

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

Date of report: November 7, 2016

Auditor Information			
Auditor name: Barbara King			
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Telephone number: 330 733-3047 / 330 618-7456			
Date of facility visit: September 21-23, 2016			
Facility Information			
Facility name: William G. McConnell Unit			
Facility physical address: 3001 South Emily Drive Beesville, Texas 78102			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: 361 362-2300			
The facility is:	<input type="checkbox"/> Federal	<input checked="" type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Miguel Martinez, Warden			
Number of staff assigned to the facility in the last 12 months: 654			
Designed facility capacity: 2,900			
Current population of facility: 2,788			
Facility security levels/inmate custody levels: G1-G5			
Age range of the population: 19-78			
Name of PREA Compliance Manager: Darren Mayer		Title: Unit Safe Prisons PREA Manager - Sergeant	
Email address: Darren.Mayer@tdcj.texas.gov		Telephone number: 361-362-2300	
Agency Information			
Name of agency: Texas Department of Criminal Justice			
Governing authority or parent agency: <i>(if applicable)</i> State of Texas			
Physical address: 861-B I-45 North Huntsville, Texas 77320			
Mailing address: <i>(if different from above)</i> P.O. Box 99 Huntsville, Texas 77342			
Telephone number: 936 295-6371			
Agency Chief Executive Officer			
Name: Bryan Collier		Title: Executive Director	
Email address: Bryan.Collier@tdcj.texas.gov		Telephone number: 936 437-2101	
Agency-Wide PREA Coordinator			
Name: Lori Davis		Title: Director, Correctional Institutions Division	
Email address: Lori.Davis@tdcj.texas.gov		Telephone number: 936 437-2170	

AUDIT FINDINGS

NARRATIVE

The PREA audit of the William G. McConnell Unit was conducted on September 21-23, 2016 by Lead Auditor Barbara King and a team member, Michelle Burrows. A month prior to the audit, the auditor received the PREA Pre-Audit Questionnaire and documents on a thumb drive provided by the agency. The auditor communicated with the agency and facility requesting further documentation for clarification and review. The lead auditor reviewed the Texas Department of Criminal Justice (TDCJ) and State of Texas PREA Ombudsman Office websites prior to the audit. A tentative schedule was set with the Warden for the audit timeframe.

Before the audit, the auditors met with the Warden, Assistant Wardens, Regional Safe Prisons Sergeant, and the facility's Safe Prisons Sergeant/PREA Manager. A detailed schedule for the audit was discussed. The facility provided the requested information to be used for the random selection of offenders and staff to be interviewed (random and specific category) including an alpha listing of all offenders housed at the facility, lists of staff by duty position and shifts, lists of offenders for specific categories to be interviewed, list of staff who perform risk assessments, and a list of volunteers on site during the audit. Additional information in the packet included the daily population reports.

Key facility staff during the audit included Warden, Assistant Wardens, Major, Safe Prisons Sergeant/PREA Manager, Safe Prisons Correctional Officers; and the Regional Safe Prisons Manager.

The audit began with an entrance meeting on September 21, 2016 with the Warden, Assistant Wardens; Safe Prisons Sergeant/PREA Manager, Captains, Safe Prisons Correctional Officer; and the Regional Safe Prisons Manager. The team auditor began the audit process with inmate interviews at the facility while the lead auditor and facility staff was in the process of completing the American Correctional Association (ACA) Accreditation audit. A facility tour was completed in the afternoon with key staff. The housing units were divided for touring between the auditors. The program areas, vocational, food service, and medical were toured by Auditor King on a separate day. During the tour, the auditors made visual observations of the program areas and housing units including bathrooms, officers post site lines, and camera locations. The auditors spoke to random staff and offenders regarding PREA education and facility practices. Review of the housing unit log books was conducted to verify immediate/ higher level staff rounds.

During the tour, the auditor identified site line concerns in three areas of the facility. In Building three, the offender restroom in the craft shop needed a modesty screen. In the maintenance department, blind spots were identified in the carpentry and welding shops. The garment factory tool room had an identified blind spot. The facility took immediate action and had a modesty screen installed in building three and mirrors installed in the other areas to eliminate the blind spots. All were completed prior to the on-site audit completion.

All required facility staff and inmate interviews were conducted on-site during the four day audit. Fifty-two (52) formal inmate interviews were conducted and one hundred fifty-three (153) inmates were informally interviewed during the facility tours, (7.3% of the 2,788 inmate population). The random interviewees were selected by the auditor from the housing rosters and designated lists of inmates provided by the facility. Random offender interviews from different housing units (32), disabled and limited English speaking ability (5), LGBTI (7), who reported a sexual abuse (4) and who disclosed sexual victimization (4) were interviewed. Offenders were selected randomly from each housing unit and from the lists provided for the specialized interviews. Three (3) offenders refused interviews.

A total of sixty-six (66) staff were formally interviewed and additional fifty-six (56) informal staff interviews were also conducted during the facility tours (18% of 654 staff). Staff was randomly selected from each of the two shift rosters and different departments within the facility (25). Additionally, specialized staff were interviewed including the Warden (1), PREA Manager (1), Intermediate-Higher Level Staff (6), Medical and Mental Health (6), Human Resources (1), Volunteers/Contractors (5), Investigator (3), Staff Who Perform Screening (2), Staff Who Supervise Segregated Housing (2), Incident Review Team (4), Staff Who Monitor Retaliation (2), First Responders (2), and Intake staff (2), PREA Coordinator (1), Contract Administrator (1), Safe Prisons/PREA Program Manger (1), and Agency Head Designee (1).

There were seventy-four (74) allegations during the audit period: sixty-six (66) allegations occurred at the facility, three (7) allegations reported by another facility, and one (1) allegation that occurred at another facility. Of the fifty-one (51) staff on offender allegations; there were thirty-six (36) alleged staff on offender sexual abuse and fifteen (15) alleged sexual misconduct/harassment. The administrative findings of the alleged staff on offender sexual abuse allegations were thirty (30) unsubstantiated and six (6) unfounded. The administrative findings of the alleged staff on offender sexual

misconduct/harassment allegations were thirteen (13) unsubstantiated and two (2) unfounded. Of the twenty-three (23) offender on offender allegations; there was seventeen (17) alleged offender on offender sexual abuse and six (9) alleged sexual misconduct/harassment. The administrative findings of the alleged offender on offender sexual abuse allegations were fifteen (15) unsubstantiated, one (1) unfounded, and one (1) substantiated. The administrative findings of the alleged offender on offender sexual misconduct/harassment were four (4) unsubstantiated and two (2) unfounded. Of the offender on offender allegations, OIG opened four (4) cases: two (2) are still active and two (2) was closed with no charges. A review of eleven (11) administrative investigations was conducted. The actual OIG investigations files were not available for review.

The audit team received an offender letter prior to the audit. During the audit process, the offender was interviewed regarding his concerns. The concerns included privacy during showers; the facility is by staffed primarily with gay male and female officers; and the way strip searches are conducted. These concerns were evaluated during the audit process. The facility has installed partitions in front of the showers eliminating the site lines to the showers. The offender wanted gay male officers to announce themselves as female officers are required. It was explained to the offender this is not a requirement for staff of the same sex to announce themselves through the Prison Rape Elimination Act. The offender's concern regarding strip searches is the officers require an offender to bend over and spread their buttocks during a search. The offender was informed this is a security procedure and is not a PREA violation unless the search is conducted inappropriately in front of female staff or has inappropriate touching. The concerns were shared with the warden and facility staff during the audit and again at the close out.

An exit meeting was conducted by the auditors at the completion of the on-site audit. While the auditor could not give the facility a final finding per standard, the auditor did provide a preliminary status of their findings. There were no outstanding issues at the end of the site visit. The auditor shared with the Warden and the facility's administration the positive feedback received from the offender population regarding the facility's operations; the positive interviews with staff, and the professionalism demonstrated by staff during the audit. Staff and offenders both shared the positive impact the Safe Prisons Office has had on the facility and the availability and responsiveness of the Safe Prisons Office staff. The auditor thanked Texas Department of Criminal Justice, Warden Martinez, Safe Prisons Sergeant Mayer, and the McConnell Unit staff for their hard work and commitment to the Prison Rape Elimination Act.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Mission of the Texas Department of Criminal Justice (TDCJ) and the McConnell Unit is to "provide public safety, promote positive change in offender behavior, reintegrate offenders into society, and assist victims of crime." The vision statement of the unit is "Through leadership and commitment of dedicated staff to the mission of the agency as well as the William G. McConnell Unit, it is our vision to provide a safe institutional environment for everyone."

The William G. McConnell Unit is a Texas Department of Criminal Justice (TDCJ) prison that has the rated capacity to house 2,900 adult, male offenders. The custody levels of the general population offenders housed includes G1, G2, G3, G4 and G5. The facility also houses Administrative Segregation, Safekeeping and Transient offenders. The offender population was 2,788 on the first day of the audit. The average daily population for the audit period was 2,723.

The McConnell Unit is located on 299 acres in Bee County Texas about one mile outside the City of Beesville. The unit was built in 1992. The unit has 28 buildings within the secure compound that provides spaces for administration, visiting, food service, education, offender housing, medical, commissary, maintenance, laundry, recreation, central control, and Chapel. The housing unit types are general housing, administrative segregation, general dorms, and one housing unit that contains solitary, and transient housing. What inmate movement is required through the compound, it is accommodated through open-air corridors, and is monitored by roving correctional officers and by control desks located at the entrance to the various buildings.

The general population housing comprises of four general population buildings (3, 4, 7, and 8). Each building houses 432 offenders. Each general housing unit is divided into three wings containing 72 double occupancy cells. Each 72 bed wing is divided into three sub-sections. Each housing building contains a clothing exchange point, medical station, barber shop, outdoor recreation yard, and nine dayrooms. This allows each section, better control and security.

The Administrative Segregation unit (building 12) consists of six sections, each housing 84 inmates in six sub-sections containing 14 inmates for a total of 504 offenders. Each section is served by six dayrooms and two outdoor recreation yards. A shower is located on each cell run for access to the inmate population. The area also contains a medical station and a kitchen. Staff assigned to this housing unit wear body alarms and thrust vests.

Building 11 was under renovation during the audit and was not housing offenders. The building is divided into two wings and has two floors per wing. The building has 51 cells utilized to house pre-hearing detention, transient housing and solitary. The transient housing cells are utilized when an offender needs safe housing or when a sexual abuse investigation is initiated. Offenders are placed in transient housing for 72 hours pending investigation; it may be extended for another 72 hours if needed for completion of the investigation. An Offender Protective Investigation is started immediately upon the offender being placed in transient housing. The alleged abuser would be housed in administrative segregation during the investigation. A wing of the administrative segregation unit is being used for transient housing during the temporary closure of this building.

The dorms (buildings 18, 19) house 752 minimum custody offenders. Each dormitory is divided into four sections with a clothing exchange point, medical stations, barbershop, inside recreation gym, and outside recreation yard.

The Unit has an educational program sponsored by Windham School System who affords academic and vocational opportunities to eligible offenders. Other program and services provided at the unit include: work industry, Peer Education, reentry planning, chaplaincy services, mentoring, substance abuse education, and religious/faith based studies.

There currently are 740 (623 interior and 117 exterior) digital cameras in place which are monitored through the central control center, Surveillance Sergeant, Major office, and the Warden's Office. A comprehensive video surveillance system upgrade was completed about five years ago. The new system replaced old cameras, installed additional cameras, and created the capability to record. Recordings can be retained for twenty days on the servers.

The Unit Complex is managed by a Senior Warden and two Assistant Wardens.

SUMMARY OF AUDIT FINDINGS

On September 21-23, 2016 a site visit was completed at the William G. McConnell Unit. The final report was provided on November 8, 2016. The results of the William G. McConnell Unit PREA audit are listed below:

Number of standards exceeded: 7

Number of standards met: 33

Number of standards not met: 0

Number of standards not applicable: 3

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

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

The Texas Department of Criminal Justice (TDJC) has a written policy Executive Directive 03.03 Safe Prisons/PREA Program and the Safe Prison/PREA Plan, mandating zero tolerance towards all forms of sexual abuse and sexual harassment. The agency also established a Safe Prisons/PREA Plan in August 2014 that outlines the agency's approach to preventing, detecting, and responding to sexual abuse and harassment. The plan is a forty page document that outlines the agency's zero tolerance and the implementation of the safe prison plan through the following sections: administration and designated staff; offender management and services; offender screening and assessment; reporting allegations; investigations; training and education; data collection; and administrative considerations. The Safe Prisons/PREA Program policy and Safe Prison/PREA Plan is also supplemented by other agency policies, Executive Directives, Security Memorandums, and post orders. Through observation of bulletin boards, posters, educational handouts and materials, review of offender and staff handbooks, and interviews with staff and offenders it was apparent that the McConnell Unit is committed to zero tolerance of sexual abuse and sexual harassment. Each staff member also carries an informational card that outlines the first responder requirements.

