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse; 4) nothing in this section shall restrict the agency's ability to defend against an offender lawsuit on the ground that the applicable statute of limitations has expired. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager report the policies are in place and enforced for items 1-4 in the above paragraph.

Review of: AD-03.82 P: 8; BP-03.77 P: 1; and PREA Plan P: 23; confirm policies are in place and enforced to ensure that: 1) an offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and 2) such grievance is not referred to a staff member who is the subject of the complaint. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager Report offenders can submit a grievance without submitting it to a staff member who is the subject of the complaint and the grievance is not referred to such staff member.

Review of: PREA Plan P: AD-03.82 P: 5-6, 9; OGOM-400 P:1; and Grievance Logs; confirm policies are in place and enforced to ensure: 1) the agency issues a final agency decision the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance; 2) computation of the 90-day time period does not include time consumed by offenders in preparing any administrative appeal; 3) the agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The agency shall notify the offender in writing of any such extension and provide a date by which a decision will be made; and 4) at any level of the administrative process, including the final level, if the offender does not receive a response within the time allotted for reply, including any properly noticed extension, the offender may consider the absence of a response to be a denial at that level. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager confirm: decision on merits of grievance or portion of a grievance are made within 90 days of the filing; in past 12 months there were 63 grievance filed at Clements Unit with initial response within 48 hours; no grievance extensions were requested; no extensions requested so no notifications to offenders were required.

Review of: AD-03.82 P: 4; and OGOM Section 9 P: 1-2 Appendix U; confirm policies are in place and enforced to ensure: 1) Third parties, including fellow offenders, staff members, family members, attorneys, and outside advocates, are permitted to assist offenders in filing request for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of offenders; 2) if a third party files such a request on behalf of an offender, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process; 3) if the offender declines to have the request processed on his or her behalf, the agency shall document the offender's decision. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager confirm; third parties assist offenders in filing request; such request may require a condition that victim agree to pursue subsequent steps and if offender declines the request it is documented. There was one grievance alleging sexual abuse filed by offenders in the past 12 months in which the offender declined third-party assistance and the decline was documented.

Review of: AD-03.82 P:5; OGOM Sections 1.04 P: 2,7.00 P: 1; PREA Plan P: 22; confirm policies are in place and enforced to ensure: 1) the agency shall establish procedures for the filing of an emergency grievance alleging that an offender is subject to a substantial risk of imminent sexual abuse; 2) after receiving an emergency grievance alleging an offender is subject to a substantial risk of imminent sexual abuse, the agency immediately forwards the grievance (or a portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, provides an initial response within 48 hours, and issues a final agency decision within 5 calendar days. The initial response and final agency decision documents the agency's determination whether the offender is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager reported policies are in place for: emergency grievance for offenders subject to a substantial risk of imminent sexual abuse; grievance is immediately forwarded to a level of review at which immediate corrective action is taken within 48 hours; and the facility issues a final agency decision within 5 calendar days. There were 63 emergency grievances filed in the last 12 months that had an initial response within 48 hours and reached final decisions within five days.

Review of OGOM Section 1.01 P:4 and PREA Plan P: 23 confirms policy is in place and enforced to ensure the agency may discipline an offender for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the offender filed the grievance in bad faith. Interview with: staff handling offender grievances; random selection of staff; offenders; and Unit Safe Prison PREA Manager found policy is in place and there were no offenders disciplined for filing a grievance in bad faith during the last 12 months.

In conclusion, based on: development, implementation and monitoring of policies and procedures; interview with staff handling offender grievances, random selection of staff, offenders, and Unit Safe Prison PREA Manager; and observations and answers to questions regarding offender grievances during tour of housing units; the auditor finds the Clements Unit is compliant with Standard 115.52 Exhaustion of

administrative remedies.

Standard 115.53 Inmate 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: BP-03.91 P: 1,9; PREA Plan P:13; SPPOM-02.02 P:1; Offender Orientation Handbook, English and Spanish P: 2-3,26,28-30; Texas List of Rape Advocacy Centers; confirm policies are in place and enforced to provide offenders with access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility enables reasonable communication between offenders and these organizations and agencies in as confidential a manner as possible.

According to interviews with random sample of offenders they are aware of and have access to victim advocates for emotional support services available outside the facility for dealing with sexual abuse, if needed. The offenders confirmed the facility gives those mailing addresses and telephone numbers for the outside services. The facility did not have a toll free number (hot line) at the time of the audit. The auditor was not able to interview an offender who reported a sexual abuse since there was not one in the facility at the time of the audit. There were 12 reports of sexual abuse or harassment during the last 12 months and the offenders were released or transferred to another facility.

Review of BP-03.91 P: 1 and PREA Plan P: 13 confirms policies are in place and enforced to ensure the facility informs offenders, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. According to interviews with random sample of offenders they are aware the facility informs them prior to giving them access to outside support services, the extent to which communications will be monitored and the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply to disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant federal, state, or local law.

Review of: RC MOU-Example Families in Crisis Inc.; RCC Solicitation Letters-Regional Victim Crisis Center; and RCC Solicitation Letter Resources and Crisis Center of Galveston Co.; Safe Prison Plan P: 13; and interviews with the Unit Safe Prison PREA Manager and documentation of the agency's attempt to enter into MOU's confirm the agency maintains or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide offenders with confidential emotional support services related to sexual abuse. The agency maintains copies of agreements or documentation showing attempts to enter into such agreements. During the last 12 months there were 4 offenders receiving forensic medical exams receiving support of victim advocates support.

In conclusion, based on: policies and procedures providing offenders with access to outside victim advocates for emotional support services; informing offenders, prior to giving them access, of the extent to which such communications will be monitored; and documented attempts to seek agreement with agencies to provide offenders with confidential emotional support services; the Clements Unit is compliant with Standard 115.53 Offender Access to Outside Confidential Support Services.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: ED-02.03 P: 1-2,8-9; ED-02.10 P: 1,3; General Information for Families of Offenders Brochure P: 32-33; PREA Plan P: 23; SPPOM-04.02 P:1; confirm the agency has established a method to receive third-party reports of sexual abuse and sexual harassment and distribute publicly information on how to report sexual abuse and sexual harassment on behalf of an offender. According to interviews with the Safe Prison PREA Compliance Manager and Warden the agency has established a PREA Ombudsman (2008): to provide offenders, as well as the public an independent office to report sexual assault; respond to public inquiries related to allegation of sexual assault in TDCJ correctional facilities; and place the General Information Guide for Families of Offenders Brochure on the TDCJ website. During the last 12 months the Clements Unit has not had a third party PREA report.

