### Prison Rape Elimination Act (PREA) Audit Report

**Adult Prisons & Jails**

- **☐ Interim**  **☒ Final**
- **Date of Report** 2.18.2022

#### Auditor Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>Karen Murray #3071</th>
<th>Email:</th>
<th><a href="mailto:karen@preauditing.com">karen@preauditing.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>PREA Auditors of America</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>P.O. Box 1071</td>
<td>City, State, Zip: Cypress, Texas 77410</td>
<td></td>
</tr>
<tr>
<td>Telephone:</td>
<td>713-818-9098</td>
<td>Date of Facility Visit: January 12-14, 2022</td>
<td></td>
</tr>
</tbody>
</table>

#### Agency Information

<table>
<thead>
<tr>
<th>Name of Agency:</th>
<th>Texas Department of Criminal Justice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governing Authority or Parent Agency (If Applicable):</td>
<td>State of Texas</td>
</tr>
<tr>
<td>Physical Address:</td>
<td>861-B-45 North City, State, Zip: Huntsville, Texas 77320</td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>P.O. Box 99 City, State, Zip: Huntsville, Texas 77342</td>
</tr>
<tr>
<td>The Agency Is:</td>
<td>☐ Military ☐ Private for Profit ☒ State</td>
</tr>
<tr>
<td></td>
<td>☐ Municipal ☐ County ☐ Private not for Profit ☐ Federal</td>
</tr>
<tr>
<td>Agency Website with PREA Information:</td>
<td><a href="https://www.tdcj.texas.gov/tbcj/prea.html">https://www.tdcj.texas.gov/tbcj/prea.html</a></td>
</tr>
</tbody>
</table>

#### Agency Chief Executive Officer

<table>
<thead>
<tr>
<th>Name:</th>
<th>Bryan Collier</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:Bryan.Collier@tdcj.texas.gov">Bryan.Collier@tdcj.texas.gov</a></td>
</tr>
<tr>
<td>Telephone:</td>
<td>963.437.5570</td>
</tr>
</tbody>
</table>

#### Agency-Wide PREA Coordinator

<table>
<thead>
<tr>
<th>Name:</th>
<th>Cassandra McGilbra</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:Cassandra.Mcgilbra@tdcj.texas.gov">Cassandra.Mcgilbra@tdcj.texas.gov</a></td>
</tr>
<tr>
<td>Telephone:</td>
<td>936.437.5570</td>
</tr>
<tr>
<td>PREA Coordinator Reports to:</td>
<td>Honorable Patrick L. O’Daniel Chairman of the Texas Board of Criminal Justice</td>
</tr>
<tr>
<td>Number of Compliance Managers who report to the PREA Coordinator</td>
<td>7</td>
</tr>
</tbody>
</table>
## Facility Information

<table>
<thead>
<tr>
<th>Name of Facility:</th>
<th>James A. Lynaugh/Fort. Stockton</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Address:</td>
<td>LH-1098 S. Hwy 2037/1536 /E. IH-10</td>
</tr>
<tr>
<td>Mailing Address (if different from above):</td>
<td>Same as above.</td>
</tr>
<tr>
<td>The Facility Is:</td>
<td>☐ Military</td>
</tr>
<tr>
<td></td>
<td>☐ Municipal</td>
</tr>
<tr>
<td>Facility Type:</td>
<td>☒ Prison</td>
</tr>
</tbody>
</table>

### Facility Website with PREA Information

Http://www.tdcj.texas.gov/tbcj/prea/html

Has the facility been accredited within the past 3 years?  ☒ Yes  ☐ No

If the facility has been accredited within the past 3 years, select the accrediting organization(s) – select all that apply (N/A if the facility has not been accredited within the past 3 years):

- ☒ ACA
- ☐ NCCHC
- ☐ CALEA
- ☐ Other (please name or describe): EMSSC
- ☐ N/A

If the facility has completed any internal or external audits other than those that resulted in accreditation, please describe:  A Division Level Operational Review was conducted at the unit in January 2020. These reviews are conducted by each functional area proponent at least every three years.

### Warden/Jail Administrator/Sheriff/Director

| Name: | Benny Bundy |
| Email: | Benny.Bundy@tdcj.texas.gov |
| Telephone: | 435.395.2938 ext. 1100 |

### Facility PREA Compliance Manager

| Name: | Heather Lopez/Melissa Gutierrez |
| Email: | Heather.Lopez@tdcj.texas.gov  Melissa.Guiterrez@tdcj.texas.gov |
| Telephone: | 432.395.2938 ext. 1305 : 432.336.7676 ext. 1272 |

### Facility Health Service Administrator  ☐ N/A

| Name: | Luz Liceaga |
| Email: | Luz.Liceaga@ttfuhsc.edu |
| Telephone: | 432.395.2938 ext. 1265 |
## Facility Characteristics

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated Facility Capacity:</td>
<td>1156 / 606</td>
</tr>
<tr>
<td>Current Population of Facility:</td>
<td>1096 / 526</td>
</tr>
<tr>
<td>Average daily population for the past 12 months:</td>
<td>1056 / 479</td>
</tr>
<tr>
<td>Has the facility been over capacity at any point in the past 12 months?</td>
<td>☐ Yes ☒ No</td>
</tr>
<tr>
<td>Which population(s) does the facility hold?</td>
<td>☐ Females ☒ Males ☐ Both Females and Males</td>
</tr>
<tr>
<td>Age range of population:</td>
<td>26-80 / 19-81</td>
</tr>
<tr>
<td>Average length of stay or time under supervision:</td>
<td>2 years 10 months / 0 years 11 months</td>
</tr>
<tr>
<td>Facility security levels/inmate custody levels:</td>
<td>G1, G2, G4 / G1, G2</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months:</td>
<td>692 / 547</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 72 hours or more:</td>
<td>689 / 543</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for 30 days or more:</td>
<td>659 / 503</td>
</tr>
<tr>
<td>Does the facility hold youthful inmates?</td>
<td>☐ Yes ☒ No</td>
</tr>
<tr>
<td>Number of youthful inmates held in the facility during the past 12 months: (N/A if the facility never holds youthful inmates)</td>
<td>☒ N/A</td>
</tr>
<tr>
<td>Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?</td>
<td>☐ Yes ☒ No</td>
</tr>
<tr>
<td>Select all other agencies for which the audited facility holds inmates: (Select all that apply (N/A if the audited facility does not hold inmates for any other agency or agencies)):</td>
<td>☐ Federal Bureau of Prisons ☐ U.S. Marshals Service ☐ U.S. Immigration and Customs Enforcement ☐ Bureau of Indian Affairs ☐ U.S. Military branch ☐ State or Territorial correctional agency ☐ County correctional or detention agency ☐ Judicial district correctional or detention facility ☐ City or municipal correctional or detention facility (e.g. police lockup or city jail) ☐ Private corrections or detention provider ☐ Other - please name or describe: . ☒ N/A</td>
</tr>
<tr>
<td>Number of staff currently employed by the facility who may have contact with inmates:</td>
<td>154 / 77</td>
</tr>
<tr>
<td>Number of staff hired by the facility during the past 12 months who may have contact with inmates:</td>
<td>127/3</td>
</tr>
</tbody>
</table>
### Number of contracts in the past 12 months for services with contractors who may have contact with inmates:

| Number | 2 / 2 |

| Number of individual contractors who have contact with inmates, currently authorized to enter the facility: |

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical</td>
<td>31 : Windham 7 / 2</td>
</tr>
</tbody>
</table>

| Number of volunteers who have contact with inmates, currently authorized to enter the facility: |

| Number | 56 |

## Physical Plant

### Number of buildings:

Auditors should count all buildings that are part of the facility, whether inmates are formally allowed to enter them or not. In situations where temporary structures have been erected (e.g., tents) the auditor should use their discretion to determine whether to include the structure in the overall count of buildings. As a general rule, if a temporary structure is regularly or routinely used to hold or house inmates, or if the temporary structure is used to house or support operational functions for more than a short period of time (e.g., an emergency situation), it should be included in the overall count of buildings.

| Number | 10 / 1 |

### Number of inmate housing units:

Enter 0 if the facility does not have discrete housing units. DOJ PREA Working Group FAQ on the definition of a housing unit: How is a "housing unit" defined for the purposes of the PREA Standards? The question has been raised in particular as it relates to facilities that have adjacent or interconnected units. The most common concept of a housing unit is architectural. The generally agreed-upon definition is a space that is enclosed by physical barriers accessed through one or more doors of various types, including commercial-grade swing doors, steel sliding doors, interlocking sally port doors, etc. In addition to the primary entrance and exit, additional doors are often included to meet life safety codes. The unit contains sleeping space, sanitary facilities (including toilets, lavatories, and showers), and a dayroom or leisure space in differing configurations. Many facilities are designed with modules or pods clustered around a control room. This multiple-pod design provides the facility with certain staff efficiencies and economies of scale. At the same time, the design affords the flexibility to separately house inmates of differing security levels, or who are grouped by some other operational or service scheme. Generally, the control room is enclosed by security glass, and in some cases, this allows inmates to see into neighboring pods. However, observation from one unit to another is usually limited by angled site lines. In some cases, the facility has prevented this entirely by installing one-way glass. Both the architectural design and functional use of these multiple pods indicate that they are managed as distinct housing units.

| Number of single cell housing units: | 1 / 1 |

<p>| Number of multiple occupancy cell housing units: | 4 / 3 |</p>
<table>
<thead>
<tr>
<th>Number of open bay/dorm housing units:</th>
<th>1 / 0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):</td>
<td>7 / 32</td>
</tr>
<tr>
<td>In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)</td>
<td>☐ Yes ☐ No ☒ N/A</td>
</tr>
<tr>
<td>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</td>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

### Medical and Mental Health Services and Forensic Medical Exams

| Are medical services provided on-site? | ☒ Yes ☐ No |
| Are mental health services provided on-site? | ☒ Yes ☐ No |
| Where are sexual assault forensic medical exams provided? Select all that apply. | ☐ On-site ☒ Local hospital/clinic ☐ Rape Crisis Center ☐ Other (please name or describe: Investigations) |

### Criminal Investigations

| Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment: | 0 |
| When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply. | ☐ Facility investigators ☐ Agency investigators ☒ An external investigative entity |

### Administrative Investigations

| Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment? | 10 / 5 |
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), ADMINISTRATIVE INVESTIGATIONS are conducted by: Select all that apply

- ☒ Facility investigators
- ☐ Agency investigators
- ☒ An external investigative entity

Select all external entities responsible for ADMINISTRATIVE INVESTIGATIONS:
Select all that apply (N/A if no external entities are responsible for administrative investigations)

- ☐ Local police department
- ☐ Local sheriff’s department
- ☐ State police
- ☐ A U.S. Department of Justice component
- ☒ Other (please name or describe: Office of Inspector General (OIG) conduct Administrative Investigations on staff
- ☐ N/A
Standard 115.11: Zero-tolerance of sexual abuse and sexual harassment; PREA coordinator

115.11 (a)

- Does the agency have a written directive mandating zero-tolerance toward all forms of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the written directive outline the agency’s approach to preventing, detecting, and responding to sexual abuse and sexual harassment? ☒ Yes ☐ No

115.11 (b)

- Has the agency employed or designated an agency-wide PREA Coordinator? ☒ Yes ☐ No
- Is the PREA Coordinator position in the upper-level of the agency hierarchy? ☒ Yes ☐ No
- Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities? ☒ Yes ☐ No

115.11 (c)

- If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.) ☒ Yes ☐ No ☐ NA
- Does the PREA compliance manager have sufficient time and authority to coordinate the facility’s efforts to comply with the PREA standards? (N/A if agency operates only one facility.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice: Board Policy, dated 6.10.2015
5. Texas Department of Criminal Justice: Safe Prisons/PREA Plan, dated 2.2019
6. Texas Department of Criminal Justice Organizational Structure, not dated
7. Fort Stockton N5 Unit Organizational Chart, dated 9.27.2021
Interviews:
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. Unit Safe Prisons/PREA Managers

Through interviews with inmates and staff and review of inmate and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both inmates and staff could speak to facility PREA practices and protocols being used as is described in the agency’s Safe Prisons PREA Plan. The Unit Safe Prisons/PREA Managers could attest to having the required time institute and implement PREA protocols.

Site Review Observation:
During the tour of the facility, the Auditor witnessed uniform bulletin boards consisting of current agency and facility PREA Zero-Tolerance, Audit Notices, internal and external reporting information for inmates and external advocate postings throughout the facility. The facility recently entered into an agreement with Family Crisis Center of the Big Bend, Inc. Upon testing the internal phone system to the Family Crisis Center this Auditor received a message stating the number was an unverified number. Upon further investigation by the facility Warden he learned the phone number had not been activated due to the Family Crisis Center needing to complete required training as the Center needed to ensure they had ample volunteers before providing services to the James A. Lynaugh and Fort Stockton Units. On 2.3.2022, the facilities received an email notification that the internal inmate phone system had been activated and was in working order.

115.11
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency Safe Prisons/PREA Plan mandates zero-tolerance toward all forms of sexual abuse and sexual harassment in the facility it operates and those directly under contract. Texas Department of Criminal Justice: Safe Prisons/PREA Plan, page ii, Foreword, states, “The Texas Department of Criminal Justice (TDCJ) has a zero tolerance for all forms of sexual abuse and sexual harassment of offenders. The TDCJ shall take a proactive approach concerning the detection, prevention, response, and punishment of sexual abuse, including consensual sexual contact while in TDCJ custody. The TDCJ shall be vigilant in establishing a safe environment for staff and offenders at all secure correctional facilities and take immediate action to address the protective needs of offenders who have been victimized. Every attempt shall be made to prevent the sexual abuse and sexual harassment of offenders in accordance with agency policy. ED-03.03, “Safe Prisons/PREA Program,” directs the TDCJ to develop and implement a plan to govern the operation of the Safe Prisons/PREA Program. The TDCJ Safe Prisons/PREA Plan (plan) shall be applicable to all individuals, including visitors and volunteers, employed by, under contract with, or supervised by the TDCJ, including professional staff and any person who is involved, directly or indirectly, with the care and custody of offenders.”

The Texas Department of Criminal Justice Board Policy, page 2-4, Definitions, states, “Offender-on-Offender Sexual Abuse” includes any of the following acts by another offender if the victim does not consent, is coerced into such act by overt or implied
threats of violence, or is unable to consent or refuse.”

“Sexual Harassment” includes: a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another offender; and b. Repeated verbal comments or gestures of a sexual nature to an offender by an employee or other individual, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

“Voyeurism” is the invasion of an offender’s privacy by an employee or other individual for reasons unrelated to official duties, such as peering at an offender who is using the toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender’s naked body or of an offender performing bodily functions.”

(b) Texas Department of Criminal Justice Board Policy page 1, policy statement, states, “It is the policy of the Texas Board of Criminal Justice (TBCJ) that the Prison Rape Elimination Act (PREA) ombudsman shall coordinate the Texas Department of Criminal Justice’s (TDCJ) efforts to comply with the PREA standards in all of its correctional and community residential facilities. The PREA ombudsman shall have sufficient time and authority to oversee the TDCJ’s policies relating to the elimination of offender sexual abuse and harassment at correctional and community residential facilities, and implementation of the PREA standards.”

Texas Department of Criminal Justice Board Policy page 5-6, section III Responsibilities and Authority, states, “

A. The PREA ombudsman’s responsibilities include the following:

1. Monitor TDCJ policy for the prevention of offender sexual abuse and sexual harassment at correctional and community residential facilities, as well as compliance with PREA ombudsman policies and procedures to assure PREA compliance.

2. Provide oversight of education and training for employees, offenders, and other individuals assuring curriculum covers topics required in the PREA standards, and provide direction to trainers to include specific topics and information.

3. Make recommendations to TDCJ executive management concerning changes in policies and procedures necessary to comply with PREA standards.

4. Process complaints and inquiries from elected officials, the public, and offenders concerning offender sexual abuse and sexual harassment and TDCJ initiatives related to PREA and ensure impartial resolution. The PREA ombudsman may use discretion to respond directly or forward complaints to appropriate TDCJ staff for investigation and disposition. Criminal investigations are the responsibility of the Office of the Inspector General (OIG).

5. Oversee the administrative investigation of allegations of offender sexual abuse and sexual harassment to assure quality and thorough investigations.

6. Collect statistics regarding allegations of offender sexual abuse and sexual harassment from each correctional facility to comply with PREA standards.

7. Prepare monthly and semiannual activity reports for distribution to the TBCJ chairman, TBCJ members, and TDCJ executive management.

8. Ensure the TBCJ chairman and TDCJ executive management are informed of any problematic, systemic trends.

B. The PREA ombudsman has the authority to engage in the following:
1. Collect evidence and interview offenders and employees for the purpose of conducting an administrative investigation regarding an inquiry from an elected official or the public, or an offender complaint of offender sexual abuse or sexual harassment.

2. Engage in preventive activities, including, but not limited to: review of federal and state legislation, review of TDCJ policies and procedures, and review of training and education curriculum.

3. Attend meetings held by the TDCJ that address the prevention, detection, response, and reporting of allegations of offender sexual abuse and sexual harassment, as well as monitoring of PREA initiatives.

4. Review offender sexual abuse and sexual harassment administrative reports to ensure each investigation is professional, thorough, complete, and unbiased and that appropriate policies and procedures were followed during the investigation.

5. Review offender sexual abuse allegations in order to make recommendations for improving the effectiveness of the TDCJ’s sexual abuse prevention, detection, and response policies, practices, and training.

The agency provided the Texas Department of Criminal Justice Organizational Structure demonstrating the organization employees a PREA Ombudsman.

The facility provided Fort Stockton N5 Unit and James A. Lynaugh Unit Organizational Charts. The Organizational Chart demonstrates the facility PREA Coordinator reports directly to the facilities Senior Warden.

(c) The facility provided a Texas Department of Criminal Justice: Post Order: Subject: Unit Safe Prisons/PREA Manager. Page 1, section Subject: Unit Safe Prisons/PREA Manager – Procedures, states, “the USPPM shall assist the unit warden with monitoring of the Safe Prison/PREA Program, as well as coordinate and maintain compliance with PREA standards at the unit level. The USPPM works directly for the warden.”

Through such reviews the facility meets the standards requirements.

**Standard 115.12: Contracting with other entities for the confinement of inmates**

115.12 (a)

- If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity’s obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☒ Yes ☐ No ☐ NA

115.12 (b)

- Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.) ☒ Yes ☐ No ☐ NA
Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice, Administrative Directive – Subject: Employees of Private Business and Governmental Entities Contracting with The TDCJ, dated 4.19.2010
3. Solicitation, Offer and Award, Residential Reentry Centers Listing
4. Solicitation, Offer and Award, Transitional Treatment Centers Listing
5. Solicitation, Offer and Award, Secure Facilities Listing

Interviews:
1. Unit Safe Prisons/PREA Manager
During the pre-audit phase, the Unit Safe Prisons/PREA Manager conveyed the agency did have privatized contracts. Such contracts do contain language mandating each private provider comply with PREA standards. In addition, unionized staff are mandated to comply with PREA standards and disciplinary action would swiftly take place should noncompliance exist.

115.12 (a-b) The James A. Lynaugh/Fort Stockton PAQ states the agency does contract with private agencies for confinement services of their inmates. Texas Department of Criminal Justice, Administrative Directive – Subject: Employees of Private Business and Governmental Entities Contracting. TDCJ, page 1, policy statement, states, “The TDCJ requires employees of entities contracting with the TDCJ to comply with applicable TDCJ policies, procedures, regulations, and posted rules.”

The Agency provided Solicitation, Offer and Awards and complete vendor listings for the following program types:
1. Residential Reentry Centers (8 centers)
2. Transitional Treatment Centers (17 centers)
3. Secure Facilities (10 facilities)

Each award provided includes specific language regarding the awardee’s expected compliance with the Prison Rape Elimination Act directives to be followed during the contract period.

Through such reviews, the facility meets this standards requirements.

