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

**Adult Prisons & Jails**

☐ Interim  ☒ Final  

**Date of Report**  12.17.2021

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### Auditor Information

<table>
<thead>
<tr>
<th>Name:</th>
<th>Karen Murray #3071</th>
<th>Email:</th>
<th><a href="mailto:karen@preaauditing.com">karen@preaauditing.com</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Company Name:</td>
<td>PREA Auditors of America</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mailing Address:</td>
<td>P.O. Box 1071</td>
<td>City, State, Zip:</td>
<td>Cypress, Texas 77410</td>
</tr>
<tr>
<td>Telephone:</td>
<td>713-818-9098</td>
<td>Date of Facility Visit:</td>
<td>August 21 – 23, 2021</td>
</tr>
</tbody>
</table>

### Agency Information

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

### Agency Chief Executive Officer

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

### Agency-Wide PREA Coordinator

<table>
<thead>
<tr>
<th>Name:</th>
<th>Cassandra McGilbra</th>
</tr>
</thead>
<tbody>
<tr>
<td>Email:</td>
<td><a href="mailto:Cassandra.Mcgilbra@tdcj.texas.gov">Cassandra.Mcgilbra@tdcj.texas.gov</a></td>
</tr>
<tr>
<td>Telephone:</td>
<td>936.437.5570</td>
</tr>
<tr>
<td>PREA Coordinator Reports to:</td>
<td>Honorable Patrick L. O’Daniel Chairman of the Texas Board of Criminal Justice</td>
</tr>
<tr>
<td>Number of Compliance Managers who report to the PREA Coordinator</td>
<td>8</td>
</tr>
</tbody>
</table>
## Facility Information

<table>
<thead>
<tr>
<th><strong>Name of Facility:</strong></th>
<th>John Middleton Transfer Facility</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical Address:</strong></td>
<td>13055 FM 3522</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong></td>
<td>Abilene, TX 79601</td>
</tr>
<tr>
<td><strong>Mailing Address:</strong></td>
<td>Same as above.</td>
</tr>
<tr>
<td><strong>City, State, Zip:</strong></td>
<td>Same as above.</td>
</tr>
<tr>
<td><strong>The Facility Is:</strong></td>
<td>☒ State</td>
</tr>
<tr>
<td><strong>Facility Type:</strong></td>
<td>☒ Prison, ☐ Jail</td>
</tr>
<tr>
<td><strong>Facility Website with PREA Information:</strong></td>
<td>Texas Department of Criminal Justice</td>
</tr>
</tbody>
</table>

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

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

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

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

### Warden/Jail Administrator/Sheriff/Director

**Name:** Bryan Williams  
**Email:** Bryan.williams@tdcj.texas.gov  
**Telephone:** 325.548.9075 ext. 4100

### Facility PREA Compliance Manager

**Name:** Keiron Harris  
**Email:** keiron.harris@tdcj.texas.gov  
**Telephone:** 325.548.9075 ext. 4226

### Facility Health Service Administrator  □ N/A

**Name:** Joyce Owen  
**Email:** Owen.Joyce@TTU.HSC.edu  
**Telephone:** 325.548.9075 ext. 4254
### Facility Characteristics

<table>
<thead>
<tr>
<th>Description</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Designated Facility Capacity:</td>
<td>2128</td>
</tr>
<tr>
<td>Current Population of Facility:</td>
<td>1894</td>
</tr>
<tr>
<td>Average daily population for the past 12 months:</td>
<td>1552</td>
</tr>
<tr>
<td>Has the facility been over capacity at any point in the past 12 months?</td>
<td>☒ No</td>
</tr>
<tr>
<td>Which population(s) does the facility hold?</td>
<td>☒ Males</td>
</tr>
<tr>
<td>Age range of population:</td>
<td>18-76</td>
</tr>
<tr>
<td>Average length of stay or time under supervision:</td>
<td>5 Months</td>
</tr>
<tr>
<td>Facility security levels/inmate custody levels:</td>
<td>G1-G3, Transient</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months:</td>
<td>5384</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <strong>72 hours or more:</strong></td>
<td>5144</td>
</tr>
<tr>
<td>Number of inmates admitted to facility during the past 12 months whose length of stay in the facility was for <strong>30 days or more:</strong></td>
<td>2245</td>
</tr>
<tr>
<td>Does the facility hold youthful inmates?</td>
<td>☒ No</td>
</tr>
<tr>
<td>Number of youthful inmates held in the facility during the past 12 months:</td>
<td>N/A</td>
</tr>
<tr>
<td>Does the audited facility hold inmates for one or more other agencies (e.g. a State correctional agency, U.S. Marshals Service, Bureau of Prisons, U.S. Immigration and Customs Enforcement)?</td>
<td>☒ No</td>
</tr>
<tr>
<td>Select all other agencies for which the audited facility holds inmates:</td>
<td>N/A</td>
</tr>
<tr>
<td>Number of staff currently employed by the facility who may have contact with inmates:</td>
<td>366</td>
</tr>
<tr>
<td>Number of staff hired by the facility during the past 12 months who may have contact with inmates:</td>
<td>12</td>
</tr>
<tr>
<td><strong>Number of contracts in the past 12 months for services with contractors who may have contact with inmates:</strong></td>
<td>2</td>
</tr>
<tr>
<td><strong>Number of individual contractors who have contact with inmates, currently authorized to enter the facility:</strong></td>
<td>Medical – 34: Windham - 11</td>
</tr>
<tr>
<td><strong>Number of volunteers who have contact with inmates, currently authorized to enter the facility:</strong></td>
<td>12</td>
</tr>
</tbody>
</table>

### Physical Plant

#### Number of buildings:

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

| **Number of buildings:** | 15 |

#### Number of inmate housing units:

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

<p>| <strong>Number of single cell housing units:</strong> | 1 |
| <strong>Number of multiple occupancy cell housing units:</strong> | 1 |</p>
<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of open bay/dorm housing units:</td>
<td>10</td>
</tr>
<tr>
<td>Number of segregation cells (for example, administrative, disciplinary, protective custody, etc.):</td>
<td>50</td>
</tr>
<tr>
<td>In housing units, does the facility maintain sight and sound separation between youthful inmates and adult inmates? (N/A if the facility never holds youthful inmates)</td>
<td>☒ Yes ☐ No ☒ N/A</td>
</tr>
<tr>
<td>Does the facility have a video monitoring system, electronic surveillance system, or other monitoring technology (e.g. cameras, etc.)?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Has the facility installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology in the past 12 months?</td>
<td>☐ Yes ☒ No</td>
</tr>
</tbody>
</table>

**Medical and Mental Health Services and Forensic Medical Exams**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are medical services provided on-site?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Are mental health services provided on-site?</td>
<td>☒ Yes ☐ No</td>
</tr>
<tr>
<td>Where are sexual assault forensic medical exams provided? Select all that apply.</td>
<td>☐ On-site ☒ Local hospital/clinic ☐ Rape Crisis Center ☐ Other (please name or describe: Investigations)</td>
</tr>
</tbody>
</table>

**Criminal Investigations**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of investigators employed by the agency and/or facility who are responsible for conducting CRIMINAL investigations into allegations of sexual abuse or sexual harassment:</td>
<td>146</td>
</tr>
<tr>
<td>When the facility received allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), CRIMINAL INVESTIGATIONS are conducted by: Select all that apply.</td>
<td>☐ Facility investigators ☒ Agency investigators ☒ An external investigative entity</td>
</tr>
<tr>
<td>Select all external entities responsible for CRIMINAL INVESTIGATIONS: Select all that apply (N/A if no external entities are responsible for criminal investigations)</td>
<td>☐ Local police department ☐ Local sheriff’s department ☐ State police ☒ A U.S. Department of Justice component ☒ Other (please name or describe: Office of Inspector General (OIG)) ☐ N/A</td>
</tr>
</tbody>
</table>

**Administrative Investigations**

<table>
<thead>
<tr>
<th>Question</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of investigators employed by the agency and/or facility who are responsible for conducting ADMINISTRATIVE investigations into allegations of sexual abuse or sexual harassment?</td>
<td>28</td>
</tr>
</tbody>
</table>
When the facility receives allegations of sexual abuse or sexual harassment (whether staff-on-inmate or inmate-on-inmate), **ADMINISTRATIVE INVESTIGATIONS** are conducted by: Select all that apply  

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

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

| ☐ Local police department | ☐ Local sheriff's department | ☐ State police |
| ☐ A U.S. Department of Justice component | ☒ Other (please name or describe: Office of Inspector General (OUG) conduct Administrative Instigations on staff) | ☒ N/A |
Audit Findings

Audit Narrative

The PREA Audit of John W. Middleton Unit was conducted on November 3-5, 2021, by United States Department of Justice Certified PREA Auditor Karen d. Murray #P3071. Prior to the audit, the John W. Middleton Unit provided this Auditor with appropriate directives, procedures, facility and Agency documentation related to the standards for review. The results of the “pre-audit” were discussed with the facilities Warden, PREA Ombudsman, and Acting PREA Compliance Manager. No youthful inmates were housed at the facility. The audit was coordinated through PREA Auditors of America, LLC., Cypress, Texas. The audit began at 8:30 AM. The following persons were in attendance: Warden, Major, USPPM Sergeant, RSPO and PREA Ombudsman.

The John W. Middleton Unit is a medium custody prison located in Abilene Texas that houses medium security offenders. The John W. Middleton Unit is designated as an intake and transfer facility for male offenders. The John W. Middleton Unit sits on 402 acres of land and is co-located with the Robertson Unit. The current housing capacity for the John W. Middleton Unit is 2,128 offenders.

On October 4, 2021 the Auditor contacted the Warden and Acting PREA Compliance Manager and introduced herself. This initial call was intended to set a date for the facilities initial call with the auditor to speak to first steps and the audit processes. The Warden, Acting PREA Compliance Manager and the Auditor then discussed communications moving forward. The decision was made contacting of one another could be made to either parties, at any time, and or the use of email communications through the secure email provided through PREA Auditors of America. The facility was provided instruction on the following:

1. The program currently choosing a paper audit.
2. The Auditor explained logistics to include unimpeded access to the facility, documents and staff once onsite.
3. The Auditors’ role would be one of collaboration to achieve audit processes and purpose.
4. How collaboration would be accomplished to establish goals and expectations.
5. The Auditor informed the Warden and the Acting PREA Compliance Manager of the Issue Log for applicable areas of concern of uploaded documentation. The color process of the Issue Log was explained- red highlighted items would indicate further information was required. Yellow highlighted items would indicate the uploaded document had questions or needed revision. Green highlighted items indicated those documents would be reviewed during the on-site phase of the audit. Communication exchanged between the facility and the Auditor would be documented on the Issue Log between both parties.
6. How discussion of corrective action could be accomplished during all phases of the audit.
7. The onsite audit phase would be scheduled for November 3-5, 2021.
8. The notice of the audit posting, for the first scheduled audit, needed to be posted by September 20, 2021. The posting was provided to the Acting PREA Compliance Manager by the auditor in both English and Spanish. The notice provided included the auditor contact information and correct audit dates. The Auditor requested pictures of the posting and areas where the notice was posted. Pictures were provided by PREA Auditors of America on September 20, 2021.
9. As described above, identification of issues with PAQ information was provided though the Issue Log.

Document Review:
Throughout the course of the next six weeks the Auditor completed a review of multiple documents provided on secured thumb drive and provided feedback to the facility via the issue log and email communications.
**Resident Demographics:**
The auditor requested a current resident roster inclusive of:
1. Residents with disabilities;
2. Residents not fluent in English;
3. LGBTQI residents;
4. Past residents housed in isolation or segregated from main population;
5. Residents who reported sexual abuse or who reported sexual victimization during risk screening;
6. All grievances and allegations made in the 12 months preceding the audit; and,
7. All incident reports from the 12 months preceding the audit.

**Reported Allegations – External Investigating Agencies:**
The Auditor was informed by the Acting PREA Compliance Manager there were 16 allegations of sexual abuse and or harassment. Each investigation was reviewed using the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations tool.

**Facility Staff:**
The Auditor requested rosters to include volunteers, contracted personnel and staff roster to include staff names, position and years of service. The following staff names and information was received for:
1. Volunteers and Contractors
2. Random staff;
3. Health Authority and medical staff;
4. All employees who serve as first responders and mandatory reporters;
5. Receiving staff who complete intake documentation to include risk assessments;
6. Shift supervisors (Day and evening Duty Supervisors), on all shifts;
7. Staff who conduct unannounced rounds;
8. Retaliation monitors;
9. Sexual abuse review team members;
10. Staff Trainer;
11. Facility Investigators;
12. Human Resource Manager;
13. PREA Coordinator;
14. PREA Compliance Manager;
15. Contract Administrator
16. PREA Coordinator
17. Warden
18. Agency Head

**Outside Services:**
Advocacy Services
Noah Project
5802 Texas Ave
Abilene, TX 79605
325.676.7107

Third Party Reporting
Texas Department of Criminal Justice, PREA Ombudsman Public Web Address:
Texas Board of Criminal Justice - PREA Ombudsman.
prea.ombudsman@tdcj.texas.gov

**Research:**
Through internet and the agency website research, there were no negative findings.
Approximately two weeks before the onsite phase of the audit, this Auditor supplied the facility with a final on-site schedule.

**Onsite Audit Phase**

On Wednesday, November 3, 2021 at 8:30 am, the Auditor arrived at the John W. Middleton Unit to begin the in briefing process. Those in attendance in the morning debrief consisted of the Auditor, Acting PREA Compliance Manager, Warden, Major, RSPO and PREA Ombudsman. After introductions, this Auditor requested staff and inmate rosters. Once rosters were received, names were chosen by highlighting every tenth name on each inmate roster and selecting most available staff names on the staff schedule.

**Tour:**

The tour of the Administrative building took place directly after the person to person introductions of facility administrative staff. The Auditor was granted access to all areas of each building where inmates frequented for programming and where staff conducted day to day business, except those designated as quarantined due to COVID. *(Reference specific facility information in the facility characteristics section below for a thorough walk through explanation.)*

**Processes:**

Day one, after introductions and the choosing of names for interviews and file review, consisted of touring each area outside of the laundry and commissary, which was toured the following day. After the tour, inmate and staff files and investigations were reviewed. The day ended at 8:30 pm.

Day two the Auditor began at 9:00 am, meeting the same staff introduced in the in briefing. The day began with visiting two of the 10 units toured the day before as the Auditor verified the facility posted updated outside advocate flyers throughout the facility. Next the laundry and commissary areas were toured. Once the tour was completed, staff interviews commenced. The day ended at 9:00 pm.

Day three began at 8:30 am to complete staff and inmate interviews. Once interviews were completed an audit debrief was conducted with the same staff attending the in brief. The facility was made aware of areas needing further information, next steps in the post audit phase and the day ended at 1:30 pm.