In conclusion, based on: review of policies; interviews with staff and viewing the TDCJ website; the facility is compliance with Standard 115.54 – Third-party Reporting.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.20 P: 1-3; CMHC- G-57.01 P: 2-3; PD-26 P: 1; confirms policies are in place and enforced to ensure the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility whether or not it is part of the agency; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. According to interviews with random sample of staff the agency requires all staff, regardless of title, to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Staff is required to immediately notify his or her immediate supervisor, Warden or Department Head. The employee is required to report the specific details, in writing, immediately after verbal notification.

Review of: CMHC-E-35.2 P: 1-2; CMHC-G-57.01 P: 2-3; COURAGE YOP Operation Manual; PREA Plan P: 22-23; SPPOM-05.01 P: 4; confirm policies are in place and enforced to ensure apart from reporting to designated supervisors or officials, staff does not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions. According to interviews with the facility Safe Prisons PREA Manager and random sample of staff the agency requires all employees be aware of the sensitive nature of a situation where an offender reports sexual abuse or sexual threats and reports are confidential and information, including but not limited to the identity of the victim is only to be shared with essential employees involved in the reporting investigation, discipline and treatment process, or as otherwise required by law.

Review of CMHC-G-57.1 P: 1 confirms policy is in place and enforced to ensure unless otherwise precluded by Federal, State, or local law, medical mental health practitioners are required to report sexual abuse pursuant to the first paragraph of this section and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. According to interviews with the facility medical and mental health staff at the initiation of services to an offender they disclose the limitations of confidentiality and their duty to report. Staff reported they are required, and have reported, to report any knowledge, suspicion, or information regarding an incident

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of sexual abuse or sexual harassment to a designated supervisor or official immediately upon learning of it. The auditor reviewed medical and mental health files for offenders and confirm documentation of incidents and activity.

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the agency shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. The Clements Unit does not house any offenders under the age of 18. Therefore, this part of Standard 115.61 is non-applicable.

Review of PREA Plan P: 22-23 and SPPOM-05.01 P: 4 confirm policies are in place and enforced to ensure the facility reports all allegation of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility have designated investigators. According to interviews with the Warden and Unit Safe Prison PREA Manager all allegations of sexual abuse and sexual harassment including those from third-party and anonymous sources are reported directly to designated facility investigators. The auditor reviewed offender files with investigators and confirm all allegations are investigated.

In conclusion, based on review of policies and procedures; interviews with the Warden, Unit Safe Prison PREA Manager, medical and mental health staff and random sample of staff the facility is compliant with Standard 115.61 Staff and Agency Reporting Duties.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-02.15 P: 1,6; Administrative Review Investigations Attachments F and M; SPPOM-05.01 P: 1, 3; SPPOM-05.03 P: 1; confirm policy is in place and enforced to ensure when the agency learns that an offender is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the offender.

According to interviews with: the CID Director; Warden; and random sample of staff, when learning that an offender is subject to a substantial risk of imminent sexual abuse each case is evaluated by the facility or Office of Inspector General based upon the nature of the report and the potential harm. Supervisory rounds are increased as appropriate; offender at risk or potential predator may be moved to another housing unit or transferred. If no other options are available temporarily protective custody until other steps can be taken may be considered. During the past 12 months there were 4 times the facility determined that an offender was subject to a substantial risk of imminent sexual abuse. Action to protect the offender was immediate with the offender protected and the threat was reported, reviewed and investigated.

In conclusion, based on review of policies; review of files on 4 offenders considered in risk of imminent sexual abuse; interviews with CID Director, Warden and random sample of staff; and observations and answers to questions when touring the facility, Clements Unit is compliant with Standard 115.62 Agency Protection Duties.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance

determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.20 P: 5; BP-01.07 P: 2; PREA Plan P: 24; SPPOM-04.01 P: 1-3 and Example Letter Format; confirm policy is in place and enforced to ensure where upon receiving an allegation that an offender was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred. According to interview with Unit Safe Prison PREA Manager upon receiving an allegation that an offender was sexually abused while confined at another facility, the head of the facility that received the allegation notifies the head of the facility or appropriate office of the agency or facility where the sexual abuse is alleged to have occurred. The Clements Unit received 2 notifications during the last 12 months of an allegation of sexual abuse the facility received from another facility. The Clements Unit Warden notified the other units per agency policy and this standard.

Review of: AD-16.20 P: 5,7; PREA Plan P: 24-26; SPPOP-04.01 P: 1-2; confirm policy is in place and enforced to ensure showing such notification provided as soon as possible, but no later than 72 hours after receiving the allegation. According to interviews with the Warden and Unit Safe Prison PREA Manager upon receiving an allegation that an offender was sexually abused while confined at another facility, the head of the facility that received the allegation must notify the head of the facility or appropriate office of the agency or facility where the sexual abuse is alleged to have occurred no later than 72 hours after receiving the allegation. Review of files indicates that notification is being done within the 72 hour timeframe and is documented per agency policy.

Review of: AD-16.20 P: 6; BP-02.09 P: 4; PREA Plan P: 24-26; SPPOM-04.02 P: 1; SPPOM-05.01 P: 1-2; SPPOM-05.05 P: 1; confirm the policies are in place and enforced to ensure the agency office that receives such notification ensures that the allegation is investigated in accordance with these standards. The Clements Unit received 4 allegations of sexual abuse from other facilities from offenders that were at Clements Unit. The appropriate letters were processed and documented per agency policy and this standard. According to an interview with CID Director the allegations received at one facility involving a different facility are forwarded to the Safe Prisons/PREA Manager Office (SPPMO), Warden of the facility where the abuse allegedly occurred, with a copy of the notification to the Office of Inspector General. Allegations from other agencies are typically received by the Office of Inspector General or the Safe Prisons/PREA Manager Office.

In conclusion, based on: review of policies; interviews with CID Director, Warden and Safe Prisons PREA Manager and review of documentation; the Clements Unit is compliant with Standard 115.63 Reporting to other Confinement Facilities.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.03 P: 1-3; OIG OPM-04.05 P: 4-5; SPPOM-05.01 P: 2-3; confirm policies are in place and enforced to ensure upon learning of an allegation that an offender was sexually abused, the first security staff member to respond to the report shall be required to: 1) separate the alleged victim and abuser; 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; 3) 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 action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and 4) 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, smoking, drinking or eating. According to interviews with: Warden; Safe Prisons/PREA Manager; random selection of security and non-security staff; the agency has in a place and enforced to ensure a first responder policy for allegations of sexual abuse and first responders requiring staff to follow 1-4 in the first paragraph. In the past 12 months there were 105 allegations of sexual abuse at Clements Unit. Of these allegations the number times security staff member were able to perform first responder action was 4 times when the first responder was allowed to preserve the scene for the collection of physical evidence. These four allegations are being

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investigated and are open/active. Interviewing random sample of security and non-security staff found they were very informed about their requirements in being a first responder and could perform the duties if required.