Ms. Lori Davis is the Director of Correctional Institution Division (CID) and is the agency's PREA Coordinator. She has direct access to the Executive Director and has the authority to manage the agency's Safe Prisons/PREA Program. The Safe Prisons/PREA Program is managed through six (6) regional Safe Prisons/PREA managers and ninety-one (91) institution Safe Prisons/PREA managers. Monthly meeting, memos, and policy reviews are provided for direction through the office. Further training and guidance is provided as needed. Agency updates and changes are forwarded from this office to the units. The Regional Safe Prison Manager was present during the audit and knowledgeable of the PREA standards and the agency's compliance measures. As the facility's PREA Compliance Manager, he works with the PREA Compliance Manager at the facility.

Each facility within the agency is to identify a compliance manager that will ensure that effective practices and procedures are in place at the facility to ensure compliant with standards. This position reports directly to the Warden. The facility has designated a Sergeant as the PREA Compliance Manager and this position also oversees the Safe Prisons Office for the facility. The Safe Prisons Office also has two assigned correctional officers. The Safe Prison Office responsibilities include PREA policy compliance, investigations, and the audit process. The offenders interviewed that reported sexual abuse and the LGBTI offenders were familiar with the Safe Prisons Office staff. They indicated they were able to report concerns to the Safe Prison Office and were confident that the office would follow-up on issues. The Safe Prisons staff starts the offender education upon arrival at the facility. They provide PREA educational information and explain the Safe Prisons Office responsibilities and availability to the offenders. The Safe Prisons staff makes rounds in the housing areas to ensure the office services are available to the offender population; this was documented through unit log reviews. Offenders were able to identify the Safe Prisons staff by name during the interview process which demonstrates the active role and accessibility the Safe Prisons staff has created at the McConnell Unit. The transgender population during interviews indicated they saw the Safe Prison Sgt at least on a monthly basis. The long-term offenders stated during their interviews that there has been a positive change at the unit with the development of the Safe Prisons Office. Staff and offenders both shared the positive impact the Safe Prisons Office has had on the facility and the availability and responsiveness of the Safe Prisons Office staff. The Safe Prisons Sergeant also stated during the interview process that he and the Safe Prisons Office staff had enough time to perform the PREA duties for the facility.

Standard 115.12 Contracting with other entities for the confinement of inmates

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

Texas Department of Criminal Justice (TDJC) has renewed fifteen (15) contracts for the confinement of offenders. The PREA Audit Report

contract language states, "The Contractor shall comply with the Prison Rape Elimination Act (PREA) Standards for Adult Prisons and Jails and report any offender sexual abuse or sexual harassment to the TDCJ-PFCMOD in accordance with Department Policy." All of the contracted secure facilities have undergone PREA audits. PREA Audits have been completed on all the facilities under contract for the confinement of offenders. Fourteen have completed reports and one facility is on a monitoring period. The facility in November 2016 will be reviewed for final compliance. The contract facilities are required by contract to provide a copy of the final report to the agency. The final reports have been posted to <http://www.tdcj.texas.gov/divisions/arm/armrevstanprea.html> with the exception of the one facility pending the final report.

The contracts include language that states the department designated contract monitor will monitor the facility to ensure the contractor is compliant with the PREA standards for Adult Prisons and Jails. The contract monitor is on-site at the facility. The monitor oversees all the operational practices, contract practices including PREA compliance, and the day to day operations of the facility. Any concern that would be determined imminent risk would have immediate actions taken for correction. All other concerns would be identified for correction and monitoring would occur until corrected. The PREA Compliance is accomplished and documented through a monitoring checklist that will be completed every six months. A copy of the contract language and checklist was provided by the Safe Prisons/PREA Program Manager and Manager II of Review and Standards.

Standard 115.13 Supervision and monitoring

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

The McConnell Unit has developed a staffing plan that is based on the eleven criteria of the standard to include generally accepted detention and correctional practices; any judicial finding of inadequacy; and findings of inadequacy from Federal investigative agencies; any findings of inadequacy from internal and external oversight bodies; all components of the facilities physical plant (including "blind spots" or areas where staff or offenders may be isolated); the composition of 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. This process is outlined in Administrative Directive 11.52 Security Staffing, the Safe Prison/PREA Plan, and Security Operations Procedure Manual 07.02. Based on the review of the staffing plan and interview with the Warden, the staffing plan was developed by the leadership of the McConnell's Unit with input from the PREA Manager and unit staff, regional staff, TDCJ Correctional Institution Division (CID) Security Systems Office, and in coordination with the PREA Coordinator. The Warden indicated in his interview that the staffing plan is reviewed at least once a year, usually in May. Copies of the staffing plan are maintained by human resources, regional office, agency headquarters, and the Warden's Office.

The facility makes its best efforts to comply with the plan. When deviations occur, the position deviated is documented on the staff turnout shift roster with the employee's name, post reassignment, and the reason for the deviation. Administrative Directive Security Staffing 11.52 outlines the requirement of the daily review of the facility's turnout reports. The Warden is also notified of the deviation. The Warden indicated during his interview that he reviews the deviation reports daily and the assistant wardens review for the priority one and priority two plan compliance. They are also reviewed daily by the shift supervisors and the Human Resources Office to ensure compliance with the staff priority one plan. If a deviation is expected to be long term, a Position Deviation Form must be submitted to the Security Systems Office for review and action. The most common reasons for deviations listed in the pre-audit questionnaire were staffing shortage, offender transport, and direct constant observation.

The Security Operations Procedure Manual Section Annual Security Staffing Review 8.06 and Administrative Directive Security Staffing 11.52 outlines that the CID Security Systems Office conducts an annual staffing review. The 2016 staffing plan review occurred on April 12, 2016. As a result of the meeting and review of the security staff allocations along with statistics presented by the PREA Coordinator, it was determined that no changes were necessary to the staffing plan or shift turnout rosters; additional or enhanced video surveillance equipment beyond that which is currently being installed, was not required; and the unit is utilizing all resources available (e.g. overtime, recruiting efforts) to ensure the adequate security staff is available to meet the requirements of the staffing plan.

Intermediate and higher level staff conduct unannounced rounds. The rounds are documented on the shift turnout reports and in the housing unit logbooks. Through reviews of housing area logs and interviews with staff and offenders, it was confirmed that unannounced rounds are done randomly throughout the facility. The staff indicated during the interviews that unannounced rounds are accomplished by staggering the round times on a daily basis, conducting rounds in different areas on different days, using different routes and not a routine pattern, and entering the areas through back entries and not always using the front entry for the housing unit. The agency's policy Safe Prisons/PREA Plan and post orders prohibits staff from alerting other staff members that supervisory staff rounds are occurring. This is also addressed during turnout as a refresher. Supervisors also indicated in the interviews that if a staff member was alerting other staff, discipline action would be started on the employee.

Standard 115.14 Youthful inmates

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

The McConnell Unit does not house youthful offenders. Youthful offenders are housed at Clemens Unit (males) and Hilltop Unit (females). The Safe Prison/PREA Plan covers the standard of separating youthful offenders from adult offenders and ensuring youthful offenders have access to programs and work opportunities.

Standard 115.15 Limits to cross-gender viewing and searches

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

Through the review of Administrative Directive 3.22 Offender Searches and the Safe Prisons/PREA Plan, governing offender searches and cross gender searches, it confirms the policies and procedures address the standard. Interviews with staff and offenders plus observation of actual searches conducted during the audit, the McConnell Unit does not conduct cross gender strip searches. The policy does allow cross gender strip searches only in extraordinary circumstances and when approved by the Warden. When a cross gender strip search occurs, it will be documented on the Cross-Gender Search Log, SPPOM 02.05 Attachment D. All body cavity searches are completed only by medically trained professionals. The policy also prohibits staff from frisking transgender and intersex offenders for the purpose of determining genitalia status. Interviews with staff confirmed these practices, as well as the review of the training lesson plans reinforcing these policies in the annual training, Lesson Plan Contraband and Shakedown. The facility has not conducted any cross gender strip searches or cross gender visual body cavity searches of offenders.

The Pre-Audit Questionnaire stated that twenty-two (22) cross gender strip searches were conducted. The searches occurred during the months of May 28 through October 2, 2015 as part of the on the job training program regarding properly conducting cross-gender strip searches. They were documented on the Cross-Gender Search Log, SPPOM 02.05 Attachment D. The agency training practice has been changed and has ceased conducting actual cross gender strip searches as part of the on the job training. The training records were reviewed to verify the training occurrence of the strip searches. They were documented in each of the training files of the female officers. From October 3, 2015 to present, the facility has not conducted any cross gender strip searches.

The policy Safe Prison/PREA Plan and practice, allow all offenders the opportunity to shower, perform bodily functions and change clothing without non-medical staff of the opposite gender viewing them. This was confirmed by interviews with offenders and staff. During the offender interviews, inmates felt they received a sense of privacy for these functions. This was reviewed during the facility tour and housing unit visits and it was determined the shower partitions provide privacy for the offender. During the audit tour, the auditors reviewed the toilets in the dorms for privacy concerns. The toilets are located on a half wall that allows privacy when staff enter the housing unit. If a staff member approaches the toilet area, incidental viewing may occur. When interviewing offenders housed in the dorms, the offenders felt they had privacy when using the toilet. They indicated staff announce themselves when entering the housing area. They also stated if a staff member is conducting count or making rounds, the staff offer privacy by only glancing in the area to ensure the count or security in the toilet area. The auditors determined that offenders receive privacy from staff viewing as allowed by the facility design. A recommendation was made to further enhance the privacy from other offenders by placing partitions between each toilet if feasible by the building design.

The Safe Prison/PREA Plan and officer's post orders require that staff of the opposite gender announce their presence when entering offender housing areas; this was observed during the audit. Female staff "knock and announce," they knock on the door when entering the area and loudly announce female on the run or female on the floor. The facility also has notices posted on the doors entering the housing areas stating, "A cross gender viewing area, all members of the opposite gender must announce their presence upon entering." Staff are also provided training on unannounced rounds to help assure compliance with the standard that limits cross gender viewing. During the random offender interviews, the offenders stated that female staff announce when entering the housing areas by announcing "female on the pod."

The policy, AD 3.22 Offender Searches, also prohibits staff from frisking transgender and intersex offenders for the purpose of determining genitalia status. All body cavity searches are completed only by medically trained professionals. During interviews with staff, they were aware of the policy and indicated only medical could conduct such search.

All staff received training in conducting pat down searches, cross gender pat down searches, searches of transgender and intersex offenders in a professional and respectful manner. Other than annual training, this training is also part of the initial pre-service training and during daily turnout briefing. This is supported by policy AD 3.22 Offender Searches. Interviews with staff confirmed these practices, as well as the review of the training lesson plans reinforcing these policies in the annual training, Lesson Plan Contraband and Shakedown. When staff were randomly asked how a transgender pat down search would be completed, they indicated by using the back or blade of their hand.

The Pre-Audit Questionnaire noted that 99.3% of the security staff receiving training on conducting cross-gender pat down searches and searches of transgender and intersex offenders in a professional and respectful manner. The facility indicated the .7% of the staff not trained are out on various types of leave. These staff will receive training upon returning to work. Each employee is required to attend in-service each fiscal year and generally scheduled for the same month each year. If an employee cannot attend in-service at the scheduled time, they are rescheduled in the first available class upon return to work. Also each security staff member is provided cross gender and searches of transgender and intersex offenders in pre-service prior to being assigned to the unit. The training records were checked for staff, all had completed the cross gender strip search training.

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

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

The agency's policies 115.16 Intake Procedures, Administrative Directive 4.25 Language Assistance Services to Offenders Identified as Monolingual Spanish, 6.25 Qualified Interpreter Services, 115.61 Offenders with Special Needs, and the Safe Prison/PREA Plan has established procedures to provide disabled offenders equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The policies and directives address interpreter service, American Sign Language services, and offenders with special needs.

The McConnell Unit employs qualified interpreters who are designated staff who have demonstrated a satisfactory level of

competency in both Spanish and English languages through a Language Assessments Scale Spanish oral proficiency test. The facility has fifty-five (55) certified qualified interpreters on various shifts and positions within the facility. There are twenty-five (25) certified staff who speak various another languages other than English and Spanish also. PREA handouts and the offender handbook are available both in English and Spanish. The PREA posters are posted in English and Spanish throughout the facility. During the audit, five (5) interviews were conducted with limited English offenders with the assistance of a staff interpreter. Those offenders, as well as other offenders with hearing disabilities and limited English proficiently interviewed during the facility tour, all indicated they have received the PREA information and knew how to report if needed.