The staff and inmates were helpful, kind and made the Auditor to feel quite welcome during the entire onsite process.

**Other processes:**

1. There are very few cameras at this facility, none in inmate housing units.
2. Cross gender announcements were made by female and male staff by stating male on range or female on range.
3. Phones banks were available on each unit with access to outside reporting officials and advocates.
4. The auditor was allowed to speak with staff and inmates during the site review. Interview results for both inmates and staff are documented in applicable standards.

**Interviews:**

The auditor requested a current position control roster showing staff name, title, tenure, shift and position assignment. Random names were chosen based on the above criteria. Due to staff names being chosen at the beginning of the audit, not all staff interviewed were the same as the staff file review. (Before each interview with staff and inmates, the Auditor introduced herself, explained the audit process, ensured those being interviewed were comfortable being interviewed and understood the process. All interviews were conducted in a private.)

<table>
<thead>
<tr>
<th>Staff Interview Category</th>
<th>Completed</th>
</tr>
</thead>
</table>

PREA Audit Report – V5.        Page 9 of 133        John W. Middleton Unit – Abilene, TX
Random Staff: All staff are responsible for supervision of inmates if segregated, first responders, searches and mandatory reporters

<table>
<thead>
<tr>
<th>Staff Description</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superintendent: Warden/Facility Head</td>
<td>1</td>
</tr>
<tr>
<td>Agency PREA Coordinator</td>
<td>1</td>
</tr>
<tr>
<td>Facility Acting PREA Compliance Manager</td>
<td>1</td>
</tr>
<tr>
<td><strong>Random Staff:</strong> All staff are responsible for supervision of inmates if segregated, first responders, searches and mandatory reporters</td>
<td>12</td>
</tr>
</tbody>
</table>

| (Informal interviews with staff)                                                  | 8     |

<table>
<thead>
<tr>
<th>Specialized Staff</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Intermediate or higher-level staff responsible for conducting and documenting unannounced rounds – Supervisors from both shifts – Captain also completes Retaliation monitoring</td>
<td>3</td>
</tr>
<tr>
<td>Education staff - Contractor</td>
<td>1</td>
</tr>
<tr>
<td>Program staff who work with youthful inmates – same as random staff in this review</td>
<td>N/A</td>
</tr>
<tr>
<td>Medical staff – Nurse Manager, RN - Contractor</td>
<td>1</td>
</tr>
<tr>
<td>Mental health staff – Mental Health Authority</td>
<td>0</td>
</tr>
<tr>
<td>Non-medical staff involved in cross-gender searches – same as random staff in this facility</td>
<td>Random staff</td>
</tr>
<tr>
<td>Human Resource staff – Human Resource Manager,</td>
<td>1</td>
</tr>
<tr>
<td>Investigative staff at agency level – not applicable for this facility - OIG</td>
<td></td>
</tr>
<tr>
<td>Investigative staff at facility level – investigator who also is Incident Review Team Member</td>
<td>1</td>
</tr>
<tr>
<td>Staff who perform screening for risk of victimization and abusiveness – Psychology Services</td>
<td>1</td>
</tr>
<tr>
<td>Staff who supervise inmates in segregated housed – same as random staff at this facility</td>
<td>1</td>
</tr>
<tr>
<td>Staff on the sexual abuse incident review team</td>
<td>1</td>
</tr>
<tr>
<td>Designated staff member charged with monitoring retaliation – same as Captain above</td>
<td></td>
</tr>
<tr>
<td>First responders, security staff – all staff serve as first responders</td>
<td>All staff</td>
</tr>
<tr>
<td>First responders, non-security staff – all staff serve as first responders</td>
<td>All staff</td>
</tr>
<tr>
<td>Intake staff</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Specialized staff</strong></td>
<td>34</td>
</tr>
</tbody>
</table>

**Staff training files:**

Staff training files were conducted by utilizing the PREA Audit – Adult Prison and Jails Documentation Review Employee* Files Records template. Review of staff training files demonstrated staff had refresher trainings; however, due to COVID, in person annual training for 2021 had not occurred for all employees. Further review of training records demonstrated employee files reviewed had annual training scheduled from November 2021 through May of 2022. Each staff file reviewed had completed all PREA training topics though facility PowerPoint Presentations during in-service trainings.

**Personnel Files:**

Staff personal files were conducted by utilizing the PREA Audit – Adult Prison and Jails Documentation Review – Employee* Files Records template. Personnel files reviewed during the onsite demonstrated 100% compliance.

**Resident Interviews:**

On the first day of the on-site review, the auditor requested a current inmate roster detailing housing assignment and select targeted inmates. The auditor highlighted resident names based on living unit, length and targeted categories. There were sixteen total resident interviews. Of the inmates interviewed two to five inmates were interviewed from each unit. There were 14 targeted inmates in the facility.
<table>
<thead>
<tr>
<th>Total population during on-site review</th>
<th>Total bed capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>1803</td>
<td>2128</td>
</tr>
<tr>
<td>Overall minimum number of resident interviews</td>
<td>Numbered required</td>
</tr>
<tr>
<td>40</td>
<td>40</td>
</tr>
<tr>
<td>Minimum number of random resident interviews</td>
<td>Number interviewed</td>
</tr>
<tr>
<td>20</td>
<td>21 formal 7 informal</td>
</tr>
<tr>
<td>Minimum number of targeted resident interviews</td>
<td>Numbered interviewed</td>
</tr>
<tr>
<td>20</td>
<td>15</td>
</tr>
</tbody>
</table>

**Breakdown of required targeted resident interviews**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number interviewed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inmates with a physical disability</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who are blind, deaf, or hard of hearing</td>
<td>0</td>
</tr>
<tr>
<td>Inmates who are LEP</td>
<td>2</td>
</tr>
<tr>
<td>Inmates with a cognitive disability</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who identify as lesbian, gay, or bisexual</td>
<td>2</td>
</tr>
<tr>
<td>Inmates who identify as transgender or intersex</td>
<td>3</td>
</tr>
<tr>
<td>Inmates in isolation</td>
<td>1 attempted/refused during</td>
</tr>
<tr>
<td>Inmates who reported sexual abuse</td>
<td>2</td>
</tr>
<tr>
<td>Inmates who reported sexual victimization during risk screening</td>
<td>3</td>
</tr>
<tr>
<td>Inmates who disclosed prior sexual victimization after screening</td>
<td>1</td>
</tr>
<tr>
<td>Inmates who wrote to the Auditor</td>
<td>No letters received</td>
</tr>
</tbody>
</table>

Inmate files reviewed were of those inmates interviewed. The Auditor utilized the PREA Audit Adult Prisons and Jails Facilities Documentation Review Inmate Files/Records template. Inmate files reviewed demonstrated 100% compliance.

**Other documents and information requested or reviewed:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Incident reports from the 12 months preceding the audit</td>
<td>16</td>
</tr>
<tr>
<td>All allegations of sexual abuse and sexual harassment reported for investigation in the 12 months preceding the audit</td>
<td>16 all investigations completed and reviewed</td>
</tr>
<tr>
<td>All hotline calls made during the 12 months preceding the audit</td>
<td>None reported from facility or hotline</td>
</tr>
</tbody>
</table>

The auditor's description of the audited facility should include details about the facility type, demographics and size of the inmate, resident or detainee population, numbers and type of staff positions, configuration and layout of the facility, numbers of housing units, description of housing units including any special housing units, a description of programs and services, including food service and recreation. The auditor should describe how these details are relevant to PREA implementation and compliance.

**Facility Characteristics:**

Middleton Transfer Facility is secured by double chain linked fences covered with razor ribbon wire and four armed towers. The prison is comprised of ten buildings which are mostly dormitory styled housing units. Educational programs offered at Middleton Unit include adult basic education, literacy courses, GED testing, and pre-release courses that prepare offenders for an upcoming discharge. Substance abuse treatment, support groups, parenting classes and life skills courses are also available. Select offenders are permitted to work within Middleton Transfer Facility providing unit maintenance, and working within the facilities garden.

When touring the facility, the Auditor witnessed identical bulletin boards at the entrance of each unit which included all necessary agency Zero Tolerance Policies and Procedures, information flyers to
internal and external reporting entities and advocate flyers to include address and phone number information and PREA Audit Notices on yellow paper. Each bulletin board is uniform throughout the facility to include each living unit. Formal and informal inmate interviews demonstrated offenders were able to access information posted. As previously stated, the facility does not have cameras in areas frequented by inmates to include residential housing units. The entire facility is clean and free of any debris. Inmate clothing was clean, free of tears and rips and appropriately fitting.

The Warden’s Complex consisted of:
- Warden and Assistant Warden offices
- Supervisors Offices
- ACA, ACO and records offices
- Hospitality housing
- Visitation area
- Strip search area

The outside Hall consisted of:
- When exiting the Warden’s Complex an exterior out door ‘hallway’ begins. This hallway has a North, Central and South end. Housing Units and with the following programmatic buildings on either side of the hallway.

- Education:
  - Inmate classrooms
  - Law Library
  - Student/Inmate artwork displayed throughout the building
  - Windham School Library
  - Teacher and Principal offices

- Recreation Yard
  - Courtyard
  - Double fenced with razor ribbon

- Living Units A-K
  - Upon entry is a long hallway where all postings are framed and uniform.
  - Storage and empty offices
  - Janitors closets
  - Upon entry of living unit areas is a ‘Pickett/Control’ booth. Staff sign into the logbook upon every entry.
  - Around the Pickett are living areas 1-5. Each living area is comprised of open bay dorms with 54 beds each, four urinals, four toilets and four showers in the back of each dorm. The toileting and shower area have PREA curtains that are to be draped across the area when in use.
  - In living Unit, A-2 – Alpha is a Faith based unit. Inmates are allowed to reside in this unit for up to six months. A Faith based room is accessible to inmates anytime they choose to occupy this area.

- K Housing – Restrictive Housing – eight total living units – 1-4 cells with up to nine total inmates in each living unit
  - Inmates stay in this area until they are assigned to an outside facility
  - Toilets in cells out of line of sight of other inmates and or staff
  - Showers are on the outside of living area – out of line of sight of other inmates and or staff
  - Parole offices
• Lights were out in one unit due to inmates causing this issue. (When touring maintenance, a work order was in place to fix the issue.)

- F Building
  • Property office
  • Medical restriction dorm

- Medical
  • Clear shower curtains dividing inmates in the waiting area
  • Emergency room
  • Nurse station
  • Seven exam rooms
  • Dental lab
  • X-Ray lab
  • Supply room
  • Administrative offices
  • Mental Health offices – these staff were not interviewed due to not being on site during interview times

- Intake
  • Staff waiting in all areas to greet intakes at each station – well organized and professional and respectful protocols in place at each station
  • Waiting area – PREA video playing on a loop
  • Shower area is for five intakes at once – curtain around the area – out of line of sight of staff. Inmates stay in boxers throughout this process
  • Hair cut station – all inmates have their heads shaved at intake
  • Risk assessment office/screening office
  • Emails sent to designated staff making them aware of risk level / classification of each intake
  • Intake clothing area – very organized
  • Sallyport

- Maintenance
  • Cameras in the maintenance department
  • Portable strip area
  • Restroom has half walls to ensure toileting is out of line of sight of other inmates and staff
  • Staff offices – general population inmates work with secretaries who are never one on one with inmates

- Food Services
  • Deck with grill/smoker
  • Approved inmate listing posted at door – inmates approved to cook on the deck are always with a staff member

  Kitchen
  • Open back storage area appropriately mirrored in blind spots
  • Warden screens and approves all inmate workers in the kitchen
  • Butcher shop
  • Staff offices
  • Vegetable prep area
  • Restrooms have a half frosted window to ensure out of line of sight of inmates and staff
  • PPE area for inmates to dress for work
  • Large kitchen for inmates
- Officer dining room and kitchen, three inmates work in this area
- Staff constantly moving through all areas supervising inmates

- G Building
  - Free world options offices
  - Parole
  - Classification
  - Captain offices
  - UCC committee meets in this building
  - Risk Officer office
  - Use of Force Officer office
  - Inmate Holding
  - Intake Clerk Office
  - STG Officers – key control and counts taken and accounted for in this large office. Count boards have inmate name and unit/bed number with designations of risk color coded. Count board legend: Blue star – predator; Gold star – victim
  - Field office
  - Grievance / Discipline Officer
  - Classification and Clerks office
  - Office of Inspector General
  - This building mirrored throughout

- Laundry
  - Clothing cages
  - Storage cage
  - Open area for folding of clothing
  - Closed cage for sewing
  - Washing of clothing completed at the Robinson Unit in the adjoining complex
  - Mirrored throughout

  Supply Area
  - Warehouse
  - Workers use toilets in the Necessities area
  - Mirrored throughout the area

- Commissary
  - Rows of goods stacked at shoulder level for supervision purposes
  - Very open and clean
  - Very organized
  - Restroom door with PREA curtain out of line of sight of other inmates and staff
  - Holiday packages being prepared for inmates
  - Mirrored throughout the commissary

Center Hall
- Commissary line up – structured, six feet distance
- Necessities line up – structured, six feet distance
- Staff positioned all along Hallways when inmates are present
- Dining Hall – social distancing at each table – outside of the dining hall are three mailboxes: mail, grievances and medical
- Social distancing and mask protocols are strictly adhered to by all inmates and staff, at all times.
### Summary of Audit Findings

<table>
<thead>
<tr>
<th>Standards Exceeded</th>
<th>Number of Standards Exceeded: 1154.11, 115.15, 115.34, 115.41</th>
</tr>
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<tbody>
<tr>
<td>List of Standards Exceeded:</td>
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<table>
<thead>
<tr>
<th>Standards Met</th>
<th>Number of Standards Met: 40</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Standards Not Met</th>
<th>Number of Standards Not Met:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>List of Standards Not Met:</td>
</tr>
</tbody>
</table>

Click or tap here to enter text.
## PREVENTION PLANNING

### Standard 115.11: Zero-tolerance of sexual abuse and sexual harassment; PREA coordinator

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

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

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

### Auditor Overall Compliance Determination

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

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

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

### Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice: Board Policy, dated 6.10.2015
4. Texas Department of Criminal Justice: Safe Prisons/PREA Plan, dated 2019
5. Texas Department of Criminal Justice Organizational Structure, not dated
Interviews:
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. Acting PREA Compliance Manager

Interviews:
Through interviews with inmates and staff and review of inmate and staff files, it is evident that this facility interweaves requirements for this standard in their daily protocols. Both inmates and staff could speak to facility PREA practices and protocols being used as is described in the agency’s Safe Prisons PREA Plan. The Acting PREA Compliance Manager could attest to having the required time institute and implement PREA protocols. In addition, the State of Texas supports the facility with a PREA team comprised of the PREA Ombudsman Office personnel and an RSPO.

Site Review Observation:
During the tour of the facility, the Auditor witnessed uniform bulletin boards consisting of current agency and facility PREA Zero-Tolerance, Audit Notices, internal and external reporting information for inmates and external advocate postings throughout the facility.