Review of AD-16.03 P: 1 and SPPOM-05.01 P: 2-3 confirm policies are in place and enforced to ensure if the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. According to interviews with Safe Prisons/PREA Manager and random sample of staff, the agency has a first responder policy (security and non-security staff) for allegations of sexual abuse and first responders are required to follow 1-4 in the first paragraph. In the past 12 months there were 102 allegations at Clements Unit. Of these allegations the number times security or non-security staff member was able to perform first responder action was four. Interviews with random sample of staff and review of the curriculum for first responder training provided for staff confirmed the agency and facility consider this standard a priority and are prepared, by policy to respond per the requirements of this standard. During the last 12 months no non-security staff had to act as a 1st responder.

The agency and the facility have further emphasized first responder duties by distributing cards and handouts on sexual assault/harassment to include steps to take if a sexual assault/harassment occurs. Each employee carries a document that has the PREA Compliance Means Safe and Secure Prisons and First Responder instructions.

In conclusion, based on: review of policies; interviews with Unit Safe Prison PREA Manager; random sample of staff; and observations and questions answered during tour of facility; the Clements Unit substantially exceeds requirements of Standard 115.64 Staff First Responder Duties.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: PREA Plan P: 26; SPPOM-05.01 P: 1-2; Operation Procedure/William P. Clements, Jr. Unit Sexual Abuse Incident Plan P: 1-4; confirm policies are in place and enforced to ensure the facility develops a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators, and facility leadership. According to interviews with: Warden; Safe Prisons/PREA Manager; random selection of staff; the facility has established and set forth clear facility-specific guidelines to coordinate actions taken in response to incidents of offender sexual abuse among facility leadership, staff first responders, investigators, and facility medical and mental health practitioners. The facility plan dictates responding to an allegation of sexual abuse requires a coordinated effort between security staff, the Office of the Inspector General, medical and mental health services and victim advocates or victim offender representatives. This plan is per TDCJ Safe Prison/PREA Operation Manual.

In conclusion, based on review of the Clements Unit specific Coordinated Response Plan to an Incident of Offender Sexual Abuse; interviews with the facility Warden and the Unit Safe Prison PREA Manager; and observations and questions answered when touring the facility the auditor finds the Clements Unit meets the requirements of Standard 115.65 Coordinated Response.

Standard 115.66 Preservation of ability to protect inmates 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

According to Standard 115.66 Preservation of ability to protect offenders from contact with abusers the agency or any other governmental entity responsible for collective bargaining on the agency's behalf enters into or renew any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.

The TDCJ is not responsible for collective bargaining on the agency’s behalf. Texas is a “right to work state” and does not have collective bargaining that would interfere with the preservation of the agency’s ability to protect offenders from contact with abusers. Therefore, this Standard 115.66 Preservation of ability to protect inmates from contact with abusers is non-applicable

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: PD-13 P: 1, 4-5; PD-22 P: 41-41,51,53, Addendum P: 5; PD-29 P: 1-3; PD-31 P: 1; PREA Plan P: 23-24; SPPOM-05.08 P:1; confirm policies are in place and enforced to protect all offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other offenders or staff, and shall designate which staff members or departments are charged with monitoring retaliation. The Unit Safe Prisons PREA Manager is also the retaliation monitor. According to interviews with: Warden; facility retaliation monitor; and random sample of staff; the agency retaliation policy is in place and enforced and the Unit Safe Prisons PREA Manager has been designated the retaliation monitor reporting directly to the Warden in PREA retaliation issues.

Review of PREA Plan P: 24 and SPPOM-02.04 P: 1, 3 confirm policies are in place and enforced to ensure the agency employ multiple protection measures, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. According to interviews with: CID Director; Warden; Safe Prisons PREA Manager; offenders and staff are protected from retaliation from sexual abuse or sexual harassment allegations based on decisions on protective measures made on a case-by-case basis. Both the facility administration and the Office of Inspector General consider whether the present housing placement is appropriate and, if no, consider whether a move to another housing unit or a transfer to another facility is appropriate. With respect to access to emotional support services, information on a list of services is provided. Interview with Unit Safe Prisons PREA Manager advises, as the retaliation monitor, multiple protection measures are considered: housing changes; transfers for offender victims or abusers; removal of alleged staff or offender abusers from contact with victims; and emotional support services for offenders or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Review of: PD-31 P: 1; PREA Plan P: 24; SPPOM-02.04 P: 1,3; SPPOM-05,08 P: 1,2; confirm policies are in place and enforced to ensure the facility monitors the conduct or treatment of offenders or staff who report sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are any changes that may suggest possible retaliation by offenders or staff for at least 90 days following a report of sexual abuse if the initial monitoring indicates a continuing need. Interviews with Warden and Unit Safe Prisons PREA Manager confirm the facility for at least 90 days following a report of sexual abuse or sexual harassment monitors the conduct and treatment of: an offender or employee who reported an incident; and an offender who was reported to have suffered sexual abuse or sexual harassment. Monitoring will be for all areas in previous paragraph and will continue beyond 90 days is needed. The number of times an incident of retaliation occurred in the past 12 months was zero.

Review of SPPOM-05.08 P: 4 and Attachments N.O and N.S confirm policies are in place and enforced to insure in the case of offenders, such monitoring also include periodic status checks. Interviews with retaliation monitors and random sample of staff confirms in case of offenders monitoring includes periodic in-person status checks approximately every 30 days. In-person status checks are also encouraged for any staff who reported an incident of sexual abuse or sexual harassment.

Review of PREA Plan P: 24 confirms policy is in place and enforced to ensure if any other individual who cooperates with an investigation expresses a fear of retaliation, the agency takes appropriate measures to protect that individual against retaliation. According to interview with the CID Director, all offenders and staff who report sexual abuse or sexual harassment, or who cooperate with sexual abuse or sexual harassment investigations are protected from retaliation by other offenders or staff. Retaliation monitoring includes review of any offender disciplinary reports, housing or program changes, or any negative performance reviews or reassignments of staff. The Department's protocols for retaliation monitoring are initiated for any individual who cooperates with an investigation and expresses a fear of retaliation.

Review of SPPOM-05.08 P: 2 and PREA Plan P: 24 confirm a policy is in place ensuring the agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded.