Standard 115.13: Supervision and monitoring

115.13 (a)

- Does the facility have a documented staffing plan that provides for adequate levels of staffing
and, where applicable, video monitoring, to protect inmates against sexual abuse?
☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?
☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility’s physical plant (including “blind-spots” or areas where staff or inmates may be isolated)? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?
☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?
☒ Yes ☐ No ☐ NA

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standard? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse? ☒ Yes ☐ No

- In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors? ☒ Yes ☐ No

115.13 (b)

- In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)
☒ Yes ☐ No ☐ NA
115.13 (c)

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section? ☒ Yes ☐ No

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility’s deployment of video monitoring systems and other monitoring technologies? ☒ Yes ☐ No

- In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan? ☒ Yes ☐ No

115.13 (d)

- Has the facility/agency 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? ☒ Yes ☐ No

- Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No

- Does the facility/agency have a policy prohibiting 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? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

☒ **Meets Standard** *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

**Document Review:**

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Security Surveillance Systems: Subject-Deletion, New Installation or Relocation of Video Surveillance Equipment 07-02, dated 3.2013
3. Texas Department of Criminal Justice Staffing Security Surveillance Systems: Turnout Roster Management 08.01, dated 9.2011
4. Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, dated 2.2019
Interviews:
1. Random inmates
2. Targeted inmates
3. Random staff
4. Assistant Warden
5. Warden

Staff and inmates interviewed could attest to supervisory staff conducting unannounced rounds, each day, often occurring multiple times per day. The Warden and the Assistant Warden both attested to completing unannounced rounds in all areas of the facility. Both attested to completing rounds at random times and through random direction.

Site review observation:
Unannounced Rounds logs in all areas of the facility demonstrated rounds are documented several times during all shifts, exceeding the standard requirement. The facility does have cameras and cameras were reviewed and all were found to be operable. Cameras were located in most programmatic areas of the facility. In areas not under camera review, all were mirrored, except for the commissary. Due to the commissary area being small and goods being stored higher than shoulder level, the Auditor recommended mirrors be added to corners of the room. When speaking with the Commissary Manager, she shared mirrors had already been ordered to be placed in all corners of the room.

115.13
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency requires the facility to develop, document and make 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 inmates against abuse. The daily number of inmates, based on the facility website on August 20, 2021 is 1056 for Lynaugh Unit with the capacity of 1156 and 479 for Fort Stockton with the capacity of 606 and the staffing plan was predicated on the same number of inmates as is shown on the facility website.

A. Security Operations shall conduct an annual review of each unit’s turnout rosters in consultation with the regional director and the Unit Safe Prisons/PREA Manager to assess, determine, and document whether adjustments are needed to the unit turn out roster.

B. Prior to the meeting Security Operations staff shall collect relevant information from the agency safe prisons/Unit Safe Prisons/PREA Manager containing the prevalence of substantiated and unsubstantiated incidents of sexual abuse from the previous year for each facility under review.

F. A request for revision may be submitted by the unit warden at any time when there has been a mission change or a housing scheme change on the unit. However, a review must be conducted annually as designated above.”

Texas Department of Criminal Justice Security Surveillance Systems: Subject-Deletion, New Installation or Relocation of Video Surveillance Equipment 07.02, page 1, procedure statement, states, “Video Surveillance equipment shall not be installed, deleted or relocated without an approved Decision Memorandum that will be generated by the Surveillance Systems Coordinator. This includes cameras, monitors and head-end equipment.

Texas Department of Criminal Justice Staffing Security Surveillance Systems: Turnout Roster Management 08.01, page 1, section Priority 1, state, “A position that because of its responsibility will be filled before Priority 2 position. In the event that all Priority 1 positions cannot be filled the duty warden will contact the regional director for guidance to determine if staff overtime or other operational considerations are warranted.

Priority 2: The warden or designee may staff within Priority 2 as needed to allow for unit activities that are deemed necessary based upon availability of staff.

Security Operations is the office of record for all shift and non-shift rosters and is the only department authorized to make changes to the shift rosters.”

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 10-11, section D. Security Staffing, states, “The TDCJ shall ensure each unit develops, documents, and complies 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, units shall take into consideration TDCJ policies and procedures, and:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
- Any findings of inadequacy from federal investigative agencies;
- Any findings of inadequacy from internal or external oversight agencies;
- All components of the unit’s physical plant, including “blind spots” or areas where staff or offenders may be isolated;
- The composition of the offender population;
- The number and placement of supervisory staff;
- Institutional programs occurring on a particular shift;
- Any applicable state or local laws, regulations, or standards;
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
• Any other relevant factors.

Texas Department of Criminal Justice Administrative Directive: Subject-Security Staffing 08.06, page 1, section Annual Review of Turnout Rosters, states, “Prior to the meeting Security Operations staff shall collect relevant information from the agency safe prisons/Unit Safe Prisons/PREA Manager containing the prevalence of substantiated and unsubstantiated incidents of sexual abuse from the previous year for each facility under review.”

(b) The James A. Lynaugh/Fort Stockton PAQ states each time the staffing plan is not complied with, the facility documents and justifies deviations. The facility did have deviations from the required ratios of their staffing plan. Reasons for deviations were:

- Constant Direct Observation
- Off Unit Transports
- Hospital Transports
- Major Projects
- Assist Law Enforcement, and;
- Hospital Security

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 11, section D. Security Staffing 2, states, “In circumstances where the staffing plan is not complied with, the unit shall document and justify all deviations from the plan.

The facility provided Texas Department of Criminal Justice Fort Stockton Unit and James A. Lynaugh Unit Staffing Plans – System II and System III – 600 and 1000 Bed Transfer. The Staffing Plans include:

- Security Administration
- Security Supervisors
- Priority 1 and 2 Positions (Building)
- Positions (Non-Shift)
- Unit Summary
- 1st Shift Building Turnout Roster
- 2nd Shift Building Turnout Roster
- 3rd Shift Building Turnout Roster
- Non-Shift Turnout Roster 1st Shift
- Non-Shift Turnout Roster 2nd and 3rd Shifts

(c) The James A. Lynaugh/Fort Stockton PAQ states at least once every year the facility/agency, in collaboration with the PREA coordinator, reviews the staffing plan to whether adjustments are needed in (a) the staffing, (b) the deployment of monitoring technology, or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance with the staffing plan.

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 11, section D. Security Staffing 3. states, “Each unit the TDCJ operates shall complete an assessment, whenever necessary, but no less frequently than once each year in consultation with the CID director, who serves as the PREA coordinator, and the TDCJ SPPM, to determine and document if the following require adjustments: The staffing plan established pursuant to paragraph 1 of this section; (f) The unit’s deployment of video monitoring systems and other monitoring technologies; or (g) Resources the unit has available to commit to ensure adherence to the staffing plan.”
Texas Department of Criminal Justice Administrative Directive: Subject-Security Staffing 08.06, page 1, section Annual Review of Turnout Rosters, states, “Security Operations shall conduct an annual review of each unit’s turnout rosters in consultation with the regional director and the safe prisons/PREA Compliance Manager to assess, determine and document whether adjustments are needed to the unit turn out roster.”

The facility provided a Texas Department of Criminal Justice Institutions Division Management Operations, Annual Staffing Plan / Roster Review Lynaugh Unit. The review for year 2021 states the following:

“The annual staffing plan and roster review of the Lynaugh Unit was conducted through the regional director’s office on May 20, 2021 (See participation sheet for list of attendees.)

As a result of the meeting and review of security staff allocations along with statistics presented by the PREA coordinator, it was determined that:

- J3 Building idled
- additional or enhanced video surveillance equipment was not required; and
- the unit is utilizing all resources available (e.g., overtime, recruiting efforts) to ensure adequate security staff is available to meet the requirements of the staffing plan.

The facility provided a Texas Department of Criminal Justice Institutions Division Management Operations, Annual Staffing Plan / Roster Review Fort Stockton Unit. The review for year 2021 states the following:

“The annual staffing plan and roster review of the Lynaugh Unit was conducted through the regional director’s office on May 20, 2021 (See participation sheet for list of attendees.)

As a result of the meeting and review of security staff allocations along with statistics presented by the PREA coordinator, it was determined that:

- Minor formatting change;
- additional or enhanced video surveillance equipment was not required; and
- the unit is utilizing all resources available (e.g., overtime, recruiting efforts) to ensure adequate security staff is available to meet the requirements of the staffing plan.

The James A. Lynaugh/Fort Stockton PAQ states facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 9, section B. Supervising Offenders, states, “Security supervisors at each unit shall conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment. These rounds shall be conducted during all shifts in accordance with applicable post orders.”

Staff is prohibited from alerting other staff members when these rounds are occurring, unless the announcement is related to the legitimate operational functions of the unit. Violations shall be handled in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”
Through such reviews, the facility met the standards requirements.

**Standard 115.14: Youthful inmates**

115.14 (a)
- Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

115.14 (b)
- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA
- In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

115.14 (c)
- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA
- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA
- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

**Auditor Overall Compliance Determination**

- ☒ *Exceeds Standard* *(Substantially exceeds requirement of standards)*
- ☒ *Meets Standard* *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*
- □ *Does Not Meet Standard* *(Requires Corrective Action)*

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division – Post Order PO-141, dated 6.1.2018
3. Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, dated February 2019
4. Texas Department of Criminal Justice Correctional Institutions Division – Inter-Office Communications, dated 2020-2021
5. Texas Department of Criminal Justice Correctional Institutions Division PO-07.141, Youthful Offender Housing Area Officer, dated 11.1.2021

Interviews:
1. Unit Safe Prisons/PREA Manager
2. Warden
The PAQ provided by the facility stated this facility did not house youthful inmates. Through discussions with both the Unit Safe Prisons/PREA Manager and the Warden demonstrated youthful inmates were not housed at this facility.

Site Observation:
The facility tour and formal and informal interviews with inmates and staff demonstrated youthful inmates were not housed at the facility.

115.14
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency does not house youthful inmates. Texas Department of Criminal Justice Correctional Institutions Division – Post Order PO-141, page 3, section E. states, “Ensure sight and sound separation is maintained between youthful and adult offenders or provide direct supervision, when youthful and adult offenders have incidental sight, sound, or physical contact in areas outside the youthful offender housing area.” The facility provided Texas Department of Criminal Justice – Correctional Institutions Division – Prison Rape Elimination Act/PREA Statement of Fact, which states compliance with Standard 115.14 and comments, “The Fort Stockton N5 Unit does not house youthful inmates.”

The facility provided Texas Department of Criminal Justice – Correctional Institutions Division – Prison Rape Elimination Act/PREA Statement of Fact, which states compliance with Standard 115.14 and comments, “The Lynaugh Unit does not house youthful inmates.”

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 10, Section Youthful Offenders C.2-3, states, “In accordance with the TDCJ Classification Plan and TDCJ Unit Classification Procedures Manual, youthful offenders shall not be placed in a housing unit where the youthful offenders will have sight, sound, or physical contact with any adult offenders through use of a shared dayroom or other common space, shower area, or sleeping quarters.

When youthful offenders are outside the housing areas, correctional staff shall:
   a. Maintain sight and sound separation between youthful offenders and adult offenders; or
   b. Provide direct supervision when youthful and adult offenders have sight, sound, or physical contact.

The TDCJ shall make best efforts to avoid placing youthful offenders in isolation for the purposes of maintaining sight and sound separation. Youthful offenders’ daily large muscle exercise and
any legally required special education services required to comply with this provision shall not be denied, except in exigent circumstances. Youthful offenders shall also have access to other programs and work opportunities to the extent possible."

Texas Department of Criminal Justice Correctional Institutions Division PO-07.141, Youthful Offender Housing Area Officer page 1, section Procedures: states, "The youthful offender housing area officer shall ensure the safety and security of the housing area and offenders assigned to the housing area; keep an accurate count of all offenders assigned to the housing area; and manage offender movement to and from scheduled activities."

The Correctional Institution Division Prison Rape Elimination Act/PREA, Statement of Fact, 115.14 Youthful inmates, page 1, section (a), states, “A youthful offender shall not be placed in a housing unit in which the youthful inmate will have sight, sound, or physical contact with any adult inmate through use of a shared dayroom or other commons space, shower area or sleeping quarters.”

Through such reviews, the facility met the standards requirements.

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

**115.15 (a)**

- Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?
  - ☒ Yes  ☐ No

**115.15 (b)**

- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
  - ☐ Yes  ☐ No  ☒ NA

- Does the facility always refrain from restricting female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)
  - ☐ Yes  ☐ No  ☒ NA

**115.15 (c)**

- Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?  ☒ Yes  ☐ No

- Does the facility document all cross-gender pat-down searches of female inmates? (N/A if the facility does not have female inmates.)
  - ☐ Yes  ☐ No  ☒ NA

**115.15 (d)**

- Does the facility have Directives that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?
  - ☒ Yes  ☐ No
- Does the facility have procedures that enable inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks? ☒ Yes ☐ No

- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit? ☒ Yes ☐ No

115.15 (e)

- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate’s genital status? ☒ Yes ☐ No

- If an inmate’s genital status is unknown, does the facility determine genital status during conversations with the inmate, 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? ☒ Yes ☐ No

115.15 (f)

- Does the facility/agency train correctional officers in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No

- Does the facility/agency train correctional officers in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs? ☒ Yes ☐ No

Auditor Overall Compliance Determination

- ☒ Exceeds Standard (Substantially exceeds requirement of standards)
- ☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
- ☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Random inmates
2. Targeted inmates
3. Random staff
4. LPN
5. Mental Health Clinician
6. Intake Officer
7. Unit Safe Prisons/PREA Manager / Intake STG
8. Major

Interviews with inmates and staff demonstrated cross gender searches had not taken place. Staff interviewed attested to pat down searches being the search primarily used at this facility. Staff could attest to being trained in cross gender search techniques. Staff stated if a transgender preferred an opposite sex staff conduct their search they would consider the transgender’s request. Inmates interviewed reported their initial and any subsequent searches were respectfully conducted.

Site Review Observation:
1. Intake area Ft. Stockton
2. Intake area Lynaugh

During the tour of the Ft. Stockton facility, the Intake Department consisted on one large room with one toilet and a modesty screen for strip searches. The Intake Officer walked the Auditor through the entire process of the Intake process at the Lynaugh facility. The Intake Officer explained laundry staff meet them at the outdoor intake gated area and greets them with their clothing. Intakes are then taken into the strip search area where inmates shower and change clothes one by one, picture identification badges are made and are then inmates are processed to the Safe Unit Prisons/PREA Officer to complete risk assessments. Finally, inmates are sent to the Classification department for housing assignment.

115.15
(a) James A. Lynaugh/Fort Stockton PAQ states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Inmates. In the past 12 months neither facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of Inmates.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 8, section II. Offender Management and Services, B.3, states, “Staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches, such as a search of the anal or genital opening, except in exigent circumstances or when performed by medical practitioners in accordance with AD-03.22, “Offender Searches.”

Texas Department of Criminal Justice – Training and Leader Development Division Correctional Training, On-the Job Training (OJT) Procedures Guide, page 17, section E. demonstrates a 12-Hour Gender Specific Training Course is required of all applicable employees assigned search duty of any type.

The facility provided a Correctional Institution Division Prison Rape Elimination Act/PREA – Statement of Fact, 115.15 Limits to Cross-Gender Viewing and Searches, states the facilities will comply with Standard 115.15 with comments, “(b)(c) The Fort Stockton N5 Unit does not house female inmates; and (e) the Fort Stockton N5 does not search or physical examine transgender or intersex inmates for the sole purpose of determining the inmate’s genital status.”
The facility provided a Correctional Institution Division Prison Rape Elimination Act/PREA – Statement of Fact, 115.15 Limits to Cross-Gender Viewing and Searches, states the facilities will comply with Standard 115.15 with comments, “(b)(c) The Lynaugh Unit does not house female inmates; and (e) the Fort Stockton N5 does not search or physical examine transgender or intersex inmates for the sole purpose of determining the inmates’ genital status. Be advised the James A. Lynaugh Unit did not conduct any cross-gender strip searches in September 2021.”

(b) James A. Lynaugh/Fort Stockton PAQ states the facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 8, section II. Offender Management and Services, B.4-5, states, “Unit staff shall document all cross-gender strip searches and cross-gender visual body cavity searches for male offenders, and all cross-gender visual body cavity searches or pat-down searches for female offenders. These searches shall be documented on an Inter-Office Communication containing a supervisor’s signed approval and filed with the USPPM.”

(c) James A. Lynaugh/Fort Stockton PAQ states the facility policy requires that all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified. Compliance for can be found in provision (b) of this standard.

(d) James A. Lynaugh/Fort Stockton PAQ states the facility has implemented policies and procedures that enable Inmates to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks (this includes viewing via video camera).

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 8, section II. Offender Management and Services, B.6, states, “Correctional officers shall make best efforts to allow offenders to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender shall announce their presence when entering an offender housing area in accordance with applicable post orders. Under no circumstances shall an offender search be conducted solely for the purpose of determining an offender’s genital status.”

Texas Department of Criminal Justice – Training and Leader Development Division – Correctional Training and Staff Development, page 4, section Cross-Gender Viewing, states, “staff members to the opposite gender shall announce their presence when entering an offender housing area.

(e) The James A. Lynaugh/Fort Stockton PAQ states the facility has a policy prohibiting staff from searching or physically examining a transgender or intersex Inmate for the sole purpose of determining the Inmate’s genital status. Such searches did not occur in the past 12 months.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 16, section III. Offender Screening and Assessment A. 1-3, states, “During the intake process, non-medical staff shall 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 conversation with the offender, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner. Offenders identified as transgender or intersex during intake shall be referred to medical in accordance with the TDCJ Intake Procedures Manual.”

(f) The James A. Lynaugh/Fort Stockton PAQ states 100% of security staff at each facility receive training on conducting cross-gender pat-down searches and searches of transgender and intersex Inmates in a professional and respectful manner.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34, section paragraphs 2-3, state, “Correctional staff shall be trained in the methods of conducting cross-gender, transgender, and intersex offender pat-down searches in order to ensure the searches are conducted professionally and respectfully, in the least intrusive manner possible, but with attention to security needs. The training shall be tailored to the gender of the offenders at the unit of assignment. The employee shall receive additional training when transferring to a unit with offenders of a different gender.”

Through such reviews of the intake process being so regimented, organized and respectful to each intake the facility exceeds the standard requirements.

**Standard 115.16: Inmates with disabilities and inmates who are limited English proficient**

**115.16 (a)**

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who are deaf or hard of hearing? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who are blind or have low vision? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have intellectual disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have psychiatric disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with 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, including: inmates who have speech disabilities? ☒ Yes ☐ No

- Does the agency take appropriate steps to ensure that inmates with 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, including: Other (if “other,” please explain in overall determination notes)? ☒ Yes ☐ No

- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No

- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? ☒ Yes ☐ No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? ☒ Yes ☐ No

- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? ☒ Yes ☐ No

115.16 (b)

- Does the agency take 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 inmates who are limited English proficient? ☒ Yes ☐ No

- Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No

115.16 (c)

- Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate’s safety, the performance of first-response duties under §115.64, or the investigation of the inmate’s allegations? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice, James A. Lynaugh Unit Roster, Qualified Interpreter Listing, dated 10.15.2021
4. Texas Department of Criminal Justice, Fort Stockton Unit Roster, Qualified Interpreter Listing, dated 10.01.2021

Interviews:
1. Targeted inmates
2. Intake staff

During interviews with targeted inmates included those who were blind, physically disabled, spoke only Spanish and communicated through the use of an interpreter, bisexual, gay, transgender, disclosed abuse in their past and each could articulate their understanding of PREA protocols. The consensus from targeted inmates, from both facilities, demonstrated each were provided PREA education that they understood such education was provided on the day of their arrival and through PREA class held within weeks of their arrival.

115.16
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20-21, section IV. A. 2, states, “Appropriate steps shall be taken to ensure offenders with disabilities, including 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 TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Staff shall provide access to qualified interpreters, when necessary, to ensure effective communication with offenders who are deaf or hard of hearing. Written materials shall be provided in accordance with TDCJ policies and procedures, to ensure effective communication with offenders with disabilities, limited reading skills, or who are blind or have low vision.”