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

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

“Sexual Harassment” includes: a. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another offender; and b. Repeated verbal comments or gestures of a sexual nature to an offender by an employee or other individual, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
“Voyeurism” is the invasion of an offender’s privacy by an employee or other individual for reasons unrelated to official duties, such as peering at an offender who is using the toilet in his or her cell to perform bodily functions; requiring an offender to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an offender’s naked body or of an offender performing bodily functions.”

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

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

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

1. Monitor TDCJ policy for the prevention of offender sexual abuse and sexual harassment at correctional and community residential facilities, as well as compliance with PREA ombudsman policies and procedures to assure PREA compliance.
2. Provide oversight of education and training for employees, offenders, and other individuals assuring curriculum covers topics required in the PREA standards, and provide direction to trainers to include specific topics and information.
3. Make recommendations to TDCJ executive management concerning changes in policies and procedures necessary to comply with PREA standards.
4. Process complaints and inquiries from elected officials, the public, and offenders concerning offender sexual abuse and sexual harassment and TDCJ initiatives related to PREA and ensure impartial resolution. The PREA ombudsman may use discretion to respond directly or forward complaints to appropriate TDCJ staff for investigation and disposition. Criminal investigations are the responsibility of the Office of the Inspector General (OIG).
5. Oversee the administrative investigation of allegations of offender sexual abuse and sexual harassment to assure quality and thorough investigations.
6. Collect statistics regarding allegations of offender sexual abuse and sexual harassment from each correctional facility to comply with PREA standards.
7. Prepare monthly and semiannual activity reports for distribution to the TBCJ chairman, TBCJ members, and TDCJ executive management.
8. Ensure the TBCJ chairman and TDCJ executive management are informed of any problematic, systemic trends.

B. The PREA ombudsman has the authority to engage in the following:

1. Collect evidence and interview offenders and employees for the purpose of conducting an administrative investigation regarding an inquiry from an elected official or the public, or an offender complaint of offender sexual abuse or sexual harassment.
2. Engage in preventive activities, including, but not limited to: review of federal and state legislation, review of TDCJ policies and procedures, and review of training and education curriculum.
3. Attend meetings held by the TDCJ that address the prevention, detection, response, and reporting of allegations of offender sexual abuse and sexual harassment, as well as monitoring of PREA initiatives.
5. Review offender sexual abuse and sexual harassment administrative reports to ensure each investigation is professional, thorough, complete, and unbiased and that appropriate policies and procedures were followed during the investigation.

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

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

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

Through such reviews, of the uniform, current bulletin boards with all agency and facility PREA reporting information, throughout the facility, and the PREA Compliance Manager name posted in each Hall, the facility exceeds the standards requirements.

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

115.12 (a)

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

115.12 (b)

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

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

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

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

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

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

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

Through such reviews, the facility meets this standards requirements.

Standard 115.13: Supervision and monitoring

115.13 (a)

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

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

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

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

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

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

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

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

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

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

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

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

115.13 (b)

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

115.13 (c)

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

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

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

115.13 (d)

- Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment? ☒ Yes ☐ No
- Is this policy and practice implemented for night shifts as well as day shifts? ☒ Yes ☐ No

- Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

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

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

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

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Security Surveillance Systems: Subject-Deletion, New Installation or Relocation of Video Surveillance Equipment 07-02, dated March 2013
3. Texas Department of Criminal Justice Staffing Security Surveillance Systems: Turnout Roster Management 08.01, dated September 2011
4. Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, dated February 2019
5. Texas Department of Criminal Justice Administrative Directive: Subject-Security Staffing 08.06, dated 8.12.2013
6. Texas Department of Criminal Justice Executive Directive: Subject-General Rules of Conduct and Discipline Action Guidelines for Employees AD 11.52, dated 7.1.2018

Interviews:

1. Random inmates
2. Targeted inmates
3. Random staff
4. Shift Captains

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

Site review observation:

Staff were consistently noticed driving through and around the parameter of the campus throughout the morning, afternoon and evening. Unannounced Rounds documentation demonstrated rounds are documented several times during all shifts, exceeding the standard requirement. The facility does not have cameras throughout; however, interactive staff supervision was witnessed in all areas.

115.13 (a) The John W. Middleton Unit PAQ states the agency requires the facility to develop, document and make its best efforts to comply on a regular basis with a staffing plan that provides for
adequate levels of staffing, and, where applicable, video monitoring, to protect inmates against abuse. The daily number of inmates, based on the facility website on August 20, 2021 is 1552 with the capacity of 2128 and the staffing plan was predicated on the same number of inmates as is shown on the facility website.

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

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

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

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

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 10-11, section D. Security Staffing, states, “The TDCJ shall ensure each unit develops, documents, and complies with a staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, units shall take into consideration TDCJ policies and procedures, and:

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

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

(b) The John W. Middleton Unit PAQ states each time the staffing plan is not complied with, the facility documents and justifies deviations. The facility did not have any deviations from the
required ratios of their staffing plan.

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

The facility provided Texas Department of Criminal Justice Middle Unit Staffing Plan – System III – 2000 Bed Transfer. The Staffing Plan includes:

- Security Administration
- Security Supervisors
- Priority 1 and 2 Positions (Building)
- Positions (Non-Shift)
- Unit Summary
- Supervisors on Duty
- Staff Deviations
- Staff Briefing Topics
- Shift Supervisor Daily Staffing Notations
- PREA Unannounced Rounds
- Annual Staffing Plan Review – 2021
- Annual Staffing Plan / Roster Review Middleton Unit

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

Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, page 11, section D. Security Staffing 3. states, “Each unit the TDCJ operates shall complete an assessment, whenever necessary, but no less frequently than once each year in consultation with the CID director, who serves as the PREA coordinator, and the TDCJ SPPM, to determine and document if the following require adjustments:

The staffing plan established pursuant to paragraph 1 of this section;
(f) The unit’s deployment of video monitoring systems and other monitoring technologies; or
(g) Resources the unit has available to commit to ensure adherence to the staffing plan.”

Texas Department of Criminal Justice Administrative Directive: Subject-Security Staffing 08.06, page 1, section Annual Review of Turnout Rosters, states, “Security Operations shall conduct an annual review of each units’ turnout rosters in consultation with the regional director and the safe prisons/PREA Compliance Manager to assess, determine and document whether adjustments are needed to the unit turn out roster.”

(d-e) The John W. Middleton Unit PAQ states facility requires that intermediate level or higher-level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment.

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

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

Through such reviews, the facility met the standards requirements.

**Standard 115.14: Youthful inmates**

**115.14 (a)**

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

**115.14 (b)**

- In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

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

**115.14 (c)**

- Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

- Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

- Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates [inmates <18 years old].) □ Yes □ No ☒ NA

**Auditor Overall Compliance Determination**

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division – Post Order PO-141, dated 6.1.2018
3. Texas Department of Criminal Justice Correctional Institutions Division, Safe Prisons/PREA Plan, dated February 2019
4. Texas Department of Criminal Justice – Correctional Institutions Division – Inter-Office Communications, dated 2020-2021

Interviews:
1. Acting PREA Compliance Manager
2. Warden

The PAQ provided by the facility stated this facility did not house youthful inmates. Through discussions with both the Acting PREA Compliance Manager and the Warden demonstrated youthful inmates were not housed at this facility.

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

115.14
(a) The John W. Middleton Unit PAQ states the agency does not house youthful inmates. Texas Department of Criminal Justice Correctional Institutions Division – Post Order PO-141, page 3, section E. states, “Ensure sight and sound separation is maintained between youthful and adult offenders or provide direct supervision, when youthful and adult offenders have incidental sight, sound, or physical contact in areas outside the youthful offender housing area.”

The facility provided Texas Department of Criminal Justice – Correctional Institutions Division – Inter-Office Communications, which states, “During the year(s) 2020-2021, there has not been any youthful inmates assigned to the John Middleton Unit.”

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

When youthful offenders are outside the housing areas, correctional staff shall:

a. Maintain sight and sound separation between youthful offenders and adult offenders; or

b. Provide direct supervision when youthful and adult offenders have sight, sound, or physical contact.

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

Through such reviews, the facility met the standards requirements.

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

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

115.15 (b)
- Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)
  ☐ Yes  ☐ No  ☒ NA
- Does the facility always refrain from restricting female inmates’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)
  ☐ Yes  ☐ No  ☒ NA

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

115.15 (d)
- Does the facility have Directives that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?
  ☒ Yes  ☐ No
- Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?
  ☒ Yes  ☐ No
- Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?
  ☒ Yes  ☐ No

115.15 (e)
- Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate’s genital status?
  ☒ Yes  ☐ No
If an inmate’s genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner? ☒ Yes ☐ No

115.15 (f)

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

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

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice – Correctional Institutions Division – Inter-Office Communications, dated 2020-2021

Interviews:
1. Random inmates
2. Targeted inmates
3. Random staff
4. Shift Captains
5. Nurse Manager
6. Intake staff
7. Acting PREA Compliance Manager
8. Intake Unit Safe Prisons Manager

Interviews with inmates and staff demonstrated cross gender searches were only conducted in exigent circumstances. Staff interviewed attested to pat down searches being the search primarily used at this facility. Staff could attest to being trained in cross gender search techniques; however, none had been involved in a cross gender search. Staff stated if a transgender preferred an opposite sex staff conduct
their search they would consider the transgender’s request. Inmates interviewed reported their initial and any subsequent searches were respectfully conducted.

Site Review Observation:
1. Intake area
2. Search area
During the tour of the facility the Auditor observed Intake Department while intakes were taking place. Intakes remove outside clothing down to their boxers, are tested for COVID, nails are checked and clipped, if necessary, haircuts commence, then inmates are placed in a waiting area where the PREA video is played on a loop. Inmates can then be separated if they have an STD of any kind. Inmates are then showered behind a shower curtain, five at a time, given two sets of clothing, provided masks, body charting and pictures are taken. Risk assessments are then completed by medical and intake risk screening is completed by the Unit Safe Prisons Manager. Inmates screened for suicide are placed on a one on one and those presenting a risk are reported to Sociology for classification. (The Warden chairs classification meetings weekly or more often if necessary, to ensure inmates are housed safely, per the inmates wishes, removed and or placed in designated housing based on behaviors.) Inmates are then placed in cool or warm cells, depending on their preference. This entire process was regimented, organized and respectful to each intake.

115.15

(a) John Middleton Transfer Facility states the facility does not conduct cross-gender strip or cross-gender visual body cavity searches of their Inmates. In the past 12 months the facility has conducted zero cross-gender strip or cross-gender visual body cavity searches of Inmates.

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

The facility provided a Texas Department of Criminal Justice – Correctional Institutions Division – Inter-Office Communications, dated 2020-2021 which states, “During the year(s) 2020-2021, there has not been any cross gender searches conducted on the John Middleton Unit.”

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

(b) John Middleton Transfer Facility states the facility does not permit cross-gender pat-down searches of female inmates, absent exigent circumstances.

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

(c) John Middleton Transfer Facility states the facility policy requires that all cross-gender strip
searches, cross-gender visual body cavity searches, and cross-gender pat-down searches be documented and justified. Compliance for can be found in provision (b) of this standard.

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

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

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

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

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 16, section III. Offender Screening and Assessment A. 1-3, states, “During the intake process, non-medical staff shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender’s genital status. If the offender’s genital status is unknown, it may be determined during conversation with the offender, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner. Offenders identified as transgender or intersex during intake shall be referred to medical in accordance with the TDCJ Intake Procedures Manual.”

(f) The John W. Middleton Unit PAQ states 100% of security staff receive training on conducting cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner.

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

Through such reviews of the intake process being so regimented, organized and respectful to each intake the facility exceeds the standard requirements.
Standard 115.16: Inmates with disabilities and inmates who are limited English proficient

115.16 (a)

- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities? ☒ Yes ☐ No
- Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes)? ☒ Yes ☐ No
- Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing? ☒ Yes ☐ No
- Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities? ☒ Yes ☐ No
- Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills? ☒ Yes ☐ No
• Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Are blind or have low vision? ☒ Yes ☐ No

115.16 (b)

• Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient? ☒ Yes ☐ No

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

115.16 (c)

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

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice, Unit Roster, Qualified Interpreter Listing, dated 9.1.2021

Interviews:
1. Targeted inmates
2. Intake staff

During interviews with targeted inmates who disabled either cognitively or physically and language not being their first language, each could articulate their understanding of PREA protocols. An interpreter was used for one interview and the inmate could articulate him understanding of PREA protocols. Intake staff could attest to inmates watching and signing acknowledgements of having reviewed the PREA video. In addition, 30-day training rosters are signed by inmates, attesting to their acknowledgment of training and understanding, thereof.

115.16
(a) The John W. Middleton Unit PAQ states the agency has established procedures to provide disabled Inmates equal opportunities to be provided with and learn about the agency’s efforts to prevent, detect and respond to sexual abuse and sexual harassment.

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

(b) The John W. Middleton Unit PAQ states the agency has established procedures to provide Inmates with limited English equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 33, section VII. A.4. states, “Offenders shall be provided education in formats accessible to all offenders, including those who are limited English proficient, deaf, hard of hearing, blind, visually impaired, or otherwise disabled, as well as to offenders who have limited reading skills.”

(c) The John W. Middleton Unit PAQ states the agency prohibits the use of inmate interpreters. In the last 12 months the facility has had zero instances where inmates were used for interpreters. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section V. a-b., states, “When seeking interpreters, staff shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender’s safety, the performance of first-response duties described within this plan, or the investigation of the offender’s allegations. Staff shall follow appropriate TDCJ policies and procedures for obtaining a qualified interpreter.”

The facility provided a Texas Department of Criminal Justice, Unit Roster, Qualified Interpreter Listing. This list demonstrates 16 correctional staff are employed at the facility are qualified interpreters.

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.17: Hiring and promotion decisions**

**115.17 (a)**
 Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No

 Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? ☒ Yes ☐ No

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

 Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)? ☒ Yes ☐ No

 Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse? ☒ Yes ☐ No

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

115.17 (b)

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

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

115.17 (c)

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

 Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse? ☒ Yes ☐ No

115.17 (d)

 Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates? ☒ Yes ☐ No
115.17 (e)  
- Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees? ☒ Yes ☐ No

115.17 (f)  
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions? ☒ Yes ☐ No
- Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees? ☒ Yes ☐ No
- Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct? ☒ Yes ☐ No

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

115.17 (h)  
- Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

☒ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Employment Application Supplement for Agency Applicants, dated 02.19
4. Example of verification on Former Employee, dated 1.22.2019

Interviews:
1. Acting PREA Compliance Manager
2. Human Resource Assistant

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

Site Review Observation:
During review of staff personnel files reviewed, this Auditor noted that institutional references were not completed for applicable staff at the facility. Facility staff were unaware of this process. Upon speaking to the Office of Personnel, this Auditor learned this process was completed at the Agency level.