In conclusion, based on: review of policies; interviews with the CID Director, Warden, retaliation monitor and random sample of staff; and observations and questions answered during tour of the facility; the Clements Unit is compliant with Standard 115.67 Agency Protection against Retaliation

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-3.50 P: 1; AD-04.63 P: 2,4; Ad Seg Plan P: 2,4,11; PREA Plan P: 26; Guideline for ASCP P: 1; confirm policies are in place and enforced to ensure any use of segregated housing to protect an offender who is alleged to have suffered sexual abuse is subject to the requirements of Standard 115.43. Interviews with the Warden and staff who supervise offenders in segregated housing found the policies are in place to allow use of segregated housing to protect an offender. However, it is a last resort and if use it will be for less than 30 days. The number of offenders who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 month for either 24 hours or 30 days was zero.

In conclusion, the Clements Unit is compliant with this standard, based on: review of policies; interviews with Warden and staff who supervise offenders in segregated housing; observations and questions answered when visiting area where three cells are available for segregated housing. Clements Unit is found compliant with Standard 115.68 Post-allegation Protective Custody.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-02.15 P: 1,7-8; AD-16.03 P: 2-3; AD-16.20 P:2-3,7; BP-01.07 P: 1-2; CTSD Training; OIG-02.15 P: 1,7-8; OIG-OPM-04.05 P:1-6; OIG-OPM-05.10 P:1-6; OIG-OPM-05.15 P:1-6; PREA Plan P: 25; SPPOM-05.05 P: 6-7; SPPOM-05.11 P: 2; confirm when the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, it does so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The investigators interviewed reported they: investigate immediately; judge the credibility determinations of an alleged victim, suspect, or witness based on: the individual – how they present during interviews; past dealings with them; how the evidence obtained matches up with their version of events; the motives they may have to lie and other verbal and nonverbal cues. The investigators said they would not under any circumstances, require an inmate who alleges sexual abuse to submit to a polygraph examination or truth-telling device as a condition for proceeding with an investigation as it is against state law to ask a victim of sexual abuse to take a polygraph.

Review of: BP-01.07 P: 2, 6; ED.PD-29 P: 1, 2; OIG-04.05 P 1-6; OIG Training 3201 and PREA Plan P: 25 and interviews with investigation staff confirm policies are in place to ensure: administrative investigations: 1) include an effort to determine whether staff actions or failures to act contributed to the abuse; and 2) 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; uses investigators who have received special training in sexual abuse investigations pursuant to standard 115.34; when the quality of evidence appears to support criminal prosecution, the agency conducts compelled interviews only after consulting with prosecutors as to whether compelled interview may be an obstacle for subsequent criminal prosecution; and the credibility of an alleged victim, suspect, or witness is assessed on an individual basis and shall not be determined by the person’s status as inmate or staff. Interviews with the investigators reported the efforts they make during an administrative investigation to determine whether staff actions or failures to act contributed to sexual abuse included, during the investigation they follow-up on any statements or documentary evidence that shows a staff member may have been on notice of the abuse and failed to act, took some action to facilitate the abuse, or otherwise violated Department policy in connection with the incident; and gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data. According to the investigators they have received special training in sexual abuse investigations and criminal investigations are documented with their reports containing a description of the allegation; description of victim; witness and perpetrator interviews; description of DNA; physical, documentary and other evidence; and the cases closing summary. The file contains copies of all the witness statements, documents, reports and other evidence. Reviews of files confirm the facility follow agency policies and requirements of this standard.

Review of: AD-02.15 P: 7; ED.PD-29 P: 1,2; OIG-04.05 P:1-6; OIG.OPM-03.72; Records Retention Schedule P:49, 60; confirm the agency retains all written reports referenced above for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Interviews with investigators report they: continue their investigations when a staff member alleged to have committed sexual abuse terminates employment prior to a completed investigation into his/her conduct and, if there is sufficient evidence to prosecute, they present the case for possible prosecution; continue the investigation when a victim who alleges sexual abuse or sexual harassment or an alleged abuser leaves the facility prior to a completed investigation into the incident; retain all written reports as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

The TDCJ is responsible for all administrative investigations and OIG is responsible for all criminal investigations. There is no Department of Justice involvement. Interviews with Warden and Safe Prison PREA Manager when outside agencies investigate sexual abuse; the facility cooperates with outside investigators and endeavors to remain informed about the progress of the investigation. The TDCJ investigates all sexual abuse allegations.

Review of policies and procedures; interviews with Warden, PREA Coordinator, Unit Safe Prison PREA Manager and Investigative Staff; observations and questions answered during tour of facility the Clements Unit are compliant with the requirements for Standard 115.71 Criminal and Administrative Agency Investigations.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion

must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: PREA Plan P: 28; SPPOM,-05.05 P: 9-10; CTSD Special Investigation Training P: 6; confirm policies are in place and enforced to ensure the agency imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. Interviews with investigators that responded to the standard of evidence they require to substantiate allegations of sexual abuse or sexual harassment is a preponderance of the evidence, that is, when the weight of the evidence indicates that the allegation is more likely to be true than not true.

In conclusion, the Clements Unit is compliant with this standard, based on: review of policies; interviews with investigators and staff. The facility is compliant with Standard 115.72 Evidentiary Standards for Administrative.

Standard 115.73 Reporting to inmates

- 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: PREA Plan P: 26, 30; SPPOM-05.05 P: 5 Attachment J, M; SPPOM-05.11 P: 5-6, Attachment F and U; confirm policies are in place and enforced to ensure following an investigation into an offender's allegation that he or she suffered sexual abuse in an agency facility, the agency informs the offender as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. Interviews with Warden, investigative staff and Safe Prisons PREA Manager confirm agency procedures require that an offender who makes an allegation of sexual abuse are informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigations. The number of criminal and/administrative investigations of alleged offender sexual abuse that were completed by the agency/facility in the past 12 months were 104 at the Clements Unit, and all of the offenders received notification verbally with documentation or in writing of the results of the investigation.

If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the offender. The TDCJ is responsible for conducting administrative and criminal investigations. Therefore, this part of Standard 115.73 is non-applicable.

Review of: PREA Plan P: 27; SPPOM-Attachment U; SPPOM-05.05 P: Attachment M; SPPOM-05.11 P: 5-6, Attachment F and U; confirm policies are in place and enforced to ensure following an offender's allegation that a staff member has committed sexual abuse against the offender, the agency subsequently informs the offender (unless the agency has determined that the allegation is unfounded) whenever: 1) The staff member is no longer posted within the offender's unit; 2) The staff member is no longer employed at the facility; 3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or 4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. Interview with the staff and offenders confirms the agency informs the offender (unless the agency has determined that the allegation is unfounded) whenever the staff member: is no longer posted within the offender's unit; no longer employed by the facility; agency learns staff member indicted on a charge related to sexual abuse within the facility; or agency learns staff member has been convicted on a charge related to sexual abuse within the facility. Interviews with offenders confirm they were notified per policy.