(b) The James A. Lynaugh/Fort Stockton PAQ states the agency has established procedures to provide Inmates with limited English 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. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 33, section VII. A.4. states, “Offenders shall be provided education in formats accessible to all offenders, including those who are limited English proficient, deaf, hard of hearing, blind, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills.”
The James A. Lynaugh/Fort Stockton PAQ states the agency prohibits the use of inmate interpreters. In the last 12 months the facility has had zero instances where inmates at both facilities that were used for interpreters. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section V. a-b., states, “When seeking interpreters, staff shall not rely 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 described within this plan, or the investigation of the offender’s allegations. Staff shall follow appropriate TDCJ policies and procedures for obtaining a qualified interpreter.”

The facility provided a Texas Department of Criminal Justice, James A. Lynaugh Unit Roster, Qualified Interpreter Listing. This list demonstrates 23 correctional staff are employed at the facility are qualified interpreters. The facility also provided a roster of 90 Spanish speaking inmates.

The facility provided a Texas Department of Criminal Justice, Fort Stockton Unit Roster, Qualified Interpreter Listing. This list demonstrates 12 correctional staff are employed at the facility are qualified interpreters. The facility also provided a roster of 38 Spanish speaking inmates.

The agency provided a Language Line Solutions – TTUHSC Correctional Managed Health Care Quick Reference Guide. The guide includes a contact phone number, Client ID number and important information when working with an interpreter.

Through such reviews, the facility meets this standards requirements.

**Standard 115.17: Hiring and promotion decisions**

115.17 (a)

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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)? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who 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? ☒ Yes ☐ No

- Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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)? ☒ Yes ☐ No

- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who 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? ☒ Yes ☐ No
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? ☒ Yes ☐ No

- Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the question immediately above? ☒ Yes ☐ No

115.17 (b)

- Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates? ☒ Yes ☐ No

- Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (c)

- Before hiring new employees, who may have contact with inmates, does the agency perform a criminal background records check? ☒ Yes ☐ No

- Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make 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? ☒ Yes ☐ No

115.17 (d)

- Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No

115.17 (e)

- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.17 (f)

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? ☒ Yes ☐ No

- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? ☒ Yes ☐ No

- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes ☐ No

115.17 (g)
• Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination? ☒ Yes  ☐ No

115.17 (h)

• Does the agency provide 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? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) ☒ Yes  ☐ No  ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Employment Application Supplement for Agency Applicants, dated 02.19
4. Example of verification on Former Employee, dated 1.22.2019
8. Texas Department of Criminal Justice New Hires (James A. Lynaugh Unit) between October 1, 2020 and September 30, 2021
9. Texas Department of Criminal Justice New Hires (Fort Stockton Unit) between October 1, 2020 and September 30, 2021

Interviews:
1. Unit Safe Prisons/PREA Manager
2. Human Resource Assistant

Interviews with the Human Resource Manager demonstrated during the initial criminal history check, each employee’s or contractor’s information is entered into CJIS (Criminal Justice Information System). The Department of Public Safety will immediately provide an automatic notification to the Texas Department of Criminal Justice (TDCJ) via email of any new criminal activity on the part of the employee. TDCJ conducts warrant checks on each employee and contractor every six months.

Site Review Observation:
Review of staff personnel files demonstrated staff received training at the academy in Huntsville, upon hire.

File review also demonstrated staff, contractors and volunteers had background checks upon hire and every five years thereafter, on their birthdate. Administrative questions are asked during the application process.

115.17
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency policy prohibits hiring or promoting anyone who may have contact with inmates, and prohibits enlisting the services of any contractor who may have contact with inmates who has engaged in or been convicted in or administratively adjudicated in sexual activity described in paragraph (a)(2) of this standard.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 38, section IX. A. 1., a-c, states, “The TDCJ shall not hire or promote anyone who may have contact with offenders, and shall not enlist the services of any contractor who may have contact with offenders, who previously:

a. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution, as defined in 42 USC 1997;
b. Has been convicted of engaging or attempting to engage in sexual activity in the community that was facilitated by force, overt or implied threats of force, coercion, or if the victim did not consent, refused, or was unable to consent or refuse; or
c. Has been civilly or administratively adjudicated to have engaged in the activity described in Section VIII.A.1.b."

The agency provided 10 Texas Department of Criminal Justice Standard of Supplemental Safe Prisons/PREA Training Employee Acknowledgment Forms dated 11.24.2020 through 7.19.2021. Each acknowledgment affirms the following:

- I hereby acknowledge that on this date I have attended the Standard or Supplemental Safe Prisons/PREA Training provided by the TDCJ, which included viewing the Safe Prisons/PREA in Texas training video.
- I further acknowledge that I have a continuing affirmative duty to disclose if I:
  - Engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; or
  - Have been civilly or administratively adjudicated or 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 refuse.
- Carefully read the following and check the appropriate box.
  - I have NOT engaged in the actions described in items 1 or 2 of this form.
  - I have engaged in the actions described in items 1 or 2 of this form
- My signature on this form certifies that I understand the training and information I have received."

(b) The James A. Lynaugh/Fort Stockton PAQ states agency policy requires the consideration of any incidents of sexual harassment when determining to hire and or promote anyone, or to enlist services of any contractor, who may have contact with inmates. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 38, section IX. A. 2., states, “The TDCJ shall consider 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.

(c) The James A. Lynaugh/Fort Stockton PAQ states Agency policy requires background checks are conducted with all new hires who have contact with inmates and 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. In the past 12 months the James A. Lynaugh Unit has 127 persons and the Fort Stockton Unit had three person hired who may have contact with an inmate who have had criminal background checks. In the past 12 months, the number of contracts for services where criminal background record checks were conducted on all staff covered in the contract who might have contact with inmates was two, at each facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section C.1.a-b., state, “Before hiring new employees who may have contact with offenders, the TDCJ shall:

a. Perform a criminal background check; and

b. Attempt 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, in accordance with federal, state, and local law.”

The James A. Lynaugh facility provided a Texas Department of Criminal Justice New Hires (James A. Lynaugh Unit) between October 1, 2020 and September 30, 2021. The listing demonstrates 127 staff were hired as is stated on the pre-audit questionnaire.

The Fort Stockton facility provided a Texas Department of Criminal Justice New Hires (Fort Stockton Unit) between October 1, 2020 and September 30, 2021. The listing demonstrates three staff were hired as is stated on the pre-audit questionnaire.

(d) The James A. Lynaugh/Fort Stockton PAQ states the agency policy requires that a criminal background records check be completed before enlisting the services of any contractor who may have contact with inmates. In the past 12 months there were three contracts for services where criminal background record checks were conducted on all contractors covered in the contract who might have contact with inmates.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section C.2., states, “A criminal background check shall be performed before enlisting the services of any contractor who may have contact with offenders.”

(e) The James A. Lynaugh/Fort Stockton PAQ states the agency requires background checks to be completed every five years. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section C.3., states, “Criminal background checks shall either be conducted at least every five years for current employees and contractors who may have contact with offenders, or a system shall be in place to otherwise attain the information for current employees.”

The agency provided a State of Texas Records Retention Schedule which documents the date the contract employee, current employee clearance and criminal history check is received.
The agency provided an example of verification on Former Employee. Within this verification request, the Office of Inspector General Records responds with the following answers:
1. No there are no substantiated allegations of sexual abuse against employees.
2. No, there are no substantiated allegations of sexual harassment against employee.
3. Did the employee resign during an investigation of sexual abuse or sexual harassment?

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 38-39, section IX. A. 3., states, “The TDCJ shall directly ask all applicants and employees who may have contact with offenders about previous misconduct described in Section VIII.A.3. in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of employee review. The TDCJ shall also impose on employees a continuing affirmative duty to disclose knowledge of any such misconduct.”

The agency provided a Texas Department of Criminal Justice Employment Application Supplement for Agency Applicants. Questions 13a., 13b., 13c., 13d. all ask the applicant the required adjudication questions. In addition, the application includes a “Duty to Disclose” statement which is acknowledged by the applicant’s signature.

(g) The James A. Lynaugh/Fort Stockton PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section IX. A. 4., states, “Material omissions regarding misconduct of this nature, or the provision of materially false information, shall be grounds for termination.”

(h) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section C.4., states, “Unless prohibited by law, information shall be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee after receiving a request from an institutional employer for whom the employee has applied to work.”

The agency provided a Texas Department of Criminal History, Executive Directive: Subject – Request for and Release of Employment Information or Documents, reference: 28 C.F.R. 115.17(h), 115.76(d), 115.87(h). Page 1 of the Executive Directive, section Policy, states, “The release of information or documents relating to active or former TDCJ employees shall be in accordance with the guidelines established in this directive.” Section IIC., states, “Written Requests for Active or Former Employee Information’s Unless prohibited by law, the TDCJ shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee after receiving a request from an institutional employer for whom such employee has applied for work.”

Through such reviews, the facility meets this standards requirements.

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

115.18 (a)

- If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition,
expansion, or modification upon the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)
☐ Yes  ☐ No  ☒ NA

115.18 (b)

- If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)
☐ Yes  ☐ No  ☒ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*
☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*
☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division: Subject-Operating and Monitoring Video Surveillance Systems, dated 2.14.2019

Interviews:
1. Unit Safe Prisons/PREA Manager
2. Major
3. Assistant Warden
4. Warden

Interviews with facilities staff, demonstrated cameras are used in inmate dorms, hallways, and most programmatic areas of the facility.

Site Review Observation:
1. Control area

Cameras were reviewed at both facilities and all were operable except one camera in the restricted housing area at the Ft. Stockton. This camera was recently worked on and the repair improved an inoperable camera to a blurred view. A repair work order was in place to continue repairs on the camera; however, due technology staffing issues the return of the technology staff was not determined.

115.18

(a) The James A. Lynaugh/Fort Stockton PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit. Texas Department of Criminal Justice Correctional Institutions Division: Subject-Operating and Monitoring Video Surveillance Systems, page 1, Purpose, states, “To establish policy and procedures for operating and maintaining video surveillance systems with recording capabilities installed on units.
(b) The James A. Lynaugh/Fort Stockton PAQ states the facility has not installed electronic surveillance system since the last PREA audit.

Through such reviews, the facility meets this standards requirements.
### Standard 115.21: Evidence protocol and forensic medical examinations

#### 115.21 (a)
- If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

#### 115.21 (b)
- Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

- Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice’s Office on Violence Against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

#### 115.21 (c)
- Does the agency offer 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? ☒ Yes ☐ No

- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible? ☒ Yes ☐ No

- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)? ☒ Yes ☐ No

- Has the agency documented its efforts to provide SAFEs or SANEs? ☒ Yes ☐ No

#### 115.21 (d)
- Does the agency attempt to make available to the victim a victim advocate from a rape crisis center? ☒ Yes ☐ No

- If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.) ☒ Yes ☐ No ☐ NA
Has the agency documented its efforts to secure services from rape crisis centers?
☒ Yes ☐ No

115.21 (e)

- As requested by the victim, does 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? ☒ Yes ☐ No

- As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals? ☒ Yes ☐ No

115.21 (f)

- If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.) ☒ Yes ☐ No ☐ NA

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

- If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Offender Victim Representative Training, Safe Prisons Program Management Operations, not dated
4. Offender Victim Representative (OVR) Training Handout #2, not dated
5. Texas Department of Criminal Justice Correctional Institutions Division Inter-Office Communications, dated 9.2019
6. Rape Crisis Center Services Checklist Agreement, dated 7.15.2021
7. Inter-Office Communication, training records for internal advocates
8. Family Crisis Center of the Big Bend, Inc. Victim Support Services Flyer, dated 2021
9. Internal Inmate Phone Verification Email Communication, dated 2.3.2022

Interviews:
1. Targeted Inmates
2. Random staff
3. LPN
4. Mental Health Clinician
5. Unit Safe Prisons/PREA Manager

Interviews with the medical and mental health staff demonstrated the facility utilizes the Picas County Memorial Hospital. Both are aware of signs and symptoms and would immediately disclose to the inmate they must make an immediate appointment with medical and or mental health staff upon notification of an allegation. Both medical and mental health staff state they work closely with the PREA staff and the relationship between the facility and Texas Tech is collaborative.

Every staff interviewed clearly articulated first responder duties to include protecting, preserving and reporting. When each were asked where this information was located, responses included bulletin boards, PREA cards and postings.

The Captain interviewed reported protocols for conducting Administrative investigations. The Captain reported all allegations criminal in nature are reported to the Office of Inspector General for investigation.

Site Review Observation:
During the tour and informal interviews with inmates the inmate phone system was tested for access to advocacy services. Upon testing the internal phone system to the Family Crisis Center this Auditor received a message stating the number was an unverified number. Upon further investigation by the facility Warden he learned the phone number had not been activated due to the Facility Crisis Center needing to complete required training as the Center needed to ensure they had ample volunteers before providing services to the James A. Lynaugh and Fort Stockton Units. On 2.3.2022, the facilities received an email notification that the internal inmate phone system had been activated and was in working order.

115.21
(a) The James A. Lynaugh/Fort Stockton PAQ states the facility is responsible for conducting Administrative Investigations. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. 1., states, “All allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.

The Agency provided an Offender Victim Representative (OVR) Training Handout #2 which describes instruction and or information for:
• Contacting or Interviewing Sexual Assault Victims
• Aftermath Issues
• Rape Trauma Syndrome
• Sexual Assault information brochures for investigators
• Rights of Crime Victims
• End the Silence Brochure in English and Spanish

The agency provided Offender Victim Representative Training, Safe Prisons Program
Management Operations. The training overview states, “the training is designed to provide representatives with the necessary tools to provide competent, effective, crisis intervention services to a sexual assault victim.”

(b) The James A. Lynaugh/Fort Stockton PAQ states the protocol being developmentally appropriate for youth. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. 2., states, “The protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice Office on Violence against Women publication, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” or similarly comprehensive and authoritative protocols developed after 2011.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the facility offers all inmates who experience sexual abuse access to forensic medical examinations. Forensic examinations are offered at no cost to the victim. Where possible, all examinations are conducted by SAFE or SANE examiners. There have been one forensic medical exams performed by a SAFE/SANE exam performed in the last 12 months at the James A. Lynaugh Unit. The PAQ goes on to state, “Victims of sexual assault who require a forensic exam will be taken to the nearest hospital emergency department for completion of the exam. State law (SB-1191) requires that ER staff have specialized training to complete a forensic exam but does not require that be SANE or SAFE training. When possible SANE or SAFE will be utilized.”

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13-14, section F. 5., states, “All offender victims of sexual abuse shall be offered access to forensic medical examinations, whether on-site or at an outside medical facility, without financial cost, where evidentiary or medically appropriate. Such examination shall be performed by a sexual assault forensic examiner (SAFE) or sexual assault nurse examiner (SANE) when possible. If neither a SAFE nor SANE can be made available, the examination may be performed by other qualified medical practitioners in accordance with CMHC policies. Efforts to provide a SAFE or SANE shall be documented.”

(d) The James A. Lynaugh/Fort Stockton PAQ states the facility attempts to make a victim advocate from a rape crisis center available to the victim, in person or by other means. All efforts are documented. If a rape crisis center is not available to provide victim advocate services, the facility provides a qualified staff or community member.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 12, section E. 1. states, “Attempts shall be made to make a victim advocate from a rape crisis center available to the offender victim first. If a rape crisis center is not able to provide the offender with victim advocate services, the unit shall make available a qualified staff member from a community-based organization. If a qualified staff member from a community-based organization is not able to provide the offender with victim advocate services, the unit shall make available a qualified TDCJ staff member to provide the offender with victim advocate services.”

The facility provided an agreement with the Rape Crisis Center of the Big Bend, 27/7 Hotline at 800.834.0654, P.O. Box 1470 Alpine, TX 79831, agreeing on the following services:

- Accompany and provide emotional support services, crisis intervention, information, and referrals to the inmate survivor during the forensic medical examination conducted at a community medical facility with the organizations services are.
- Accompany and support he inmate during investigatory interviews upon request of the
• Provide follow-up face-to-face emotional support services to inmates at the TDCJ unit.
• Receive and conduct private and confidential telephone calls with inmate’s visit 24/7 crisis hotline, with an Advocate that can provide immediate crisis intervention.
• Provide sexual abuse educational information following a written request from the inmate.

The facility provided a Texas Department of Criminal Justice Correctional Institutions Division Inter-Office Communication from the facilities PREA Managers, subject: Offender Victim Representatives, which states, “Written policy and procedure require the TDCJ to make available to an offender victim of sexual assault, a victim advocate from a rape crisis center. When an advocate from a rape crisis center is not available to provide emotional support advocacy services following an allegation of sexual assault, the TDCJ shall, upon request of the offender victim, provide an OVR to support the offender victim through the forensic medical examination process and investigatory interviews. The OVR shall provide emotional support, crisis intervention, information, and referrals. OVR’s shall be approved by the unit warden to service in this role and receive the necessary training concerning sexual assault and forensic examination. Issues.

The following staff members are trained Offender Victim Representatives for the James A. Lynaugh/Fort Stockton N5 Complex. (Names removed for confidentiality of this Auditor’s Report)
• Chief of Classification
• Case Manager
• Chaplin

In addition to the above Inter-Office Communication, the facility provided training records demonstrating each internal advocate has completed training in the following areas:

• Cybersecurity Awareness
• Conducting a thorough investigation
• Offender Sexual Harassment Training
• Ex Dir Statement Discrimination/EEO/Ethics
• Seasonal Preparedness
• Be the 1: Human Trafficking Edu.
• Offender Victim Representative
• PREA Automated Network System

The James A. Lynaugh/Fort Stockton PAQ states a qualified staff or community member accompanies and supports the victim through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information and referrals. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 12, section E. 1. a-b, state, “As requested by the offender victim, the victim advocate or qualified TDCJ staff member, or qualified community-based organization staff member shall:

1. Accompany and support the victim through the forensic medical examination process and investigatory interviews;

2. Provide emotional support, crisis intervention, information, and referrals; and

3. Not delay or otherwise impede the screening or stabilization of an emergency medical condition.
b. For the purposes of this section, a qualified TDCJ staff member is an offender victim representative (OVR).

(f,g,h) The James A. Lynaugh/Fort Stockton PAQ states the agency is responsible for Administrative or Criminal investigations. The agency does request provision a-e of this standard are considered when conducting all investigations.

Through such reviews, the facility meets this standards requirements.

**Standard 115.22: Directives to ensure referrals of allegations for investigations**

115.22 (a)

- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse? ☒ Yes   ☐ No
- Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment? ☒ Yes   ☐ No

115.22 (b)

- Does the agency have a directive and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior? ☒ Yes   ☐ No
- Has the agency published such directive on its website or, if it does not have one, made the directive available through other means? ☒ Yes   ☐ No
- Does the agency document all such referrals? ☒ Yes   ☐ No

115.22 (c)

- If a separate entity is responsible for conducting criminal investigations, does the directive describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).) ☒ Yes   ☐ No   ☐ NA

115.22 (d)
- Auditor is not required to audit this provision.

115.22 (e)

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

- ☐ Exceeds Standard *(Substantially exceeds requirement of standards)*
- ☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*
- ☐ Does Not Meet Standard *(Requires Corrective Action)*

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. Captain - Facility Investigator

Inmate and staff interviews demonstrated each can report incidents of sexual abuse and sexual harassment through the grievance process, placing a note in the grievance box outside of the dining hall, reporting to staff or utilizing the hotline. Each stated being comfortable reporting incidents of sexual harassment and assault, primarily directly to the facility staff.

**Site Review Observation:**
There were 13 administrative investigations reported in the last 12 months. Of those 13 investigations, all were reported timely with the victim and perpetrator separated immediately following the allegation. 11 of the investigations were reviewed utilizing the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations template. Each investigation reviewed was completed thoroughly and within three to seven days of the reported allegation.

115.22 (a) The James A. Lynaugh/Fort Stockton PAQ states the agency insures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the James A. Lynaugh facility has had 13 allegations of sexual abuse and sexual harassment that were received. In the past 12 months the Fort Stockton facility has had two allegations of sexual abuse and sexual harassment that were received.