In addition, files reviewed at the facility did not include information such as criminal history background checks and institutional reference check documentation. The agency was able to provide screen prints containing employee name, birth date, application date and criminal background check date.

The agency provided a State of Texas Records Retention Schedule, during the pre-audit, which documents the date the contract employee, current employee clearance and criminal history checks received.

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

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

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

c. Has been civilly or administratively adjudicated to have engaged in the activity described in Section VIII.A.1.b.”

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

(c) The John W. Middleton Unit PAQ states Agency policy requires background checks are conducted with all new hires who have contact with inmates and makes its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse. In the past 12 months 12 persons hired may have contact with an inmate who have had criminal background checks.

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

a. Perform a criminal background check; and

b. Attempt to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, in accordance with federal, state, and local law.”

The facility provided a Texas Department of Criminal Justice New Hires listing between the dates of August 1, 2020 and July 21, 2021. The listing demonstrates 12 employees were hired during the 12-month period of time.

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

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

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

The agency provided a State of Texas Records Retention Schedule which documents the date the contract employee, current employee clearance and criminal history check is received.

The agency provided an example of verification on Former Employee. Within this verification request, the Office of Inspector General Records responds with the following answers:
1. No there are no substantiated allegations of sexual abuse against employees.
2. No, there are no substantiated allegations of sexual harassment against employee.
3. Did the employee resign during an investigation of sexual abuse or sexual harassment?

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

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

(g) The John W. Middleton Unit PAQ states that agency policy states that material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination.

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

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

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

Through such reviews, the facility meets this standards requirements.

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

115.18 (a)

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

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

Auditor Overall Compliance Determination

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

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division: Subject-Operating and Monitoring Video Surveillance Systems, dated 2.14.2019

Interviews:
1. Acting PREA Compliance Manager
Interviews with the Acting PREA Compliance Manager demonstrated staff supervision is practiced in lieu of cameras.

Site Review Observation:
1. Control area

During a tour of the facility, the Auditor witnessed cameras are not utilized through the campus.

115.18
(a) The John W. Middleton Unit PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit. Texas Department of Criminal Justice Correctional Institutions Division: Subject-Operating and Monitoring Video Surveillance Systems, page 1, Purpose, states, “To establish policy and procedures for operating and maintaining video surveillance systems with recording capabilities installed on units.

(b) The John W. Middleton Unit PAQ states the facility has not installed electronic surveillance system since the last PREA audit.

Through such reviews, the facility meets this standards requirements.
## RESPONSIVE PLANNING

### Standard 115.21: Evidence protocol and forensic medical examinations

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

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

#### 115.21 (c)
- Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiary or medically appropriate?
  - ☒ Yes  ☐ No
- Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?
  - ☒ Yes  ☐ No
- If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?
  - ☒ Yes  ☐ No
- Has the agency documented its efforts to provide SAFEs or SANEs?
  - ☒ Yes  ☐ No

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

115.21 (e)

- As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?
  ☒ Yes  ☐ No

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

115.21 (f)

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

115.21 (g)

- Auditor is not required to audit this provision.

115.21 (h)

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

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Offender Victim Representative Training, Safe Prisons Program Management Operations, not dated
4. Offender Victim Representative (OVR) Training Handout #2, not dated
5. TAASA Service Directory, not dated
7. Texas Department of Criminal Justice, Correctional Institutional Division, John W. Middleton Unit, Victims Representatives, not dated
8. Email: Subject: Hotline Flyers; from Acting PREA Compliance Manager, dated 11.5.2021
Interviews:
1. Random Inmates
2. Targeted Inmates
3. Random staff
4. Supervisory staff
5. Nurse Manager
6. Acting PREA Compliance Manager
7. Major - Facility Investigator

Interviews:
Interviews with all inmates and staff indicated they were aware of an outside advocate; however, during the course of interviews the auditor explained current processes as they had recently changed.

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

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

Site Review Observation:
There were 16 investigations reported in the last 12 months. Of those 12 investigations, all were reported timely with the victim and perpetrator separated, when applicable, following the allegation and completed within 30 days. The facility houses an office for Office of Inspector General personnel.

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

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

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

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

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

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

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

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

The agency provided a TAASA Service Directory which has information for victim crisis centers for each city in the state of Texas. On October 22, 2021 at 12:23 pm MST, the Auditor phoned the Abilene Regional Victim Crisis Center at 310 North Willis, Abilene Texas at hotline number 325.677.7895 and spoke with Operator C.R. After this Auditor introduced herself and the reason for calling, the Operator provided the following information:

- Depending in the reason the inmate was incarcerated would depend on if the center could assist the inmate.
- The crisis center uses grant dollars and are not allowed to provide services for violent offenders unless those victims were amongst the sex trafficked population
- When asked how the Operator would gain knowledge on the inmate purpose for being incarcerated, the Operator stated the information typically comes out organically. However, if the conversation did not provide such information, the Operator would have to ask the inmate why s/he was incarcerated before services could be provided.
If they could not help the inmate due to the nature of their crime(s), the crisis center would do their best to provide another crisis center.

Due to the crisis center not having the autonomy to provide services to all inmates the Auditor thanked the Operator and ended the call.

The agency provided an advocate memorandum of understanding, Contract Number 696-13-16-M129 between TDCJ and Families in Crisis at P.O. Box 25, Killeen, Texas 76540 phone number 254.634.1184 and spoke with Operation F. M. On October 22, 2021 at 1:47 pm, MST, the Auditor phoned the Families in Crisis, introduced herself and reason for calling, the Operator provided the following information:

- We only serve four counties, those being Lampasas, Bell, Hamilton and Coryell Counties.
- If someone from a prison called us outside of those counties, we would provide them with a contact number in their county.
- When prompted for information regarding Jones and Taylor Counties (Abilene counties) the Operator verified they could only look up information in the Jones and Taylor counties and provide an advocate number for those counties.

Due to the two above advocacy agency's above not being able to provide proper services to the John W. Middleton Unit, the facility acquired a Memorandum of Understanding with The Noah Project. The facility received Noah Project flyers the first day of the on-site review. Flyers were posted throughout the facility and verified by the Auditor on the second day of the on-site review. All staff were made aware of the change in advocacy services via an email from the Acting PREA Compliance Manager stating the following: “The Middleton Unit has partnered up with the Noah Project to provide advocacy services for the inmates. As of Wednesday, the hotlines are up and running. We have posted the flyers in every dorm by the telephones providing instructions on how to make the call. This is new to us, so it is a work in progress. If any inmate comes to you with questions pertaining to these flyers, please direct them to the Safe Prison Office. We will be making rounds and talking with these inmates on this new advocacy.”

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

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

(2) Provide emotional support, crisis intervention, information, and referrals; and

(3) Not delay or otherwise impede the screening or stabilization of an emergency medical condition.

b. For the purposes of this section, a qualified TDCJ staff member is an offender victim representative (OVR).

The facility provided a Texas Department of Criminal Justice, Correctional Institutional Division, John W. Middleton Unit, Victims Representatives list of four qualified staff who can assist with advocate services should an outside advocate not be available.
(f,g,h) The John W. Middleton Unit PAQ states the agency is responsible for Administrative or Criminal investigations. The agency does request provision a-e of this standard are considered when conducting all investigations.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 12, section E. 2. (a-c), state, “

a. The warden shall designate at least two OVRs. An OVR shall be a mental health clinician, sociologist, chaplain, social worker, or case manager who has completed the TDCJ Sexual Assault Offender Victim Representative training.

b. Wardens shall coordinate with the SPPMO when a newly designated OVR requires training.

c. The function of an OVR shall not begin until such training is received.

Through such reviews, the facility meets this standards requirements.

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

**115.22 (a)**

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

**115.22 (b)**

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

**115.22 (c)**

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

**115.22 (d)**

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

- Auditor is not required to audit this provision.

Auditor Overall Compliance Determination

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

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

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

Site Review Observation:
1. Investigation (referred for criminal investigation)

There were 16 administrative investigations reported in the last 12 months. Of those sixteen investigations, all were reported timely with the victim and perpetrator separated immediately following the allegation, where appropriate as some incidents were reported after the fact. Each investigation was reviewed utilizing the PREA Audit – Adult Prisons & Jails Documentation Review – Investigations template. Each investigation reviewed was completed thoroughly and within 30 days. Investigations are placed in the agency database, reviewed by appropriate personal in the facility, Ombudsman’s Office and Incident Review Committees and locked once final approval is completed.

115.22
(a) The John W. Middleton Unit PAQ states the agency insures that an administrative or criminal investigations are completed for all allegations of sexual abuse and sexual harassment. In the past 12 months the facility has had 16 allegations of sexual abuse and sexual harassment that were received. In the past 12 months 16 allegations resulted in an Administrative Investigation. In the past 12 months 16 of the 16 investigations resulted in Criminal Investigations and all have been completed except one which remains at the Office of Inspector General.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28-29, section E. 1. a-g., state,

a. “Offender-on-offender sexual abuse investigations shall be documented on the appropriate Safe Prisons/PREA forms contained within the SPPOM.
b. Investigations shall include, at a minimum, interviews with alleged victims, suspected assailants, and witnesses; a review of prior complaints and reports of sexual abuse involving the alleged assailant; review of video surveillance where available; and any evidence, including physical evidence.
c. The credibility of an alleged victim, assailant, or witness shall be assessed on an individual basis and not on the status as an offender or staff member.
d. Staff shall document the description of physical and testimonial evidence in the body of the report, the reasoning behind credibility assessment, and investigative facts and findings.
e. Information regarding staff action or inaction that may have contributed to the alleged abuse shall be included in the investigative report.
f. Unit staff conducting OPIs shall cooperate with the OIG when applicable, to avoid interfering with possible criminal investigation related to the same incident.
g. Additional information related to investigations may be found in the SPPOM.”

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

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

Standard 115.31: Employee training

115.31 (a)

- Does the agency train all employees who may have contact with inmates on its zero-tolerance directive for sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response Directives and procedures? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on inmates’ right to be free from sexual abuse and sexual harassment ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates? ☒ Yes ☐ No
- Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities? ☒ Yes ☐ No

115.31 (b)

- Is such training tailored to the gender of the inmates at the employee’s facility? ☒ Yes ☐ No
- Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa? ☒ Yes ☐ No
115.31 (c)

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

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

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

115.31 (d)

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

Auditor Overall Compliance Determination

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

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development Pre-Service Training Curriculum, dated 9.1.2020
4. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development / Correctional Awareness/Staff Survivor Training Curriculum, dated 9.1.2020
5. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development / In-Service Training, dated 9.1.2020
6. Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development / Supervisor In-Service Training, dated 9.1.2020
7. Texas Department of Criminal Justice Video Script Safe Prisons/PREA in Texas, dated 8.5.2013

Interviews:
1. Facility staff
2. Human Resource Assistant
3. PREA Ombudsman
4. RSPO

Interviews:
Interviews with random and targeted staff demonstrated each were aware of and received initial and booster training annually or annual PREA training, accept for portions of the year 2021 due to COVID.
Site Observation:
Review of personnel files demonstrated staff had received PREA training upon hire and annually thereafter; however, in person training did not occur throughout the year 2021. Through file review, the training database had assigned annual training dates for all applicable employees. Upcoming training dates were scheduled from January 2022 through May 2022.

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

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

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

The agency provided the Texas Department of Criminal Justice Training and Leader Development Division – Correctional Training and Staff Development Pre-Service Training, Correctional Awareness/Staff Survivor, Supervisor and In-Service Training Curriculums. Training performance objectives include:
1. Defining sexual abuse
2. Describing characteristics and behavior patterns associated with sexual abuse
3. Explaining prevention of sexual abuse
4. Listing steps for first responders to be taken in the event of a reported sexual abuse
5. Discuss the TDCJ Zero Tolerance
6. Safe Prisons/PREA in Texas – defining sexual abuse and sexual harassment, potential victims of sexual abuse and harassment; characteristics of potential predators
7. Discuss the importance of conducting security checks
8. Steps to be taken when an offender requests protection
9. Discussion on the importance of adhering to cross-gender viewing policies and procedures when conducting a strip-search
10. Discussion on PREA audit preparedness
The agency provided a Texas Department of Criminal Justice Video Script Safe Prisons/PREA in Texas. This video was created and was shown to all TDCJ staff who have contact with offenders. This video is also shown at staff in-service and pre-service academy. Aspects discussed include:

1. Prison Rape Elimination Act
2. Offender-On-Offender Sexual Harassment and Sexual Abuse
3. Alleged Sexual Harassment (offender-on-offender)
4. Common Characteristics of a Victim
5. Common Characteristics of a Perpetrator
6. Red Flag Behaviors
7. Staff-On-Offender Sexual Harassment and Sexual Abuse
8. Alleged Sexual Harassment (staff-on-offender)
9. Alleged Sexual Abuse (staff-on-offender)
10. Avoiding Inappropriate Relationships with Offenders
11. PD-29 – Sexual Misconduct with Offenders
13. Preventing Sexual Abuse
14. Mandating Reporting
15. Responding to Allegations of Sexual Harassment and Sexual Abuse
16. Definitions of LGBTI
17. Staff Responsibilities when Offenders Request Protection
18. Confidentiality

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

(c) The John W. Middleton Unit PAQ states 366 staff currently employed by the facility, who may have contact with Inmates, were trained or retrained on the PREA requirements enumerated above. Employees who have contact with inmates receive annual training. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34-35, section V1. C. 1., states, “All employees who have contact with offenders, including medical and mental health care practitioners, shall receive training as outlined in Section VI.B.1, at least every two years. In the interim years, employees shall be provided refresher information on current sexual abuse and sexual harassment policies.”

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.32: Volunteer and contractor training**

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

115.32 (b)

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

115.32 (c)

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

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. TTUHSC Contractor and Volunteer Orientation PREA Policy Packet, not dated
4. TTUHSC Managed Care PREA Annual Training Packet, not dated
5. TTUHSC Managed Care PREA Contractor & Volunteer Annual Training Packet, not dated
6. Texas Department of Criminal Justice Volunteer Services – Handbook for Volunteers, dated January 2018
7. Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation, dated January 2015

Interviews:

1. Education staff member
2. Nurse Manager

The contracted education and medical staff remembered stated initial training took place in Huntsville. Staff stated a lot of safety training is conducted throughout the year; however, annual training for PREA is typically completed through on line trainings.