Review of: PREA Plan P; 27; SPPOM-attachment U; SPPOM-05.10 P: 1-6; confirm policies are in place to ensure following an offender's allegation that he has been sexually abused by another offender, the agency subsequently informs the alleged victim whenever: 1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or 2) The agency learns that the alleged abuser has been convicted on charge related to sexual abuse within the facility and all such notifications or attempted notifications are documented. Interview with Unit Safe Prison PREA Manager and offenders that reported sexual abuse confirmed that following an offender's allegation that he or she has been sexually abused by another offender, the agency informs the alleged victim whenever: agency learns alleged abuser has been indicted on a charge related to sexual abuse within the facility or the agency learns the

alleged abuser has been convicted on charge related sexual abuse in the facility. Interview with the Warden and Unit Safe Prison PREA Manager confirm all notifications or attempted notification are documents showing the date and time of the notification in case chronology. If the offender refused to discuss the outcome, it is noted the date and time of the attempted notification and the fact that the offender refused. During the last 12 months 108 offenders were provided notifications that were documented per policy and the standard.

Review of PREA Plan P: 27 confirm policies are in place and enforced to ensure the agency's obligation to report under this standard shall terminate if the offender is released from the agency's custody. Interviews with facility Warden and Unit Safe Prison PREA Manager confirmed that there is no obligation to report the case outcome to the reported victim offender after he or she is released from the Department's custody however doing so may be appropriate depending on the circumstances of the case.

In conclusion, the facility is compliant with this standard, based on review of policy, procedures and forms; interviews with Warden, Unit Safe Prison PREA Manager and inmate that reported sexual abuse during tour of the facility. The Clements is compliant with Standard 115.73 Reporting to Offenders.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-16.20 P: 1; PD-13 P: 1, 3-5; PD-22 P: 1, 41-42, 48. Addendum P: 5; PD-29 Addendum P:5; WBP-07.15 P: 1, 4; WBP-07.44 P: 1, 3, 7-8; confirms policies are in place and enforced to ensure staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Interviews with Unit Safe Prison PREA Manager and Human Resource Manager confirm staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Clements Unit had 2 employees terminated due to an incident of sexual harassment or sexual misconduct incident during the last 12 months.

Review of: PD-22 P: 25-26 confirms policies are in place and enforced to ensure termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse. Interviews with PREA Compliance Manager and Human Resource Manager confirm that termination is the presumptive disciplinary sanction for staff who has engaged in sexual abuse of an offender. During the last 12 months the facility had two employees who violated agency sexual abuse policies and they resigned prior to termination. Investigations involving the two individuals are open/active.

Review of: AD-16.20 P: 1; PD-13 P: 1, 3-5; PD-22 P: 19, 41-42, 48, 51, 53-54; PD-29 Addendum P:5; WBP-07.15 P: 1, 4; WBP-07.44 P: 1, 3, 7-8; confirm policies are in place to ensure disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. Interviews with Unit Safe Prison PREA Manager and Human Resource Manager confirms disciplinary sanctions for violations of agency policies related to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the act committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the past 12 months zero staff has been disciplined, short of termination for violation of agency sexual abuse or sexual harassment policies.

Review of: AD-16.20 P: 3-4, 7, 9; PD-29 P: 6; PD-29 Definitions; confirm policies are in place to ensure all terminations for violations of 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. Interviews with Unit Safe Prison PREA Manager and Human Resource Manager confirm terminations for violations of 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. Clements Unit in the last 12 months had 2 staff from the facility that have been reported to law enforcement or licensing boards following their termination (or resignation prior to termination) for violating agency sexual abuse or sexual harassment policies.

In conclusion, the Clements Unit is compliant with this standard, based on: review of policies, forms and files; interviews with Unit Safe Prison PREA Manager and Human Resource Manager; and observations and questions answered during tour. The Clements Unit is compliant with Standard 115.76 Disciplinary Sanctions for Staff.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: CM-13.03 P: 4; PD-29 P: 5-6; PREA Plan P: 39; Volunteer Service Plan P: 11-13,23, 25-26; Acknowledgement of Volunteer Training Orientation; 2014 Volunteer Services Training; Video Script P: 21-24; PD-29 P:5-6; PREA Plan P: 39; confirm policies are in place and enforced to ensure any contractor or volunteer, who engages in sexual abuse is prohibited from contact with offenders and is reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. Interviews with the Warden and Unit Safe Prison PREA Manager confirms an offender is incapable of consent to any sexual act with an employee where that employee performs duties in a state correctional facility in which the victim is confined at the time of the offense consisting of providing custody, medical or mental health services, counseling services, educational programs, vocational training, institutional parole services or direct supervision to offenders. The law also applies to any contract employee or volunteer who regularly provides services to offenders. Any contractor or volunteer, who engages in sexual abuse is prohibited from contact with offenders and is reported to law enforcement agencies, unless the activity was not criminal, and to relevant licensing bodies. In the past 12 months zero contractors or volunteers were reported to law enforcement for engaging in sexual abuse of offenders.

Review of: CM-13.03 P: 4; PD-29 P: 1-4-6; PREA Plan P: 39; Volunteer Service Plan P; 11-13, 23; Acknowledgement of Volunteer Training Orientation; 2014 Volunteer Services Training; Video Script P:21-24; PD-29 P:5-6; Safe Prisons PREA Plan P: 39; confirm policies are in place and enforced to ensure the facility takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Interviews with Unit Safe Prison PREA Manager confirms the facility takes appropriate remedial measures, and considers whether to prohibit further contact with offenders, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. Interviews with the Warden, staff, contractors and volunteers confirm they have been trained in their responsibilities regarding sexual abuse and sexual harassment prevention, detection, and response, per agency policy and procedure. They confirmed they have: attended PREA training; received written material; viewed video; understand the agency's zero tolerance policy; and signed forms saying they have received and understand the PREA training.

In conclusion, based on: review of policies, procedures and forms; interviews with Warden, Unit Safe Prison PREA Manager, volunteers and contractors; the Clements Unit is compliant with Standard 115.77 Corrective Action for Contractors and Volunteers.

Standard 115.78 Disciplinary sanctions for inmates

- 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion

must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: Disciplinary Rules and Procedures for Offenders P: 18-21, 25-26 and Attachment A; E-mail of New Offense 20.4; GR-106 P: 18-21,26,Attachment A-2; PREA Plan P: 30; GR-106 P:18-21, 25-26, Attachment A-2; Email of New Offense 20.4 confirm policies are in place and enforced to ensure offenders are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse. Interviews with Unit Safe Prison PREA Manager and confirms having a consistent, fair and reasonable disciplinary process is the Department's most valuable tool to address offender misconduct, while ensuring the safety of all employees and offenders and the security of the facility. In the past 12 months the numbers of administrative findings of offender-on offender sexual abuse that have occurred at the facility were zero. During the last 12 months there have been two administrative and zero criminal findings of guilt for offender-on-offender sexual abuse that have occurred at the facility.