In the past 12 months 13 allegations at the James A. Lynaugh facility resulted in an Administrative Investigation. In the past 12 months of the 13 investigations the Office of Inspector General opened one investigation, which remains active.
In the past 12 months two allegations at the Fort Stockton facility resulted in an Administrative Investigation. In the past 12 months two of the two investigations resulted in No Case Opened on both allegations.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28-29, section E. 1. a-g., state,

a. “Offender-on-offender sexual abuse investigations shall be documented on the appropriate Safe Prisons/PREA forms contained within the SPPOM.

b. Investigations shall include, at a minimum, interviews with alleged victims, suspected assailants, and witnesses; a review of prior complaints and reports of sexual abuse involving the alleged assailant; review of video surveillance where available; and any evidence, including physical evidence.

c. The credibility of an alleged victim, assailant, or witness shall be assessed on an individual basis and not on the status as an offender or staff member.

d. Staff shall document the description of physical and testimonial evidence in the body of the report, the reasoning behind credibility assessment, and investigative facts and findings.

e. Information regarding staff action or inaction that may have contributed to the alleged abuse shall be included in the investigative report.

f. Unit staff conducting OPIs shall cooperate with the OIG when applicable, to avoid interfering with possible criminal investigation related to the same incident.

g. Additional information related to investigations may be found in the SPPOM.”

(b-c) The James A. Lynaugh/Fort Stockton PAQ states the agency has policy that requires allegations of sexual abuse or harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 27 section C. 1 states, “Allegations of sexual abuse and sexual harassment shall be referred to the OIG for investigation. These referrals shall be documented on the appropriate investigative forms contained within AD-02.15, “Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents,” for staff-offender allegations and the SPPOM for offender-offender allegations.”

Agency policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation is published on the agency website or made publicly on the agency website at https://www.tdcj.texas.gov/divisionsoig/indest.html

Through such reviews, the facility meets this standards requirements.
TRAINING AND EDUCATION

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance directive for sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response Directives and procedures? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? ☒ Yes ☐ No

- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? ☒ Yes ☐ No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee's facility? ☒ Yes ☐ No

- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☒ Yes ☐ No

115.31 (c)
- Have all current employees who may have contact with inmates received such training? ☒ Yes ☐ No

- Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency’s current sexual abuse and sexual harassment Directives and procedures? ☒ Yes ☐ No

- In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment Directives? ☒ Yes ☐ No

115.31 (d)

- Does the agency document, through employee signature or electronic verification, that employees understand the training they have received? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development In-Service Non-Supervisor Safe Prisons PREA Program, dated 9.1.2021
4. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development In-Service Supervisor Safe Prisons PREA Program, dated 9.1.2021
5. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development / Correctional Awareness/Staff Survivor Training Curriculum, dated 9.1.2021
6. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development / Pre-Service Training, dated 9.1.2021
7. Texas Department of Criminal Justice Video Script Safe Prisons/PREA in Texas, dated 8.5.2013
8. Texas Department of Criminal Justice Training and Leader Development Division Correctional Training and Staff Development, dated 9.1.2021

Interviews:

1. Facility staff
2. Specialized staff
3. Human Resource Assistant

Interviews with random and specialized staff demonstrated each were aware of and received initial and booster training annually PREA training.

Site Observation:
Although the agency as a whole stopped in service trainings due to COVID, these facilities managed to continue training and that training is documented per the personnel file reviews. The facilities have a monthly system in place where PREA is the topic of training. The monthly training is provided to staff, contractors and volunteers via training packets provided by the Unit Safe Prisons/PREA Managers.

115.31
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency trains all employees who may have contact with Inmates in all required provisions of this standard. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 33-34, section V1. B. 1. a-k., state, “All Safe Prisons/PREA Program training and education shall be performed in accordance with the Correctional Training and Staff Development program schedule, the SPPOM, and this plan.

1. All employees who may have contact with offenders shall receive the following information in accordance with Safe Prisons/PREA requirements:

   a. The TDCJ’s zero tolerance policy on sexual abuse and sexual harassment;
   b. Methods for fulfilling responsibilities under the TDCJ sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures.
   c. The right of offenders to be free from sexual abuse and sexual harassment;
   d. The right of offenders and staff to be free from retaliation for reporting sexual abuse and sexual harassment;
   e. The characteristics of sexual abuse and sexual harassment in confinement;
   f. The common reactions of sexual abuse and sexual harassment victims;
   g. How to detect and respond to signs of threatened and actual sexual abuse;
   h. How to avoid inappropriate relationships with offenders;
   i. How to communicate effectively and professionally with offenders, including LGBTI, or gender nonconforming offenders;
   j. How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
   k. The common characteristics of victims and predators, sometimes referred to as red flags.”

The agency provided the Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development Pre-Service Training, Correctional Awareness/Staff Survivor, Supervisor and In-Service Training Curriculums. Training performance objectives include:

1. Defining sexual abuse
2. Describing characteristics and behavior patterns associated with sexual abuse
3. Explaining prevention of sexual abuse
4. Listing steps for first responders to be taken in the event of a reported sexual abuse
5. Discuss the TDCJ Zero Tolerance
6. Safe Prisons/PREA in Texas – defining sexual abuse and sexual harassment, potential victims of sexual abuse and harassment; characteristics of potential predators
7. Discuss the importance of conducting security checks
8. Steps to be taken when an offender requests protection
9. Discussion on the importance of adhering to cross-gender viewing policies and procedures when conducting a strip-search
10. Discussion on PREA audit preparedness
The agency provided a Texas Department of Criminal Justice Video Script Safe Prisons/PREA in Texas. This video was created and was shown to all TDCJ staff who have contact with offenders. This video is also shown at staff in-service and pre-service academy. Aspects discussed include:
1. Prison Rape Elimination Act
2. Offender-On-Offender Sexual Harassment and Sexual Abuse
3. Alleged Sexual Harassment (offender-on-offender)
4. Common Characteristics of a Victim
5. Common Characteristics of a Perpetrator
6. Red Flag Behaviors
7. Staff-On-Offender Sexual Harassment and Sexual Abuse
8. Alleged Sexual Harassment (staff-on-offender)
9. Alleged Sexual Abuse (staff-on-offender)
10. Avoiding Inappropriate Relationships with Offenders
11. PD-29 – Sexual Misconduct with Offenders
13. Preventing Sexual Abuse
14. Mandating Reporting
15. Responding to Allegations of Sexual Harassment and Sexual Abuse
16. Definitions of LGBTI
17. Staff Responsibilities when Offenders Request Protection
18. Confidentiality

(b) The James A. Lynaugh/Fort Stockton PAQ states training is tailored to the unique needs and attributes and gender of Inmates at the facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 33-34, section V1. B. 3., states, “The training shall be tailored to the gender of the offenders at the unit of assignment. The employee shall receive additional training when transferring to a unit with offenders of a different gender.”

(c) The James A. Lynaugh/Fort Stockton PAQ states 398 staff at James A. Lynaugh and 78 staff at Fort Stockton, currently employed by the facility, who may have contact with Inmates, were trained or retrained on the PREA requirements enumerated above. Employees who have contact with inmates receive annual training. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34-35, section V1. C. 1., states, “All employees who have contact with offenders, including medical and mental health care practitioners, shall receive training as outlined in Section VI.B.1, at least every two years. In the interim years, employees shall be provided refresher information on current sexual abuse and sexual harassment policies.”

(d) The James A. Lynaugh/Fort Stockton PAQ states the agency documents that employees who may have contact with Inmates, understand the training they have received through employee signature or electronic verification. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34-35, section V1. C. 2. states, "All training shall be documented, through employee signature or electronic verification, confirming that employees understand the training and information they have received.”

Through such reviews, of annual and consistent monthly PREA training, the facility exceeds this standards requirements.

**Standard 115.32: Volunteer and contractor training**

115.32 (a)
- Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency’s sexual abuse and sexual harassment prevention, detection, and response Directives and procedures? ☒ Yes  ☐ No

115.32 (b)

- Have all volunteers and contractors who have contact with inmates been notified of the agency’s zero-tolerance directive regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)? ☒ Yes  ☐ No

115.32 (c)

- Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received? ☒ Yes  ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. TTUHSC Contractor and Volunteer Orientation PREA Policy Packet, not dated
4. TTUHSC Managed Care PREA Annual Training Packet, not dated
5. PREA: Part 4 Specialized Training Medical and Mental Health Staff PowerPoint, not dated
6. TTUHSC Managed Care PREA Contractor & Volunteer Annual Training Packet, not dated
7. Texas Department of Criminal Justice Volunteer Services – Handbook for Volunteers, dated January 2018
8. Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientations

Interviews:
1. Religious Volunteer
2. LPN
3. Mental Health Clinician
The contractors stated initial and annual training took place at Texas Tech and volunteers stated training is completed by the Chaplin staff. Contractors stated they receive monthly PREA training packets by the Unit Safe Prisons/PREA Manager as well and they have no issue completing the training and appreciate the collaboration with the PREA staff.

115.32 (a) The James A. Lynaugh/Fort Stockton PAQ states all volunteers and contractors who have contact with Inmates have been trained on their responsibilities under the agency’s policies and procedures regarding sexual abuse and harassment prevention, detection, and response. 40 total
contract staff and 56 volunteers in total at both facilities, who have contact with Inmates, have completed the required training.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34, section D.1-6, state, “

1. All volunteers and contractors who have contact with offenders shall be trained regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures in accordance with the TDCJ Volunteer Services Plan, PD-29, “Sexual Misconduct with Offenders,” and this plan.

2. The level and type of training provided to volunteers and contractors shall be specific to the services provided and the level of contact with offenders; however, all volunteers and contractors who have contact with offenders shall be notified of the TDCJ’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed of the procedures for reporting incidents.

3. Training documentation confirming the volunteers and contractors have received and understand the training shall be maintained in accordance with the TDCJ Records Retention Schedule.

4. All full- and part-time medical and mental health care practitioners who work regularly in TDCJ operated facilities shall be trained in:
   a. How to detect and assess signs of sexual abuse and sexual harassment;
   b. How to preserve physical evidence of sexual abuse;
   c. How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and
   d. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

5. All medical staff employed or under contract with the TDCJ who conduct forensic examinations shall be appropriately trained.

6. Documentation verifying that medical and mental health practitioners have received all necessary training referenced in this plan, either from the TDCJ or from outside sources, shall be maintained by the TDCJ.

The agency provided a PowerPoint training – PREA: Part 4 Specialized Training Medical and Mental Health Staff. The PowerPoint includes the following topics:

- Introduction to sexual assault and sexual harassment and PREA
- Prevalence of Sexual Victimization
- Definition of Sexual Victimization and presenting indicators
- Trauma Events and the Brain
- Responding to the Victim’s Physical and Emotional State
- Intake Screening Requirements
- Health Care Provider’s Role in the Screening Process
- Crime Scene Preservation
- Health Care Policy G-57.1 Sexual Assault/Sexual Abuse
- Inmate Sexual Assault Checklist

The Facility provided a TTUHSC (Texas Tech University Health Sciences Center) Contractor and Volunteer Orientation PREA Policy Packet. The packet provides the following information:
The agency provided a TTUHSC Managed Care PREA Annual Training Packet. This packet provides the following information:
- TTUHSC PREA MH & Medical Training (National PREA Resource Center)
- PREA Policy Packet
- PREA Local Unit Annual Training
- PREA Unit Checklist
- PREA Employee Test
- PREA Compliance Instrument
- SAFE Prisons PREA Plan
- TJCJ PREA Video

The agency provided a TTUHSC Managed Care PREA Contractor & Volunteer Annual Training Packet. This packet provides the following information:
- Annual PREA Training Acknowledgement & Signature Page
- TTUHSC PREA MH & Medical Training (National PREA Resource Center)
- PREA Policy Packet

The agency provided a Texas Department of Criminal Justice Volunteer Services – Handbook for Volunteers. The handbook states the agencies Zero Tolerance for Sexual Misconduct and disciplinary action for violations of agency policies.

(b) The James A. Lynaugh/Fort Stockton PAQ states all volunteers and contractors who have contact with Inmates have been notified of the agency’s zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents. Policy compliance can be found in provision (a) of this standard.

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.


The agency provided a Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation. This acknowledgment states where and when volunteer training took place, verification of understanding the information provided to the recipient with a printed and signed name of the participant, date of acknowledgment with a signed verification of the training instructor.

Through such reviews, the facility meets this standards requirements.

**Standard 115.33: Inmate education**

115.33 (a)
- During intake, do inmates receive information explaining the agency's zero-tolerance directive regarding sexual abuse and sexual harassment? ☒ Yes ☐ No

- During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment? ☒ Yes ☐ No

115.33 (b)

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment? ☒ Yes ☐ No

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents? ☒ Yes ☐ No

- Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency Directives and procedures for responding to such incidents? ☒ Yes ☐ No

115.33 (c)

- Have all inmates received the comprehensive education referenced in 115.33(b)? ☒ Yes ☐ No

- Do inmates receive education upon transfer to a different facility to the extent that the Directives and procedures of the inmate’s new facility differ from those of the previous facility? ☒ Yes ☐ No

115.33 (d)

- Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient? ☒ Yes ☐ No

- Does the agency provide inmate education in formats accessible to all inmates including those who are deaf? ☒ Yes ☐ No

- Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired? ☒ Yes ☐ No

- Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled? ☒ Yes ☐ No

- Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills? ☒ Yes ☐ No

115.33 (e)

- Does the agency maintain documentation of inmate participation in these education sessions? ☒ Yes ☐ No

115.33 (f)
In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats? ☒ Yes □ No

Auditor Overall Compliance Determination

□ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

□ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Offender Orientation Handbook, (English and Spanish) dated February 2017
4. UTMB/CMC Nursing Services Policy Manual, Number: E-37.5, Interpreter Services, dated 09.14
5. Offender SAA Video Script, dated 9.5.2013

Interviews:

1. Random Inmates
2. Targeted Inmates
3. Intake staff
4. Unit Safe Prisons/PREA Manager

Interviews with the 23 random and 14 targeted inmates reported their knowledge on PREA, reporting options to staff, the grievance boxes, telling a friend, notifying a family member and the hotline numbers posted on Zero-tolerance Posters throughout the facility.

Site Observation:

Of the 30 Inmate files reviewed, each demonstrated evidence of PREA education within 72 hours of intake, and again within 30 days of intake, if they were not transferred from an intake Texas Unit. Documentation of both trainings were found in the agency database.

115.33
(a) The James A. Lynaugh/Fort Stockton PAQ states Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. The James A. Lynaugh Unit had 692 inmates admitted in the past 12 months were given information at intake. The Fort Stockton Unit had 547 inmates admitted in the past 12 months.

The numbers of those inmates during the past 12 months (whose length of stay in the facility was for 30 days or more) who received comprehensive education on their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on agency policies and
procedures for responding to such incidents within 30 days of intake for the James A. Lynaugh Unit was 828 and 567 for the Fort Stockton Unit.

The agency provided a Texas Department of Criminal Justice Offender Orientation Handbook in English and Spanish. The handbooks describe educational information for the following:

- An orientation video for new offenders which includes: Part 8 Safe Prisons/PREA
- Offender participation in Peer Education classes addressing Prison Rape Elimination Act awareness and medical issues
- What the offender should do if sexually harassed or abused (who to report allegation)
- Safe Prisons/PREA Program
- Prohibition of retaliation
- How Does the Safe Prisons/PREA Program Help?
- How to Report Threats of Safety?
- Sexual Abuse Prevention Strategies

(b) The James A. Lynaugh/Fort Stockton PAQ states within the past 12 months, 3432 inmates received age appropriate PREA education within 30 days of intake. Inmates who had not received the training were not housed at the facility for 30 days, therefore the 30-day training was not applicable to all intakes in the last 12 months.

(c) The James A. Lynaugh/Fort Stockton PAQ states of those who were not educated during 30 days of intake, all inmates have been educated subsequently. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan page 32-22, section VI. A. 1-6, state,

A. Offender Orientation and Education

1. During the intake process, offenders shall be provided with educational information explaining the TDCJ's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment in accordance with the TDCJ Classification Plan and TDCJ Unit Classification Procedures Manual.

2. Within 30 days of intake, the USPPM shall ensure offenders are provided with comprehensive education either in person or through video regarding their rights to be free from sexual abuse and sexual harassment, and any retaliation for reporting these incidents; and regarding TDCJ policies and procedures from responding to these incidents in accordance with the SPPOM.

3. Offenders shall receive information as described in Section VI.A.1, if transferred to a different facility, to the extent that the policies and procedures of the new facility differ from those of the previous facility, or if there is no documented record the offender received the information.

4. Offenders shall be provided education in formats accessible to all offenders, including those who are limited English proficient, deaf, hard of hearing, blind, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills.

5. The USPPM shall maintain documentation of completion rosters in accordance with the TDCJ Records Retention Schedule and record the information in accordance with the TDCJ Individualized Treatment Plan Procedures Manual.

6. Educational posters and brochures regarding sexual abuse and sexual harassment prevention and reporting shall be displayed and made available to offenders in accordance with the SPPOM.

(d) The James A. Lynaugh/Fort Stockton PAQ states Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.
The agency provided a UTMB/CMC Nursing Services Policy Manual, Number: E-37.5, Interpreter Services. The policy provides a phone number and direction for interpretation services.

The agency provided the video script for offender 30-day education. The script includes topics such as:
- Texas Department of Criminal Justice Zero Tolerance policy
- TDCJ Safe Prisons PREA Program
- Definitions of Sexual Harassment and Sexual Abuse
- Staff sexual misconduct
- Voyeurism
- Sexual harassment by a staff member
- How to report
- Once alleged assaults have been reported – what happens next
- Investigation processes and outcomes
- Discipline for violating policy

(e) The James A. Lynaugh/Fort Stockton PAQ states the facility maintains documentation of inmate participation in PREA education sessions.

Both facilities provided a well-organized listing of Offenders who signed a Safe Prisons/PREA Program Offender Sexual Abuse Awareness Education / Cold and Heat Weather Training / Offender Suicide Prevention Training Sign-in Roster. The roster demonstrates the Video Only box is checked to indicate the 30 day PREA training was completed.

(f) The James A. Lynaugh/Fort Stockton PAQ states The agency ensures that key information about the agency’s PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.

Through such reviews, the facility meets this standards requirements.

**Standard 115.34: Specialized training: Investigations**

115.34 (a)
- In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

115.34 (b)
- Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
- Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA
Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.).) ☒ Yes ☐ No ☐ NA

Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.).) ☒ Yes ☐ No ☐ NA

115.34 (c)

- Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a.).) ☒ Yes ☐ No ☐ NA

115.34 (d)

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. OIG Rosters of completed NIC Investigator Training, dated 2014 – 2021
4. 23 Computer generated Texas Department of Criminal Justice Employee Training Histories for completed SPPCTI Conducting a Thorough Investigation, dated 11.9.2021

Interviews and on site file review:
1. Captain - Facility Investigator

Interviews with facility investigators and personnel file review demonstrated that each investigator either interviewed or who had completed investigations, had completed investigator training. Investigators also completed annual training as mandated in 115.31. The investigator interviewed clearly articulated his role in an investigation and process steps to be taken as is described in the agency coordinated response.

115.34
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section D. 1. states, “Sexual abuse and sexual harassment investigations alleged against staff shall only be conducted by a staff member with the rank of captain or above. Unit administrators shall ensure the investigating staff member is at least one rank above the accused.
staff member. If the OIG conducts administrative investigations against staff, the investigation shall be performed in accordance with OIG policies and procedures.”

(b) The agency states investigator training has been completed on the National Institute for Corrections Specialized Investigator training website, which 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.”

The facility provided 12 Computer generated Texas Department of Criminal Justice Employee Training Histories for completed SPPCTI Conducting a Thorough Investigation. Training demonstrates each individual completed a three-hour training in the agencies TRNELS training database.

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PAQ states the Office of Inspector General has 146 employees and the James A. Lynaugh facility has 10 employees and the Fort Stockton has five employees who have completed investigator training.

Through such reviews the facility exceeds his standards requirements.