The agency policy, 115.16 Administrative Directive 4.25 Language Assistance, prohibits the use of offender interpreters or other types of offender assistants except in limited circumstances where there may be delay in obtaining an effective interpreter. There were no instances where an offender interpreter was utilized. If an offender interpreter was used in a limited circumstance it would be documented. The utilization of a staff interpreter must be documented. The facility's certified qualified interpreters are available on various shifts and would assist. During the staff interviews, staff were aware of the policy and indicated that an offender interpreter would not be used, only qualified staff interpreters from the list would be used.

Standard 115.17 Hiring and promotion decisions

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

Through a review of policies and executive directives, PD71 Selection Systems Procedure, PD73 Selection Criteria for Correctional Officer Applicants, PD75 Applicants with Pending Criminal Charges or Prior Criminal Convictions, PD27 Employment Status Pending Resolution of Criminal Charges or Protective Order, and the Safe Prison/PREA Plan, it was determined that the agency has established a system of conducting criminal background checks for new employees and contractors who have contact with offenders to ensure they do not hire or promote anyone who engaged in sexual abuse in a prison or other confinement setting; been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, coercion, or if the victim did not consent or was unable to consent to refuse; or had civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, coercion, or if the victim did not consent. The application forms, Employment Application Supplement and Employment Supplement for Agency Applicants, require the employee to answer questions of: have not engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution and have not 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. These forms are utilized for new hires and promotions. There were 311 criminal background checks completed during this audit timeframe for new hires and one for contract of services. All new hired staff and contractors had completed background checks.

The background check process is conducted electronically by entering the employee information into the Criminal Justice Information System (CJIS). A State Identification Number (SID) is created by the employee/ contractor fingerprint and information. The system checks daily to ensure all SIDs are entered in the system. This system provides warrant checks every six months on employees and contractors generated the month of their birth date and six months after their birth date. The system also provides an automatic electronic notification to the agency when any criminal charges are brought against an employee or contractor. The monthly reports are saved for one month for viewing and six months for recall. The process of warrant checks twice a year and daily monitoring exceeds the standard requiring background checks at least every five years.

Employees and contractors annually complete the Employee Acknowledgement Form that affirms they understand their obligations to disclose current and past sexual abuse and misconduct. The employee must also confirm the statements of: have not engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution and have not 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. This requirement is also stated and available to employees in the Safe Prison/PREA Plan.

The policy PD 73 Selection Criteria for CO Applicants states an applicant who provides false or inaccurate information or PREA Audit Report

documentation in the application process shall be disqualified from consideration for any TDCJ position for a minimum period of one year from the date of the applicant's PERS 283, State of Texas Application for Employment. A current employee who provides false or inaccurate information or documentation may be subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

The agency only provides copies of confidential documents contained in an active or former employee's file when a release of information is provided. The release of information authorization must be signed and dated by the active or former employee within 60 calendar days prior to the request. The request will be handled by the Employee Service Section – Records Human Resources Division. This is outlined in policy PD56 Request and Release of Employment Information or Documents.

Personnel files were reviewed with the Human Resource Manager. The background process is conducted and maintained by the Human Resources Division in Huntsville. Also through interviews with the Human Resource Manager and Warden, it was determined that the agency's policy and PREA requirements were being followed in regards to hiring, promotional decisions, and background checks.

Standard 115.18 Upgrades to facilities and technologies

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

The McConnell Unit has not made any substantial expansions or modifications of the existing facility or updates of video monitoring surveillance since August 20, 2012. The last upgrade occurred about five years ago which included additional cameras and upgrades. There currently are 740 cameras (117 exterior and 623 interior) in the facility. The system allows recordings up to twenty (20) days. They are centrally monitored continuously by a closed circuit in the central control, Warden's office, Major's Office, and the video surveillance room. The cameras monitor the housing units, recreation areas, front lobby and entry, segregation housing area, back gate, perimeter, kitchen dining rooms, and kitchen back dock. At the annual staffing review, it was determined that additional or enhanced video surveillance equipment was not required. Staff that have authorization to review the video monitoring surveillance equipment include the Warden, Deputy Wardens, Investigators, Major, Surveillance Sergeant, and Shift Supervisors.

The Security Operations Procedures Manual 7.02 Deletion, New Installation or relocation of Video Surveillance Equipment and 01.14 Operating and Monitoring Video Surveillance Systems directs the Surveillance systems Coordinator to collaboration with the facility's Warden and Safe Prison/PREA compliance Manager prior to the deleting installing, or relocating video surveillance equipment.

Standard 115.21 Evidence protocol and forensic medical examinations

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

Texas Department of Criminal Justice is responsible for administrative investigations and the Office of the Inspector General (OIG) conducts all criminal investigations. Both investigations start immediately following an allegation. The policy and procedures, 16.03 Evidence Handling, G57.1 Sexual Assault/Sexual Abuse, OIG 04.05 Offender Sexual Assault Investigations, 5.01 Sexual Abuse Response and Investigation, and the Safe Prisons/PREA Operations Manual outline evidence protocols for administrative proceeding and criminal prosecutions; and requirements for forensic exams through the use of the Sexual Abuse Checklist operating memorandum. The protocols were reviewed and found to be in line with the DOJ's National

Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents 2nd Edition. Interviews were conducted with the McConnell Unit's Investigator Sergeant of the Safe Prisons Office and two of the OIG Investigators. The interviews confirmed the practices for PREA investigations and both investigators were very knowledgeable of the investigation process, the uniformed evidence protocol, and the use of the Sexual Abuse Checklist.

The agency's policy G 57.1 Sexual Assault / Sexual Abuse states: "If requested by TDCJ Office of Inspector General (OIG) and if the offender/victim consents to a sexual assault examination, then the collection of evidence must follow local criminal justice guidelines. If it is determined that the assault took place more than 96 hours prior to the examination, use of the sexual assault evidence collection kit should be jointly discussed between the health care staff assigned to perform the sexual assault examination and the OIG investigator. However, the final decision as to whether or not to conduct the sexual assault exam rests with the OIG investigator. If a sexual assault kit is required, then the physical examination and collection of evidence are accomplished by a qualified medical practitioner (provider, Sexual Assault Nurse Examiner, or Sexual Assault forensic Examiner) exactly according to instructions provided in the standard rape kit. (Available through the medical warehouse.) In the event a "qualified medical practitioner" is not available at the facility where the offender is assigned, the offender will be taken to the nearest Hospital Emergency Department that has medical staff qualified to perform forensic medical exams. Regardless of the location of the exam, the kit with collected evidence must be claimed by a TDCJ Office of the Inspector General investigator for processing." State law, Senate Bill 1191 Emergency Services for Survivors of Sexual Abuse, requires that emergency room staff have specialized training to complete a forensic exam, but does not require that the SANE or SAFE training. When it is possible trained SANE or SAFE staff will be utilized. The interview conducted with Investigators confirmed the practices for sexual abuse investigations and was very knowledgeable of the Sexual Abuse Response Plan steps.

All victims of sexual assault who require a forensic exam will be taken to the nearest hospital emergency department for completion of the exam and emergency medical healthcare with no cost to the offender. There were two (2) alleged victims of sexual assault who required a forensic exam. Both of the alleged victims were taken to the nearest hospital emergency department for completion of the forensic exams. The exams were conducted at the hospital by qualified medical practitioner.

The agency and facility has attempted to obtain an agreement for a community victim advocate from a rape crisis center. However at this time, an agreement has not been established. The agency continues to solicit community rape crisis organizations across the state that are willing to establish a partnership with the agency. The effort to obtain an agreement is documented in various letters to rape crisis center agencies with the last solicitation letters dated August 2015 (previous ones dated January 2014). The Agency's Safe Prisons/PREA Program Manager is overseeing this process. The facility does provide a list of Rape Advocacy Centers in the Orientation Handbook provided to offenders at intake, in the Law Library, and available through the Safe Prisons Office.

Policy 2.02 Offender Victim Representative (OVR) Training requires each facility to have at least two offender victim representatives from the following job qualifications: mental health practitioner, sociologist, chaplain, social worker, and case manager. The OVR must be available to provide emotional support services and counseling on and off the facility as needed. The McConnell Unit has five (5) designated staff as offender victim representatives (OVR): chaplain, case manager, and chief of classification. The offender victim representatives are trained as victim advocates who can provide victim support to staff or inmates who have been sexually abused. Anytime an offender is the victim of a sexual assault, and if OIG requests a forensic examination, an Offender Victim Representative must be offered to the offender, to be present during the examination. They are also available to respond when requested by the victim to provide services. It will be documented whether the offender refused the offender victim representative or accepted the representative with the representative's name provided.

Standard 115.22 Policies to ensure referrals of allegations for investigations

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

Incidents, AD 16.20 Reporting Incidents/Crimes to OIG, 5.01 Sexual Abuse Response and Investigation, Board Policy 01.07 Inspector General Policy Statement, PD29 Sexual Misconduct with Offenders, 5.05 Completing the Offender Protection Investigation, OIG 4.05 Offender Sexual Assault Investigations, and the Safe Prison/PREA Plan directs that all allegations of sexual abuse and sexual harassment be referred for investigation. The facility completes the administrative investigation and OIG completes the criminal investigation. The agency's policy describes the responsibilities of the agency and OIG. The allegations are investigated and reported with findings. Documentation of the administrative investigations is maintained in the Safe Prisons Office. Documentation of the OIG investigation is maintained in their central office and outcomes are shared with the agency and facility administration. An interview was conducted with McConnell Unit's Investigator, the Safe Prison Sergeant, and two of the OIG Investigators. All the investigators demonstrated the knowledge of facility's investigation responsibilities and the responsibilities of the OIG Investigator. The roles and responsibilities of each agency was clearly defined and understood. The agency's policy is available on the agency's website.

There were seventy-four (74) allegations during the audit period: sixty-six (66) allegations occurred at the facility, three (7) allegations reported by another facility, and one (1) allegation that occurred at another facility. Of the fifty-one (51) staff on offender allegations; there were thirty-six (36) alleged staff on offender sexual abuse and fifteen (15) alleged sexual misconduct/harassment. The administrative findings of the alleged staff on offender sexual abuse allegations were thirty (30) unsubstantiated and six (6) unfounded. The administrative findings of the alleged staff on offender sexual misconduct/harassment allegations were thirteen (13) unsubstantiated and two (2) unfounded. Of the twenty-three (23) offender on offender allegations; there was seventeen (17) alleged offender on offender sexual abuse and six (9) alleged sexual misconduct/harassment. The administrative findings of the alleged offender on offender sexual abuse allegations were fifteen (15) unsubstantiated, one (1) unfounded, and one (1) substantiated. The administrative findings of the alleged offender on offender sexual misconduct/harassment were four (4) unsubstantiated and two (2) unfounded. Of the offender on offender allegations, OIG opened four (4) cases: two (2) are still active and two (2) was closed with no charges. A review of eleven (11) administrative investigations was conducted. The actual OIG investigations files were not available for review.

Standard 115.31 Employee training

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

TDCJ has been training staff on sexual abuse and sexual harassment prior to the PREA requirement. The agency's policies, PD76 Training and Staff Development, PD29 Sexual Misconduct with Offenders, 6.01 Unit Safe Prisons PREA Program Awareness Training, and the Training Curriculum Safe Prisons/PREA Program address all the PREA requirements and outline the training requirements. Training records, staff interviews, and training curriculum review indicated the training included the zero tolerance policy; the agency policy and procedures for prevention; reporting and response to a sexual assault or sexual harassment incident, and the dynamics of sexual abuse and harassment in a confinement setting; common reactions of sexual abuse and sexual harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with offenders; how to communicate effectively and professionally with offenders; and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. The training also includes a video with Safe Prison/PREA staff and agency leadership staff discussing the PREA information and requirements.

The initial training occurs at pre-service through the training curriculum Safe Prisons/PREA Program. The training is also provided annually through the annual in-service training for all staff. Additional training occurs during staff turnout briefing with different topics daily/weekly based on PREA updates and general information refreshers. The Safe Prison Office staff also provides monthly training with a different topic selected for each month. Staff during interviews acknowledged the numerous methods they received training including that security supervisors providing educational information while conducting rounds. The Pre-Audit Questionnaire indicated that all staff had completed training. Each employee is required to attend in-service each fiscal year and generally scheduled for the same month each year. If an employee cannot attend in-service at the scheduled time, they are rescheduled in the first available class upon return to work. Also each staff member is provided in pre-service prior to being assigned to the unit. The training records were checked for a variety of staff in different positions; all had completed the pre-service training and annual in-service.

TDCJ policy, AD 12.20 Implementation Operation of the TDCJ In-Service Program requires staff to complete the training annually as a refresher instead of the every two years as required by the standard; this exceeds the requirement. New employees receive the training as part of the pre-service training within sixty days of employment. Training is documented through the signature of the employee on the Employee Acknowledgement Form. Gender specific information is provided through the lesson plan Gender Specific Training- Safe Prisons Initiative. Staff complete the gender specific training at pre-service, annual in-service, and when a staff member is transferred from one facility to another. All training is maintained in the Department's Training Database for each employee. Documentation of training is directed through department policies ED12.10 TDCJ Training Database and PD97 Training and Staff Development.