Review of TDCJ Disciplinary Rules for Offenders P: 25-26 and PREA Plan P: 30 confirm policies are in place and enforced to ensure sanctions are commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories. Interviews with Warden and Unit Safe Prison PREA Manager confirm that policies are in place and enforced to ensure the disciplinary sanctions offenders are subject to following an administrative or criminal finding that the offender engaged in offender-on-offender sexual abuse are progressive disciplinary system based on guidelines. The sanctions are to be proportionate to the nature and circumstances of the abuses committed, the offenders' disciplinary histories, and the sanctions imposed for similar offenses by other offenders with similar histories.

Review of: TDCJ Disciplinary Rules for Offenders P: 14, 25-26; CMHC E-35.1 P:1, 2; PREA Plan P: 30; confirm policies are in place and enforced to ensure: sanctions are commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories; the disciplinary process consider whether an offender's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. Interviews with the Warden and Unit Safe Prison PREA Manager confirm mental disability, mental illness and offender's disciplinary history are considered when determining sanctions.

Review of: CMHC E-35.1 P: 1-2, PREA Plan P: 30; SOTP-01.01 P: 1; confirm policies are in place to ensure: if the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility considers whether to require the offending offender to participate in such interventions as a condition of access to programming or other benefits. Interviews with Unit Safe Prison PREA Manager and medical and mental health staff confirm the facility offers therapy, counseling and other intervention services designed to address and correct the underlying reasons or motivations for sexual abuse and offers these services to the offending offender. The facility does not require an offender's participation as a condition of access to programming or other benefits.

Review of PREA Plan P: 31confirm policies are in place to ensure the agency disciplines an offender for sexual contact with staff only upon a finding that the staff member did not consent to such contact. Interviews with Warden and Unit Safe Prison PREA Manager confirm an offender may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

Review of: Disciplinary Rules and Procedures for Offenders Attachment C; GR-106 P: 18-21, 26 Attachment A-2; PREA Plan P: 31; confirm policies are in place and enforced to ensure for the purpose of disciplinary action, 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. Interviews with Warden and Unit Safe Prison PREA Manager confirm no reprisals of any kind are taken against an offender or employee for good faith reporting of sexual abuse or sexual threats.

Review of: GR-106 P:18-21 Attachment B-2-1; Safe Prison PREA Plan:31; TDCJ Disciplinary Rules for Offenders P:25-26; confirm policies are in place to ensure that the agency may, in its discretion, prohibit all sexual activity between offenders and may discipline offenders for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

Interviews with Warden and Unit Safe Prison PREA Manager confirm the agency: prohibits all sexual activity between offenders; disciplines offenders for such activity; and the agency deem such activity to constitute sexual abuse only if it determines that the activity is coerced.

In conclusion, based on: review of policies, procedures and forms; interviews with the Warden and Unit Safe Prisons PREA Manager; and observation and questions answered during tour; the Clements Unit is compliant with Standard 115.78 Disciplinary Sanctions for Offenders.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: CMHC E-35.1 P:1; CMHC E-35.2 P:1; CMHC G-57.1 P:1-2; PREA Plan P:17; SPPOM-03.01 Attachment E; confirm policies are in place and enforced to ensure if the screening pursuant to 115.41 indicates that a prison/jail offender has experienced prior sexual victimization, whether it occurred in an instructional setting or in the community, staff ensures that the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening. Interview with staff who is responsible for risk screening confirms that if a screening indicates that an offender has experienced prior sexual victimization the facility offer a follow-up meeting with a mental health practitioner within 14 days of the intake screening. In the past 12 months, there were 41 offenders who disclosed sexual victimization during risk screening with 100% of the offenders offered a follow-up meeting with a medical or mental health practitioner. The auditor interviewed medical and mental health staff who confirmed the follow-up meeting is offered within 7 days.

Review of: CMHC E-35.2 P: 1; CMHC G-57.1 P: 1-2; Mental Health Evaluation P: 1; confirm that policies are in place and enforced to ensure if the screening pursuant to 115.41 indicates that a prison offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff ensures that the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. Interview with staff who is responsible for risk screening confirms if a screening indicates that an offender previously perpetrated sexual abuse they are offered a follow-up meeting with a medical health practitioner to be held immediately. As indicated during the screening, if the offender had indicated previously perpetrated sexual abuse they would be offered a follow up with a mental health practitioner. Mental health staff maintain secondary materials (e.g. form, log) documenting compliance with the requirements of this standard. The auditor reviewed offender files in the medical and mental health departments and found follow-up meetings in the past were held, documented, logged and completed per agency policy.

Review of: CMHC A-09.01 P:1; CMHC A-61.1 P:1-3; SPPOM-05.05 P:2-3; confirm that policies are in place to ensure any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, program assignments, or as otherwise required by Federal, State, or local law. Interviews with staff who is responsible for risk screening, medical and mental health staff and Unit Safe Prison PREA Manager confirms information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. The information shared with other staff is strictly limited to informing security and management decisions, including treatment plans, housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.

Review of: CMHC-02.05 P: 1; CMHC G-57.1 P: 1-2; CMHC H-61.1 P: 4; CMHC I-70.1 P: 1; confirm policies are in place and enforced to ensure medical and mental health practitioners obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. Interview with Unit Safe Prison PREA Manager, medical and mental health staff confirm medical and mental health practitioners obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18. The auditor reviewed offender files in medical and mental health that had copies of the signed consent forms.

In conclusion, based on: review of policies, procedures, forms and offender files; interviews with Unit Safe Prison PREA Manager and medical and mental health staff; and observations and questions answered during tour of intake/screening and medical and mental health department, the Clements Unit is compliant with 115.81 Medical and Mental Health Screenings: History of Sexual Abuse.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: CMHC A-01.1 P:1; CMHC G-57.1 P:1; SPPOM-05.01 P:1-2; confirm that policies are in place and enforced to ensure offender 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 mental health practitioners according to their professional judgment. Interviews with medical and mental health staff, offender who reported a sexual abuse and Unit Safe Prison PREA Manager confirm victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. The auditor reviewed offender files in medical and mental health and found documentation of all meetings were per policy and this standard.