115.32

(a) The John W. Middleton Unit PAQ states all volunteers and contractors who have contact with Inmates have been trained on their responsibilities under the agency’s policies and procedures regarding sexual abuse and harassment prevention, detection, and response. 45 contractors and 12 volunteers, who have contact with Inmates, have completed the required training.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 34, section D.1-6, state, “

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

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

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

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

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

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

The Facility provided a TTUHSC (Texas Tech University Health Sciences Center) Contractor and Volunteer Orientation PREA Policy Packet. The packet provides the following information:
- TTU System Regulation 07.06 and TTUHSC OP 51.03 Sexual Harassment, Sexual Assault, Sexual Misconduct, and Title IX Policy and Compliant Procedure
- TTUHSC OP 52.06 Standards of Conduct and Ethics Guide
- CMHC Policy E-34.4 Reporting Suspected Abuse
- TDCJ Offender Orientation Handbook (PREA Section)
- TDCJ PD-13 Sexual Harassment and Discourteous Conduct of a Sexual Nature
- TDCJ PREA Brochure

The agency provided a TTUHSC Managed Care PREA Annual Training Packet. This packet provides the following information:
- TTUHSC PREA MH & Medical Training (National PREA Resource Center
- PREA Policy Packet
- PREA Local Unit Annual Training
- PREA Unit Checklist
- PREA Employee Test
The agency provided a TTUHSC Managed Care PREA Contractor & Volunteer Annual Training Packet. This packet provides the following information:

- Annual PREA Training Acknowledgement & Signature Page
- TTUHSC PREA MH & Medical Training (National PREA Resource Center)
- PREA Policy Packet

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

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

(c) The John W. Middleton Unit PAQ states the agency maintains documentation confirming that the volunteers and contractors understand the training they have received.

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.33: Inmate education**

**115.33 (a)**

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

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

**115.33 (b)**

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

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

115.33 (c)

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

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

115.33 (d)

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

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

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

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

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

115.33 (e)

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

115.33 (f)

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

Auditor Overall Compliance Determination

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

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

☐ Does Not Meet Standard *(Requires Corrective Action)*
Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Offender Orientation Handbook, (English and Spanish) dated February 2017
4. UTMB/CMC Nursing Services Policy Manual, Number: E-37.5, Interpreter Services, dated 09.14
5. Offender SAA Video Script, dated 9.5.2013

Interviews:
1. Random Inmates
2. Targeted Inmates
3. Intake staff
4. Acting PREA Compliance Manager
Interviews with the 21 random and targeted inmates reported their knowledge on PREA, reporting options to staff, the grievance boxes, telling a friend, notifying a family member and the hotline numbers posted on Zero-tolerance Posters throughout the facility. However, there were four inmates who could not attest to completing training on PREA all though file review demonstrated each had signed an acknowledgement and receipt of training. Each of these inmates were rescheduled for comprehensive training to ensure they were aware of the training in which each had attended.

Site Observation:
Of the 21 Inmate files reviewed, each demonstrated evidence of PREA education within 72 hours of intake and again within 30 days of intake. Documentation of both trainings were found in the agency database and on hardcopy forms and or training rosters.

115.33
(a) The John W. Middleton Unit PAQ states Inmates receive information at time of intake about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or sexual harassment. 5384 inmates admitted in the past 12 months were given information at intake.

The agency provided a Texas Department of Criminal Justice Offender Orientation Handbook in English and Spanish. The handbooks describe educational information for the following:
- An orientation video for new offenders which includes: Part 8 Safe Prisons/PREA
- Offender participation in Peer Education classes addressing Prison Rape Elimination Act awareness and medical issues
- What the offender should do if sexually harassed or abused (who to report allegation)
- Safe Prisons/PREA Program
- Prohibition of retaliation
- How Does the Safe Prisons/PREA Program Help?
- How to Report Threats of Safety?
- Sexual Abuse Prevention Strategies

(b) The John W. Middleton Unit PAQ states within the past 12 months, 3599 inmates received age appropriate PREA education within 30 days of intake. Inmates who had not received the training were not housed at the facility for 30 days, therefore the 30-day training was not applicable to all intakes in the last 12 months.

(c) The John W. Middleton Unit PAQ states of those who were not educated during 30 days of intake, all inmates have been educated subsequently. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan page 32-22, section VI. A. 1-6, state,
A. Offender Orientation and Education

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

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

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

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

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

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

(d) The John W. Middleton Unit PAQ states Inmate PREA education is available in accessible formats for all inmates including those who are limited English proficient, deaf, visually impaired, otherwise disabled or have limited reading skills.

The agency provided a UTMB/CMC Nursing Services Policy Manual, Number: E-37.5, Interpreter Services. The policy provides a phone number and direction for interpretation services.

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

(e) The John W. Middleton Unit PAQ states the facility maintains documentation of inmate participation in PREA education sessions.

(f) The John W. Middleton Unit PAQ states The agency ensures that key information about the agency’s PREA policies is continuously and readily available or visible through posters, inmate handbooks, or other written formats.
Through such reviews, the facility meets this standards requirements.

**Standard 115.34: Specialized training: Investigations**

**115.34 (a)**

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

**115.34 (b)**

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

**115.34 (c)**

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

**115.34 (d)**

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. OIG Rosters of completed NIC Investigator Training, dated 2014 - 2020

Interviews and on site file review:
1. Major - Facility Investigator
2. PREA Ombudsman

Interviews with facility investigators and personnel file review demonstrated that each investigator interviewed had completed annual investigator training. Although training was not completed the last fiscal year due to COVID, annual training was scheduled on 11.8.21. The investigator interviewed clearly articulated her role in an investigation and process steps to be taken as is described in the agency coordinated response.

115.34
(a) The John W. Middleton Unit PAQ states the agency policy requires that investigators are trained in conducting sexual abuse investigations in confinement settings.

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

(b) The agency states investigator training has been completed on the National Institute for Corrections Specialized Investigator training website, which includes techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.”

(c) The John W. Middleton Unit PAQ states the agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations. The PAQ states the Office of Inspector General has 146 employees and the facility has 28 employees who have completed investigator training.

Through such reviews the facility exceeds his standards requirements.

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

115.35 (a)

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

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

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

115.35 (b)

If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.) ☐ Yes ☐ No ☒ NA

115.35 (c)

Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.) ☒ Yes ☐ No ☐ NA

115.35 (d)

Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.) ☒ Yes ☐ No ☐ NA

Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.) ☐ Yes ☐ No ☒ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

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

Interviews:
1. Nurse Manager
During interviews the Nurse Manager she was able to demonstrate procedural steps to follow during a sexual abuse investigation. The Nurse Manager was able to articulate how she would ensure the inmate understood the processes, how to notify the proper authorities, the SANE/SAFE hospital being used and that each occurrence would be documented in the medical database used by medical staff.

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

115.35
(a) The John W. Middleton Unit PAQ states the agency has a policy related to the training of medical and mental health practitioners who work regularly in its facilities. 34 staff, a 100% of medical and mental health staff who work at the facility have received training required by agency policy.

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

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

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

(c) The John W. Middleton Unit PAQ states the agency maintains documentation showing that medical and mental health practitioners have completed the required training.

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

Standard 115.41: Screening for risk of victimization and abusiveness

115.41 (a)

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

115.41 (b)

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

115.41 (c)

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

115.41 (d)

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

- Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization? ☒ Yes ☐ No

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

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

### 115.41 (e)

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

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

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

### 115.41 (f)

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

### 115.41 (g)

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

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

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

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

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

115.41 (i)

- Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates? ☒ Yes ☐ No

Auditor Overall Compliance Determination

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

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. SPPANS Assessment Guide, 72 hours Assessment database printout of Risk Assessment

Interviews:
1. Targeted inmates
2. Intake staff
3. Unit Safe Prisons Manager
4. Acting PREA Compliance Manager

Interviews with intake and PREA Compliance staff demonstrated that risk assessments are completed with each inmate within 72 hours of admission. Intake staff stated that the inmate risk level is communicated to Sociology, Medical and the Classification Committee. Staff stated a second risk assessment is completed within 15-30 days of intake. In addition, inmates who had disclosed upon intake or anytime during their stay had been referred to mental health staff for services. Targeted inmates spoke highly of the Unit Safe Prisons Manager and her empathy towards their very private disclosures. Targeted inmates reported seeing mental health staff for their disclosures, ongoing meetings and meetings to include their families, as well.

Site Observation:
During review of 21 inmate files, this Auditor noted each inmate had received screening within 72 hours of admission, primarily on the day of admission. Of the 21 files reviewed, all had received risk assessments accept for three due to the transfer process using what is called a ‘Short Form’. Upon being made aware of the ‘Long Form’ not being completed, the Acting PREA Compliance Manager completed the correct form and discussed the issue with Intake staff to ensure the issue did not repeat with upcoming transfers. It is important to understand this facility is a transfer unit that has recently been introduced to new protocols regarding intake forms used for all intakes. The Auditor was satisfied with the discussion and explanation that took place regarding new protocols in place regarding ‘Long Forms’ now being used for all intakes. Mental health follow-up appointments for those inmates who had disclosed were documented in the agency database and had occurred within 14 days of disclosure.
The John W. Middleton Unit PAQ states that the facility has a policy that requires screening, upon admission or transfer, for risk of sexual abuse victimization or sexual abusiveness toward other Inmates.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 16-17, section B.1-3, states,

1. “All offenders shall be assessed during intake, and if transferred to another unit for permanent assignment, to determine the risk of being sexually abused by or sexually abusive toward other offenders.

2. Intake screening shall take place within 24 hours of arrival at the unit in accordance with the SPPOM.

3. Assignments shall be made through the collaborative efforts of intake staff, the USPPM, and medical and mental health services by using objective screening instruments.”

a. The intake screening shall include, at a minimum, the following criteria to assess offenders for risk of sexual victimization:
   (1) Any mental, physical, or developmental disability;
   (2) The age of the offender;
   (3) The physical build of the offender;
   (4) Previous incarceration;
   (5) Whether the criminal history is exclusively nonviolent;
   (6) Prior convictions for sex offenses against an adult or child;
   (7) Perception of the offender as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
   (8) Previous sexual victimization; and
   (9) The offender’s own perception of vulnerability.

b. The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the TDCJ, in assessing offenders for risk of being sexually abusive.

c. After completion of the screening instrument, the USPPM shall forward a copy to the intake coordinator, for intake facilities, and the original shall be provided to the unit classification department for review.

The facility provided a SPPANS Assessment User Guide. This guide demonstrates areas completed in this database assessment, the following questions are asked of the inmate, within 72 hours of intake:

- Offender TDCJ#; Ethnicity; Gender; Height; Weight; Age
- File review:
  - Prior incarcerations
  - Prior sexual Offense: was it against an adult or child
  - Criminal History is exclusively non-violent
  - Evidence suggesting offender has history of prior institutional sexual victimization
  - Evidence suggesting offender has history of prior institutional violence or sexual abuse
  - Completed Safe Prisons/ PREA education during current incarceration

- History of sexual abuse:
  - Prior to incarceration have you ever experienced sexual victimization
  - Engaged in sexual activity with another because you believed you would be harmed if you refused
o Been forced or coerced to engage in sexual activity for protection or otherwise
o Engaged in non-coerced (willing) sexual activity with Staff or Offender?
  ▪ Was abuse reported
o Forced another offender by violence, threats, or promise to provide protection to engage in sexual acts?
o Been disciplined in any other institution for sexual abuse or sexual harassment of another offender?
o Do you have any mental, physical, or developmental disabilities?
o Do you feel at risk from sexual abuse, sexual harassment, or other forms of victimization?
o How do you wish to identify?
o Do you identify as Transgender or Intersex?

(b) The John W. Middleton Unit PAQ states the number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their entry into the facility was 5144.

(c) The John W. Middleton Unit PAQ states the facility conducts risk assessments by using an objective screening instrument. Screenings are completed in the Safe Prisons/PREA Automated Network System (SPPANS) Assessments database.

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

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

(f) The John W. Middleton Unit PAQ states the policy requires that the facility reassess each inmate’s risk of victimization or abusiveness within a set time period, not to exceed 30 days after the inmate’s arrival at the facility, based upon any additional, relevant information received by the facility since the intake screening. The number of inmates entering the facility (either through intake or transfer) within the past 12 months (whose length of stay in the facility was for 30 days or more) who were reassessed for their risk of sexual victimization or of being sexually abusive with 30 days after their arrival at the facility based upon any additional relevant information received since intake was 6027.

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

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

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

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

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

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

**Standard 115.42: Use of screening information**

**115.42 (a)**

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

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

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

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

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

**115.42 (b)**

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

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

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

115.42 (d)

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

115.42 (e)

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

115.42 (f)

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

115.42 (g)

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

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

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

Auditor Overall Compliance Determination

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted Inmates
2. Random Inmates
3. Supervisory staff
4. Unit Safe Prisons Manager
5. Nurse Manager
6. Warden

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

Site Observation:
Review of staff protocols and inmate placement demonstrated thought and consideration is placed on inmates who could be considered victims and or aggressors. RSPO staff explained highly aggressive inmates would not be housed at the facility for any length of time. A Classification Meeting took place during the on-site review. (The initial phone call to the facility was delayed, slightly, due to the Warden being in a Classification Meeting, further attesting the ongoing practice.)

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

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

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

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

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

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

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

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.43: Protective Custody**

**115.43 (a)**

- Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers? ☒ Yes ☐ No

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

- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible? ☒ Yes ☐ No
- Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible? ☒ Yes ☐ No
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA
- If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.) ☒ Yes ☐ No ☐ NA

115.43 (c)

- Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged? ☒ Yes ☐ No
- Does such an assignment not ordinarily exceed a period of 30 days? ☒ Yes ☐ No

115.43 (d)

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

115.43 (e)

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

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

Through interviews this Auditor learned placement of inmates in seclusion is typically done only as a result of an allegation and primarily at the request of the inmate. Targeted inmates in and out of the seclusion spoke to receiving services while in the K-Unit and such placement was primarily their choice.

115.43

(a) The John W. Middleton Unit PAQ states the agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing unless and an assessment of all available alternatives has been made and a determination has been made that there is not available alternative means of separation from likely abusers.

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

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

(c) The John W. Middleton Unit PAQ states the number of inmates at risk of sexual victimization who were assigned to involuntary segregated housing in the past 12 months, for longer than 30 days while awaiting alternative placement was zero. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 5., states, “Offenders shall be
assigned to protective safekeeping only until an alternative means of separation from likely abusers is arranged, for no longer than 30 days.”

(d) The John W. Middleton Unit PAQ states from a review of case files of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facilities concern for the inmate’s safety, and (b) the reason or reason why alternative means of separation could not be arranged was zero. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section C. 4., states, “If a protective safekeeping housing assignment is made pursuant to Section III.C.3, the unit shall clearly document: The basis of the concern for the offender’s safety; and The reason why no alternative means of separation can be arranged.”