Interviews of random staff and general questions asked during the tour clearly indicate each staff member is very knowledgeable on how to perform their responsibilities in detention, reporting, and responding to sexual abuse and sexual harassment. The wide knowledge of PREA/Safe Prison policies and procedures by staff confirm the continuous training that occurs through staff turnout and monthly training. A pocket informational card is provided to each employee that outlines the agency's zero tolerance policy, who to report any violation to, the role of the Safe Prisons Program/Office, steps to take if a sexual assault occurs, sexual abuse/assault red flags, sexual abuse definition, and summary of the Prison Rape Elimination Act.

Standard 115.32 Volunteer and contractor training

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

All contractors and volunteers who have contact with offenders in the TDCJ and the McConnell Unit receive PREA training prior to assuming their responsibilities. The agency has 22,697 volunteers and 42 contractors agency-wide. The volunteers and contractors must complete the required training prior to being approved for services. Approved volunteers and contractors are not limited to specific facilities; they are approved to serve at all TDCJ facilities to include secured facilities and parole. The agency's policies, AD 2.46 Employees of Private Business, Government, and Entities Contracting with the TDCJ, AD 7.35 Administration of Volunteer Services, PD Sexual Misconduct with Offenders, Volunteer Service Plan, Volunteer Services Training Video, Handbook for Volunteer, Letter of Orientation for Special Volunteers, and the Safe Prisons/PREA Plan covers the PREA training requirements of volunteers and contractors. This training includes the agency's policy and procedures regarding sexual abuse and sexual harassment prevention, detention, and response. The agency also has a PREA training video, Volunteer Services Training Video, to help educate volunteers on PREA information. Volunteers are provided a handbook which is also available on the public website that covers PREA. Contractors attend the annual employee in-service training with facility staff. Training records were reviewed and the files demonstrated the contractors and volunteers received training and documented they understood the training through a signature on the Acknowledgement of Volunteer Training/Orientation Form. The form is filed in the volunteer's central file maintained at the TDCJ Volunteer Services in Huntsville, Texas. The electronic file is the source to which the facility identifies the approval status of a volunteer. The electronic file is updated by the TDCJ volunteer services staff. Volunteers and contractors are required to attend the training every two years prior to maintain their approval process. The agency exceeds the standard with the requirement of training every two years and providing updated information as needed to the volunteers and contractors.

Interviews were conducted with five (5) volunteers and contractors. They all indicated they had received training. They were knowledgeable on PREA, their responsibilities for reporting, the reporting process, and the agency's zero tolerance policy. They indicated they would report immediately to their area supervisor and the highest rank security officer.

Standard 115.33 Inmate education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

The Texas Department of Criminal Justice and the McConnell Unit provide a comprehensive offender PREA education to the offender population beginning at reception into the agency. The agency policies, 5.00 Orientation Procedures, Unit Orientation, and 6.02 Offender Sexual Abuse Awareness Training, address the PREA education for offenders at intake. At intake into the facility, the Safe Prisons Office staff provide offenders information through a PREA pamphlet and offender rule book (both available in English and Spanish) that explains the agency's zero tolerance policy regarding sexual abuse and sexual harassment and how to report incidents. The offenders at intake are also provided PREA education through the Peer Education offender instructors. These offenders are trained to provide the education and are very passionate and knowledgeable in the material and education process. An auditor observed this education during the intake process. During this audit period, the 914 offenders that were received at the facility were given educational information. The random offenders interviewed acknowledged receiving education on the same day as intake into the facility. The PREA information is provided again to the offender by staff during the risk assessment process. During facility orientation, within a week of arriving, offenders receive Offender Sexual Abuse Awareness Education through a video titled Offender Safe Prisons Orientation Video and classroom information which expands on previous information provided in the handbook and pamphlet. The training is documented through a signature of each offender on Attachment Q Sign-in Roster of policy 6.02 Offender Sexual Abuse Training.

The facility also offers training through Peer Education Sexual Assault Awareness Class which is part of the Peer to Peer Training. This is a training developed through the agency's Safe Prisons Office. Peer to Peer Class is a four day, four hour training taught by offenders. The training provides open discussion and interactive activities. Inmates interviewed regarding the class indicated the class is well received and educational. They indicated the interaction, role playing skits, and receiving information from their peers is a positive method of sharing and reinforcing PREA information. During an interview with a Peer to Peer Offender instructor, he indicated the positive environment and response that offenders demonstrate during the course. He has been an instructor for five years. The instructors receive updated training as needed. The Safe Prison Office works with them on updated and any issues.

The facility provides inmate education in formats accessible to all inmates. This is accomplished through written handbooks, pamphlets, and posters; verbally through video; and staff interaction. Information is provided in English and Spanish, American Sign Language, and other languages are available through the Qualified Interpreter Services. Policies AD 6.25 Qualified Interpreter Services - American Sign Language, 51.1 Offenders with Special Needs, 51.5 and Certified American Sign Language (ASL) Interpreter Services outlines this process and accessibility of services.

The facility conducted education with all current inmates by housing unit within the twelve month period and documented it on the Attachment Q Sign-in Roster of policy 6.02 Offender Sexual Abuse Training. The facility's practice is to play the video annually in the housing units. The random inmates interviewed indicated the video was played in the units again and they were required to sign a form acknowledging their participation. The Safe Prison Sgt/PREA Manager confirmed this training was completed in the housing units annually.

Through random offender interviews and discussions with offenders on the facility tour, offenders acknowledged they have received PREA information upon arrival at the facility, reinforced daily through staff interaction, and through information posted in the housing areas. They were able to explain how to report an incident and were aware of the zero tolerance policy. The intake process was observed demonstrating the sharing of the PREA information with incoming offenders. The Classification Committee also reviews PREA information with the offender during the interview including how to report, who to report to, and maintaining appropriate professional relationships with staff and other offenders. A classification committee was observed during the audit.

Standard 115.34 Specialized training: Investigations

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

The agency's policies, Board Policy 01.07 Inspector General Policy Statement, OIG 2.15 Training Procedures, AD 16.03 Evidence Handling, OIG 4.05 Offender Sexual Assault Investigations reflects that investigators are to be trained in conducting sexual abuse investigations in confinement settings. The specialized training curriculums Safe Prisons/PREA Investigations Conducting a Thorough Investigation, OIG Sexual Assault Investigation Topics, and OIG Interview and Interrogation includes techniques for interviewing sexual abuse victims, proper use of the Miranda and Garrity warnings, sexual abuse evidence collection in confinement setting, and the criteria and evidence to substantiate a case for administrative action or prosecution referral. The agency's 141 OIG and 59 McConnell Unit's investigators have completed the general PREA training and the required specialized training for investigators. The specialty training was verified through the investigator interviews and review of the training records.

Standard 115.35 Specialized training: Medical and mental health care

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

The forty-two (42) medical and mental health staff of McConnell Unit are contractors through the University of Texas Medical Branch (UTMB). The Correctional Managed Health Care policies G57.1 Sexual Abuse/Sexual Assault, C19.1 Continuing Education/Staff Development, and the Medical and Mental Health PREA Training direct specialized PREA training and continuing education for all medical and mental health staff. The training curriculum includes how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and who to report allegations or suspicions of sexual abuse and sexual harassment. The medical and mental health staff received training through an electronic on-line course, classroom with the Safe Prison staff, and attending annual in-service training with the facility's employees. Interviews with the healthcare staff demonstrated they understood how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and who to report allegations or suspicions of sexual abuse and sexual harassment.

The agency's policy G 57.1 Sexual Assault / Sexual Abuse states: "If a sexual assault kit is required, then the physical examination and collection of evidence are accomplished by a qualified medical practitioner (provider, Sexual Assault Nurse Examiner, or Sexual Assault forensic Examiner) exactly according to instructions provided in the standard rape kit. (Available through the medical warehouse.) In the event a "qualified medical practitioner" is not available at the facility where the offender is assigned, the offender will be taken to the nearest Hospital Emergency Department that has medical staff qualified to perform forensic medical exams. Regardless of the location of the exam, the kit with collected evidence must be claimed by a TDCJ Office of the Inspector General investigator for processing." State law, Senate Bill 1191 Emergency Services for Survivors of Sexual Abuse, requires that emergency room staff have specialized training to complete a forensic exam, but does not require that the SANE or SAFE training. When it is possible trained SANE or SAFE staff will be utilized.

All victims of sexual assault who require a forensic exam will be taken to the nearest hospital emergency department for completion of the exam and emergency medical healthcare with no cost to the offender. There were two (2) alleged victims of sexual assault who required a forensic exam. Both of the alleged victims were taken to the nearest hospital emergency department for completion of the forensic exams. The exams were conducted at the hospital by qualified medical practitioner.

The facility noted on the Pre-Audit Questionnaire 115.35(c)-1 that they were non-applicable for maintaining documentation showing that medical and mental health practitioners have completed the required training. The facility is in compliance with the requirement. The health care department maintains training records for the medical and mental health staff demonstrating that specialized and general PREA training was conducted. These records are also maintained by the University of Texas Medical Branch (UTMB) electronically. All training conducted by the unit is maintained by the unit and the health care department; including annual in-service and any training conducted by the Safe Prisons Office. This practice is verified through the training records maintained by the Safe Prisons Office and the interview with the Safe Prison/PREA Manager.

Standard 115.41 Screening for risk of victimization and abusiveness

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

The screening process for the risk of victimization and abusiveness are outlined in the Safe Prisons/PREA Operational Manual (SPPOM) 3.01 Offender Assessment Screening, Correctional Managed Health Care Policy Manual (CMHCPM) E35.1 Mental Health Appraisal for Incoming Offenders, 5.06 Intake Procedures, and the Safe Prisons/PREA Plan. The policies, manuals, and Offender Assessment Screening Form were reviewed. An assessment is conducted of all inmates during receiving at the facility. This assessment assists with determining an inmate's vulnerability or tendencies of acting out with sexually aggressive behavior. Inmates identified as high risk with a history of sexually assaultive behavior or vulnerability will be identified, classified appropriately, and monitored.

The auditor had the Safe Prison Office staff that complete the intake and screening to explain the assessment process from the receiving of the offender at the facility to the completion of the risk screening process. At the arrival to the facility, the intake staff completes the Offender Assessment Screening Form. This process conforms to the PREA standards. The screening forms include questions regarding mental, physical, and developmental disabilities; age of the offender; physical build of the offender; whether the offender has been previously incarcerated; whether the offender's criminal history is exclusively nonviolent; whether the offender has prior convictions against an adult or child; whether or not the offender is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; whether or not the offender has previously experienced sexual victimization; and the offender's own perception of vulnerability. The forms are usually completed on the day of arrival at the facility. The policy requires the screening should occur within 24 hours but no longer than 72 hours of arrival. The process conforms to the PREA standards. The facility on the PRE-Audit Questionnaire indicated 898 offenders were screened within 72 hours of their intake; which was 100% of the offenders admitted to the facility in the past twelve months whose length of stay was for 72 hours or more. The facility has three (3) staff members trained who can perform the risk assessments. The three staff all work for the Safe Prison Office. During the offender interviews, most offenders indicated they remember being asked these questions on the day of their arrival and others indicated by the next day.

The classification committee reassesses the offender's risks of victimization and abusiveness. The agency's Safe Prisons/PREA Plan policy addresses the reassessment of offenders risk level when warranted by a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization. In the audit period, only 352 offenders (38.5% of intakes) were reassessed for risk of victimization or abusiveness. This reassessment was completed within 30 days of the offender's intake into the facility.

Through policy review of 3.01 Offender Assessment Screening and the Safe Prisons/PREA Plan and confirmed through staff interviews, offenders may not be disciplined for refusing to answer or disclosing information during the risk assessment process. The staff interviews also confirmed appropriate controls have been implemented to ensure that sensitive information is not exploited by staff or other offenders. The screening tools are maintained in the offender's institutional file in the Record Department. Other than the record staff, the only other staff with access is the Warden, Assistant Wardens, Intake staff, Safe Prisons Office staff, and the Unit Classification Committee (UCC). Information is shared with appropriate staff (medical, mental health, and supervisors) as needed to make housing, bed, work, education, program assignments and mental health and medical referrals. The protection of information is outlined in policies 3.01 Offender Screening Assessment, Safe Prisons/PREA Plan, Correctional Managed Health Care Policy Manual (CMHCPM) A09.01 Privacy of Care, and CMHCPM H61.1 Confidentiality and Release of Protected Health Information.