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

**115.35 (a)**

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

- Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

**115.35 (b)**
If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)

☐ Yes  ☐ No  ☒ NA

115.35 (c)

Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)

☒ Yes  ☐ No  ☐ NA

115.35 (d)

Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)

☒ Yes  ☐ No  ☐ NA

Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)

☒ Yes  ☐ No  ☐ NA

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. UTMB PREA Part 4: Specialized Training for Medical and Mental Health Staff PowerPoint, not dated

Medical and mental health staff are contracted personnel. Each medical and mental health staff complete the following annual training:

- Overview of sexual abuse and sexual harassment
- Review of PREA related policies TTUHSC, TDCJ, and CMCH
- Overview of national, state and local PREA requirements and processes to ensure compliance
- Review of SAFE Prison PREA Plan ad PREA Compliance Instrument to ensure appropriate responses to PREA reports
- Monthly facility PREA training components completed by facility personnel.

Site Observation:
File review of the medical staff training records demonstrated contracted personnel had completed specialized medical and mental health training as well as annual and quarterly training thereafter.

115.35
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. 31 staff, a 100% of medical and mental health staff who work at each facility who have received training required by agency policy.

The agency provided a UTMB PREA Part 4: Specialized Training for Medical and Mental Health Staff PowerPoint. The ‘Learning Outcome’ states, “Correctional Healthcare staff will be able to identify their role in detecting and assessing sexual victimization, provide a safe and secure environment after assault, and prevent further harm of actual or potential victims by: identifying sexual victimization in correctional settings; listing signs and symptoms of sexual victimization; and identifying the PREA requirements for Intake Screening as defined in the Prison Rape Elimination Act of 2003. “

The agency provided a Correctional Institution Division, Prison Rape Elimination Act/PREA Statement of Fact, 115.35 Specialized training: Medical and mental health care, which states, “The agency shall ensure all full –and part – time medical and mental health care practitioner who work regularly in its facilities have been trained.” This statement is signed by an unknown writer, dated on 9.24.20.

(b) The James A. Lynaugh/Fort Stockton PAQ states their medical staff do not conduct forensic medical exams. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 12, section E. 1., states, “Attempts shall be made to make a victim advocate from a rape crisis center available to the offender victim first. If a rape crisis center is not able to provide the offender with victim advocate services, the unit shall make available a qualified staff member from a community-based organization. If a qualified staff member from a community-based organization is not able to provide the offender with victim advocate services, the unit shall make available a qualified TDCJ staff member to provide the offender with victim advocate services. As requested by the offender victim, the victim advocate or qualified TDCJ staff member, or qualified community-based organization staff member shall: Accompany and support the victim through the forensic medical examination process and investigatory interviews.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

Through such reviews the facility exceeds the standard requirements.
SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

Standard 115.41: Screening for risk of victimization and abusiveness

115.41 (a)

- Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes  ☐ No
- Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates? ☒ Yes  ☐ No

115.41 (b)

- Do intake screenings ordinarily take place within 72 hours of arrival at the facility? ☒ Yes  ☐ No

115.41 (c)

- Are all PREA screening assessments conducted using an objective screening instrument? ☒ Yes  ☐ No

115.41 (d)

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate’s criminal history is exclusively nonviolent? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child? ☒ Yes  ☐ No
- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener’s perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)? ☒ Yes  ☐ No
Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate’s own perception of vulnerability? ☒ Yes ☐ No

Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes? ☐ Yes ☒ No

115.41 (e)

In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior acts of sexual abuse? ☒ Yes ☐ No

In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, prior convictions for violent offenses? ☒ Yes ☐ No

In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency, history of prior institutional violence or sexual abuse? ☒ Yes ☐ No

115.41 (f)

Within a set time period not more than 30 days from the inmate’s arrival at the facility, does the facility reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening? ☒ Yes ☐ No

115.41 (g)

Does the facility reassess an inmate’s risk level when warranted due to a referral? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to a request? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to an incident of sexual abuse? ☒ Yes ☐ No

Does the facility reassess an inmate’s risk level when warranted due to receipt of additional information that bears on the inmate’s risk of sexual victimization or abusiveness? ☒ Yes ☐ No

115.41 (h)

Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section? ☒ Yes ☐ No

115.41 (i)
Has the agency implemented 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 inmate’s detriment by staff or other inmates? ☒ Yes  ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. SPPANS Assessment Guide, 72 hours Assessment database printout of Risk Assessment
4. Texas Department of Criminal Justice Inter-Office Communications – Subject: 115.41 Sexual Victims, dated 10.29.2021
5. Correctional Institution Division Prison Rape Elimination Act/PREA: Standard 114.41 List of inmates disclosing victimization and or abusiveness

Interviews:
1. Targeted inmates
2. Intake staff
3. Unit Safe Prisons/PREA Manager

Interviews with intake and PREA Compliance staff demonstrated that risk assessments are completed with each Inmate upon admission. Intake staff stated that the inmate risk level is communicated to Sociology, Medical and the Classification Committee. Staff stated a second risk assessment is completed within 30 days of intake. In addition, inmates who had disclosed upon intake or anytime during their stay had been referred to mental health staff for services.

Site Observation:
During review of 30 inmate files, this Auditor noted each inmate had received screening within 24 hours of admission, primarily on the day of admission. Of the files reviewed all but 14 had documented training within 30 days of intake. The 14 inmate files that did not have the documentation was due to either being in the facility before the implementation of PREA and or before the agency SPANS database was implemented.

115.41
(a) The James A. Lynaugh/Fort Stockton PAQ states the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 16-17, section B.1-3, states,
1. “All offenders shall be assessed during intake, and if transferred to another unit for permanent assignment, to determine the risk of being sexually abused by or sexually abusive toward other offenders.
2. Intake screening shall take place within 24 hours of arrival at the unit in accordance with the SPPOM.
3. Assignments shall be made through the collaborative efforts of intake staff, the USPPM, and medical and mental health services by using objective screening instruments.”
   a. The intake screening shall include, at a minimum, the following criteria to assess offenders for risk of sexual victimization:
      (1) Any mental, physical, or developmental disability;
      (2) The age of the offender;
      (3) The physical build of the offender;
      (4) Previous incarceration;
      (5) Whether the criminal history is exclusively nonviolent;
      (6) Prior convictions for sex offenses against an adult or child;
      (7) Perception of the offender as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
      (8) Previous sexual victimization; and
      (9) The offender’s own perception of vulnerability.
   b. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the TDCJ, in assessing offenders for risk of being sexually abusive.
   c. After completion of the screening instrument, the USPPM shall forward a copy to the intake coordinator, for intake facilities, and the original shall be provided to the unit classification department for review.

The facility provided a SPPANS Assessment User Guide. This guide demonstrates areas completed in this database assessment, the following questions are asked of the inmate, within 72 hours of intake:
   - Offender TDCJ#; Ethnicity; Gender; Height; Weight; Age
   - File review:
     o Prior incarcerations
     o Prior sexual Offense: was it against an adult or child
     o Criminal History is exclusively non-violent
     o Evidence suggesting offender has history of prior institutional sexual victimization
     o Evidence suggesting offender has history of prior institutional violence or sexual abuse
     o Completed Safe Prisons/ PREA education during current incarceration
   - History of sexual abuse:
     o Prior to incarceration have you ever experienced sexual victimization
     o Engaged in sexual activity with another because you believed you would be harmed if you refused
     o Been forced or coerced to engage in sexual activity for protection or otherwise
     o Engaged in non-coerced (willing) sexual activity with Staff or Offender?
       ▪ Was abuse reported
     o Forced another offender by violence, threats, or promise to provide protection to engage in sexual acts?
     o Been disciplined in any other institution for sexual abuse or sexual harassment of another offender?
     o Do you have any mental, physical, or developmental disabilities?
     o Do you feel at risk from sexual abuse, sexual harassment, or other forms of victimization?
     o How do you wish to identify?
     o Do you identify as Transgender or Intersex?
The facilities provided a Correctional Institution Division Prison Rape Elimination Act/PREA: Standard 114.41 List of inmates disclosing victimization and or abusiveness. This listing demonstrates four inmates disclosed upon intake screening.

Texas Department of Criminal Justice Inter-Office Communications – Subject: 115.41 Sexual Victims, states, “There were no inmates that disclosed being a Sexual Victim or Sexual Abuse during risk Screening during the month of September 2021.

(b) The James A. Lynaugh/Fort Stockton PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates with 72 hours of their entry into the facility was 689 at James A. Lynaugh Unit and 543 at the Fort Stockton Unit.

(c) The James A. Lynaugh/Fort Stockton PAQ states the facility conducts risk assessments by using an objective screening instrument. Screenings are completed in the Safe Prisons/PREA Automated Network System (SPPANS) Assessments database.

(e) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section D. 1-2, state,
   1. “Staff shall use appropriate controls to disseminate responses to questions asked pursuant to this plan within the units, ensuring that sensitive information is not exploited to the detriment of any offender by staff or other offenders.

   2. Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, assisting with making treatment plans and informed management decisions, including those related to housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.”

(f) The James A. Lynaugh/Fort Stockton PAQ states the policy requires that the facility reassess each inmate’s risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate’s arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was 828 at the James A. Lynaugh Unit and 567 at the Fort Stockton Unit. NUMBER DOES MATCH PAQ

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 17, section B. 4., states, “Within a period of time not to exceed 30 days from the offender’s arrival at an intake facility, the offender shall be reassessed for risk of victimization or abusiveness following receipt of any additional or relevant information received by the TDCJ since the initial intake screening.”

(g) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 17, section B. 5 a-b, states, “An offender’s risk level shall be reassessed following a referral, request, incident of sexual abuse, or receipt of additional information that may affect the offender’s risk of sexual victimization or abusiveness.

- An investigation shall be conducted upon referral, request, an incident of sexual abuse, or receipt of additional information that may affect the offender’s risk of sexual victimization or
abusiveness.

- The unit classification committee or warden shall review the investigation and any prior assessment screening to determine the offender’s current risk level.”

The facility provided a Texas Department of Criminal Justice Inter-Office Communications – Subject: 115.41 Sexual Victims. This monthly memo tracks inmates who disclosed being sexually victimized during the screening interview.

(h) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 10., states, “Offenders shall not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to Section III.B.3.”

Through such reviews, the facility exceeds the standard requirements. The entire intake process to include the importance staff place within the risk assessment process and ensuring inmates are placed appropriately is commendable.

**Standard 115.42: Use of screening information**

**115.42 (a)**

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments? ☒ Yes ☐ No

- Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments? ☐ Yes ☒ No

**115.42 (b)**

- Does the agency make individualized determinations about how to ensure the safety of each inmate? ☒ Yes ☐ No

**115.42 (c)**

- When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis whether a placement
would ensure the inmate’s health and safety, and whether a placement would present management or security problems (NOTE: if an agency by directive or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)? ☒ Yes ☐ No

- When making housing or other program assignments for transgender or intersex inmates, does the agency consider on a case-by-case basis whether a placement would ensure the inmate’s health and safety, and whether a placement would present management or security problems? ☒ Yes ☐ No

115.42 (d)

- Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate? ☒ Yes ☐ No

115.42 (e)

- Are each transgender or intersex inmate’s own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments? ☒ Yes ☐ No

115.42 (f)

- Are transgender and intersex inmates given the opportunity to shower separately from other inmates? ☒ Yes ☐ No

115.42 (g)

- Unless 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 lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.) ☒ Yes ☐ No ☐ NA

- Unless 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 lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.) ☒ Yes ☐ No ☐ NA

- Unless 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 lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgment.) ☒ Yes ☐ No ☐ NA
Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted Inmates
2. Random Inmates
3. Supervisory staff
4. Unit Safe Prisons Manager
5. LPN
6. Mental Health Clinician
7. Warden

Interviews staff demonstrated inmate risk level is communicated only to Medical and Classification departments. Targeted and random inmates speak to the intake process being respectable. Targeted inmates and Intake staff state upon admission, same sex staff search same sex inmates. Inmates preferring to be searched by opposite gender staff due to inmate identification are considered. Targeted inmates interviewed stated they did not request to be searched by specific staff. The Warden explained classification meetings took place weekly or more often if an inmate classification was necessary.

Site Observation:
Review of staff protocols and inmate placement demonstrated thought and consideration is placed on inmates who could be considered victims and or aggressors.

115.42
(a) The James A. Lynaugh/Fort Stockton PAQ states the facility uses information from the risk screening required by §115.341 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 1., states, “The Unit Classification Committee (UCC), or a similarly designed committee for units without a UCC, shall use information from the risk screening document required by Section III.B of this plan to make housing, bed, work, education, and program assignments with the goal of separating offenders at high risk of being sexually victimized from offenders at high risk of being sexually abusive in accordance with the TDCJ Classification Plan and the TDCJ Unit Classification Procedures Manual.”

(b) The James A. Lynaugh/Fort Stockton PAQ states the agency/facility makes individualized determinations about how to ensure the safety of each inmate. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 2., states,
“The committee shall make individualized determinations regarding how to ensure the safety of each offender.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency/facility makes housing and program assignments for transgender, or intersex inmates in the facility on a case-by-case bases. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 9., states, “When deciding to assign a transgender or intersex offender to a unit for male or female offenders, and when making other housing and programming assignments, consideration shall be made on a case-by-case basis with regard to the health and safety of the offender and potential management or security problems. Housing determinations shall not be made solely on the basis of LGBTI status.”

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 9.a., states, “Placement and programming assignments for each transgender or intersex offender shall be reassessed semiannually to review any threats to safety experienced by the offender.

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 9.b., states, “A transgender or intersex offender’s views with respect to his or her own safety shall be given serious consideration.”

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 9, section B. 7., states, “Offenders identified as transgender or intersex shall be given the opportunity to shower separately from other offenders in accordance with Correctional Managed Health Care (CMHC) polices.”

(g) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 8., states, “LGBTI offenders shall not be placed in dedicated facilities, units, or wings solely on the basis of this identification or status, unless the placement is in a dedicated unit wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting these offenders.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.43: Protective Custody**

**115.43 (a)**

- Does the facility always refrain from placing inmates at high risk for sexual victimization 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? ☒ Yes  ☐ No

- If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment? ☒ Yes  ☐ No

**115.43 (b)**
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? ☒ Yes ☐ No

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☒ Yes ☐ No

- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA

- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA

- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? ☒ Yes ☐ No

- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

115.43 (d)

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the basis for the facility’s concern for the inmate’s safety? ☒ Yes ☐ No

- If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document the reason why no alternative means of separation can be arranged? ☒ Yes ☐ No

115.43 (e)

- In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted Inmates
2. Random Inmates
3. Random staff
4. Supervisory staff
5. Intake Staff

Through interviews this Auditor learned placement of inmates in restricted housing is typically done only as a result of an allegation and primarily at the request of the inmate. Targeted inmates in restricted housing were not interviewed at either facility due to the area being under quarantine.

115.43 (a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is not available alternative means of separation from likely abusers. The number of inmates at risk of sexual victimization who were held in involuntary segregated housing the past 12 months for one to 24 hours awaiting completion of assessment was zero at each facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 3., states, “Offenders at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all available alternatives has been made and it is determined there is no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary segregated housing while completing the assessment, for no longer than 24 hours.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18-19, section C. 6., states, “Offenders placed in protective safekeeping for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the unit restricts access to programs, privileges, education, or work opportunities, the unit shall document:
• The opportunities that have been limited;
• The duration of the limitations; and
• The reasons for the limitations.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero at each facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 5., states, “Offenders shall be assigned to protective safekeeping only until an alternative means of separation from likely abusers is arranged, for no longer than 30 days.”
(d) The James A. Lynaugh/Fort Stockton PAQ states from a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facilities concern for the inmate’s safety, and (b) the reason or reason why alternative means of separation could not be arranged was zero at each facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 4., states, "If a protective safekeeping housing assignment is made pursuant to Section III.C.3, the unit shall clearly document: The basis of the concern for the offender’s safety; and The reason why no alternative means of separation can be arranged."

(e) The James A. Lynaugh/Fort Stockton PAQ states if an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19, section C. 7, states, "Every 30 days, the unit shall conduct a review to determine if there is a continuing need for separation of the offender from the general population."

Through such reviews, the facility meets this standards requirements.
REPORTING

Standard 115.51: Inmate reporting

115.51 (a)
- Does the agency provide multiple internal ways for inmates to privately report sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report retaliation by other inmates or staff for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency provide multiple internal ways for inmates to privately report staff neglect or violation of responsibilities that may have contributed to such incidents? ☒ Yes ☐ No

115.51 (b)
- Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency? ☒ Yes ☐ No
- Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials? ☒ Yes ☐ No
- Does that private entity or office allow the inmate to remain anonymous upon request? ☒ Yes ☐ No
- Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes) ☐ Yes ☐ No ☒ NA

115.51 (c)
- Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties? ☒ Yes ☐ No
- Does staff promptly document any verbal reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

115.51 (d)
- Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Offender Orientation Handbook (English and Spanish), dated February 2017
4. Texas Board of Criminal Justice PREA Ombudsman Office brochure, dated May 2019

Interviews:
1. Random Inmates
2. Targeted Inmates
3. Random staff
Staff and inmates were comfortable reporting verbally to any staff; however, each interviewed knew the Safe Unit Prisons/PREA Managers and spoke to their names being found on signs throughout the facility. (This was also witnessed by the Auditor.) Inmates were also aware of calling the hotline numbers posted throughout the facility.

Site Observations:
During the tour and informal inmate interviews, inmates were able to demonstrate how they could make hotline calls, file emergency grievances and or verbally report to staff.

115.51
(a) The James A. Lynaugh/Fort Stockton PAQ states The agency has established procedures allowing for multiple internal ways for Inmates to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section IV. A. 1., states, “Offenders shall be provided multiple internal methods to privately report sexual abuse, sexual harassment, and other acts of aggression including, but not limited to, extortion and violence.”

The Agency provided a Texas Department of Criminal Justice Offender Orientation Handbook. The Offender Handbook, page 25, section 19, provides direction on reporting complaints of sexual harassment or sexual abuse. Avenues for reporting include:
- Filing a formal grievance
- Contacting a ranking correctional officer
- Contacting a Classification Staff
- Contacting the Warden
- Contacting the Chaplain
- Contacting the Office of Inspector General
- Contacting any staff member with whom he feels comfortable enough to let them know and request their help; or
- Writing a family member and urging the family member to call the Ombudsman Office immediately.

The Agency provided a Texas Board of Criminal Justice PREA Ombudsman Office brochure. The brochure provides addresses and phone numbers to the following:
- PREA Ombudsman Office
- Office of Inspector General (OIG)
On October 24, 2021 at 10:49 MST, this Auditor contacted the PREA Ombudsman Office at P.O. Box 99, Huntsville, TX 77342 at 936.437.5570 and received a recorded message stating that the office was responsible for PREA investigations on sexual abuse and sexual harassment. The message continued to state if the call needed immediate attention, the caller could dial 936.437.5586, or 936.437.5587, or 936.437.5588 and contact another Ombudsman operator. This Auditor left a message, explaining the reason for the call. The following morning at 8:30 MST, the PREA Ombudsman returned the Auditor's call and explained the proper departments would be notified any time a third party contacted the office. The Ombudsman continued to state the Ombudsman's office would ensure an investigation was completed through to completion. Due to the Auditor having current conversations with PREA Ombudsman while auditing all TDCJ facilities for the current 12-month period, the Auditor can attest third party systems remain intact as is stated in the onset of this paragraph.

(b) The James A. Lynaugh/Fort Stockton PAQ states facility provides at least one way for Inmates to report abuse or harassment to a public or private entity or office that is not part of the agency. The agency does not have a policy requiring inmates detained solely for civil immigration purposes be provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section IV. A. 1. b., states, “Offenders may report allegations directly to the major, the Office of Inspector General (OIG), or the PREA ombudsman. Reports to the PREA ombudsman may be made confidentially and in accordance with ED-02.10, “Prison Rape Elimination Act Complaints and Inquiries.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section IV. A. 1. c., states, “Offenders may remain anonymous upon request when reporting allegations of sexual abuse and sexual harassment to the PREA Ombudsman.”

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 21, section IV. A. 4., states, “Staff shall accept reports made verbally, in writing, anonymously, and from third parties, and shall promptly document any verbal reports.”

(d) The James A. Lynaugh/Fort Stockton PAQ states the agency has established procedures for staff to privately report sexual abuse and sexual harassment of inmates. Staff are able to privately report to the PREA Ombudsman and or the Office of Inspector General.

Staff are informed of these procedures in the following ways. “Training and employee policies. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 23, section B. 2., states, “A method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.”
Through such reviews, the facility meets this standards requirements.