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

Through such reviews, the facility meets this standards requirements.
Standard 115.51: Inmate reporting

115.51 (a)

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

115.51 (b)

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

115.51 (c)

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

115.51 (d)

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

Auditor Overall Compliance Determination

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Offender Orientation Handbook (English and Spanish), dated February 2017
4. Texas Board of Criminal Justice PREA Ombudsman Office brochure, dated May 2019

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

Staff and inmates were comfortable reporting verbally to any staff; however, each interviewed knew the PREA Compliance Manager and spoke to his name being found on signs throughout the ‘Hall’. (This was also witnessed by the Auditor.) Inmates were also aware of calling the hotline numbers posted throughout the facility. *(Please note, as described previous to this standard, four inmates stated they were not trained on such information although file review suggested otherwise. These four inmates were reassigned comprehensive PREA training to ensure they were fully aware of all PREA protocols.)*

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

115.51
(a) The John W. Middleton Unit PAQ states The agency has established procedures allowing for multiple internal ways for Inmates to report privately to agency officials about sexual harassment, abuse, retaliation and or any type of neglect.

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

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

The Agency provided a Texas Board of Criminal Justice PREA Ombudsman Office brochure. The brochure provides addresses and phone numbers to the following:
On October 24, 2021 at 10:49 MST, this Auditor contacted the PREA Ombudsman Office at P.O. Box 99, Huntsville, TX 77342 at 936.437.5570 and received a recorded message stating that the office was responsible for PREA investigations on sexual abuse and sexual harassment. The message continued to state if the call needed immediate attention, the caller could dial 936.437.5586, or 936.437.5587, or 936.437.5588 and contact another Ombudsman operator. This Auditor left a message, explaining the reason for the call. The following morning at 8:30 MST, the PREA Ombudsman returned the Auditor’s call and explained the proper departments would be notified any time a third party contacted the office. The Ombudsman continued to state the Ombudsman’s office would ensure an investigation was completed through to completion.

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

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

(c) The John W. Middleton Unit PAQ states the agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties. The agency has a policy mandating that staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously and from third parties.

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

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

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

Through such reviews, the facility meets this standards requirements.
### Standard 115.52: Exhaustion of administrative remedies

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

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

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

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

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

Are those third parties also permitted to file such requests on behalf of inmates? (If a third-party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.) ☒ Yes ☐ No ☐ NA

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

115.52 (f)

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

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

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

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

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

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

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

115.52 (g)

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

Auditor Overall Compliance Determination
☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

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

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. PREA Stats: NE – Sexual Abuse Related Grievance Codes, dated 12.2.2020 through 7.6.2021
4. Texas Department of Criminal Justice Offender Grievance Form, dated 11.20.2010
5. Third Party Grievance - Third Party Preliminary Investigation Form, not dated
6. Law Library Holdings List, dated June 2021

**Interviews:**
1. Random Inmates
2. Targeted Inmates
3. RSPO
4. PREA Ombudsman
5. Acting PREA Compliance Manager
6. Warden

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

**Site Observation:**
Inmates were able to file grievances by placing in the grievance or medical boxes located outside of the dining hall. During the on-site review, the Auditor toured the Law Library and was given a copy of the Law Library Holdings List. This list, dated June 2021, outlines documentation available to inmates, to include:

- PREA, SAFE PRISONS/ PREA Plan, February 2019
- National PREA Standards
- PREA Final Rule
- Time limits to any portion of a grievance that does not allege an incident of sexual abuse shall be managed in accordance with the TDCJ Offender Grievance Operations Manual
- #7: In accordance with the TDCJ Offender Grievance Operations Manual. 7.a. An offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint; and b. A grievance of this nature shall be referred to a staff member who is the subject of the complaint.

115.52

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

(b) Agency policy does not require an inmate to use an informal grievance process, or otherwise to attempt to resolve with staff, an alleged incident of sexual abuse. Texas Department of Criminal
“Offenders shall not be required to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse.”

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

(c) The John W. Middleton Unit PAQ states the agency’s policy and procedure allows an inmate to submit a grievance alleging sexual abuse without submitting it to the staff member who is the subject of the complaint. The agency’s policy and procedure requires that an inmate grievance alleging sexual abuse not be referred to the staff member who is the subject of the complaint.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 7. b., states, “A grievance of this nature shall not be referred to a staff member who is the subject of the complaint.”

(d) The John W. Middleton Unit PAQ states the agency’s policy and procedures that require a decision on the merits of any grievance or portion of a grievance alleging sexual abuse be made within 90 days of the filing of the grievance. In the past 12 months:

- there have been four grievances filed alleging sexual abuse;
- four cases in the past 12 months, the number of grievances alleging sexual abuse that reached final decision within 90 days after being filed;
- zero grievances alleging sexual abuse that involved extensions because final decision was not reached within 90 days.

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

a. Computation of the 90-day time period shall not include time used by offenders for preparing an administrative appeal.

b. If the 90-day time period is insufficient to make an appropriate decision, an extension of up to 70 days may be granted. The offender shall be notified in writing of the extension and a date by which the decision will be made.

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

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

Voyeurism – 2
Extortion – 0
Allegations of sexual assault by another inmate - 1
Allegations of sexual contact by another inmate – 0
Allegations of sexual harassment by an inmate – 0
Allegations of sexual assault by staff – 1
Allegations of sexual contact by staff – 0
Allegations of sexual harassment by staff – 6
Third Party allegations of sexual abuse by another inmate – 0
Third Party allegations of sexual abuse by staff – 0
Alleged victim of third party compliant docs not wish to file a grievance – 0
Grievance filed by an alleged victim of a third party compliant - 0

Of the 10 grievances submitted, each was responded to and closed with the standard 90 day requirements. The shortest length of time for a completed grievance was 15 days and the longest length of time for a completed grievance was 40 days.

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

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

a. If a third party files a request on behalf of an offender, the unit may require, as a condition of processing the request, the alleged victim to agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process in accordance with the TDCJ Offender Grievance Operations Manual.

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

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

(f) The John W. Middleton Unit PAQ states the facility has a policy and established procedures for filing an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse. The facilities policy and procedures for emergency grievances alleging substantial risk of imminent sexual abuse require an initial response within 48 hours. The facilities policy and procedure for emergency grievances alleging substantial risk of imminent sexual abuse require that a final agency decision be issued within 5 days. No grievances were received alleging substantial risk of imminent sexual abuse, that were filed in the past 12 months, reached final decisions within 40 days.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 22, section 9-10., states, “An emergency grievance alleging substantial risk of imminent sexual abuse shall be filed and managed in accordance with the TDCJ Offender Grievance Operations Manual. When an emergency grievance is received, any portion that alleges the substantial risk of imminent sexual abuse shall be forwarded to a level of review for immediate corrective action. An initial response shall be provided within 48 hours of receipt, and a final decision rendered within five calendar days. The initial response and final decision shall document whether the offender is in substantial risk of imminent sexual abuse and the action taken. Information related to this item may be found in the TDCJ Offender Grievance Operations Manual.”

(g) The John W. Middleton Unit PAQ states the facility has a written policy that limits its ability to discipline an inmate for filing a grievance alleging sexual abuse to occasions where the agency demonstrates that the Inmate filed the grievance in bad faith. In the past 12 months, there have been zero grievances alleging sexual abuse to occasions where the agency demonstrated that the Inmate filed the grievance in bad faith.

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

Through such reviews, the facility meets this standards requirements.

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

**115.53 (a)**

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

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

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

**115.53 (b)**

- Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws? ☒ Yes ☐ No

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

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

Auditor Overall Compliance Determination

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Association Against Sexual Assault Service (TAASA) Directory, not dated
4. End the Silence Brochure, not dated

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

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

Site Observation:
As is stated in standard 115.21, the facility recently changed advocacy agencies due to current providers being unable to service all inmates at the John W. Middleton Unit. All required information for outside reporting entities are placed on standardized bulletin boards throughout the campus.

115.53
(a) The John W. Middleton Unit PAQ states the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse by:

 Giving inmates (by providing, posting, or otherwise making accessible) mailing addresses and telephone numbers (including toll-free hotline numbers where available) of local, State, or national victim advocacy or rape crisis organizations.
 Giving inmates mailing addresses and telephone number (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes; and
 Enables reasonable communication between Inmates and these organizations, in as confidential manner as possible.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section 3. a., states, “Offenders shall be provided access to victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, state, or national victim advocacy or rape crisis organizations. The unit shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible.”

The agency provided a TAASA Service Directory which has information for victim crisis centers for each city in the state of Texas. On October 22, 2021 at 12:23 pm MST, the Auditor phoned the Abilene Regional Victim Crisis Center at 310 North Willis, Abilene Texas at hotline number 325.677.7895 and spoke with Operator C.R. After this Auditor introduced herself and the reason for calling, the Operator provided the following information:

- Depending in the reason the inmate was incarcerated would depend on if the center could assist the inmate.
- The crisis center uses grant dollars and are not allowed to provide services for violent offenders unless those victims were amongst the sex trafficked population.
- When asked how the Operator would gain knowledge on the inmate purpose for being incarcerated, the Operator stated the information typically comes out organically. However, if the conversation did not provide such information, the Operator would have to ask the inmate why s/he was incarcerated before services could be provided.
- If they could not help the inmate due to the nature of their crime(s), the crisis center would do their best to provide another crisis center.
- Due to the crisis center not having the autonomy to provide services to all inmates the Auditor thanked the Operator and ended the call.

Due to the above advocacy agency’s above not being able to provide proper services to the John W. Middleton Unit, the facility acquired a Memorandum of Understanding with The Noah Project. The facility received Noah Project flyers the first day of the on-site review. Flyers were posted throughout the facility and verified by the Auditor on the second day of the on-site review. All staff were made aware of the change in advocacy services via an email from the Acting PREA Compliance Manager, stating the following: “The Middleton Unit has partnered up with the Noah Project to provide advocacy services for the inmates. As of Wednesday, the hotlines are up and running. We have posted the flyers in every dorm by the telephones providing instructions on how to make the call. This is new to us, so it is a work in progress. If any inmate comes to you with questions pertaining to these flyers, please direct them to the Safe Prison Office. We will be making rounds and talking with these inmates on this new advocacy.”

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

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section 3. b., states, “Offenders shall be informed, prior to giving them access, of the extent to which these communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.”
The agency provided an End the Silence brochure. This brochure provides an address and phone number to the PREA Ombudsman at P.O. Box 99, Huntsville, TX 77342, telephone number 936.437.5570 and instruction on reporting sexual harassment and sexual abuse.

(c) The John W. Middleton Unit PAQ states the facility maintains memoranda of understanding with community service providers that are able to provide inmates with emotional support services related to sexual abuse.

Through such reviews, the facility meets this standards requirements.

**Standard 115.54: Third-party reporting**

**115.54 (a)**

- Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment? ☒ Yes ☐ No
- Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**
1. John Middleton Transfer Facility
2. Texas Department of Criminal Justice, PREA Ombudsman Public Web Address: [Texas Board of Criminal Justice - PREA Ombudsman](http://www.texasboardofcriminaljustice.org/prea/index.cfm)

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

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

**Site Observation:**
During tours of visitation area, standardized bulletin boards were available to include third party reporting information.

115.54
(a) The John W. Middleton Unit PAQ states the facility provides a method to receive third-party reports of inmate sexual abuse or sexual harassment. The agency publicly distributes information on how to report Inmate sexual abuse or sexual harassment on behalf of Inmates.

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

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

115.61 (a)

- Does the agency require all staff to report immediately and according to agency directive any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency? ☒ Yes ☐ No

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

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

115.61 (b)

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

115.61 (c)

- Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section? ☒ Yes ☐ No

- Are medical and mental health practitioners required to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services? ☒ Yes ☐ No

115.61 (d)

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

115.61 (e)

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

Auditor Overall Compliance Determination

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

Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Random inmates
2. Targeted inmates
3. Random staff
4. Nurse Manager
5. Acting PREA Compliance Manager
6. Major - Facility Investigator
7. Warden

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

Site Observations:
Staff reporting documentation of inmate information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. The PREA Ombudsman provided a tour of information stored within the facility database documenting completed reports and investigations regarding reported allegations. This tour demonstrated inmate information, incidents and investigations to be stored as reported.

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

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

2. A method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.”
(b) The John W. Middleton Unit PAQ states, “Apart from reporting to designated supervisors or official and designated state or local service agencies, agency policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 23, section A. 13., states, “Staff shall not reveal any information related to a sexual abuse report to anyone other than designated supervisors or officials, and only to the extent necessary to make informed treatment, investigative, security, and management decisions.”

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

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

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.62: Agency protection duties**

115.62 (a)

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

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
Interviews:
1. Targeted inmates
2. Acting PREA Compliance Manager
3. Major - Facility Investigator

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

Site Observation:
Review of 16 allegations revealed, where applicable, inmates were separated, when appropriate, reported timely. Of the 16 allegations reviewed, 11 were unsubstantiated and five were unfounded. Of the 16 allegations, all investigations were completed within 30 days of the reported allegation.

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

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

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

Through such reviews the facility meets this standards requirements.

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

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

115.63 (b)

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

115.63 (c)

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

115.63 (d)

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

Auditor Overall Compliance Determination

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

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

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

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:

1. Warden

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

Site Observation:

The facility had one reported allegation of sexual abuse while confined at another facility. A report was provided, printed from the Texas Department of Criminal Justice database, outlining the incident details.

115.63 (a) The John W. Middleton Unit PAQ states the agency has a policy requiring that, upon receiving an allegation that an inmate was sexually abused while confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency or facility where sexual abuse is alleged to have occurred. The agency’s policy also requires that the head of the facility notify the appropriate investigative agency. In the past 12 months, the facility has received zero allegations that an inmate was abused while in confinement at another facility.
Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24-25, section D. 1. states, “After receiving an allegation that an offender was sexually abused while confined at another facility, such as a county jail or out of state facility, the individual taking the initial report shall immediately notify the USPPM. The USPPM shall provide the SPPMO with the details of the alleged incident so the SPPMO may initiate notification to the appropriate office of the outside agency where the alleged abuse occurred.

(b) The John W. Middleton Unit PAQ states agency policy requires that the facility head provides such notification as soon as possible, but no later than 72 hours after receiving the allegation. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section D. 1.a., states, “The SPPMO shall provide the notification to the appropriate agency as soon as possible, but no later than 72 hours after receiving the allegation.”

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

(d) The John W. Middleton Unit PAQ states facility policy requires that allegations received from other agencies or facilities are investigated in accordance with the PREA standards. In the last 12 months, there have been one allegations of sexual abuse the facility received from other facilities. Through such reviews, the facility meets this standards requirements.

**Standard 115.64: Staff first responder duties**

**115.64 (a)**

- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Separate the alleged victim and abuser? ☒ Yes ☐ No

- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence? ☒ Yes ☐ No

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

- Upon learning of an allegation that an inmate was sexually abused, is the first correctional officer to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence? ☒ Yes ☐ No

**115.64 (b)**
If the first staff responder is not a correctional officer, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify correctional staff? □ Yes □ No

Auditor Overall Compliance Determination

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

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

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Random staff
2. Shift Captains
3. Acting PREA Compliance Manager
4. Major - Facility Investigator

Interviews with all staff demonstrated each were aware of their first responder responsibilities. Staff stated reporting information is posted on bulletin boards in each living unit, through PREA reporting cards carried by staff and each staff interviewed stated reports were made to the Acting PREA Compliance Manager.