Standard 115.42 Use of screening information

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

The agency's policies 4.01 Intake Procedures, 3.01 Offender Assessment Screening, AD 4.17 Offender Housing Assignment Criteria and Procedures, AD 4.18 Offender Job Assignments, and the Safe Prisons/PREA Plan address the assessment process and the use of the screening information to determine housing, bed, work, education, and program assignments with the goal of keeping offenders at high risk of being sexually victimized from those at high risk of being sexually abusive. If an inmate screens for high risk of sexual victimization or high risk of being sexually abusive an immediate referral will be made to the classification committee and a shift commander to determine housing assignment. During the site visit, the auditor observed the classification committee completing the risk assessment process with an offender during receiving. The housing and program assignments are made on a case by case basis. Through offender and staff interviews, it was determined that the facility addresses the needs of the offender consistent with the security and safety of the individual offender.

The agency's policy CMHCPM G51.1 Treatment of Offenders with Intersex Conditions and the Safe Prisons/PREA Plan indicate that the facility makes housing and program assignments for transgender or intersex inmates in the facility on a case-by-case basis. There were twenty-six (26) identified transgender offenders. During interviews with seven (7) transgender offenders, they indicated they had the opportunity to shower separately, were treated with respect, and were not housed in dedicated housing areas. Upon review of the housing assignments, the transgender population is housed in different housing units in the facility.

By policy 3.02 Special Population Review and the Safe Prisons/PREA Plan, transgender and intersex offenders shall be reassessed at least twice each year to review any threats of safety experienced by the offender. The transgender offenders indicated during interviews that each month the Safe Prison Office staff have a group meeting with the offenders to discuss any concerns or issues. They are also seen individually monthly to reassess their safety and discuss any concerns. They also indicated that the Safe Prison Office staff check on them during housing unit rounds. The transgender population all stated they felt safe and felt comfortable discussing any concerns with the Safe Prison staff. The Safe Prison/PREA Manager also confirmed during the interview that a special population review is conducted with each transgender offender. The Safe Prisons staff acknowledged through interviews the monitoring for safety considerations and general concerns that occurs with the transgender population monthly. The offenders acknowledged that reassessments with classification are conducted every six months. This is conducted as a classification meeting with the classification committee including the Director of Classification and a Safe Prisons Staff member. The monthly group and individual meetings exceeds the requirement of reassessing twice a year.

The agency does not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status. Through the interviews with the transgender offenders, it was verified they were housed in various housing areas within the facility. The facility has single shower stalls with shower curtains which allow transgender and intersex offenders the opportunity to shower separately from other offenders. Transgender offenders are not housed in the dorms due to the group showers.

Standard 115.43 Protective custody

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

The agency's Administrative Segregation Plan, Administrative Segregation Initial Placement and Notification Form, Safe Prison/PREA Plan, Guidelines for Administrative Segregation, and the Offender Protective Investigation Form Report prohibits the placement of offenders at high risk for sexual victimization in the 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 Safe Prison/PREA Plan and Administrative Segregation Plan direct that if an offender is placed in segregation housing for protective custody, the offender would have access to programs, privileges, educations, and work opportunities to the extent possible. Any restrictions will be documented on the Administrative Segregation Hearing Record Form. If an offender would be placed in involuntary segregation housing, the offender would have a review conducted every seven days for the first sixty days then at least every thirty days thereafter per policy Administrative Segregation Plan, Guidelines for Administrative Segregations, and the Safe Prisons/PREA Plan.

The McConnell Unit has not placed an offender in involuntary segregated housing. Offenders are placed in transient housing for 72 hours pending investigation; it may be extended for another 72 hours if needed for completion of the investigation. An Offender Protective Investigation is started immediately upon the offender being placed in transient housing. This timeframe was verified through the review of investigation files. From the interviews with staff and offenders, the auditor determined that the facility was addressing individual housing and program needs consistent with the security and safety of the offender.

Standard 115.51 Inmate reporting

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

The Texas Department of Criminal Justice established procedures allowing for multiple internal and external ways for offenders to report sexual abuse, sexual harassment, and retaliation. PREA reporting methods are shared with offenders at intake, during orientation, in the PREA brochure, and on posters throughout the facility. Offenders can report verbally and in writing to staff, write the Safe Prison Office, report through the grievance system, utilize third party reporting, or send an anonymous note. Inmates may also report allegations in writing to the Office of the Inspector General and PREA Ombudsman as an outside agency, policy ED 02.10 Prison Rape Elimination Act Complaints and Inquires. Reports to the PREA Ombudsman may be made confidentially and remain anonymous upon request. Per policy 3.91 Uniform Offender Correspondence Rules, the offender may send correspondence to a special correspondent which includes the PREA Ombudsman, any member of the Texas Board of Criminal Justice, and Executive Director, sealed and uninspected. The PREA Ombudsman and OIG offices immediately forward any reports of sexual abuse and sexual harassment to facility officials for investigation. The offices forward to the facility information regarding the allegation and the victims name unless the victim has requested to stay anonymous. Five (5) of the allegations were reported by third party. These reporting systems were demonstrated through review of policies and procedures, offender handbook, posters throughout the facility, and interviews with offenders and staff.

During the formal offender interviews and informal offender interviews during the tour, most offenders indicated they felt comfortable reporting sexual abuse or sexual harassment to staff. They also were able to identify other options available to them for reporting including telling a staff member, writing a grievance, writing the PREA Ombudsman, and/or contacting their family or friend. The offenders interviewed stated they felt comfortable reporting to the housing unit officer, Safe Prison Office Staff, or a supervisor.

During the offender interviews, most offenders indicated they felt comfortable reporting sexual abuse or sexual harassment and they know the options available to them for reporting. Upon reviewing the reporting methods, fifty-two (52) of the sixty-six (66) allegations reported within the facility, were reported through the grievance process, which is 79% of the reported allegations. This was discussed with the grievance officer, Warden, and the Safe Prison/PREA Manager on why the main reporting method was the grievance process. After discussion, the facility staff felt it was because a large percentage of the offender population is long term offenders that are knowledgeable and comfortable with the grievance process. The auditors concern is that the offenders may not be comfortable with reporting to staff, however during the random interview process offenders indicated they felt comfortable reporting sexual abuse or sexual harassment to staff. Also during the informal interviews with offenders while touring the facility, they indicated they knew the reporting process and felt comfortable reporting to the housing unit officer, Safe Prison Office Staff, or a supervisor. Other reporting methods were eleven (11) were verbally to staff, five (5) through third party and four (4) through written correspondence to staff (I60s).

Staff indicated through interviews they were aware of the methods available to them to report sexual abuse and sexual harassment of offenders. Staff were also knowledgeable on the ways offenders could report to staff and their responsibility in the process. Staff acknowledged through interviews that they would report immediately any allegations and document through an inter-office communication form. They were aware they could privately report an incident to the OIG or Ombudsman Offices. They identified the PREA Ombudsman Office and OIG as outside offices they could contact by phone or in writing. This information is also provided to staff through training, employee policies, and located on the informational card provided to the employee.

The agency does not house offenders solely for immigration purposes.

Standard 115.52 Exhaustion of administrative remedies

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

The agency's policies AD 03.82 Management of Offender Grievances, BP 03.77 Offender Grievances, Safe Prison/PREA Plan and OGOM 1.04 PREA Allegations addresses administrative procedure for offender grievances regarding sexual abuse and the agency's policies and procedures for filing emergency grievances when an offender is subject to a substantial risk of imminent sexual abuse. The Department does not impose a time limit for the submission of a grievance regarding an allegation of sexual abuse or requires an inmate to use an informal grievance process or otherwise to attempt to resolve with staff. The offender handbook, the Safe Prisons/PREA Plan, and the Safe Prisons/PREA Operational Manual also outlines this process. Grievances are submitted to the Unit Grievance Investigator's Office.

Grievances alleging sexual abuse are handled as emergency grievances. They are coordinated immediately with the Warden, Major, Chief of Unit Classification, Unit Safe Prisons/PREA Program Manager, OIG, and the PREA Ombudsman as outlined in the Safe Prisons/PREA Plan. When the emergency grievance alleges the substantial risk of imminent sexual abuse, it is forwarded to a management level for review for immediate corrective action. An initial response is provided within 48 hours of receipt. The agency's policy requires that within 5 calendar days of notification of a grievance, a staff member must respond with the action taken. The agency's policy also requires that a decision on the merits of any grievance alleging sexual abuse be made within forty (40) days. Policy does not allow extensions on emergency grievances which all sexual abuse allegations are considered. There were thirty-five (35) (of the 52) grievances submitted that alleged sexual abuse. These grievances were handled as emergency grievances; they were forwarded to a management level for immediate corrective action. The initial responses were provided within 48 hours of receipt of the grievance. Through a review of the grievances and discussion with the Unit Grievance Investigator, it was determined they were handled in a timely and proper manner. This was also documented through the review of the timeframes in the investigation files. There were no emergency grievances alleging substantial imminent sexual abuse. All the allegations received through the offender grievance system were post allegations.

During the random interview process, offenders indicated they felt comfortable reporting sexual abuse or sexual harassment to the staff. They indicated they could report through the grievance process also. Also during the informal interviews with offenders while touring the facility, they indicated they knew the reporting methods: telling a staff member, writing a grievance, writing the PREA Ombudsman, and/or contacting their family or friend. The offenders interviewed stated they felt comfortable reporting to the housing unit officer, Safe Prison Office Staff, or a supervisor.

The Department policies AD 03.82 Management of Offender Grievances, OGOM 9.00 Third Party Grievances, and the Safe Prison/PREA Plan address third party assistance in filing requests for administrative remedies of sexual abuse and permit to file such requests on behalf of inmates. A third party grievance received will be processed as an emergency grievance. The alleged offender will be given an opportunity to agree or disagree with the allegation and to have the request processed on the offender's behalf. The offender's decision will be documented on the Third Party Preliminary Investigation Form. There was one (1) offender that declined the third party assistance and was properly documented.

The Safe Prison/PREA Plan states an offender may be disciplined for filing a grievance related to sexual abuse only when the investigation determines the offender filed the grievance in bad faith. The McConnell Unit had no disciplinary actions against an offender for having filed a grievance in bad faith.

Standard 115.53 Inmate access to outside confidential support services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)

- Does Not Meet Standard (requires corrective action)

The agency's policy 02.02 Offender Victim Representative, BP 03.91 Uniform Offender Correspondence, PREA Brochure, and the Safe Prisons/PREA Plan indicates that offenders shall be provided access to victim advocates for emotional support services related to sexual abuse by access to victim offender representatives, giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers, where available, and the extent to which communications will be monitored. The offenders receive a copy of the Sexual Assault Service Directory as part of the Orientation Booklet at intake. This directory is also the law library. Inmates can write the PREA Ombudsman, which is confidential, and the PREA Ombudsman Office will fax the letter to the addressed Rape Advocacy Agency.

The majority of offenders interviewed indicated they were not aware of the outside support services. However, the facility provides this information in multiple ways to the offenders: during the education process, in the PREA brochure, and on posters within the facility. This information is also available through the law library and Safe Prison Office. There are posters throughout the facility that state Rape Crisis Resource Directory is available in the law library. Upon discussion of this concern with the facility staff, the Safe Prison staff indicated they would further stress this information during the education process with the offenders. While verifying the directory in the law library, the process was for an offender to request the directory at the desk since the directory is maintained in a file cabinet behind the library desk. The auditor shared a concern whether the offender would feel comfortable approaching the desk to request the information. The law library staff addressed the concern by placing copies of the directory on various shelves in the library. This allows an offender to obtain the information without requesting through other offenders or staff or by obtaining in one area noting the directory.

The agency and facility has attempted to obtain an agreement for a community victim advocate from a rape crisis center. However at this time, an agreement has not been established. The effort to obtain an agreement is documented in various letters to rape crisis center agencies. The agency continues to solicit community rape crisis organizations across the state that are willing to establish a partnership with the agency. The effort to obtain an agreement is documented in various letters to rape crisis center agencies with the last solicitation letters dated August 2015 (previous ones dated January 2014). The Agency's Safe Prisons/PREA Program Manager is overseeing this process.

Policy 2.02 Offender Victim Representative (OVR) Training requires each facility to have at least two offender victim representatives from the following job qualifications: mental health practitioner, sociologist, chaplain, social worker, and case manager. The OVR must be available to provide emotional support services and counseling on and off the facility as needed. The McConnell Unit has five (3) designated staff as offender victim representatives. The offender victim representatives are trained as victim advocates who can provide victim support to staff or inmates who have been sexually abused. They are available to respond when requested by the victim to provide services. It will be documented whether the offender refused the offender victim representative or accepted the representative with the representative's name provided.