Review of: CMHC G-57.1 P: 2; I-214 Referral for Medical and Mental Health Services; SPPOM-05.01 P: 4; confirms policies are in place and enforced to ensure if no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the victim pursuant to 115.62 and immediately notify the appropriate medical and mental health practitioners. Interviews with security staff and non-security staff first responders found during the past 12 months there were 4 allegations requiring first responder activity. Security staff and non-security staff are all prepared to act as a first responder if required. Interviews with security and non-security staff found they carry a card with instructions on being a first responder and are very prepared act as a first responder if required.

Review of CMHC G-57.1 Sexual Assault/Sexual Abuse P: 2; CMHC G-57.1 Attachment B P: 2; confirms policies are in place and enforced to ensure offender 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. Interviews with medical and mental health staff confirm that offender 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. Medical and mental health staff maintain secondary materials (e.g. form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. The auditor reviewed files in the medical and mental health departments and found the services were offered, documented and per agency policy.

Review of: CMHC G-57.1 P:2; confirm policies are in place to ensure 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. Interviews with Unit Safe Prison PREA Manager, staff, offenders and medical and mental health staff confirm that treatment services are provided to the victim without financial cost regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident.

Based on: review of policies, procedures, forms and files; interviews with Unit Safe Prison PREA Compliance Manager, security and non-security staff and medical and mental health staff; and observations and questions answered during tour; the Clements Unit compliant with Standard 115.82 Access to Emergency Medical and Mental Health Services.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific

corrective actions taken by the facility.

Review of: CMHC-E32.1 P: 1,3; CMHC-E44.1 P: 1; CMHC-G57.1 P: Attachment B; CMHC G-57.01 P:1-2; PREA Plan P:14; SPPOM-05.01 P1-2, 4; SPPOM-05.05 Attachment J P:1; confirm policies are in place and enforced to offer medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. Interviews with Unit Safe Prison PREA Manager, medical and mental health staff confirm the facility offers medical and mental health evaluation and, as appropriate, treatment to all offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. Review of files indicates that the evaluation and treatment is offered and documented per policy.

Review of: CMHC G- 57.1 P: 1; CMHC E-32.1 P: 1,3; CMHC E-44 P:1; confirm policies are in place and enforced that ensure: 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; provide victims with medical and mental health services consistent with the community level of care; offender victims of sexual abuse while incarcerated are offered test for sexually transmitted infections as medically appropriate. Interviews with Warden, Unit Safe Prison PREA Manager, medical and mental health staff confirm evaluation and treatment of offenders who have victimized includes treatment services including: follow-up services; treatment plans; treatment groups; and when necessary referrals for continued care after leaving the facility. 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. The medical and mental health services offered at the facility are consistent with community level of care. Offender victims of sexual abuse while incarcerated are offered test for sexually transmitted infections as medically appropriate. The auditor reviewed files of offenders that were victims of sexual abuse while incarcerated and were offered treatment. The treatments were as per policy and this standard and documented.

Review of: CMHC-E-32 P: 1, 3; CMHC-E-44.1 P: 1; CMHC-G- 57.1 P:2; confirm policies are in place and enforced to ensure all prisons attempt to conduct a mental health evaluation of all know offender-on-offender abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. Interviews with Unit Safe Prison PREA Manager, medical and mental health staff confirm mental health staff conducts a mental health evaluation of all known offender-on offender abusers and offer treatment if appropriate. This mental health evaluation is conducted within 60 days of learning of such abuse history.

Review of policies, procedures, forms and files; interviews with Unit Safe Prison PREA Manager, medical and mental health staff; observations and questions answered during tour; the Clements Unit is compliant with Standard 115.83 Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-02.15 P: 7-9; Administrative Review/Investigation; Instructions for Submitting Reports of Alleged Sexual Abuse and Sexual Harassment P: 1-2; PREA Plan P: 31; SPPOM-08.01 P: 1; confirm policies are in place and enforced to ensure the facility: conducts a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded; such review shall ordinarily occur within 30 days of the conclusion of the investigation. Interviews with the Warden and Unit Safe Prison PREA Manager confirm the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation within 30 days, unless the allegation has been determined to be unfounded. In the past 12 months, 27 allegations at Clements Unit of criminal and/or administrative investigation of alleged sexual abuse were completed at the facility, excluding only "unfound" and 4 open/active investigations.

Review of: AD-02.15 P: 7, 8-9; Administrative Review/Investigation; Instructions for Submitting Reports of Alleged Sexual Abuse and Sexual Harassment P: 1-2; PREA Plan P:31; SPPOM-08.01 P: 1; confirm policy is in place and enforced that ensures the review team shall include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioner.

Interview with the Warden, Unit Safe Prison PREA Manager and members of the Incident Review Team and review of minutes of meetings confirms the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners.

Review of: AD-02.15 P: 7, 8-9; Administrative Review/Investigation; Instructions for Submitting Reports of Alleged Sexual Abuse and Sexual Harassment P: 1-2; PREA Plan P:31; SPPOM-08.01 P: 1; confirm policies are in place and enforced to ensure the review team: 1) Considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; 2) Considers whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; 3) Examines the area in the facility where the incident allegedly offered to assess whether physical barriers in the area may enable abuse; 4) Assess the adequacy of staffing levels in that area during different shifts; 5) assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and 6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager. Interviews with Warden, Unit Safe Prison PREA Manager and members of the Incident Review Team and review of reports confirms the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to above paragraph 1-6 of this section and any recommendations for improvement, and submits such report to the facility Warden and Unit Safe Prison PREA Manager.

Review of: AD-02.15 P: 7, 8-9; Administrative Review/Investigation; Instructions for Submitting Reports of Alleged Sexual Abuse and Sexual Harassment P: 1-2; PREA Plan P:31; SPPOM-08.01 P: 1; confirm policies are in place and enforced to ensure the facility shall implement the recommendations for improvement, or shall document its reasons for not doing so. Interviews with CID Director, Warden, Incident Review Team Members and Unit Safe Prison PREA Manager confirm that the facility implements the recommendations for improvement or documents its reasons for not doing so. The review is intended to identify any gaps in policy, practice, or protocol, and recommend improvements when appropriate. The review examines whether policies were followed and whether they need to be changed; whether physical plant and staffing are appropriate to minimize the risk of sexual abuse; whether gang and other group dynamics were a factor in the reported incident, as well as other factors. A form has been developed to capture the review and any recommendations of the review team and includes documentation as to reasons for not enforcing the recommendations.