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

115.64
(a) The John W. Middleton Unit PAQ states the agency has a first responder policy for allegations of sexual abuse. The policy requires that, upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to separate, preserve, protect, collect physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

In the past 12 months, 15 allegations occurred where an inmate was sexually abused. Of these allegations, the number of time the first security staff member to respond to the report separated the alleged victim and abuser was two. In the past 12 months, there were eight allegations where staff were notified within a time period that still allowed or the collection of evidence. Of these allegations, the number of time the first security staff member to respond to the report was zero.
a. Notify a security supervisor;
b. Separate the alleged victim and assailant;
c. Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect any evidence;
d. Be required to request that the alleged victim not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence.
e. Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence.”

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

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.65: Coordinated response**

**115.65 (a)**

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

**Auditor Overall Compliance Determination**

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Middleton Unit Sexual Abuse Coordinated Response Plan, not dated

Interviews:
1. Random staff
2. Specialized staff
3. Acting PREA Compliance Manager

Interviews with the Acting PREA Compliance Manager and facility staff demonstrated the response to allegations of sexual assault is written to coordinate actions taken in response to sexual abuse and sexual harassment incidents.

Site Observation:
Review of the Middleton Unit Sexual Abuse Coordinated Response Plan demonstrates clear direction to staff to ensure first responder duties are fulfilled.

115.65
(a) The John W. Middleton Unit PAQ states the facility developed a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 26, section 1. H., states, “Additional information regarding coordinated response procedures may be found in the SPPOM.”

The facility provided a Middleton Unit Sexual Abuse Coordinated Response Plan that require the following procedures:
- Reporting of Sexual Abuse, Sexual Harassment, Sexual Misconduct and Retaliation
- Response and Investigation
- First Responder Duties
- Process Following an Allegations Offender Sexual Abuse
- Notification and Investigation Process
- Investigation Documentation – Attachment G Sexual Abuse Investigation Checklist
- Other responsibilities

Through such reviews, the facility meets this standards requirements.

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

115.66 (a)

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

115.66 (b)

- Auditor is not required to audit this provision.
Auditor Overall Compliance Determination

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

115.66
(a) The John W. Middleton Unit PAQ states the agency, facility, or any other governmental entity responsible for collective bargaining on the agency’s behalf has entered into or renewed any collective bargaining agreement or other agreement since August 20, 2012, or since the last PREA audit, whichever is later.

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

Through such reviews, the facility meets this standards requirements.

**Standard 115.67: Agency protection against retaliation**

115.67 (a)

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

115.67 (b)

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

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

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

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

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

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

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

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

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

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

### 115.67 (d)

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

### 115.67 (e)

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

- Auditor is not required to audit this provision.

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**
1. Acting PREA Compliance Manager

Interviews Acting PREA Compliance Manager would complete retaliation monitoring.

115.67

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

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 2., states, “As appropriate, multiple protective measures may be taken, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offender or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.”

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

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 3., states, “For at least 90 days following a report of sexual abuse, the USPPM shall monitor and document the conduct and treatment of offenders or staff who reported the sexual abuse, and of offenders who were reported to have been victims of sexual abuse, for changes that may indicate possible retaliation by offenders or staff, and shall act promptly to address any retaliation.”
(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 24, section C. 5., states, “The monitoring shall also include periodic status checks of offenders.”

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

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

Through such reviews, the facility meets this standards requirements.

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

115.68 (a)

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

**Auditor Overall Compliance Determination**

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**
1. Random Inmates
2. Targeted Inmates
3. Specialized staff
4. Acting PREA Compliance Manager

Random and targeted inmate interviews conducted demonstrated that inmates are placed in protective custody typically at their own choosing and or during investigations to keep inmates safe. Interviews with facility staff demonstrated that the protective custody for targeted inmates only occurs when absolutely necessary and never solely as a means for inmates who identify as LBGTQI.

**Site Observation:**
Targeted inmates are placed in K Housing either during an investigation, at their own request, or until the Classification Team meets to ensure safety for the inmate in question.
115.68

(a) The John W. Middleton Unit PAQ states the agency has a policy prohibiting the placement of inmates who allege to have suffered sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. The number of inmates who allegation to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months for one to 24 hours awaiting completion of assessment was zero. The number of inmates who allege to have suffered sexual abuse who were assigned to involuntary segregated housing in the past 12 months for longer than 30 days while awaiting alternative placement was zero. From a review of case files of inmates who allege to have suffered sexual abuse who were held in involuntary segregated housing in the past 12 months, the number of case files that include BOTH (a) a statement of the basis for facility’s concern for the inmate’s safety, and (b) the reason or reasons why alternative means of separation could not be arranged was zero: If an involuntary segregated housing assignment is made, the facility affords each such inmate a review every 30 days to determine whether there is a continuing need for separation from the general population.

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

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

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

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

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

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

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

115.71 (a)

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

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

115.71 (b)

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

115.71 (c)

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

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

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

115.71 (d)

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

115.71 (e)

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

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

115.71 (f)

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

115.71 (g)

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

115.71 (h)

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

115.71 (i)

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

115.71 (j)

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

115.71 (k)

- Auditor is not required to audit this provision.

115.71 (l)

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

Auditor Overall Compliance Determination

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

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

Interviews:
1. Targeted inmates
2. Major - Facility Investigator
3. Acting PREA Compliance Manager

Interviews with the facility investigator and Acting PREA Compliance Manager demonstrated each completed initial and annual specialized investigator training, accept for the fiscal year of 2020-2021 due to no in person training due to COVID. The investigator clearly articulated processes required during an investigation, to include the notification requirements to victims. Notifications to victims are documented in the agency database.

Site Observation:
Review of the 16 Administrative Investigations demonstrated each were completed thoroughly and within 30 days of the initial report. Each investigation included interviews with victims, perpetrators and staff in the area where the allegation took place. Of the 16 investigations completed, 11 were substantiated and five were unfounded.

115.71
(a) The John W. Middleton Unit PAQ states the agency/facility has a policy related to criminal and administrative agency investigations. Since the last PREA audit, the facility has had zero criminal investigations referred to law enforcement.

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

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

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

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

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

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

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 29, section c-e., state,

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

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

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

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

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

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

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

(k) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 25, section V. A. a-b., state, "The requirements of evidence protocol and forensic medical examinations shall also apply to:

a. Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and

b. Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails."

(l) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 29, section f., states, "Unit staff conducting OPIs shall cooperate with the OIG when applicable, to avoid interfering with possible criminal investigation related to the same incident."

Through such reviews, the facility meets this standards requirements.
Standard 115.72: Evidentiary standard for administrative investigations

115.72 (a)

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

Auditor Overall Compliance Determination

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

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

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

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

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

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

Through such reviews, the facility meets this standards requirements.

Standard 115.73: Reporting to inmates

115.73 (a)

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

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

115.73 (c)

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

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

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

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

115.73 (d)

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

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

115.73 (e)

Does the agency document all such notifications or attempted notifications? ☒ Yes ☐ No

115.73 (f)

Auditor is not required to audit this provision.

Auditor Overall Compliance Determination
☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

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

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

**Document Review:**

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. 16 completed investigations
4. Sample UCC Notification of OPI Outcomes, Form SPPOM 05.05, not dated
5. Five completed Offender Notifications, dated from October 2020 through September 2021
6. Texas Department of Criminal Justice Safe Prisons/PREA Program Staff-On-Offender Sexual Abuse Investigative Worksheet, form SPPOM 05.11, dated 07/2014

**Interviews:**

1. Major - Facility Investigator

Interviews with the facility investigator demonstrated notification requirements to victims was given verbally and in writing. Documentation of notifications are documented in the agency database used for investigations.

115.73

(a) The John W. Middleton Unit PAQ states the agency has a policy requiring that any inmate who makes an allegation that he or she suffered sexual abuse in an agency facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded following an investigation by the agency. The number of criminal and/or administrative investigations of alleged inmate sexual abuse that were completed by the agency/facility in the past 12 months was 15. Of the alleged sexual abuse investigations that were completed in the past 12 months, the number of inmates who were notified, verbally or in writing, of the results of the investigations was 18.

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

(b) The John W. Middleton Unit PAQ states if an outside entity conducts such investigations, the agency requests the relevant information from the investigative entity in order to inform the Inmate as to the outcome of the investigation. In the past 12 months, there has been two investigations of alleged inmate sexual abuse; however, the Office of Inspector General complete two investigations.

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

(c) The John W. Middleton Unit PAQ states following an inmate’s allegation that a staff member has committed sexual abuse against the Inmate, the agency/facility subsequently informs the Inmate (unless the agency has determined that the allegation is unfounded) whenever:
• The staff member is no longer posted within the Inmate’s unit;
• The staff member is no longer employed at the facility;
• The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or
• The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.”

There has been a substantiated or unsubstantiated complaint of sexual abuse committed by staff against an inmate in the last 12 months.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 27, section C. 4-5, state, “If an offender is determined to have been a victim of staff-on-offender sexual abuse, the warden shall inform the offender when:
• The staff member is no longer assigned to the offender’s unit; or
• The staff member is no longer employed by the TDCJ.

If an offender is determined to have been a victim of staff-on-offender sexual abuse and the abuse is determined criminal, the SPPMO shall inform the offender when:
• The staff member has been indicted on a charge related to sexual abuse within the unit; or
• The staff member has been convicted on a charge related to sexual abuse within the unit.”

(d) The John W. Middleton Unit PAQ states following an inmate’s allegation that he or she has been sexually abused by another Inmate in an agency facility, the agency subsequently informs the alleged victim whenever: the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 27-28, section C. 6., states, “If an offender alleges to have been a victim of offender-on-offender sexual abuse, the SPPMO will subsequently inform the alleged victim when:
• The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or
• The alleged assailant has been convicted on a charge related to sexual abuse within the unit.”

(e) The John W. Middleton Unit PAQ states the agency has a policy that all notifications to inmates described under this standard are documented. In the past 12 months, there has been 18 notifications to an inmate, pursuant to this standard. Of those motivations, in the past 12 months, 18 were documented.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 28, section C. 8-9., state:
8. All offender notifications or attempted notifications described in items 4-6 of this section shall be documented.
9. The requirement to provide offender notification shall terminate if the offender is released from the custody of the TDCJ.

The facility provided five of the 18 written notifications. Of the notifications provided, notifications were provided when the allegation resulted in criminal investigation and when the allegation resulted in a finding.

The agency provided a Sample UCC Notification of OPI Outcomes, Form SPPOM 05.05. This form documents the incident #, Offender Name, TDCJ# and an outcome of Substantiated, Unsubstantiated or Unfounded.
Through such reviews, the facility meets this standards requirements.
**DISCIPLINE**

**Standard 115.76: Disciplinary sanctions for staff**

115.76 (a)
- Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment Directives? ☒ Yes ☐ No

115.76 (b)
- Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse? ☒ Yes ☐ No

115.76 (c)
- Are disciplinary sanctions for violations of agency Directives relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories? ☒ Yes ☐ No

115.76 (d)
- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No
- Are all terminations for violations of agency sexual abuse or sexual harassment Directives, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**
1. Acting PREA Compliance Manager
Interview with the Acting PREA Compliance Manager demonstrated the employee would be placed on Administrative Leave until the investigation was completed. Depending on the outcome, would depend on disciplinary action that would take place. The Acting PREA Compliance Manager stated this had never happened during her employ at the Middleton Unit.

Site Observation:
In the last 12 months, the facility had zero staff who was disciplined for violation of an agency sexual abuse or sexual harassment policy.

115.76  
(a) The John W. Middleton Unit PAQ states staff is subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 6., states, “Disciplinary actions related to staff-on-offender sexual abuse or sexual harassment violations shall be handled in accordance with PD-22, “General Rules of Conduct and Disciplinary Action Guidelines for Employees.”

Texas Department of Criminal Justice – Executive Directive – Subject: General Rules of Conduct and Disciplinary Action Guidelines for Employees, page 2, section Policy, states, “Employees are representatives of the TDCJ and are expected to adhere to the highest standards of conduct while on duty or off duty, including adherence to the rules of conduct described in the Listing of Employee General Rules of Conduct and Disciplinary Violations. Employees who allegedly commit a rule violation will be subject to disciplinary action in accordance with the procedures within this directive.”

(b) The John W. Middleton Unit PAQ states in the last 12 months, there has been zero staff from the facility that had violated agency sexual abuse or sexual harassment policies. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 5., states, “Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.”

(c) The John W. Middleton Unit PAQ states disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the past 12 months there have zero staff requiring discipline for sexual abuse or sexual harassment.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 6., states, “Disciplinary sanctions for violations of TDCJ policies relating to sexual abuse or sexual harassment, that do not involve actual sexual abuse, shall be commensurate with the nature and circumstances of the acts committed, the staff member’s disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.”

(d) The John W. Middleton Unit PAQ states all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies. In the past 12 months, zero staff have been terminated for sexual abuse or harassment.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39, section 7., states, “All terminations for violations of TDCJ sexual abuse or sexual
harassment policies, or resignations in lieu of termination, shall be reported to the OIG, unless the activity was clearly not criminal, and to any relevant licensing bodies.”

Through such reviews, the facility met this standards requirements.

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

**115.77 (a)**

- Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates? ☒ Yes ☐ No

- Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)? ☒ Yes ☐ No

- Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies? ☒ Yes ☐ No

**115.77 (b)**

- In the case of any other violation of agency sexual abuse or sexual harassment Directives by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Rehabilitation Programs Division – Volunteer Training Facilitators Guide, dated 5.5.2015
4. Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation, dated January 2015

**Interviews:**

1. Acting PREA Compliance Manager

The interview with the Acting PREA Compliance Manager demonstrated any volunteer or contractor who engaged in sexual abuse would be removed from the facility and reported to law enforcement. The Acting PREA Compliance Manager stated this had never happened during her employ with the John W. Middleton Unit.

**Site Observation:**
During the last audit cycle, the facility did not have any volunteers or contractors subject to disciplinary action due to violating sexual abuse or sexual harassment policies.

115.77
(a) The John W. Middleton Unit PAQ states agency policy requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. agency policy requires that any contractor or volunteer who engages in sexual abuse be prohibited from contact with Inmates. In the past 12 months, there have been zero contractors or volunteers reported to law enforcement or relevant licensing bodies for engaging in sexual abuse of Inmates.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 39-40, section B. 1., states, “Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with offenders and shall be reported to applicable law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies.”

The agency provided a Texas Department of Criminal Justice Rehabilitation Programs Division – Volunteer Training Facilitators Guide. The guide demonstrates volunteers are provided training to include the agency Zero Tolerance for Sexual Misconduct policies.

The agency provided the Texas Department of Criminal Justice Volunteer Services Acknowledgment of Volunteer Training/Orientation. This acknowledgment demonstrates volunteers have attended and understand the volunteer training per TDCJ rules, expectations and responsibilities.