Standard 115.54 Third-party reporting

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

The agency's policies Executive Directive 02.03 Ombudsman Program, ED 02.10 Prison Rape Elimination Act Complaints and Inquires, and 04.02 Receiving Allegations of Sexual Abuse from an Outside Agency establishes guidelines and procedures for responding to complaints or inquires both through the Ombudsman Office and agency staff. The Department's website provides a link to the PREA Ombudsman as a method for third party reporting of sexual abuse and sexual harassment. The link encourages family members and the general public to report allegations of sexual assault to the PREA Ombudsman Office, the agency's Ombudsman Coordinator, and/or the CID Ombudsman Office. Third party reporting can also be accomplished through contacting the Office of the Inspector General. Third party reporting information is shared through the agency's website, brochures, pamphlets, and handouts including the General Information for Families of Offenders Brochure.

General public complaints and inquires received by the Ombudsman Office, either in writing or verbally, must be responded to

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within ten days. However, the sexual assault allegations are forwarded immediately to the PREA Ombudsman, Facility Administrator, and OIG for investigation.

Five (5) of the allegations were by a third party. During the formal offender interviews and informal offender interviews during the tour, offenders were able to identify the PREA Ombudsman, OIG, and contacting family as methods for third party reporting. Staff were also able to identify these reporting methods during their interviews also. These reporting systems were outlined through review of policies and procedures, offender handbook, and posters throughout the facility.

Standard 115.61 Staff and agency reporting duties

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

The agency's policies AD 16.20 Reporting Incidents/Crimes to the Office of Office of Inspector General, PD29 Sexual Misconduct with Offenders, and the Safe Prison/PREA Plan requires that all staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment; retaliation against offenders or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Policy 05.01 Sexual Abuse Response and Allegation states that staff are not to reveal any information related to a sexual abuse report to anyone other than extent necessary. This is covered in the annual in-service training, pre-service training, and turnout briefings for all staff. The Safe Prison/PREA Plan and the Employee General Rules of Conduct also outlines these requirements. Specialized and random staff interviews confirm that staff are knowledgeable in their reporting duties, the process of reporting, and to whom to report. Staff acknowledged through interviews that they would report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment and document through an inter-office communication form.

Policy CMHC G57.01 Sexual Assault/Sexual Abuse addresses the medical and mental health staff reporting requirements for sexual abuse. Medical and mental health staff must report incidents that occurred in a correctional setting without consent only in the interest of treatment, security, and management issues. If the sexual assault/abuse occurred in the community setting previously, the staff may only report to OIG if the offender provides consent. If under the age of 18, the staff must report the incident to OIG and the offender consent is not required. The Child Protective Services Agency would also be contacted.

All allegations are reported to designated investigators, policy AD 16.20 Reporting Incidents/Crimes to the Office of Inspector General, CMHC G57.1 Sexual Assault/Sexual Abuse and Safe Prison/PREA Plan. Staff indicated through interviews they were aware of the methods available to them to report sexual abuse and sexual harassment of offenders including third-party and anonymous reports. Staff acknowledged through interviews that they would report immediately any allegations and document them through an inter-office communication form. They were aware they could privately report an incident to the OIG or the Ombudsman Offices. They identified the OIG and Safe Prison Office as the investigators they could contact by phone or in writing. This information is also provided to staff through training, employee policies, and located on the informational card provided to the employee.

Standard 115.62 Agency protection duties

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

The agency's policies 5.01 Sexual Abuse Response and Investigation, 02.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents, 5.03 Time Frames Associated with Offenders Protection

Investigations, and the Safe Prison/PREA Plan requires staff to take immediate action to protect any offender subject to substantial risk of sexual abuse. The Safe Prisons/PREA Operational Manual outlines the immediate action that is to be taken to protect offenders who are in substantial risk of sexual abuse by removing the offender immediately from the area to a safe location. All staff interviewed knew the steps to take to protect an offender at risk for sexual abuse; to immediately separate the offender from the area to keep the offender safe and contact the supervisor. Line and supervisory staff work simultaneous to take protective measures as information is reported. The first responders interviewed outlined the process taken to ensure the safety of the offender. This information is also provided to staff through training, employee policies, and located on the informational card provided to the employee.

In the audit period, staff reported that five (5) offenders were subject to substantial risk of imminent sexual abuse. The offenders were immediately removed from the area and placed in transient housing to ensure safety of the offender while the investigation was started.

Standard 115.63 Reporting to other confinement facilities

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

The agency's policies 4.02 Receiving Allegations of Sexual Abuse from an Outside Agency, 4.01 Reporting Allegations of Sexual Abuse to Other Confinement Agencies, 2.09 PREA Ombudsman Policy Statement, 16.02 Reporting Incidents to the Office of Inspector General, and the Safe Prison/PREA Plan requires upon receiving an allegation that an offender was sexually abused while confined at another facility, that the Warden of the facility that received the offender must immediately notify the facility where the sexual abuse is alleged to have occurred, and start the investigation process. This process is outlined in the Safe Prisons/PREA Operating Manual and Safe Prison/PREA Plan. The facility must document and report as soon as possible but no later than 72 hours the offender's allegation by submitting a priority email via the Department's mainframe followed by a phone call to alert of the allegation and impending email. The facility will print and retain a copy of the email in the appropriate PREA compliance folder. The reporting facility must also notify the Safe Prisons/PREA Manager. The facility staff is also responsible for notifying the head of the facility or appropriate office of the agency where the alleged incident occurred as soon as possible, but no later than 72 hours after receiving the allegation. A letter in writing is prepared and faxed within 72 hours, usually within 24 hours from the time the facility becomes aware of the incident. This process was confirmed through the interviews with the Warden, PREA Manager, Investigator, and the Agency Head designee.

In the audit period, there was seven (7) allegations received that an offender was abused while confined at another facility. The seven allegations were investigated and determined unsubstantiated. One case was open by OIG; it was closed with no findings. There was one (1) allegation of sexual abuse the facility received from another facility. The allegation was investigated and was found to be unfounded. Notifications were reviewed and the notifications were made within the acceptable time frame as documented in the investigation files.

Standard 115.64 Staff first responder duties

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

The agency's policies 5.01 Sexual Abuse Response and Investigation, OIG 4.05 Offender Sexual Assault Investigations, AD 16.03 Evidence Handling, and the Safe Prisons/PREA Plan requires that all staff must report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse. The policies also clearly specify the detailed procedures for security and non-security staff when responding to an allegation of sexual abuse. The first security staff member to respond

to the report is required to separate the alleged victim and abuser; preserve and protect the crime scene; and request the alleged victim and alleged abuser to take no action to destroy evidence. Policy also outlines that staff are to notify the immediate supervisor or shift commander. The Shift Commander will make further notifications to the Warden, medical, mental health, Safe Prison Office, and OIG.

The first responder responsibilities to separate the alleged victim and abuser, instruct not to take any actions that could destroy physical evidence, and ensure the crime scene is secure is covered in the PREA pre-service training, annual in-service training, and during turnout briefings. Each staff member is provided an informational card identifying the steps to take as a first responder and the reporting requirements.

Through interviews with investigative staff, higher and intermediate level supervisors, first responders, and random staff it was demonstrated that staff was knowledgeable in the steps as a first responder: to separate the alleged victim and abuser; preserve and protect the crime scene; request the alleged victim and alleged abuser to take no action to destroy evidence and contact a supervisor. Non-security staff interviewed were also knowledgeable in the process to be taken and to notify a security supervisor. The two (2) first responders interviewed outlined the process taken to ensure the safety of the offender.

In the audit period, there were seventy-four (74) allegations that an offender was sexually abused. A security staff member was the first responder in twenty-three (23) of the allegations. A non-security staff was not a first responder during this audit period. Three (3) of those allegations were within a time frame that still allowed for the collection of physical evidence. Physical evidence was collected on all three (3) allegations.

Standard 115.65 Coordinated response

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

The agency's policy 5.01 Sexual Abuse Response and Investigation and the Safe Prison/PREA Plan outlines the coordinated effort between security staff, Office of the Inspector General, medical and mental health services, and victim advocate/offender victim representative. The procedures provide a systemic notification and response following a reported sexual abuse incident. A checklist, Sexual Abuse Investigation Checklist, is provided to assist with the documentation of the completion of each part of the notification and response process. The McConnell Unit has a written institutional plan coordinating actions taken in response to an incident of sexual abuse among first responders, medical and mental health practitioners, investigators, OIG, and facility leadership. This written plan mirrors the agency's plan outlined in the Safe Prisons Plan. The checklist is utilized to ensure all process steps are completed and notifications are made. During staff interviews, each department detailed their responsibilities in their coordinated efforts during an incident. Interviews with the Warden and higher-level staff indicated a commitment by the facility leadership for handling a coordinated response. The coordinated response was also documented on the Sexual Abuse Investigation Checklist located in each of the investigation files reviewed.

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

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

The Texas Department of Criminal Justice reported there has been no collective bargaining agreement entered into or

renewed since August 2012. Texas is a "right to work state" and does not have collective bargaining. The facility can remove alleged staff sexual abusers from contact with any offenders or place an employee on administrative leave pending the outcome of an investigation.

Standard 115.67 Agency protection against retaliation

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

The Department's policies 5.08 90-Day Monitoring for Retaliation, PD29 Sexual Misconduct with Offenders, PD22 General Rules of Conduct and Disciplinary Action Guidelines for Employees, PD31 Discrimination in the Workplace and the Safe Prisons/PREA Plan outlines protection of all inmates and staff who report sexual abuse or sexual harassment, cooperates with sexual abuse or sexual harassment investigations, and from retaliation by staff or inmates. The policy designates the Warden or the Safe Prisons/PREA Compliance Manager as the staff member to monitor retaliation.

The Safe Prison Office staff monitors the offenders. The Safe Prison Office staff complete at a minimum thirty (30) day reviews for retaliation, a number of the reviews occurred more frequently. A notebook is maintained with a documentation form, Offender 90 Day Monitoring Form, for each inmate that is being monitored. As part of the monitoring, a review of the offender files for changes that may reflect retaliation concerns including housing changes, program changes, job assignment changes, disciplinary findings, and information from staff. The documentation included very detailed information including notes on all changes, including why a housing, job or program change was made. This provided the documentation to ensure the changes were not made for retaliation. The documentation was outstanding. Further contact is made with the offender while making housing unit rounds. The staff were very knowledgeable of their responsibilities. Inmates being monitored for retaliation indicated during their interviews they were comfortable contacting the Safe Prisons Office with issues and felt they would respond appropriately to their concerns. There is a ninety (90) day monitoring time period for retaliation review, however the time frame can be extended if warranted. Currently, there were two (2) offenders officially monitored for retaliation during this audit period. The Safe Prison/PREA Manager monitored all the offenders that were alleged victims. There were no monitoring cases extended beyond the 90 days for this audit period.

At the McConnell Unit, the Major is assigned to monitor the staff sexual abuse retaliation. Reviews are completed at a minimum every thirty (30) days for retaliation. A file is maintained with a documentation form, Staff 90 Day Monitoring Form, for each staff that is being monitored. As part of the review, performance reviews, reassignments of staff, and staff information are reviewed to determine if retaliation is occurring. The monitoring includes periodic in-person status checks every thirty days. There is a ninety (90) day monitoring time period for retaliation review, however the time frame can be extended if warranted. When evidence suggests the staff member is experiencing or expresses fear of retaliation for reporting and cooperating with sexual abuse and/or harassment investigations, the warden shall promptly remedy the situation and advise the staff member of the availability of emotional support services. Different measures to protect the staff may include different job position, shift, and/or work hours while the investigation of retaliation is in progress. There were no instances of staff monitoring for retaliation.

If a staff member or inmate who reported sexual abuse or cooperated with an investigation expresses a fear of retaliation, the facility and agency will take appropriate measures to protect that individual against retaliation. The Warden indicated a review of grievance statistics to determine if there is a pattern, monitor telephone usage, utilize surveillance equipment, and review disciplinary records would be some of the ways to review for retaliation. Also he would notify OIG to assist and initiate an investigation. The monitoring would be extended during the investigation process.

Once the monitoring is completed, the Completed Monitoring Form is placed in the investigation packet maintained in the Warden's area. The retaliation monitoring process was confirmed through interviews with the Warden, Major, and Safe Prison/PREA Manager and through reviews of the monitoring forms. There were no reported incidents of retaliation at the facility.

Standard 115.68 Post-allegation protective custody

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

The agency's policies 4.63 Transient Status Offenders, Administrative Segregation Plan, and the Safe Prison/PREA Plan prohibits the placement of offenders who alleged to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives have been made and a determination has been made that there is no available alternative means of separation from likely abusers. The McConnell Unit utilizes their transient housing cells in Building 11 to separate offenders as needed during the investigation process. Building 11 was under renovation during the audit and was not housing offenders. A wing of the administrative segregation unit is being used for transient housing during the temporary closure of this building. The transient housing cells are utilized when an offender needs safe housing or when a sexual abuse investigation is initiated. Offenders are placed in transient housing for 72 hours pending investigation; it may be extended for another 72 hours if needed for completion of the investigation. An Offender Protective Investigation is started immediately upon the offender being placed in transient housing. The alleged abuser would be housed in administrative segregation during the investigation.