Based on: review of policies, procedures, forms and files; interviews with CID Director, Warden, Incident Review Team Members and Unit Safe Prison PREA Manager; and observations and questions answered during tours; the Clements Unit is compliant with Standard 115.86 Sexual Abuse Incident Reviews.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: AD-02.15 P:1-12; BP-02.09 P: 1,3-6; OIG-OPM-04.05 P:5-6; PREA Plan P: 2-5,35; SPPOM-01.01-1A1; Survey of Sexual Violence, 2014; confirm policies are in place and enforced to ensure the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.

An interview with the Unit Safe Prison PREA Manager and review of the TDCJ Annual Report On Sexual Victimization 2009-2014 (6 reports) Annual Reports confirm the agency collects accurate uniform data using a standardized instrument and set of definitions. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Bureau of Justice Statistics.

Review of: AD-02.15 P: 1-12; BP-02.09 P: 1, 3-6; OIG-OPM-04.05 P: 5-6; PREA Plan P: 2-5, 35; SPPOM-01.01-1A1; Survey of Sexual Violence, 2012; confirm policies are in place and enforced to ensure the agency: aggregates the incident-based sexual abuse data at least
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annually; maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews; obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates.

Interviews with the CID Director, PREA Coordinator and Unit Safe Prison PREA Manager confirm the agency: maintain review and collect data from incident-based documents; obtains data from private facilities; and aggregates the incident-based sexual abuse data at least annually. All confidential information is securely retained by TDCJ.

Review of: AD-02.15 P:1; PREA Plan P: 35; Survey of Sexual Violence 2014 -Department Of Justice Report; confirm policies are in place and enforced to ensure upon request, the agency provides all such data from the previous calendar year to the Department of Justice no later than June 30. Interviews with the PREA Coordinator and Unit Safe Prison PREA Manager confirm the agency provided data from the previous calendar year, as requested, to the Department of Justice. The incident-based data collected includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Bureau of Justice Statistics. The auditor reviewed the information on the agency's web site that is according to agency policy and this standard.

In conclusion, based on: review of policies, procedures, forms and files and agency web site; interviews with the Warden and Unit Safe Prison PREA Manager; and observations and questions answered during tour; the Clements Unit is compliant with Standard 115.87 Data Collection and Review.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: BP-02.09 P:1,3-4; PREA Plan P: 36; TBCJ PREA Ombudsman Annual Report P:1-2; TDCJ Annual PREA Program Appendices P: 34; Texas Government Code 501 P: 52-55; confirm policies are in place to ensure the agency reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: 1) Identifying problem areas; 2) Taking corrective action on an ongoing basis; and 3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole. Interview with the CID Director, PREA Coordinator and Unit Safe Prison PREA Manager find the agency reviews data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training, including: identifying problem areas; taking corrective action on an ongoing basis; and preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. The PREA Ombudsman, Safe PREA Office, and the Office of the Inspector General collaborate to compile an Annual Report. The data collected through the Emergency action center reporting process and independent reports submitted directly to the OIG is sent monthly/annually as well. The data is reviewed by agency leadership and Safe Prisons/PREA Manager office. Data is used to: determine appropriate interventions; enhancements to staff and offender training; assessment of appropriate housing for victims/predators; policy updates; and revisions to enhance operational aspects designed to provide safer prisons. Annual staffing plan reviews, assessment of current use of monitoring/surveillance equipment, and facility infrastructure modifications as well as leading indicators in data that may assist TDCJ in making determinations. The data is used to ensure that appropriate action is taken at every level of the organization.

Review of: TDCJ Annual PREA Program 2015; TBCJ PREA Ombudsman Annual Report P:1-2; PREA Plan P: 34; confirm policies are in place to ensure such report include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the agency's progress in addressing sexual abuse. Interviews with CID Director, PREA Coordinator and Unit Safe Prison PREA Manager confirms the annual report includes a comparison of the current year's data and corrective actions with those from prior years and the annual report provides an assessment of the agency's progress in addressing sexual abuse. The PREA Coordinator reported the information is assessed. Interventions such as training of staff, upgrades to offender training, assessment of appropriate housing for predators, policy updates and revisions to enhance operational aspects designed to provide safer environments. Assessment of current use of monitoring/surveillance equipment and facility infrastructure modifications are conducted. The auditor reviewed the annual reports for six years, 2009-2014.

Review of: TDCJ Safe Prison FY 2015; TBCJ PREA Annual Ombudsman Annual Report P:1-2; Government Code 501 P: 52-55; PREA Plan P: 36; confirm policies are in place to ensure the agency's report is approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means.

Interviews with the CID Director and Unit Safe Prison PREA Manager confirm the TDCJ agency head approves the agency's report and the agency makes its annual report readily available to the public at least annually through its website. The auditors visited the website and found the information as promised.

Review of PREA Plan P: 36 confirms policies are in place to ensure the agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted. Interview with the CID Director found TDCJ does not include personal identifiers in the annual reports and therefore it does not contain information that warrants redaction.

In conclusion, based on: review of policies, procedures, forms, files and the agency's web site; interviews with the CID Director, PREA Coordinator and Unit Safe Prison PREA Manager; and observations and questions answered during interviews; find the Clements Unit compliant with Standard 115.88 Data Review for Corrective Action.

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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Review of: BP 02.09 P: 1, 3, 4, 6; PREA Plan P: 36; PREA Program Appendices P: 34; confirm policy is in place and enforced to ensure that data collected pursuant to 115.87 are: securely retained; aggregated sexual abuse data from facilities under its direct control are made readily available to the public annually through its website; before making aggregated sexual abuse data publicly available, personal identifiers are removed; An interview with the CID Director confirms the Safe Prison/PREA Office maintains a stand-alone access database system that only allows office staff access to enter and query data. The manager is the only authorized agent to delete information. Mainframe data reported through the Emergency Action center is stored on a server. Employees must have a user account to access the EAC system. There is a 2nd level of security where specific access is granted only to certain individuals based on their security profile. Access to this system is approved only through the EAC administrator. Interview with CID Director finds the TDCJ Annual PREA report is posted on the agency website. TDCJ does not include personal identifiers in the annual reports and therefore it does not contain information that warrants redaction.

Review of PREA Plan P: 36 confirm policy is in place and enforced to ensure the agency maintains sexual abuse data collected pursuant to 115.87 for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise. Interview with the CID Director confirms Records Retention schedule is followed for all Safe Prison/PREA documents. The average range is Death/Discharge plus 10 years. Offender Classification files is 30 years. Some OIG files are permanent records.

In conclusion, the Unit is compliant with this standard, based on: review of policies, procedures, forms and files; interviews with the CID Director and Safe Prison PREA Compliance Manager; and observations and questions answered during tour; find the Clements Unit compliant with Standard 115.89 Data Storage, Publication, and Destruction.

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 inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Marilyn M McAuley

December 29, 2016

Auditor Signature

Date