**Standard 115.52: Exhaustion of administrative remedies**

| 115.52 (a)                                                                                     |
|                                                                                               |
| ▪ Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. □ Yes ☒ No |

| 115.52 (b)                                                                                     |
|                                                                                               |
| ▪ Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |
| ▪ Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |

| 115.52 (c)                                                                                     |
|                                                                                               |
| ▪ Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |
| ▪ Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |

| 115.52 (d)                                                                                     |
|                                                                                               |
| ▪ Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |
| ▪ If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA |
| ▪ At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an
inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

115.52 (e)

- Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party file such a request on behalf of an inmate, 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.) (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate’s decision? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

115.52 (f)

- Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.). ☒ Yes □ No □ NA

- After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- Does the initial response and final agency decision document the agency’s determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- Does the initial response document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

- Does the agency’s final decision document the agency’s action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.) ☒ Yes □ No □ NA

115.52 (g)
If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. PREA Stats: NE – Sexual Abuse Related Grievance Codes, dated 9.4.2020 through 8.16.2021
4. Texas Department of Criminal Justice Offender Grievance Form, dated 11.20.2010
5. Third Party Grievance - Third Party Preliminary Investigation Form, not dated
6. Law Library Holdings List, dated June 2021

Interviews:
1. Random Inmates
2. Targeted Inmates
3. Unit Safe Prisons/PREA Manager
4. Warden

Inmates interviewed were aware of the grievance procedures and understood they could complete a grievance and place it in the box available outside of the dining hall.

Site Observation:
Inmates were able to file grievances by placing in the grievance or medical boxes located outside of the dining hall.

115.52
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has an administrative procedure for dealing with Inmate grievances regarding sexual abuse. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 7. a., states, “An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint.”

(b) Agency policy does not require an inmate to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 12, section 6. c., states, “Offenders shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.”

The facility provided a completed Offender Grievance Form. The Grievance Form states, “You must try to resolve your problem with a staff member before you submit a formal complaint. The only exception is when appealing the results of a disciplinary hearing.” The form also requests information on the resolution with the staff member. The form allows for a lengthy description, if needed, offender signature, the grievance response and signature and date of the person
authorized to complete the grievance. At the bottom of the form a section is present stating reasons the grievance form can be returned to the offender. Through discussions with the PREA Ombudsman, RSPO and Unit Safe Prisons/PREA Manager demonstrated grievances could be given directly to the Unit Safe Prisons/PREA Manager or placed in the boxes outside the dining hall as each are checked daily.

(c) The James A. Lynaugh/Fort Stockton PAQ states the agency’s policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency’s policy and procedure requires that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 7. b., states, “A grievance of this nature shall not be referred to a staff member who is the subject of the complaint.”

(d) The James A. Lynaugh/Fort Stockton PAQ states the agency’s policy and procedures that require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months:

- there have been two grievances at James A. Lynaugh Unit and one at Fort Stockton filed alleging sexual abuse;
- zero cases in the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed was zero at either facility.
- zero grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days at either facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 8. a-b., states, “A final decision shall be made on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance.

- a. Computation of the 90-day time period shall not include time used by offenders for preparing an administrative appeal.
- b. If the 90-day time period is insufficient to make an appropriate decision, an extension of up to 70 days may be granted. The offender shall be notified in writing of the extension and a date by which the decision will be made.

The agency always notifies an inmate in writing when the agency files for an extension, including notice of the date by which a decision will be made.

The facility provided a PREA Stats: NE – Sexual Abuse Related Grievance Codes. This document provides definitions for the following descriptions and total allegations for each, for the past 12 months.

James A. Lynaugh Unit grievances:
Voyeurism – 1
Extortion – 0
Allegations of sexual assault by another offender – 0
Allegations of sexual contact by another offender – 0
Allegations of sexual harassment by an offender – 1
Allegations of sexual assault by staff – 1
Allegations of sexual contact by staff – 0
Allegations of sexual harassment by staff – 4
Third Party allegations of sexual abuse by another offender – 0
Third Party allegations of sexual abuse by staff – 0
Alleged victim of third party compliant does not wish to file a grievance – 0
Grievance filed by an alleged victim of a third party compliant – 0

Fort Stockton Unit grievances:
Voyeurism – 0
Extortion – 0
Allegations of sexual assault by another offender – 0
Allegations of sexual contact by another offender – 1
Allegations of sexual harassment by an offender – 0
Allegations of sexual assault by staff – 0
Allegations of sexual contact by staff – 0
Allegations of sexual harassment by staff – 1
Third Party allegations of sexual abuse by another offender – 0
Third Party allegations of sexual abuse by staff – 0
Alleged victim of third party compliant does not wish to file a grievance – 0
Grievance filed by an alleged victim of a third party compliant - 0

(e) The James A. Lynaugh/Fort Stockton PAQ states agency policy and procedure permits third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse and to file such requests on behalf of inmates. Agency policy and procedure requires that if an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, the agency documents the inmate’s decision to decline. The number of grievances alleging sexual abuse filed by inmates in the past 12 months in which the inmate declined third-party assistance, containing documentation of the inmate’s decision to decline was zero at each facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 21, section 5. a-b., states, “Third parties, including fellow offenders, staff members, family members, attorneys, and advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to an allegation of sexual abuse, and shall also be permitted to file these requests on behalf of offenders.

a. If a third party files a request on behalf of an offender, the unit may require, as a condition of processing the request, the alleged victim to 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 in accordance with the TDCJ Offender Grievance Operations Manual.

b. If the offender declines to have the request processed on his or her behalf, the decision shall be documented in accordance with the TDCJ Offender Grievance Operations Manual.”

The agency provided a Third Party Grievance – Third Party Preliminary Investigation form. This form states, “An allegation has been made on your behalf, indicating that you may a victim of sexual assault, sexual abuse, sexual contact or sexual harassment.” The form allows the inmate to agree or not agree to have the agency pursue an investigation. If the inmate agrees, he is provided with a I-127, grievance form with instruction on how to complete the form.

(f) The James A. Lynaugh/Fort Stockton PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging...
substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within 5 days. No grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months, reached final decisions within 40 days.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 9-10., states, “An emergency grievance alleging substantial risk of imminent sexual abuse shall be filed and managed in accordance with the TDCJ Offender Grievance Operations Manual. When an emergency grievance is received, any portion that alleges the substantial risk of imminent sexual abuse shall be forwarded to a level of review for immediate corrective action. An initial response shall be provided within 48 hours of receipt, and a final decision rendered within five calendar days. The initial response and final decision shall document whether the offender is in substantial risk of imminent sexual abuse and the action taken. Information related to this item may be found in the TDCJ Offender Grievance Operations Manual.”

(g) The James A. Lynaugh/Fort Stockton PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances, at each facility, alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 11., states, “An offender may be disciplined for filing a grievance related to alleged sexual abuse only when the investigation determines the offender filed the grievance in bad faith.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.53: Inmate access to outside confidential support services**

**115.53 (a)**

- Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations? ☒ Yes  ☐ No

- Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.) ☐ Yes  ☐ No  ☒ NA

- Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible? ☒ Yes  ☐ No

**115.53 (b)**
Does the facility inform inmates, 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? ☒ Yes ☐ No

115.53 (c)

Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse? ☒ Yes ☐ No

Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. End the Silence Brochure, not dated
5. Family Crisis Center Services of Big Bend Checklist Agreement, dated 7.15.2021
6. Correctional Institution Division Prison Rape Elimination Act/PREA Statement of Fact, 115.53 Inmate access to outside confidential support services, dated10.18.2021

Interviews:
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Specialized staff

Staff and inmates interviewed informally and formally were aware of outside reporting agencies and spoke to the information being posted throughout the facility and in living unit hallways.

Site Observation:
Facility PREA brochures, SAFE Prison flyers and audit notices were posted throughout the facility where inmates frequented and where staff frequented. Posters and flyers are organized on bulletin boards and accessible to inmates.

115.53 (a) The James A. Lynaugh/Fort Stockton PAQ states the facility provides Inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

- Giving inmates (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.
• Giving inmates mailing addresses and telephone number (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes; and
• Enables reasonable communication between Inmates and these organizations, in as confidential manner as possible.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section 3. a., states, “Offenders shall be provided access to 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. The unit shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible.”

The agency provided Solicitation Letters for 115.21, 115.53 and 115.65 dated 2018, 2019, and 2020. Letter are requesting advocacy services to multiple agencies; however, the requests have gone unanswered as the facility does not appear to have a memorandum of understanding with an external agency for a community provider.

The facility provided a Rape Crisis Center Services Checklist attesting to providing advocate services for both the James A. Lynaugh and the Fort Stockton Units. The facilities also provided email communications regarding their acceptance of providing advocacy services and monthly services for attendance to community SART meetings. On 12.26.2021 at 4:18 pm MST, this Auditor phoned Family Crisis Center of Big Bend at 432.837.7254. When dialing the number available, this Auditor received a message to phone 1.800.834.0654. Upon dialing 1.800.834.0654 this Auditor introduced herself and the reason for the call. An answering service representative explained she would need to pass my message onto an advocate who would return my call. At 4:28 pm MST advocate Tona V. returned my call. This Auditor explained the reason for the call and the advocate was able to describe training that the advocacy center had recently completed at the prisons. The advocate explained she would take the offenders call, see if she could help the caller on the phone, if not, she would go to the prison and help the offender through as much of the process as was requested by the offender. This Auditor thanked the advocate for taking the call on a Sunday and the advocate explained she takes calls 24/7 and it was no problem.

The agency provided a Correctional Institution Division Prison Rape Elimination Act/PREA Statement of Fact, 115.53 Inmate access to outside confidential support services, signed by the PREA Coordinator. Page 1, section (a) states, “The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates 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 shall enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible.

(b) The James A. Lynaugh/Fort Stockton PAQ states the facility informs Inmates, prior to giving them access to outside support services, the extent to which such communications will be monitored. The facility informs inmates, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including any limits to confidentiality under relevant Federal, State, or local law.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section 3. b., states, “Offenders shall be informed, prior to giving them access, of the
extent to which these communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.”

The agency provided an End the Silence brochure. This brochure provides an address and phone number to the PREA Ombudsman at P.O. Box 99, Huntsville, TX 77342, telephone number 936.437.5570 and instruction on reporting sexual harassment and sexual abuse.

(c) The James A. Lynaugh/Fort Stockton PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse.

Through such reviews, the facility meets this standards requirements.

**Standard 115.54: Third-party reporting**

115.54 (a)

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☒ Yes ☐ No

- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

☒ **Meets Standard** *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice, PREA Ombudsman Public Web Address: [Texas Board of Criminal Justice - PREA Ombudsman](http://www.texasombudsman.org)

**Interviews:**
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff

Inmates and staff interviewed demonstrated their reporting knowledge of third party reporting stating that inmate family members, friends, trusted adults and or legal counsel could report sexual harassment or sexual abuse allegations.

**Site Observation:**
During tours of visitation area, standardized bulletin boards were available to include third party reporting information.
115.54
(a) The James A. Lynaugh/Fort Stockton PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates.

Texas Department of Criminal Justice, PREA Ombudsman Public Web Address: Texas Board of Criminal Justice - PREA Ombudsman. The email address available for Third Party Reporting is: prea.ombudsman@tdcj.texas.gov On 10.24.2021 at 1:08 pm, MST, this Auditor emailed the PREA Ombudsman and requested process steps that take place once a Third Party Report is received. The following morning, the Auditor received a response from the PREA Ombudsman Office, backed up with a phone call stating third party reports would forward a copy of the report to both the facility and the Office of Inspector General office and request to open an Offender Protection Investigation. The PREA Ombudsman would monitor the SAFE Prison PREA database to ensure the victim and the alleged suspect are separated, mental health is notified and an investigation is/has occurred. Once the investigation is completed, the PREA Ombudsman office will review. The PREA Ombudsman Office will respond back to the third party reporter after the investigation has been completed. Time frames for this process are usually 30 days.

Due to this Auditor contracting with the Middleton Unit in November of 2021 and speaking with the Texas State PREA Ombudsman within the last week, the above information is verified as current.

Through such reviews, the facility meets this standards requirements.
Standard 115.61: Staff and agency reporting duties

115.61 (a)

- Does the agency require all staff to report immediately and according to agency directive 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? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment? ☒ Yes ☐ No
- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation? ☒ Yes ☐ No

115.61 (b)

- Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency directive, to make treatment, investigation, and other security and management decisions? ☒ Yes ☐ No

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? ☒ Yes ☐ No
- Are medical and mental health practitioners required to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services? ☒ Yes ☐ No

115.61 (d)

- If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws? ☒ Yes ☐ No

115.61 (e)

- Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*
Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Random inmates
2. Targeted inmates
3. Random staff
4. LPN
5. Mental Health Clinician
6. Unit Safe Prisons/PREA Manager
7. Captain - Facility Investigator
8. Warden

Interviews with the facility staff and inmates demonstrated each actively practices and understood the importance of immediately reporting all allegations of sexual abuse and sexual harassment.

Site Observations:
Staff reporting documentation of inmate information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. The Unit Safe Prison/PREA Managers provided a tour of information stored within the facility SPANS database documenting completed reports and investigations regarding reported allegations.

115.61
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency requires all staff to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency. The agency requires all staff to report immediately and according to agency policy any retaliation against Inmates or staff who reported such an incident. The agency requires all staff to report immediately and according to agency policy any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 23, section B. 1-2., state, “
1. All staff members shall immediately report, according to TDCJ policy, any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred on a unit, whether or not it is a TDCJ facility; retaliation against offenders or staff who reported an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

2. A method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.”

(b) The James A. Lynaugh/Fort Stockton PAQ states, “Apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 23, section A. 13., states, “Staff shall not reveal any information related to a sexual abuse report to
anyone other than designated supervisors or officials, and only to the extent necessary to make informed treatment, investigative, security, and management decisions.”

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 23, section B. 4, states, “Unless otherwise precluded by federal, state, or local law, and at the initiation of services, medical and mental health practitioners shall be required to report sexual abuse pursuant to Section IV.B.1 of this plan, and to inform offenders of the practitioner’s duty to report, as well as the limitations of confidentiality.”

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19-20, section 2., states, “Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, assisting with making treatment plans and informed management decisions, including those related to housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.

(e) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26, section 5, states, “Investigations involving allegations of sexual abuse shall be conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.62: Agency protection duties**

115.62 (a)

- When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

☐ **Exceeds Standard** (*Substantially exceeds requirement of standards*)

☒ **Meets Standard** (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ **Does Not Meet Standard** (*Requires Corrective Action*)

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**
1. Targeted inmates
2. Unit Safe Prisons/PREA Manager
3. Captain - Facility Investigator

Interviews with the Unit Safe Prisons/PREA Manager and facility investigator demonstrated the facility staff act promptly and responds properly at the discovery of any incident. Involving sexual harassment
or sexual abuse. Inmates interviewed who had reported allegations of abuse, concurred allegations were responded to promptly and thoroughly and were satisfied with the facilities response protocols.

Site Observation:
Review of 12 investigation demonstrated inmates were separated, when appropriate, reported timely and completed with three to seven days. Of the 12 investigation reviewed, 11 were inmate on inmate, unsubstantiated and one staff on inmate, substantiated.

115.62  
(a) The James A. Lynaugh/Fort Stockton PAQ states when the agency or facility learns that an inmate is subject to a substantial risk of imminent sexual abuse, it takes immediate action to protect the Inmate. In the past 12 months, the facility reports zero Inmates, each facility, were subject to substantial risk of imminent sexual abuse. Upon discovery of Inmate being subject to substantial risk, the facility immediately separates the victim from the perpetrator, made notification and completed incident reporting requirements.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page ii, sections Forward, states, “The Texas Department of Criminal Justice (TDCJ) has a zero tolerance for all forms of sexual abuse and sexual harassment of offenders. The TDCJ shall take a proactive approach concerning the detection, prevention, response, and punishment of sexual abuse, including consensual sexual contact while in TDCJ custody. The TDCJ shall be vigilant in establishing a safe environment for staff and offenders at all secure correctional facilities and take immediate action to address the protective needs of offenders who have been victimized. Every attempt shall be made to prevent the sexual abuse and sexual harassment of offenders in accordance with agency policy. ED-03.03, “Safe Prisons/PREA Program,” directs the TDCJ to develop and implement a plan to govern the operation of the Safe Prisons/PREA Program. The TDCJ Safe Prisons/PREA Plan (plan) shall be applicable to all individuals, including visitors and volunteers, employed by, under contract with, or supervised by the TDCJ, including professional staff and any person who is involved, directly or indirectly, with the care and custody of offenders.”

Agency policy does not speak to timeframes for completing investigations due to the many processes in place when closing out an investigation. The PREA Ombudsman stated investigations at the facility level are completed within 30 days; however, investigations are then forwarded to an agency independent Incident Review Team who reviews and once a final decision has been made by the review team, the investigation is forwarded to the PREA Ombudsman office for final approval. Hence the time line could not be dictated. Each investigation reviewed was completed at the facility level within 30 days.

Through such reviews the facility meets this standards requirements.

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

115.63 (a)

- Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred? ☒ Yes ☐ No

115.63 (b)
Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation? ☒ Yes ☐ No

115.63 (c)

Does the agency document that it has provided such notification? ☒ Yes ☐ No

115.63 (d)

Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Notification of Sexual Abuse Allegations from Other Facilities, for James A. Lynaugh and Fort Stockton Units
4. Texas Department of Criminal Justice Correctional Institutions Division Inter-Office Communication, dated 10.29.2021

Interviews:
1. Warden
   The interview with the Warden demonstrated that he was aware that upon receiving an allegation that an inmate was sexually abused while confined at another facility, he had the responsibility to notify the head of the facility where the allegation occurred. The Warden stated he would begin an internal investigation and keep in contact with the facility in question until the investigation was completed.

115.63 (a)
   The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency’s policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months, the James A. Lynaugh Unit has received one allegations that an inmate was abused while in confinement at another facility. In the past 12 months, the Fort Stockton has received zero allegations that an inmate was abused while in confinement at another facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24-25, section D. 1. states, “After receiving an allegation that an offender was sexually abused while confined at another facility, such as a county jail or out of state facility, the individual taking the initial report shall immediately notify the USPPM. The USPPM shall provide the SPPMO with the details of the alleged incident so the SPPMO may initiate notification to the appropriate office of the outside agency where the alleged abuse occurred.
(b) The James A. Lynaugh/Fort Stockton PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section D. 1.a., states, “The SPPMO shall provide the notification to the appropriate agency as soon as possible, but no later than 72 hours after receiving the allegation.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the facility documents that it has provided such notification within 72 hours of receiving the allegation. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section D. 1.b., states, “The SPPMO shall document the notification.”

(d) The James A. Lynaugh/Fort Stockton PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been one allegations of sexual abuse the facility received from other facilities.

The James A. Lynaugh Texas Department of Criminal Justice Correctional Institutions Division Inter-Office Communication states, “There was no documentation of notification sent to the N5 Unit for abuse. There was no documentation of allegations received from other facilities from October 2020 through September 2021.

The facilities provided spreadsheets with the following information for each facility:

James A. Lynaugh: Two Accounts
- Date Reported
- OIG Unit
- Incident Type
- Code
- Motive
- Inmate Last and first name
- TDC NO
- EAC Incident Number
- OIG Case Number
- Location

Fort Stockton: 13 Accounts
- Date Reported
- OIG Unit
- Incident Type
- Code
- Motive
- Inmate Last and first name
- TDC NO
- EAC Incident Number
- OIG Case Number
- Location

Through such reviews, the facility meets this standards requirements.
Standard 115.64: Staff first responder duties

115.64 (a)

- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Separate the alleged victim and abuser? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No
- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: 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, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No

115.64 (b)

- If the first staff responder is not a correctional officer, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify correctional staff? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Random staff
2. Unit Safe Prisons/PREA Manager
3. Captain - Facility Investigator

Interviews with all staff interviewed demonstrated each were aware of their first responder responsibilities. Staff stated reporting information is posted on bulletin boards in each living unit,
through PREA reporting cards carried by staff and each staff interviewed stated reports were made to the Unit Safe Prisons/PREA Manager, next rank, the Major or the Warden.