From the interviews with staff and offenders, the auditor felt that the facility was addressing individual housing and program needs consistent with the security and safety of the offender. There were no offenders who suffered sexual abuse held in involuntary segregation housing in the audit period.

Standard 115.71 Criminal and administrative agency investigations

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

The PREA standard is met through the agency's policies 16.20 Reporting Incidents/Crimes to the Office of Inspector General, 2.15 Operations of Emergency Action Center, OIG 4.05 Offender Assault Investigations, OIG 5.10 Property and Evidence Control, 16.03 Evidence Handling, 5.05 Completing the Offender Protection Investigation Worksheet, 5.11 Completing the Staff on Offender Sexual Abuse Investigative Worksheet, and the Safe Prisons/PREA Plan. These policies address conducting the sexual abuse and sexual harassment investigations including third-party and anonymous reports.

The agency follows a uniform evidence protocol to investigate sexual abuse and sexual harassment. The sexual investigations will be conducted promptly, early, and objectively including third party and anonymous reports, and the use of investigators who have been specially trained in sexual abuse investigations. Through the review of investigation reports, the investigations were initiated immediately and notification to OIG was immediate. OIG starts their investigation immediate upon notification. This was also confirmed through the interviews with the facility investigator and the two OIG investigators. If the incident occurs after hours, the shift commander will begin the investigation process and notify the Safe Prison/PREA Sergeant and an OIG investigator. Once on site, OIG will take over the investigation and evidence collection and the Safe Prisons/PREA Sergeant will continue the administrative investigation. Once an offender protective investigation is initiated, notifications are made through email to the Chief of Classification, Warden, Deputy Wardens, count office, Majors, case managers, and supervisors as needed.

In the review of the training records, all investigators have received special training in sexual abuse investigations. The specialized training curriculums, Safe Prison Training: Conducting a Thorough Investigation and OIG Sexual Assault Investigations are utilized for the specialized training of investigators. The agency's 141 OIG and 59 facility investigators have completed the general PREA training and the required specialized training for investigators. The specialty training was verified through the investigator interviews and review of the training records. The positive partnership between the facility

staff and the OIG investigators were demonstrated through the daily working relationship. Also that partnership is demonstrated by an OIG investigator providing an hour training regarding the investigation process to the correctional officers during their On Job Training. He also provides training to staff at shift turnout regarding the investigation process and any general issues that are identified through the process.

Based on the review of the investigations, the agency's policies, and interviews with facility staff, investigators, and offenders it was determined investigations into allegations of sexual abuse and sexual harassment are done promptly, thoroughly and objectively for all allegations. When an allegation is reported, the facility's investigator begins an administrative investigation immediately. It is also referred to the Office of Inspector General immediately to begin a criminal investigation. The investigators and the Warden acknowledged the outstanding cooperation and working relationship between the facility and OIG during the investigation process. The OIG investigator indicated the information that is able to be shared will be shared with the facility administration while giving consideration to the integrity of the case. The facility administration usually receives monthly updates on cases from OIG or as needed. The Warden and the OIG investigation both shared during their interviews the positive communication and information sharing regarding updates and outcomes of the case.

If OIG determines a crime has been committed, the case is referred for prosecution. It is discussed with the special prosecution unit to determine if additional information or items are needed for support. Four (4) offender on offender cases were opened by OIG. Two (2) were closed with no findings. Two (2) cases are still open waiting DNA results. The OIG investigator indicated the length of time to obtain SANE DNA results, about six (6) months, is the reason for the cases remaining open.

The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as an offender or staff. An investigator stated during an interview that all individuals are viewed objectively until proven otherwise through the investigation process. Neither the agency nor OIG require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. All administrative and criminal investigations will be completed on all allegations even if the alleged abuser or victim transfers or departs employment with the agency.

The investigators complete a written report with investigation findings. The report format contains the persons involved; a thorough summary of the incident including the physical, testimonial, and documentary evidence; notifications made with timeline; what action or inaction was taken; attachments from the investigation; administrative review and summary; and the Warden's comments. The investigation report is part of the Investigation Folder which also contains the EAC incident report, victim offender travel card, alleged abuser travel card, offenders photographs after allegation, medical and mental health clinical notes including the referrals, completed retaliation monitoring forms, and the Sexual Abuse Investigation Checklist completed. The Investigation Folder is maintained in the Warden's area. Eleven (11) cases were reviewed. All contained the required information. The investigation reports were very detailed, well written, and easy to follow the reasoning of the findings.

The criminal and administrative investigation reports involving any sexual abuse assault must be retained for as long as the alleged abuser(s) is incarcerated or employed within the Texas Department of Criminal Justice, plus five years. The Offender Investigation Packet and the OIG criminal investigation reports are maintained permanently electronically. This process is supported by Department policies 3.72 Record Retention-PREA and the records retention schedule.

There were seventy-four (74) allegations during the audit period: sixty-six (66) allegations occurred at the facility, three (7) allegations reported by another facility, and one (1) allegation that occurred at another facility. Of the fifty-one (51) staff on offender allegations; there was thirty-six (36) alleged staff on offender sexual abuse and fifteen (15) alleged sexual misconduct/harassment. The administrative findings of the alleged staff on offender sexual abuse allegations were thirty (30) unsubstantiated and six (6) unfounded. The administrative findings of the alleged staff on offender sexual misconduct/harassment allegations were thirteen (13) unsubstantiated and two (2) unfounded. Of the twenty-three (23) offender on offender allegations; there was seventeen (17) alleged offender on offender sexual abuse and six (9) alleged sexual misconduct/harassment. The administrative findings of the alleged offender on offender sexual abuse allegations were fifteen (15) unsubstantiated, one (1) unfounded, and one (1) substantiated. The administrative findings of the alleged offender on offender sexual misconduct/harassment were four (4) unsubstantiated and two (2) unfounded. Of the offender on offender allegations, OIG opened four (4) cases: two (2) are still active and two (2) was closed with no charges. A review of eleven (11) administrative investigations was conducted. The actual OIG investigations files were not available for review.

The auditor determined the facility exceeds this standard through the partnership OIG and the facility demonstrates in the investigation process and communication. The good working relationship is also demonstrated by the OIG investigator
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providing training to the security staff at shift turnout and with new staff as part of the On the Job Training. Also the investigation reports were very detailed, well written, and easy to follow the reasoning of the findings. And the Offender Investigation Packet and the OIG criminal investigation reports are maintained permanently electronically, beyond the five year requirement of the standard.

Standard 115.72 Evidentiary standard for administrative investigations

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

The Department's policy 5.05 Completing the Offender Protection Investigation and the Safe Prisons/PREA Plan imposes a standard of preponderance of the evidence for determining whether or not allegations of sexual abuse or sexual harassment are substantiated. This is also documented through the Specialized Investigation Training lesson plan. The interviews with the investigator and staff confirm compliance with the policy and standard.

Standard 115.73 Reporting to inmates

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

The agency's Safe Prisons/PREA Plan and Unit Classification Committee (UCC) Notification of Offender Protective Investigation requires that all offenders who make allegations of sexual abuse shall be informed of the investigation outcome whether the finding was substantiated, unsubstantiated, or unfounded. The procedures for reporting investigation outcomes to inmates are documented on the Attachment J: Offender Protection Investigation Form. The process directs the Unit Classification Committee (UCC) and the Safe Prison PREA Manager to notify the inmate in person the outcome when it is determined to be substantiated, unsubstantiated, and unfounded. The process outlines that the offender will be notified verbally and in writing by the UCC Chairperson, and the offender signs acknowledging the notification on the Offender Protection Investigation Form Attachment J, along with the UCC Chairperson's signature for documentation of the process completion. This process was confirmed during interviews with staff and offenders and reviews of the notifications in the case files.

OIG provides monthly updates to the facility on the criminal investigations. The offender is informed of the progress of the investigation, policy 5.10 Reporting Sexual Abuse Criminal Case Status to Offenders and the Safe Prison/PREA Plan. The investigation updates to offenders of prosecution cases are made through written format by the Safe Prisons/PREA Program Manager at the agency level.

If the allegation of sexual abuse was by a staff member, the policy requires the Warden to inform the offender of the status of the staff member to include whether the staff member is no longer posted within the offender's unit, the staff member is no longer employed at the facility, the agency's learns that the staff member has been indicated on a charge related to sexual abuse within the facility, and/or the agency learns the staff member has been convicted on a charge related to sexual abuse within the facility. If the allegation was sexual abuse by another offender, the policy requires the Safe Prison PREA Manager to inform the offender whether the alleged abuser has been indicated on a charge related to sexual abuse within the facility and/or convicted on a charge related to sexual abuse within the facility. The investigation files reviewed all contained the offender notifications documented on the Offender Protection Investigation Form. All the notifications made by the facility were made in a timely basis.

The agency process has the agency's Safe Prisons/PREA Program Manager making the notifications to the offender on the outcome of the OIG investigation including prosecution. The auditor requested copies of notifications made to the offender for PREA Audit Report

documentation of the process. During an interview with the Safe Prisons/PREA Program Manger, she indicated that she makes notifications about every sixty days to offenders. Copies of the notifications were not available for review. The agency is found in compliance with the standard since standard language does not indicate a timeframe for notifications. With the current process, an offender may not be informed timely of the actions of the investigation. A discussion was held with the agency and facility staff regarding the length of time it takes to make a notification. The auditor recommends that timely notifications are made with documentation of the notification (i.e. letter sent to the offender of the outcome/progress). The documentation can be maintained in the investigation file or the offender's case file.

Standard 115.76 Disciplinary sanctions for staff

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

The agency's policies PD29 Sexual Misconduct with Offenders, PD13 Sexual Harassment and Discourteous Conduct of a Sexual Nature, and PD22 General Rules of Conduct and Disciplinary Action Guidelines for Employees state that staff are subject to disciplinary sanctions up to and including termination for violating the agency's sexual abuse or sexual harassment policies. Sexual misconduct with offenders and harassing and retaliating against an offender or another individual for participating in an official investigation is a level 1 violation where dismissal is recommended. Only the Executive Director, Deputy Executive Director, or the appropriate Division Director is authorized to impose a less severe disciplinary action. The policies also provide disciplinary sanctions for violations of the agency's policies relating to sexual abuse or sexual harassment 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. Policy AD 16.20 Reporting Incidents/Crimes to the Office of Inspector General directs that all incidents or allegations of serious employee misconduct shall be reported to the OIG for determination regarding the OIG action to be taken in response to the reported incident.

In the audit period, there was one (1) employee who violated the agency sexual abuse and sexual harassment policies. The employee resigned during the investigation process. The investigation process was completed on the case and was determined unsubstantiated. When a staff member resigns during an investigation, the facility places the discipline process in a pending status. If the staff member returns to employment at any time, the disciplinary process would continue at that time. The staff member is coded not to rehire.

Standard 115.77 Corrective action for contractors and volunteers

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

The Department's policies PD29 Sexual Misconduct with Offenders, the Volunteer Service Plan, Volunteer Training Facilitators Guide, and the Safe Prisons/PREA Plan prohibit contractors or volunteers who engaged in sexual abuse to have contact with offenders and require they be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The contractor/volunteer will also be prohibited from further contact with offenders. This was supported by the volunteer and contractor training and orientation including the PREA training video. Interviews with five (5) contractors and volunteers confirmed they were aware of the policies and the remedial measures that could occur for engaging in sexual abuse or sexual harassment of offenders. The Warden stated during the interview that the volunteer/contractor would be suspended from entering the facility during the investigation. If the sexual abuse case is substantiated, the volunteer/contractor would be prohibited from entering an agency facility and may be turned over for prosecution if warranted. The facility would take appropriate remedial measures for any violation of agency sexual abuse or

sexual harassment policies and would consider whether to prohibit further contact with inmates.

In the audit period, there have been no contractors or volunteers who have violated the agency sexual abuse or sexual harassment policies.

Standard 115.78 Disciplinary sanctions for inmates

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

The agency's policies Disciplinary Rules and Procedures for Offenders and the Safe Prisons/PREA Plan outline disciplinary sanctions for offenders for sexual abuse and sexual harassment. The offenders are subject to disciplinary sanctions following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse. The sanctions are commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories, and consider whether an offender's mental disabilities or mental illness contributed to his behavior. The offender disciplinary policy outlines major and minor offenses, all with different levels, clearly indicating a formal disciplinary process resulting in administrative findings. Special considerations are required for offenders charged with or suspected of a disciplinary infraction who are developmentally disabled or mentally ill to determine if the disability or illness contributed to the behavior when determining what type of sanction should be imposed, if any; policy Disciplinary Rules and Procedures for Offenders and Safe Prison/PREA Plan.

The agency's policy, Overview of the Sex Offender Treatment Program, outlines the program to address the needs of sex offenders including providing need specific rehabilitative interventions designed to limit an offender's risk to reoffend. An offender can be referred to programming based on the mental health assessment of the offender abuser. The facility/agency's Safe Prison/PREA Plan states consideration shall be made to determine if participation should be a requirement for access to programming or other benefits. During the interviews with medical and mental health staff, they indicated that an inmate's participation is not required as a condition of access to programming or other benefits. This supports the answer provided by the facility on the Pre-Audit Questionnaire.

The policy indicates an offender may be disciplined for sexual conduct with staff only upon finding that the staff did not consent to such contact. The policy states an offender reporting a sexual abuse in good faith upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if the investigation does not establish sufficient to substantiate the allegation for purposes of disciplinary action. The agency's policy prohibits all sexual activity between offenders to include consensual and will process discipline on offenders, but will not consider it sexual abuse.

There was one (1) administrative finding of offender-offender sexual abuse. There was no criminal finding of guilty for offender-on-offender sexual abuse.

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

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

The agency's policies G57.1 Sexual Assault/Sexual Abuse, Offender Assessment Screening, E35.2 Mental Health Evaluation, and the Safe Prisons/PREA Plan requires medical and mental health follow-up within ten business days for those offenders who disclosed during screening prior sexual victimization or previously perpetrated sexual abuse whether it occurred in an

institutional setting or in the community. At intake screening, if the inmate has disclosed prior sexual victimization and/or previously perpetrated sexual abuse the inmate is referred for medical and mental health services. If deemed as an emergency or a serious nature, the inmate is seen immediately by medical and mental health. All other follow-ups from referrals will be seen by medical and mental health within 10 days. During interviews with medical and mental health staff, they outlined the screening process and confirmed that follow-ups are conducted within the proper time frames. The four (4) offenders interviewed that disclosed victimization during screening acknowledged they were offered medical and mental health services. They also indicated they received follow-up with medical and mental health in most cases the same day of disclosure.

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 required; policies 5.05 Completing the Offender Protection Investigation, A09.1 Privacy of Care, H61.1 Confidentiality and Release of Protected Health Information, and the Safe Prison/PREA Plan. Information is shared with appropriate staff including the Warden, Deputy Wardens, Majors, Classification, and the Safe Prison Office staff as needed to make housing, bed, work, education, and program assignments. The medical and mental health staff obtain informed consent before reporting prior sexual victimization that did not occur in an institutional setting, Health Services Policy #1.44 Health Screening of Inmates; policies G57.1 Sexual Assault/Sexual Abuse, I70.1 Informed Consent, 2.05 Requirement to Contact Department of Family Protective Services. This process was confirmed through interviews with medical and mental health staff, the Warden, and the Safe Prison Office staff.

Standard 115.82 Access to emergency medical and mental health services

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

The Department's policies G57.1 Sexual Assault/Sexual Abuse, A01.1 Access to Care, 5.01 Sexual Abuse Response and Investigation, and the Safe Prisons/PREA Plan indicate that offenders who are victims of sexual abuse shall be afforded access to forensic medical examinations at an outside facility without financial cost where evidentiary or medically appropriate. The policies also indicate 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. Emergency medical attention is provided through the facility's medical department. Health care services are provided seven days a week, 24 hours a day.

All victims of sexual assault who require a forensic exam will be taken to the nearest hospital emergency department for completion of the exam and emergency medical healthcare with no cost to the offender. There were two (2) alleged victims of sexual assault who required a forensic exam. Both of the alleged victims were taken to the nearest hospital emergency department for completion of the forensic exams. The exams were conducted at the hospital by qualified medical practitioner. State law, Senate Bill 1191 Emergency Services for Survivors of Sexual Abuse, requires that emergency room staff have specialized training to complete a forensic exam, but does not require SANE or SAFE training. When it is possible trained SANE or SAFE staff will be utilized.

Interviews with staff first responders confirmed they understood the role of the first responder including taking actions to protect the victim and then notifying the shift supervisor. Upon an allegation of sexual abuse, the Shift Commander begins the notifications which include medical and mental health services as outlined in the Safe Prison/PREA Plan and 5.01 Sexual Abuse Response and Investigation. This process was verified through incident reviews, the Sexual Abuse Investigation Checklist within the investigation files, and interviews with staff and medical and mental health practitioners.

The offenders also receive timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, policy G57.1 Sexual Assault/Sexual Abuse. These services are offered through the CID nurse immediately. Additional educations and follow-up treatment and testing are provided as needed by the CID nurse. The interviews with medical staff confirmed this process. Treatment services are provided to every victim without any financial costs policy G57.1 Sexual Assault/Sexual Abuse.

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

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

The agency's policies G57.1 Sexual Assault/Sexual Abuse, 5.01 Sexual Abuse Response and Investigation, and the Safe Prisons/PREA Plan outline medical and mental treatment including evaluations, on-going care, and treatment to all offenders that have been victims and abusers. The services and treatment is at no cost to the offenders and are consistent with the community level of care, per policies E32.1 Receiving, Transferring, and Continuity of Care Screening, G57.1 Sexual Assault/Sexual Abuse, and E44.1 Continuity of Care. Prophylactic treatment of venereal diseases is offered to victims of sexual abuse and the offender is scheduled for testing and education. These services are offered through the CID nurse immediately. Additional education, follow-up treatment, and testing are provided as needed by the CID nurse. Treatment services associated with sexual assault/sexual abuse or alleged sexual assault/sexual abuse will not result in the application of the health services fee to the victim. Interviews with medical and medical health staff, offenders, and file reviews verified and documented the process.

The Safe Prisons/PREA Plan and policy 57.1 Sexual Assault/Sexual Abuse states if an incident occurs within the 96 hours of reporting, the offender will be seen by a mental health professional immediately after medical exams are completed. If reported after 96 hours, the offender will be referred to and will be seen by a mental health professional within 10 business days. This applies to the victim and the offender-on-offender abuser. 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. Reviews of the medical and mental health notes contained in the investigation packet, confirmed offender abusers was seen by mental health immediately and a mental health evaluation was completed. The mental health practitioners interviewed explained the process that occurs once a referral is made. They indicated, in most cases, the offender is seen for an evaluation the day of the referral. Treatment will be offered based on the outcome of the mental health evaluation.

Standard 115.86 Sexual abuse incident reviews

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

The agency's policies AD 2.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents, 8.01 Monthly Safe Prisons/PREA Plan, and the Safe Prisons/PREA Plan direct that the Warden and the Incident Review Team complete an administrative review for all alleged sexual abuse and staff sexual harassment incidents. The Administrative Incident Review must be forwarded to the Regional Director no later than 10 working days following the notification to Emergency Action Center (EAC). The facility's Warden obtains input from security supervisors, investigators, and medical and/or mental health practitioners when completing the review. 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. The review team includes the Deputy Wardens, Major, Safe Prison Office staff, and as needed input from line supervisors, investigators, medical, and mental health practitioners. The review includes: a review of the circumstances of the incident; the name(s) of the person(s) involved; events leading up to and following the incident; a consideration of whether the actions taken were consistent with agency policies and procedures; consider whether the allegation or investigation indicates a need to change policy or practice to better detect, or respond to sexual abuse; 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 was motivated or otherwise caused by other group dynamics at the facility; an examination of the area in the facility where the incident alleged occurred to assess whether physical barriers in the area may enable abuse; an assessment of the adequacy of staffing levels in that area during different shifts; an assessment as to

whether monitoring technology should be deployed or augmented to supplement supervision by staff; recommendations to the facility administrator and Unit Safe Prisons/PREA Manager for improvements based on the above assessments; a review of whether lesser alternative means of managing the situation were available; an identification of actions, if any, that could be taken to avoid future incidents of a similar nature and identification of training needs; a determination of whether substandard employee conduct was a factor in the incident; and corrective actions taken. The facility will implement recommendations that result from the review, or document the reasons for not doing so. The Regional Director reviews the Administrative Incident Review Report and documents any comments in the final portion of the Administrative Review Section and forwards to EAC no later than 20 working days following the initial notification to EAC. All Administrative Incident Reviews containing recommendations or corrective action require a written 90-day follow-up report prepared by the Regional or department head. The follow-up report shall be completed and submitted to the Deputy Director for Prison and Jail Operations or designee within 90 days of the notification to EAC.

There is a monthly Safe Prisons/PREA report as outlined in the Safe Prisons/PREA Operational Manual, which involves the Warden and PREA Compliance Manager review of findings and the implement recommendations or improvements. The Sexual Abuse Incident Review Team meets monthly and is documented through meeting minutes. The review team includes the Deputy Wardens, Major, Safe Prison Office staff, and as needed input from line supervisors, investigators, medical, and mental health practitioners.

Sexual abuse incident reviews were completed on all the substantiated and unsubstantiated cases. The Pre-Audit Questionnaire indicated that sixty-four cases were reviewed. The ten (10) unfounded allegations were not formally reviewed. A review of the monthly meeting minutes and the administrative incident review team reports included in the investigation files was reviewed. The review of the files and interviews with the Warden, Incident Review team members, and Safe Prison Office staff demonstrates compliance with the standard.

Standard 115.87 Data collection

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

The agency collects accurate information and data regarding every allegation of sexual abuse at the facilities under its control through a case management database. The PREA Ombudsman oversees the reporting of sexual abuse and sexual harassment information for the Texas Department of Criminal Justice. One of the responsibilities of the PREA Ombudsman is to collect statistics regarding allegations of sexual abuse from each correctional facility in accordance with national PREA standards. Daily a list of all alleged sexual abuse incidents that occurred the previous day is reported to the PREA Ombudsman and Safe Prisons/PREA personnel. The information is collected using a uniform data standardized instrument, Survey of Sexual Violence 2012. The Safe Prisons/PREA Operational Manual directs the data collection for the facility. The agency and the PREA Ombudsman aggregates this incident based sexual abuse data at least annually. The 2015 Safe Prison /PREA Annual Report is available for review on the agency's website. The agency provided the Department of Justice with data from the previous calendar year. This information also was incorporated into the 2015 Safe Prison/PREA Annual Report. The annual report was reviewed as part of the audit process.

Department policies that outline the data collection process include: AD 2.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents; BP 2.09 PREA Ombudsman Statement; OIG 4.05 Offender Sexual Assault Investigations; and 01.01 Safe Prisons/PREA Management Office.

Standard 115.88 Data review for corrective action

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

The Department’s policy BP 2.09 PREA Ombudsman Statement outlines the PREA Ombudsman’s responsibilities include collecting statistics regarding allegations of sexual assault, sexual contact, and staff sexual misconduct from each correctional facility; preparing monthly and semiannual activity reports for distribution to the Texas Board of Criminal Justice (TBCJ) chairman, TBCJ members, and TDCJ executive management; and ensuring the TBCJ chairman and TDCJ executive management are informed of any problematic, systemic trends. The Ombudsman office, along with TDCJ and the OIG, coordinate to produce the annual report. The report provides data evaluation, policies and program changes, camera improvements, training, and statistical information for yearly comparisons. The agency and facility uses the monthly and annual reports to improve the effectiveness of its sexual abuse prevention, detection, and training, including identifying problem areas and taking corrective action on an ongoing basis. Before publishing the annual report, all personal identifiers are removed. The annual report is approved by the Executive Director of the Texas Department of Criminal Justice then the report is published on the Texas Board of Criminal Justice PREA Ombudsman website. The 2015 Safe Prison/PREA Program Annual Report is available on the website for review. The report was reviewed as part of the audit process. Through interviews with the PREA Compliance Manager, PREA Coordinator, and Warden and review of the facility’s monthly reports it documents the data collection process and correction actions taken by the facility.

Standard 115.89 Data storage, publication, and destruction

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

The Department’s policy BP 2.09 PREA Ombudsman Policy Statement, Record Retention Schedule, 2.29 Records Management, and the Safe Prison/PREA Plan direct how the incident based information and aggregate data is collected, properly stored, and securely retained. The PREA Ombudsman’s responsibilities include collecting statistics regarding allegations of sexual assault, sexual contact, and staff sexual misconduct from each correctional facility including contracted facilities; preparing monthly and semiannual activity reports for distribution Access to the data is controlled. The agency’s aggregate data is available to the public through the agency’s website and the PREA Ombudsman annual report. The 2015 Safe Prison/PREA Program Annual Report is available on the website for review. Before publishing the annual report, all personal identifiers are removed. The record retention schedule indicates records are required to be maintained as part of the Texas State Library and according to Texas Government Code. All Offender Investigation Packets and criminal investigations and which include sexual abuse cases are permanently maintained electronically.

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.

Barbara King

November 7, 2016