Site Observation:
Documentation review of the allegations of sexual abuse reported, each demonstrated staff responded accurately and promptly. The facility staff are aware of the facilities coordinated response to ensure all protocols are followed as designed.

115.64
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to separate, preserve, protect, collect physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. 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.

In the past 12 months, 13 allegations at James A. Lynaugh Unit and two at the Fort Stockton Unit occurred where an inmate was sexually abused. Of these allegations, the number of time the first security staff member to respond to the report separated the alleged victim and abuser was eight at James A. Lynaugh Unit and zero at Fort Stockton Unit. In the past 12 months, there were eight at James A. Lynaugh and two at the Fort Stockton, allegations where staff were notified within a time period that still allowed or the collection of evidence. Of these allegation the number of time the first security staff member to respond to the report was one at James A. Lynaugh Unit and zero at the Fort Stockton Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26, section B.1. a.-e., state, “After learning of an allegation that an offender was sexually abused, the first correctional officers responding to the report shall:

a. Notify a security supervisor;
b. Separate the alleged victim and assailant;
c. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
d. Be required to request that the alleged victim not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence.
c. 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, if the abuse occurred within a time period that still allows for the collection of physical evidence.”

(b) The James A. Lynaugh/Fort Stockton PAQ states the facility’s policy requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security staff. Of the allegations that an inmate was sexually abused made in the past 12 months, the number of times a non-security staff member was the first responder was one at the James A. Lynaugh Unit and zero at Fort Stockton Unit. Of those allusions responded o first by a non-security staff
member, the number of times that staff member: Requested that the alleged victim not take any actions that could destroy physical evidence and notify security staff was one.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26-27, section B. 2. states, “If the first staff responder is not a correctional officer, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and shall immediately notify a correctional officer.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.65: Coordinated response**

115.65 (a)

- Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse? ☒ Yes  ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard (*Substantially exceeds requirement of standards*)

☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)

☐ Does Not Meet Standard (*Requires Corrective Action*)

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. James A. Lynaugh/Fort Stockton Complex Sexual Abuse Coordinated Response Plan, not dated

**Interviews:**
1. Random staff
2. Specialized staff
3. Unit Safe Prisons/PREA Manager

Interviews with the Unit Safe Prisons/PREA Manager and facility staff interviewed demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.

**Site Observation:**
Review of the James. A. Lynaugh and Fort Stockton Sexual Abuse Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties are fulfilled.

115.65 (a) The James A. Lynaugh/Fort Stockton PAQ states the facility developed 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.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26, section 1. H., states, “Additional information regarding coordinated response procedures may be found in the SPPOM.”

The facility provided a James A. Lynaugh/Fort Stockton Complex Sexual Abuse Coordinated Response Plan that require the following procedures:
- Reporting of Sexual Abuse, Sexual Harassment, Sexual Misconduct and Retaliation
- Response and Investigation
- First Responder Duties
- Medical / Mental Health Services
- Process Following an Allegations Offender Sexual Abuse
- Notification and Investigation Process
- Investigation Documentation – Attachment G Sexual Abuse Investigation Checklist
- Other responsibilities

Through such reviews, the facility meets this standards requirements.

**Standard 115.66: Preservation of ability to protect inmates from contact with abusers**

**115.66 (a)**

- Are both the agency and any other governmental entities responsible for collective bargaining on the agency’s behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limits the agency’s ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted? ☒ Yes ☐ No

**115.66 (b)**

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**115.66 (a)**
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency’s behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA
audit, whichever is later.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page, 39, section 8., states, “Neither the TDCJ nor any other governmental entity responsible for collective bargaining on behalf of the TDCJ shall enter into or renew any collective bargaining agreement or other agreement that limits the ability of the TDCJ to remove alleged staff sexual abusers from contact with any offenders pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.67: Agency protection against retaliation**

115.67 (a)

- Has the agency established a directive to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff? ☒ Yes  ☐ No

- Has the agency designated which staff members or departments are charged with monitoring retaliation? ☒ Yes  ☐ No

115.67 (b)

- Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services, for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations? ☒ Yes  ☐ No

115.67 (c)

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes  ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff? ☒ Yes  ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation? ☒ Yes  ☐ No

- Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports? ☒ Yes  ☐ No
Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes? ☒ Yes ☐ No

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes? ☒ Yes ☐ No

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff? ☒ Yes ☐ No

Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff? ☒ Yes ☐ No

Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need? ☒ Yes ☐ No

115.67 (d)

In the case of inmates, does such monitoring also include periodic status checks? ☒ Yes ☐ No

115.67 (e)

If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation? ☒ Yes ☐ No

115.67 (f)

Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted inmates
2. Unit Safe Prisons/PREA Manager
Interviews Unit Safe Prisons/PREA Manager completes retaliation monitoring and documents monitoring in the agency SPANS database. Documentation is entered at least once every 30 days. Targeted staff reported the Safe Unit Prisons/PREA Manager checks in with him often, even after an inmate had been removed from his Unit.

115.67
3. (a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy to protect all Inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other Inmates or staff. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 1., states, “Offenders and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation by other offenders or staff. The USPPM shall monitor for incidents of retaliation in accordance with the SPPOM.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 2., states, “As appropriate, multiple protective measures may be taken, 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 offender or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.”

(c) The James A. Lynaugh/Fort Stockton PAQ states the facility monitors the conduct or treatment of Inmates or staff who reported sexual abuse and of Inmates who were reported to have suffered sexual abuse to ascertain if there are any changes that may suggest possible retaliation by Inmates or staff. The facility will monitor conduct or treatment until the Inmate is discharged. The facility acts promptly to remedy any such retaliation. In the past 12 months, the facility has had zero incidents of retaliation at either facility.

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 3., states, “For at least 90 days following a report of sexual abuse, the USPPM shall monitor and document the conduct and treatment of offenders or staff who reported the sexual abuse, and of offenders who were reported to have been victims of sexual abuse, for changes that may indicate possible retaliation by offenders or staff, and shall act promptly to address any retaliation.”

(e) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 5., states, “The monitoring shall also include periodic status checks of offenders.”

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 7., states, “If any other individual who cooperates with an investigation expresses a fear of retaliation, the TDCJ shall take appropriate measures to protect that individual against retaliation.”

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 8., states, “If the TDCJ investigation determines the allegation to be unfounded, the monitoring shall be discontinued.”

Through such reviews, the facility meets this standards requirements.

Standard 115.68: Post-allegation protective custody
115.68 (a)

- Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43? ☒ Yes  ☐ No

Auditor Overall Compliance Determination

☐  Exceeds Standard (Substantially exceeds requirement of standards)

☒  Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐  Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Specialized staff
2. Unit Safe Prisons/PREA Manager

Inmates from restricted housing were not interviewed due to both facilities housing COVID positive, exposed and quarantined inmates in this area. Interviews with facility staff demonstrated that the protective custody for targeted inmates only occurs when absolutely necessary and never solely as a means for inmates who identify as LBGTQI.

115.68
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse 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. The number of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. The number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement was zero at either facility. From a review of case files of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility’s concern for the inmate’s safety, and (b) the reason or reasons why alternative means of separation could not be arranged was zero at either facility: If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18-19, section C. 3-7, state:

3. Offenders at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all available alternatives has been made and it is determined there is no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary segregated housing
while completing the assessment, for no longer than 24 hours.

4. If a protective safekeeping housing assignment is made pursuant to Section III.C.3, the unit shall clearly document:
   a. The basis of the concern for the offender’s safety; and
   b. The reason why no alternative means of separation can be arranged.

5. Offenders shall be assigned to protective safekeeping only until an alternative means of separation from likely abusers is arranged, for no longer than 30 days.

6. Offenders placed in protective safekeeping for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the unit restricts access to programs, privileges, education, or work opportunities, the unit shall document:
   a. The opportunities that have been limited;
   b. The duration of the limitations; and
   c. The reasons for the limitations.

7. Every 30 days, the unit shall conduct a review to determine if there is a continuing need for separation of the offender from the general population.

Through such reviews, the facility meets this standards requirements.
Standard 115.71: Criminal and administrative agency investigations

115.71 (a)

- When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

- Does the agency conduct such investigations for all allegations, including third-party and anonymous reports? [N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).] ☒ Yes ☐ No ☐ NA

115.71 (b)

- Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34? ☒ Yes ☐ No

115.71 (c)

- Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data? ☒ Yes ☐ No

- Do investigators interview alleged victims, suspected perpetrators, and witnesses? ☒ Yes ☐ No

- Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator? ☒ Yes ☐ No

115.71 (d)

- When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution? ☒ Yes ☐ No

115.71 (e)

- Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual’s status as inmate or staff? ☒ Yes ☐ No

- Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding? ☒ Yes ☐ No

115.71 (f)

- Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse? ☒ Yes ☐ No
Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings? ☒ Yes ☐ No

115.71 (g)

Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible? ☒ Yes ☐ No

115.71 (h)

Are all substantiated allegations of conduct that appears to be criminal referred for prosecution? ☒ Yes ☐ No

115.71 (i)

Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years? ☒ Yes ☐ No

115.71 (j)

Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation? ☒ Yes ☐ No

115.71 (k)

Auditor is not required to audit this provision.

115.71 (l)

When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☐ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted inmates
2. Captain - Facility Investigator
3. Unit Safe Prisons/PREA Manager

Interviews with the facility investigator and Unit Safe Prisons/PREA Manager demonstrated each completed initial and specialized investigator training. The investigator clearly articulated processes required during an investigation, to include the notification requirements to victims. Notifications to victims are documented in the agency database. Targeted inmates spoke to receiving letters with notification results.

Site Observation:
Review of the 12 Administrative Investigations demonstrated each were completed thoroughly and within three to seven days of the initial report. Each investigation included interviews with victims, perpetrators and staff in the area where the allegation took place.

115.71
(a) The James A. Lynaugh/Fort Stockton PAQ states the agency/facility has a policy related to criminal and administrative agency investigations. Since the last PREA audit, each facility has had zero criminal investigations referred to law enforcement.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. 4., states, “Investigations of sexual abuse, threatened sexual abuse, and sexual harassment shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26, section V. A. 5., states, “Investigations involving allegations of sexual abuse shall be conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan.”

The agency provided the Safe Prisons/PREA Program – Conducting a Thorough Investigation Training Curriculum. The purpose and objectives of this training curriculum is to provide supervisors with the fundamental knowledge of performing a successful sexual abuse or sexual harassment investigation and an understanding of:
- History and definitions related to PREA
- PREA Standards related to sexual abuse & sexual harassment
- How a systematic approach ensures a successful investigation
- Criteria and evidence used to determine investigative outcome
- Effects of report writing on administrative action & prosecution
- Use of Miranda & Garrity Warnings
- Investigative requirement for medical & mental health protocol

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. 1., states, “All allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.”

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section D. 2., states, “When the evidence supports criminal prosecution, OIG shall
conduct compelled interviews only after consulting with prosecutors to ensure the interviews do not impede subsequent criminal prosecution.”

(e) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section D. 3., states, “An offender who alleges sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of the allegation.”

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 29, section c-e., state,
   c. “The credibility of an alleged victim, assailant, or witness shall be assessed on an individual basis and not on the status as an offender or staff member.

d. Staff shall document the description of physical and testimonial evidence in the body of the report, the reasoning behind credibility assessment, and investigative facts and findings.
e. Information regarding staff action or inaction that may have contributed to the alleged abuse shall be included in the investigative report.”

(g) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 30, section 2, states, “Criminal investigations shall be documented in accordance with OIG policies and procedures.”

(h) The James A. Lynaugh/Fort Stockton PAQ states there has been zero allegations of conduct that appears to be criminal that was referred for prosecution, since the last audit date. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 30, section 2, states, “Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution in accordance with OIG policies and procedures.”

(i) The James A. Lynaugh/Fort Stockton PAQ states the agency retains all written reports pertaining to administrative or criminal investigation of alleged sexual abuse or sexual harassment for as long as the alleged abuser is incarcerated or employed by the agency, plus five years. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section 4, states, “All administrative and criminal investigations shall be retained in accordance with the TDCJ Records Retention Schedule.”

(j) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section D. 4., states, “The departure of the alleged assailant or victim from employment of the custody of the TDCJ shall not be the basis for terminating an investigation.”

(k) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. a-b., state, “The requirements of evidence protocol and forensic medical examinations shall also apply to:
   a. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
   b. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.”

(l) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 29, section f., states, “Unit staff conducting OPIs shall cooperate with the OIG when applicable, to avoid interfering with possible criminal investigation related to the same incident.”
Through such reviews of investigations being done timely, thoroughly, objectively and with consideration of inmate’s perception of abuse and or harassment, the facility exceeds this standards requirements.

**Standard 115.72: Evidentiary standard for administrative investigations**

115.72 (a)

- Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated? ☒ Yes  ☐ No

**Auditor Overall Compliance Determination**

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

**Document Review:**

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**

1. Captain - Facility Investigator
The interview with the facility investigator demonstrated the facility shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.”

115.72 (a) The James A. Lynaugh/Fort Stockton PAQ states the agency imposes a standard of a preponderance of the evidence or a lower standard of proof for determining whether allegations of sexual abuse or sexual harassment are substantiated. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section D. 5., states, “No standard higher than the preponderance of evidence shall be imposed in determining if allegations of sexual abuse or sexual harassment are substantiated.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.73: Reporting to inmates**

115.73 (a)
- Following an investigation into an inmate’s allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded? ☒ Yes ☐ No

115.73 (b)
- If the agency did not conduct the investigation into an inmate’s allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.) ☒ Yes ☐ No ☐ NA

115.73 (c)
- Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer posted within the inmate’s unit? ☒ Yes ☐ No

- Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The staff member is no longer employed at the facility? ☒ Yes ☐ No

- Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility? ☒ Yes ☐ No

- Following an inmate’s allegation that a staff member has committed sexual abuse against the inmate, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the inmate whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (d)
- Following an inmate’s allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

- Following an inmate’s allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility? ☒ Yes ☐ No

115.73 (e)
- Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No
115.73 (f)

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

☒ **Meets Standard** *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

**Document Review:**
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. 16 completed investigations
4. Sample Texas Department of Criminal Justice Safe Prisons/PREA Program Offender Notification Brochure, date not disclosed for confidentiality purposes of this report
5. TDJC Lynau gh Unit – ASA Activity Worksheet, date not disclosed for confidentiality purposes of this report
6. TDJC Ft. Stockton Unit – ASA Activity Worksheet, date not disclosed for confidentiality purposes of this report

**Interviews:**
1. Captain - Facility Investigator
   Interviews with the facility investigator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented in the agency SPANS database used for investigations.

115.73

(a) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was 13 at the James A. Lynaugh Unit and two at the Fort Stockton Unit. Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of inmates who were notified, verbally or in writing, of the results of the investigations was 13 at the James A. Lynaugh Unit and two at the Fort Stockton Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 30, section F. 4., states, “Following an OPI committee review, the committee shall inform the offender if the allegations were determined to be substantiated, unsubstantiated, or unfounded.”

(b) The James A. Lynaugh/Fort Stockton PAQ states If an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. In the past 12 months, there has been zero investigations, at either Unit, of alleged inmate sexual abuse, completed by the Inspector General.
In addition, the Inspector General has notified the victim of the outcome of the investigation in writing.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section 7., states, “The TDCJ SPPM shall ensures the relevant criminal information is received from the OIG in order to inform the offender.”

(c) The James A. Lynaugh/Fort Stockton PAQ states following an inmate’s allegation that a staff member has committed sexual abuse against the Inmate, the agency/facility subsequently informs the Inmate (unless the agency has determined that the allegation is unfounded) whenever:

- The staff member is no longer posted within the Inmate’s unit;
- The staff member is no longer employed at the facility;
- The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
- The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

There has been one substantiated and four unsubstantiated complaints of sexual abuse committed by staff against an inmate in the last 12 months at the James A. Lynaugh Unit. There have been zero complaints of sexual abuse by staff at the Fort Stockton Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 27, section C. 4-5, state, “If an offender is determined to have been a victim of staff-on-offender sexual abuse, the warden shall inform the offender when:

- The staff member is no longer assigned to the offender’s unit; or
- The staff member is no longer employed by the TDCJ.

If an offender is determined to have been a victim of staff-on-offender sexual abuse and the abuse is determined criminal, the SPPMO shall inform the offender when:

- The staff member has been indicted on a charge related to sexual abuse within the unit; or
- The staff member has been convicted on a charge related to sexual abuse within the unit.”

(d) The James A. Lynaugh/Fort Stockton PAQ states following an inmate’s allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 27-28, section C. 6., states, “If an offender alleges to have been a victim of offender-on-offender sexual abuse, the SPPMO will subsequently inform the alleged victim when:

- The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or
- The alleged assailant has been convicted on a charge related to sexual abuse within the unit.”

(e) The James A. Lynaugh/Fort Stockton PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there has been 13 notifications to an inmate, pursuant to this standard at the James A. Lynaugh Unit and two at the Fort Stockton Unit. Of those motivations, in the past 12 months, all 15 notifications were documented.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section C. 8-9., state:
8. “All offender notifications or attempted notifications described in items 4-6 of this section shall be documented.
9. The requirement to provide offender notification shall terminate if the offender is released from the custody of the TDCJ.”

The facilities provided TDJC Lynaugh Unit – ASA (Alleged Sexual Abuse Allegations) Activity Worksheet and a TDJC Ft. Stockton Unit – ASA Activity Worksheet. Worksheet information is inclusive of allegations reported on the pre-audit questionnaire. Each worksheet contains information for each allegation to include:
- EAC/SPPANS #
- Incident Code
- Date Occurred
- Date Reported
- Unit Occurred
- TDCJ Number
- Last Name
- OPI Status
- OIG Status

The agency provided a Texas Department of Criminal Justice Safe Prisons/PREA Program Offender Notification Brochure. This form documents the following:
- date,
- Victim name and number
- Subject: OIG Criminal Case #
- Commentary
  o On XX/XX/XXXX, you made an allegation of a sexual assault, which prompted a criminal investigation. The allegation resulted in the opening of a criminal case by the Office of the Inspection General (OIG).
  o The alleged suspect is XXXX XXXXX XXXX
  o According to information received from the OIG, you will be updated as the status changes.
  o If you need assistance understanding the information contained in this brochure, you may contact the Safe Prisons/PREA Manager on your unit.
  o Signed by the Safe Prisons/PREA Program Manager

Through such reviews, the facility meets this Standards requirements.
# DISCIPLINE

## Standard 115.76: Disciplinary sanctions for staff

### 115.76 (a)

- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment Directives? ☒ Yes ☐ No

### 115.76 (b)

- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

### 115.76 (c)

- Are disciplinary sanctions for violations of agency Directives relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) 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? ☒ Yes ☐ No

### 115.76 (d)

- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No

- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? ☒ Yes ☐ No

### Auditor Overall Compliance Determination

- ☒ Exceeds Standard *(Substantially exceeds requirement of standards)*

- ☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

- ☐ Does Not Meet Standard *(Requires Corrective Action)*

### Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

### Interviews:

1. Unit Safe Prisons/PREA Manager
   
   Interview with the Unit Safe Prisons/PREA Manager demonstrated the employee would be placed on Administrative Leave until the investigation was completed.
Site Observation:
In the last 12 months, the facility had one staff who was disciplined for violation of an agency sexual abuse or sexual harassment policy. This investigation was reviewed and found to be substantiated. The employee's employment was terminated.

115.76
(a) The James A. Lynaugh/Fort Stockton PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 6., states, “Disciplinary actions related to staff-on-offender sexual abuse or sexual harassment violations shall be handled in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

Texas Department of Criminal Justice – Executive Directive – Subject: General Rules of Conduct and Disciplinary Action Guidelines for Employees, page 2, section Policy, states, “Employees are representatives of the TDCJ and are expected to adhere to the highest standards of conduct while on duty or off duty, including adherence to the rules of conduct described in the Listing of Employee General Rules of Conduct and Disciplinary Violations. Employees who allegedly commit a rule violation will be subject to disciplinary action in accordance with the procedures within this directive.”

(b) The James A. Lynaugh/Fort Stockton PAQ states in the last 12 months, there has been zero staff from the facility that had violated agency sexual abuse or sexual harassment policies at either Unit. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 5., states, “Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.”

(c) The James A. Lynaugh/Fort Stockton PAQ states 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. In the past 12 months there have zero staff requiring discipline for sexual abuse or sexual harassment at either Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 6., states, “Disciplinary sanctions for violations of TDCJ policies relating to sexual abuse or sexual harassment, that do not involve actual sexual abuse, shall be 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.”

(d) The James A. Lynaugh/Fort Stockton PAQ states 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. In the past 12 months, zero staff have been terminated for sexual abuse or harassment at either Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 7., states, “All terminations for violations of TDCJ sexual abuse or sexual harassment policies, or resignations in lieu of termination, shall be reported to the OIG, unless the activity was clearly not criminal, and to any relevant licensing bodies.”

Through such reviews, the facility met this standards requirements.
**Standard 115.77: Corrective action for contractors and volunteers**

115.77 (a)

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes  ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes  ☐ No
- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes  ☐ No

115.77 (b)

- In the case of any other violation of agency sexual abuse or sexual harassment Directives by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes  ☐ No

**Auditor Overall Compliance Determination**

- ☐ Exceeds Standard (*Substantially exceeds requirement of standards*)
- ☒ Meets Standard (*Substantial compliance; complies in all material ways with the standard for the relevant review period*)
- ☐ Does Not Meet Standard (*Requires Corrective Action*)

**Document Review:**

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Rehabilitation Programs Division – Volunteer Training Facilitators Guide, dated 5.5.2015
4. Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation, dated January 2015

**Interviews:**

1. Unit Safe Prisons/PREA Manager

The interview with the Unit Safe Prisons/PREA Manager demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement.

**Site Observation:**

During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

115.77 (a) The James A. Lynaugh/Fort Stockton PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the
activity was clearly not criminal, and to relevant licensing bodies. Agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of inmates at either Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39-40, section B. 1., states, “Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to applicable law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.”

The agency provided a Texas Department of Criminal Justice Rehabilitation Programs Division – Volunteer Training Facilitators Guide. The guide demonstrates volunteers are provided training to include the agency Zero Tolerance for Sexual Misconduct policies.

The agency provided the Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation. This acknowledgment demonstrates volunteers have attended and understand the volunteer training per TDCJ rules, expectations and responsibilities.

(b) The James A. Lynaugh/Fort Stockton PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section B. 2., states, “The unit shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of TDCJ sexual abuse or sexual harassment policies by a contractor or volunteer.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.78: Disciplinary sanctions for inmates**

115.78 (a)

- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? ☒ Yes ☐ No

115.78 (b)

- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes ☐ No

115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior? ☒ Yes ☐ No
115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? ☒ Yes ☐ No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) ☒ Yes ☐ No ☐ NA

Audit

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:

1. Captain - Facility Investigator

Interviews with the facility investigator demonstrated inmates who falsely reported PREA allegations would typically be moved to another housing unit and or facility due to safety reasons for the inmate.

115.78 (a)

The James A. Lynaugh/Fort Stockton PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been zero administrative findings of inmate-on-inmate sexual abuse have
occurred at either Unit. In the past 12 months there have zero criminal findings of guilt for inmate-on-inmate sexual abuse, occurring at either Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 1., states, “Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse, sexual harassment, extortion, substantiated acts of violence, or following a criminal finding of guilt for offender-on-offender sexual abuse in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 2, states, “Sanctions shall be appropriate to the nature of abuse committed, the offender’s disciplinary history, and the sanction imposed for comparable offenses by other offenders with similar histories.”

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 3, states, “The disciplinary process shall 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.”

(d) The James A. Lynaugh/Fort Stockton PAQ states the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 4, states, “If the unit offers therapy, counseling, or other interventions designed to address and correct possible underlying reasons or motivations for the abuse, consideration shall be made to determine if participation should be a requirement for access to programming or other benefits.”

(e) The James A. Lynaugh/Fort Stockton PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 5, states, “An offender may be disciplined for sexual contact with staff only if it is determined the staff member did not consent to the contact.”

(f) The James A. Lynaugh/Fort Stockton PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 8, states, “A report of sexual abuse made in good faith, based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. When the preponderance of evidence exists supporting a false allegation, the offender involved in the false allegation shall be disciplined in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders.”

(g) The James A. Lynaugh/Fort Stockton PAQ states the agency prohibits all sexual activity between Inmates. If the agency prohibits all sexual activity between inmates and disciplines inmates for such activity, the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 7, states, "Sexual misconduct between offenders is prohibited and shall result in disciplinary sanctions in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders. However, sexual misconduct between offenders shall not constitute sexual abuse if it is determined the activity is consensual."

Through such reviews, the facility meets this standards requirements.
MEDICAL AND MENTAL CARE

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

115.81 (a)
- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☐ NA

115.81 (b)
- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☐ NA

115.81 (c)
- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)
- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? ☒ Yes ☐ No

115.81 (e)
- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*
Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Safe Prisons/PREA Program: Offender Assessment Screening, dated 04.2017
4. Correctional Managed Health Care Pre-Restrictive Housing Nursing Notes

Interviews:
1. Targeted Inmates
2. Intake Staff
3. Unit Safe Prisons/PREA Manager
4. PREA Ombudsman

Interviews with specialized staff and targeted inmates demonstrated disclosure reports are reported to the Classification staff. Documentation of disclosures and follow up appointments are documented in the agency database. Not all targeted inmates disclosed to the Auditor that they had reported. This sometimes happens and the inmate was not asked further questions as his nondisclosure was respected.

Site Observation:
A review of inmate files demonstrated inmate disclosures are documented and follow up medical and or mental health appointments are offered and documented.

115.81
(a, c) The James A. Lynaugh/Fort Stockton PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 100 % of inmates who disclosed prior victimization during the intake screening. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 17, section 6., states, “If the screening pursuant to this section indicates an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.”

The agency provided a Texas Department of Criminal Justice Safe Prisons/PREA Program: Offender Assessment Screening. This screening demonstrates general information, history of sexual abuse, and referral to a representative for mental health is documented for applicable offenders.

(b) The James A. Lynaugh/Fort Stockton PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.41, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening. In the past 12 months, 100 percent of inmates who perpetrated sexual abuse were offered a follow up meeting with a mental health practitioner.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section 7., states, “If the screening pursuant to this section indicates an offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the
community, staff shall ensure the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.”

Both Units uploaded Correctional Managed Health Care Pre-Restrictive Housing Nursing Notes, five for James A. Lynaugh and two for Fort Stockton. Notes include:
2. inmate’s disclosure information,
3. Initial Assessment Questions
4. Evidence of abuse/trauma
5. Suicide Risk Assessment
6. Assessment/Diagnostic Impression
7. Disposition
8. Schedule in 30 days
9. Other confidential meeting information

(d) The James A. Lynaugh/Fort Stockton PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19-20, section D. 2., states, “Any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, assisting with making treatment plans and informed management decisions, including those related to housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.”

(e) The James A. Lynaugh/Fort Stockton PAQ states, Medical and mental health practitioners do not obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section D. 3., states, “In accordance with CMHC policies, medical and mental health practitioners shall 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.”

Through such reviews, the facility met this standards requirements.

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

**115.82 (a)**

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment? ☒ Yes ☐ No

**115.82 (b)**

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do correctional staff first responders take preliminary steps to protect the victim pursuant to § 115.62? ☒ Yes ☐ No
Do correctional staff first responders immediately notify the appropriate medical and mental health practitioners? ☒ Yes □ No

115.82 (c)

Are inmate victims of sexual abuse 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? ☒ Yes □ No

115.82 (d)

Are treatment services 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? ☒ Yes □ No

Auditor Overall Compliance Determination

□ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

□ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Referral to Medical / Mental Health Services form, dated 8.2019

Interviews:

1. Targeted Inmates
2. Random staff
3. LPN
4. Mental Health Clinician

Interviews with staff and targeted inmates demonstrated that inmates are aware of access to emergency medical and mental health services and such services have been offered and accepted. Targeted inmates speak to having continuous meetings as he was placed on a case load that offers meetings until he decides he no longer needs mental health.

115.82 (a) The James A. Lynaugh/Fort Stockton PAQ states Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. 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.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.1, states, “Offender victims of sexual abuse shall 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 in accordance with CMHC policies.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.2, states, “If no qualified medical or mental health practitioners are on duty at the time a report of abuse is made, staff first responders shall take preliminary steps to protect the victim and immediately notify the appropriate on-call medical and mental health practitioners.”

The agency provided a Texas Department of Criminal Justice Referral to Medical / Mental Health Services form. This form demonstrates reason for referral and responses to referrals are documented.

(c) The James A. Lynaugh/Fort Stockton PAQ states Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.3, states, “Offenders who become victims of sexual abuse while incarcerated shall be offered timely information about and access to emergency contraception and sexually transmitted infections prophylaxis, according to professionally accepted standards of care, where medically appropriate, in accordance with CMHC policies.”

(d) The James A. Lynaugh/Fort Stockton PAQ states Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.4 states, “Treatment services shall be provided to the offender victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.

Review of Correctional Managed Healthcare Policy Manual: Access to Care guidelines demonstrates policies are commensurate with standard requirements.

Through such reviews, the facility meets this standards requirements.

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

115.83 (a)

- Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? ☒ Yes  ☐ No

115.83 (b)
- Does 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? ☒ Yes ☐ No

115.83 (c)

- Does the facility provide such victims with medical and mental health services consistent with the community level of care? ☒ Yes ☐ No

115.83 (d)

- Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) ☐ Yes ☐ No ☒ NA

115.83 (e)

- If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.) ☐ Yes ☐ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes ☐ No

115.83 (g)

- Are treatment services 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? ☒ Yes ☐ No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)
☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Correctional Managed Healthcare Policy Manual: Continuity of Care Number E-44.1, dated 10.16

Interviews:
1. Targeted Inmates
2. Random staff
3. LPN
4. Mental Health Clinician

Interviews with staff and inmates demonstrated that each interviewed are aware of access to emergency medical and mental health services. Inmates who reported sexual abuse reported staff acted immediately, empathetically and addressed their concerns and needs.

115.83
(a) The James A. Lynaugh/Fort Stockton PAQ states the facility offers medical and mental health evaluation and, as appropriate, treatment to all Inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 1., states, “All offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile unit shall be offered medical and mental health evaluation and treatment, as appropriate.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 2., states, “The evaluation and treatment of such offender victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in other units in accordance with CMHC policies or their release from custody.”

Review of Correctional Managed Healthcare Policy Manual: Continuity of Care guidelines demonstrates policies are commensurate with standard requirements.

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 3., states, “Offender victims shall be provided medical and mental health services consistent with the community level of care.”

(d) This provision is not applicable as the James A. Lynaugh or Fort Stockton Units do not house females.

(e) This provision is not applicable as the James A. Lynaugh or Fort Stockton Units do not house females.

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 5., states, “Offenders who become victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate and in accordance with CMHC policies.”

(g) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F. 4., states, “Treatment services shall be provided to the offender victim without
financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident."

(h) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 6., states, “A mental health evaluation of all known offender-on-offender abusers shall be attempted within 60 days of learning of the abuse and treatment shall be offered when deemed appropriate in accordance with CMHC policies.”

Through such reviews, the facility meets this standards requirements.
Standard 115.86: Sexual abuse incident reviews

115.86 (a)
- Does the facility conduct 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? ☒ Yes ☐ No

115.86 (b)
- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)
- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)
- Does the review team: Consider whether the allegation or investigation indicates a need to change directive or practice to better prevent, detect, or respond to sexual abuse? ☒ Yes ☐ No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? ☒ Yes ☐ No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? ☒ Yes ☐ No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No

115.86 (e)
- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

Auditor Overall Compliance Determination
☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

☒ **Meets Standard** *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ **Does Not Meet Standard** *(Requires Corrective Action)*

### Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
4. James A. Lynaugh/Fort Stockton Complex Unit Investigation Team (UIT)/Drug Task Force Form, dated 10.25.2021
5. Email communication from Warden to Incident Review Team, dated 1.24.2022

### Interviews:

1. Unit Safe Prisons/PREA Manager
2. Captain - Investigation staff
3. Warden

The team on-site were aware of the requirements to document and safeguard investigations. Incident reviews are completed by the facility with follow up review by an independent agency incident review and finally by the PREA Ombudsman.

### Site Observation:

When reviewing investigations in the agency database, it was discovered incident reviews were not dated, therefore ensuring incident reviews were completed within the 30-day timeline was difficult to determine a timeline. Notes of the incident review were in the system. On January 24, 2022, the Warden provided an email instructing staff on the incident review team to do the following: "When conducting the thirty-day review on spans for sexual abuse investigations, make sure that we are typing the date somewhere in the comments section. This will be done so that we can show that we are staying compliant in our sexual abuse investigations."

115.86 (a) The James A. Lynaugh/Fort Stockton PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been 13 at the James A. Lynaugh Unit and two Fort Stockton Unit administrative investigations of alleged sexual abuse completed within in 30 days. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents were 13 at James A. Lynaugh Unit and two at the Fort Stockton Unit.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 1., states, “An administrative review shall be completed for all alleged sexual abuse and staff sexual harassment incidents, unless determined unfounded. The unit warden shall obtain input from security supervisors, investigators, and medical or mental health practitioners when completing the review.”
The facilities provided a James A. Lynaugh/Fort Stockton Complex Unit Investigation Team (UIT)/Drug Task Force Form. The form demonstrates the following members on the Unit Investigation Team.

- Senior Warden
- Warden
- Major LH – Major N5
- Captain –Building LH
- Captain – Disciplinary LH
- Captain – Building / Disciplinary N5
- Operational Review Sergeant LH/N5
- Units Safe Prisons/PREA Manager LH
- Security Threat Group Extortion Office N5
- Field Training Officer L/J/N5
- Chief of Classification/Offender Victims Representatives LH/N6
- Mail Room LH/N6
- Commissary LH/N5
- Disciplinary LH/N5
- Grievance LH/N5
- Mental Health/Medical

(b) The James A. Lynaugh/Fort Stockton PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents were 13 at James A. Lynaugh Unit and two at Fort Stockton Unit.

(c) The James A. Lynaugh/Fort Stockton PAQ states 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. Compliance is demonstrated in policy language in provision (a) of this standard.

(d) The James A. Lynaugh/Fort Stockton PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and Unit Safe Prisons/PREA Manager.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 2., states, “The review shall be conducted in accordance with AD-02.15, “Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents.”

(e) The James A. Lynaugh/Fort Stockton PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 4., states, “The unit shall implement recommendations that result from the review, or document the reasons for not doing so.”

Through such reviews, the facility meets this standards requirements.
Standard 115.87: Data collection

115.87 (a)
- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? ☒ Yes ☐ No

115.87 (b)
- Does the agency aggregate the incident-based sexual abuse data at least annually? ☒ Yes ☐ No

115.87 (c)
- Does the incident-based data include, 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? ☒ Yes ☐ No

115.87 (d)
- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? ☒ Yes ☐ No

115.87 (e)
- Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) ☒ Yes ☐ No ☐ NA

115.87 (f)
- Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination
- ☒ Exceeds Standard *(Substantially exceeds requirement of standards)*
- ☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*
- ☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Safe Prisons/PREA Program Monthly Safe Prisons/PREA Report Unit Investigation Team Meeting Flow Chart, dated 02.2020
The James A. Lynaugh/Fort Stockton PAQ states 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 standardized instrument 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 Department of Justice.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 1., states, “Accurate, uniform data shall be collected for every incident of sexual abuse alleged to have occurred at a TDCJ operated facility using a standardized instrument and set of definitions.”

The agency provided SSV Surveys of Sexual Victimization Surveys, State Prison Systems Summary Forms. Survey forms demonstrated a standardized instrument was used to collect data necessary to answer all questions for Surveys of Sexual Violence for years 2014, 2015, 2016, 2017, 2018 and 2019.

The agency provided a Texas Department of Criminal Justice Safe Prisons/PREA Program Monthly Safe Prisons/PREA Report Unit Investigation Team Meeting Flow Chart. The chart demonstrates documentation is gathered and shared with the unit team, monthly.

The annual report includes a comparison of the current year’s data and corrective action from prior years.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 1., states, “Incident-based sexual abuse data shall be aggregated at least annually.”

The agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 4, states, “All available incident-based documents, including reports, investigation files, and sexual abuse incident reviews shall be maintained, reviewed, and collected as needed to complete the SSV.”

The agency obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 3, section C. 2., states, “Aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means.”

The Department of Justice has requested agency data for the previous calendar year.

Through such reviews, the facility meets this standards requirements.
Standard 115.88: Data review for corrective action

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Identifying problem areas? ☒ Yes ☐ No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Taking corrective action on an ongoing basis? ☒ Yes ☐ No
- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

115.88 (b)

- Does the agency’s annual report include a comparison of the current year’s data and corrective actions with those from prior years and provide an assessment of the agency’s progress in addressing sexual abuse ☒ Yes ☐ No

115.88 (c)

- Is the agency’s annual report 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? ☒ Yes ☐ No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

☒ Meets Standard *(Substantial compliance; complies in all material ways with the standard for the relevant review period)*

☐ Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Agency web address for PREA Program Annual Reports www.tdcj.texas.gov/tbc/prea.html
The James A. Lynaugh/Fort Stockton PAQ states the agency reviews data collected and aggregated pursuant to §115.387 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.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section B. 2., states, “The TDCJ shall review data collected pursuant to Section VII.A of this plan in order to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, procedures, and training by:

a. Identifying problematic areas;
b. Taking corrective action on an ongoing basis; and
c. Preparing an annual report of findings and corrective actions for each unit, as well as the TDCJ as a whole, in collaboration with the OIG and PREA ombudsman.

The annual report includes a comparison of the current year’s data and corrective actions to those from prior years. The annual report provides an assessment of the agency’s progress in addressing sexual abuse.

The annual report shall include a comparison of the data and corrective actions from the current year with those from prior years and shall provide an assessment of the progress made in addressing sexual abuse.

The agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section B. 4., “Annual reports shall be approved by the TDCJ executive director and made readily available to the public through the TDCJ website.”

The agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 3., states, “Personal identifiers and sensitive information shall be redacted from the reports in instances when publication would present a clear and specific threat to the safety and security of a unit, while maintaining the nature of the material.”

Through such reviews, the facility meets this standards requirements.

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

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained?  
  ☒ Yes  ☐ No
115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- Does the agency maintain 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? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. James A. Lynaugh/Fort Stockton PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

115.89

(a) The James A. Lynaugh/Fort Stockton PAQ states the agency ensures that incident-based and aggregate data are securely retained. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 1., states, “All data collected pursuant to Section VII.A shall be securely maintained.”

(b) The James A. Lynaugh/Fort Stockton PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 2., states, “Aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means.”

(c) The James A. Lynaugh/Fort Stockton PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 3., states, “Personal identifiers and sensitive information shall be redacted from the reports in instances when publication would present a clear and specific threat to the safety and security of a unit, while maintaining the nature of the material.”
(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 4., states, "All sexual abuse data collected shall be maintained for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise."

Through such reviews, the facility meets this standards requirements.
Standard 115.401: Frequency and scope of audits

115.401 (a)
- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.) ☒ Yes ☐ No

115.401 (b)
- Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.) ☐ Yes ☒ No

- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.) ☐ Yes ☐ No ☒ NA

- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.) ☒ Yes ☐ No ☐ NA

115.401 (h)
- Did the auditor have access to, and the ability to observe, all areas of the audited facility? ☒ Yes ☐ No

115.401 (i)
- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)
- Was the auditor permitted to conduct private interviews with inmates, Inmates, and detainees? ☒ Yes ☐ No

115.401 (n)
- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)
☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

**Standard 115.403: Audit contents and findings**

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) ☒ Yes ☐ No ☐ NA

**Auditor Overall Compliance Determination**

☐ Exceeds Standard (Substantially exceeds requirement of standards)

☒ Meets Standard (Substantial compliance; complies in all material ways with the standard for the relevant review period)

☐ Does Not Meet Standard (Requires Corrective Action)

Through such reviews, the facility meets this standards requirements.

**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.

Karen d. Murray ___________________________ February 18, 2022

Auditor Signature ___________________________ Date ___________________________