(b) The John W. Middleton Unit PAQ states the facility takes appropriate remedial measures and considers whether to prohibit further contact with Inmates in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 40, section B. 2., states, “The unit shall take appropriate remedial measures, and shall consider whether to prohibit further contact with offenders, in the case of any other violation of TDCJ sexual abuse or sexual harassment policies by a contractor or volunteer.”

Through such reviews, the facility meets this standards requirements.

**Standard 115.78: Disciplinary sanctions for inmates**

115.78 (a)
- Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process? ☒ Yes ☐ No

115.78 (b)
- Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories? ☒ Yes ☐ No
115.78 (c)

- When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior? ☒ Yes ☐ No

115.78 (d)

- If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits? ☒ Yes ☐ No

115.78 (e)

- Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact? ☒ Yes ☐ No

115.78 (f)

- For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation? ☒ Yes ☐ No

115.78 (g)

- If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.) ☒ Yes ☐ No ☐ NA

**Auditor Overall Compliance Determination**

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

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

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

**Document Review:**

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

**Interviews:**

1. Major - Facility Investigator

Interviews with the facility investigator demonstrated inmates who falsely reported PREA allegations would typically be moved to another housing unit and or facility due to safety reasons for the inmate.
(a) The John W. Middleton Unit PAQ states inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are subject to disciplinary sanctions only pursuant to a formal disciplinary process following a criminal finding of guilt for inmate-on-inmate sexual abuse. In the past 12 months there have been zero administrative findings of inmate-on-inmate sexual abuse have occurred at the facility. In the past 12 months there have no criminal findings of guilt for inmate-on-inmate sexual abuse, occurring at the facility.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 1., states, “Offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse, sexual harassment, extortion, substantiated acts of violence, or following a criminal finding of guilt for offender-on-offender sexual abuse in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 2, states, “Sanctions shall be appropriate to the nature of abuse committed, the offender’s disciplinary history, and the sanction imposed for comparable offenses by other offenders with similar histories.”

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 3, states, “The disciplinary process shall consider whether an offender’s mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed.”

(d) The John W. Middleton Unit PAQ states the facility offers therapy, counseling, or other interventions designed to address and correct the underlying reasons or motivations for abuse.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 4, states, “If the unit offers therapy, counseling, or other interventions designed to address and correct possible underlying reasons or motivations for the abuse, consideration shall be made to determine if participation should be a requirement for access to programming or other benefits.”

(e) The John W. Middleton Unit PAQ states the agency disciplines inmates for sexual contact with staff only upon finding that the staff member did not consent to such contact. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 5, states, “An offender may be disciplined for sexual contact with staff only if it is determined the staff member did not consent to the contact.”

(f) The John W. Middleton Unit PAQ states the agency prohibits disciplinary action for a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred, even if an investigation does not establish evidence sufficient to substantiate the allegation. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H. 8, states, “A report of sexual abuse made in good faith, based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. When the preponderance of evidence exists supporting a false allegation, the offender involved in the false allegation shall be disciplined in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders.”

(g) The John W. Middleton Unit PAQ states the agency prohibits all sexual activity between Inmates. If the agency prohibits all sexual activity between inmates and disciplines inmates for such activity,
the agency deems such activity to constitute sexual abuse only if it determines that the activity is coerced.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 31, section H.7, states, "Sexual misconduct between offenders is prohibited and shall result in disciplinary sanctions in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders. However, sexual misconduct between offenders shall not constitute sexual abuse if it is determined the activity is consensual."

Through such reviews, the facility meets this standards requirements.
MEDICAL AND MENTAL CARE

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

115.81 (a)

- If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☐ NA

115.81 (b)

- If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.) ☒ Yes ☐ No ☐ NA

115.81 (c)

- If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? ☒ Yes ☐ No

115.81 (d)

- Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law? ☒ Yes ☐ No

115.81 (e)

- Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Safe Prisons/PREA Program: Offender Assessment Screening, dated 04.2017

Interviews:
1. Targeted Inmates
2. Intake Staff
3. Unit Safe Prisons Manager
4. PREA Ombudsman

Interviews with specialized staff and targeted inmates demonstrated disclosure reports are reported to the Sociology staff. Documentation of disclosures and follow up appointments are documented in the agency database.

Site Observation:
A review of inmate files and the Psychologist demonstrated inmate disclosure is documented and follow up medical and or mental health appointments are offered and documented.

115.81
(a, c) The John W. Middleton Unit PAQ states all Inmates at this facility who have disclosed any prior sexual victimization during a screening pursuant to §115.341 are offered a follow-up meeting with a medical or mental health practitioner. Follow up meetings are offered within 14 days of the intake screening. In the past 12 months 100 % of inmates who disclosed prior victimization during the intake screening. Medical and mental health staff maintain secondary materials, documenting compliance with the above required services.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 17, section 6., states, “If the screening pursuant to this section indicates an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the offender is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.”

The agency provided a Texas Department of Criminal Justice Safe Prisons/PREA Program: Offender Assessment Screening. This screening demonstrates general information, history of sexual abuse, and referral to a representative for mental health is documented for applicable offenders.

(b) The John W. Middleton Unit PAQ states all Inmates who have previously perpetrated sexual abuse, as indicated during the screening pursuant to § 115.341, are offered a follow-up meeting with a mental health practitioner. All Inmates are allowed a follow-up meeting offered within 14 days of the intake screening.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 18, section 7., states, “If the screening pursuant to this section indicates an offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.”

(d) The John W. Middleton Unit PAQ states, Information related to sexual victimization or abusiveness that occurred in an institutional setting is not strictly limited to medical and mental health practitioners. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 19-20, section D. 2., states, “Any information related to sexual
victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, assisting with making treatment plans and informed management decisions, including those related to housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law.”

(e) The John W. Middleton Unit PAQ states, Medical and mental health practitioners do not obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institution setting unless the inmate is under the age of 18. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 20, section D. 3., states, “In accordance with CMHC policies, medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.”

Through such reviews, the facility met this standards requirements.

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

115.82 (a)

- Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?
  - ☒ Yes  ☐ No

115.82 (b)

- If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do correctional staff first responders take preliminary steps to protect the victim pursuant to § 115.62?  ☒ Yes  ☐ No
  
- Do correctional staff first responders immediately notify the appropriate medical and mental health practitioners?  ☒ Yes  ☐ No

115.82 (c)

- Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?  ☒ Yes  ☐ No

115.82 (d)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?
  - ☒ Yes  ☐ No

**Auditor Overall Compliance Determination**

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

Does Not Meet Standard *(Requires Corrective Action)*

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Referral to Medical / Mental Health Services form, dated 8.2019

Interviews:
1. Targeted Inmates
2. Random staff
3. Nurse Manager

Interviews with staff and targeted inmates demonstrated that inmates are aware of access to emergency medical and mental health services and such services have been offered and accepted. One targeted inmate reported receiving follow up care dissuasions with medical and mental health staff.

115.82
(a) The John W. Middleton Unit PAQ states Inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services. The nature and scope of such services are determined by medical and mental health practitioners according to their professional judgment. Medical and mental health staff maintain secondary materials (e.g., form, log) documenting the timeliness of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported; and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.1, states, “Offender victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment in accordance with CMHC policies.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.2, states, “If no qualified medical or mental health practitioners are on duty at the time a report of abuse is made, staff first responders shall take preliminary steps to protect the victim and immediately notify the appropriate on-call medical and mental health practitioners.”

The agency provided a Texas Department of Criminal Justice Referral to Medical / Mental Health Services form. This form demonstrates reason for referral and responses to referrals are documented.

(c) The John W. Middleton Unit PAQ states Inmate victims of sexual abuse while incarcerated are offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan,
page 13, section F.3, states, “Offenders who become victims of sexual abuse while incarcerated shall be offered timely information about and access to emergency contraception and sexually transmitted infections prophylaxis, according to professionally accepted standards of care, where medically appropriate, in accordance with CMHC policies.”

(d) The John W. Middleton Unit PAQ states Treatment services are provided to every victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F.4 states, “Treatment services shall be provided to the offender victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.

Review of Correctional Managed Healthcare Policy Manual: Access to Care guidelines demonstrates policies are commensurate with standard requirements.

Through such reviews, the facility meets this standards requirements.

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

<table>
<thead>
<tr>
<th>115.83 (a)</th>
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<tbody>
<tr>
<td>Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility? □ Yes □ No</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>115.83 (b)</th>
</tr>
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<tbody>
<tr>
<td>Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody? □ Yes □ No</td>
</tr>
</tbody>
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<tr>
<th>115.83 (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility provide such victims with medical and mental health services consistent with the community level of care? □ Yes □ No</td>
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<tr>
<th>115.83 (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if “all-male” facility. <em>Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.</em>) □ Yes □ No □ NA</td>
</tr>
</tbody>
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<tr>
<th>115.83 (e)</th>
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</thead>
<tbody>
<tr>
<td>If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if “all-male” facility. *Note: in “all-male” facilities, there may be inmates who identify as transgender men who may have female genitalia. Auditors should be</td>
</tr>
</tbody>
</table>
sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances. □ Yes □ No ☒ NA

115.83 (f)

- Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate? ☒ Yes □ No

115.83 (g)

- Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident? ☒ Yes □ No

115.83 (h)

- If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.) ☒ Yes □ No ☐ NA

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Correctional Managed Healthcare Policy Manual: Continuity of Care Number E-44.1, dated 10.16

Interviews:
1. Targeted Inmates
2. Random staff
3. Nurse Manager

Interviews with staff and inmates demonstrated that each interviewed are aware of access to emergency medical and mental health services. Inmates who reported sexual abuse reported staff acted immediately, empathetically and addressed their concerns and needs.

Site Observation:
During the on-site phase, the PREA Ombudsman demonstrated reports are documented in the agency database.

115.83 (a) The John W. Middleton Unit PAQ states the facility offers medical and mental health evaluation and, as appropriate, treatment to all Inmates who have been victimized by sexual abuse in any
prison, jail, lockup, or juvenile facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 1., states, “All offenders who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile unit shall be offered medical and mental health evaluation and treatment, as appropriate.”

(b) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 2., states, “The evaluation and treatment of such offender victims shall include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in other units in accordance with CMHC policies or their release from custody.”

Review of Correctional Managed Healthcare Policy Manual: Continuity of Care guidelines demonstrates policies are commensurate with standard requirements.

(c) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 3., states, “Offender victims shall be provided medical and mental health services consistent with the community level of care.”

(d) This provision is not applicable as the John W. Middleton Unit does not house females.

(e) This provision is not applicable as the John W. Middleton Unit does not house females.

(f) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 5., states, “Offenders who become victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate and in accordance with CMHC policies."

(g) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 13, section F. 4., states, “Treatment services shall be provided to the offender victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising from the incident.”

(h) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 14, section G. 6., states, “A mental health evaluation of all known offender-on-offender abusers shall be attempted within 60 days of learning of the abuse and treatment shall be offered when deemed appropriate in accordance with CMHC policies.”

Through such reviews, the facility meets this standards requirements.
### DATA COLLECTION AND REVIEW

**Standard 115.86: Sexual abuse incident reviews**

115.86 (a)
- Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded? ☒ Yes ☐ No

115.86 (b)
- Does such review ordinarily occur within 30 days of the conclusion of the investigation? ☒ Yes ☐ No

115.86 (c)
- Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners? ☒ Yes ☐ No

115.86 (d)
- Does the review team: Consider whether the allegation or investigation indicates a need to change directive or practice to better prevent, detect, or respond to sexual abuse? ☒ Yes ☐ No
- Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility? ☒ Yes ☐ No
- Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse? ☒ Yes ☐ No
- Does the review team: Assess the adequacy of staffing levels in that area during different shifts? ☒ Yes ☐ No
- Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff? ☒ Yes ☐ No
- Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1) - (d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager? ☒ Yes ☐ No

115.86 (e)
- Does the facility implement the recommendations for improvement, or document its reasons for not doing so? ☒ Yes ☐ No

**Auditor Overall Compliance Determination**
☐ **Exceeds Standard** *(Substantially exceeds requirement of standards)*

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

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

**Document Review:**

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Correctional Institutional Division Region VI, Inter-Office Communication – List of Unit Investigation Team Members, not dated

**Interviews:**
1. Major - Investigation staff
2. PREA Ombudsman
3. Acting PREA Compliance Manager
4. Warden

The team on-site were aware of the requirements to document and safeguard investigations. Incident Review are completed by the facility with follow up review by an independent agency incident review and finally by the PREA Ombudsman.

115.86

(a) The John W. Middleton Unit PAQ states the facility conducts a sexual abuse incident review at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. In the past 12 months there has been 16 administrative investigations of alleged sexual abuse completed at the facility,

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 1., states, “An administrative review shall be completed for all alleged sexual abuse and staff sexual harassment incidents, unless determined unfounded. The unit warden shall obtain input from security supervisors, investigators, and medical or mental health practitioners when completing the review.”

The facility provided Texas Department of Criminal Justice Correctional Institutional Division Region VI, Inter-Office Communication – List of Unit Investigation Team Members.

(b) The John W. Middleton Unit PAQ states sexual abuse incident reviews are ordinarily conducted within 30 days of concluding the criminal or administrative investigation. In the past 12 months, the number of criminal and/or administrative investigations of alleged sexual abuse completed at the facility that were followed by a sexual abuse incident review within 30 days, excluding only “unfounded” incidents were 10.

The facility provided 16 completed Sexual Abuse Incident Reviews with each investigation completed in the last 12 months.
(c) The John W. Middleton Unit PAQ states the sexual abuse incident review team includes upper-level management officials and allows for input from line supervisors, investigators, and medical or mental health practitioners. Compliance is demonstrated in policy language in provision (a) of this standard.

(d) The John W. Middleton Unit PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and PREA compliance manager.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 2., states, “The review shall be conducted in accordance with AD-02.15, “Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents.”

(e) The John W. Middleton Unit PAQ states, the facility implements the recommendations for improvement or documents its reasons for not doing so. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 32, section I. 4., states, “The unit shall implement recommendations that result from the review, or document the reasons for not doing so.”

Through such reviews, the facility meets this standards requirements.

Standard 115.87: Data collection

115.87 (a)

- Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions? ☒ Yes ☐ No

115.87 (b)

- Does the agency aggregate the incident-based sexual abuse data at least annually? ☒ Yes ☐ No

115.87 (c)

- Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice? ☒ Yes ☐ No

115.87 (d)

- Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews? ☒ Yes ☐ No

115.87 (e)
Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.) ☒ Yes ☐ No ☐ NA

115.87 (f)

Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination

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

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

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

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Texas Department of Criminal Justice Safe Prisons/PREA Program Monthly Safe Prisons/PREA Report Unit Investigation Team Meeting Flow Chart, dated 02.2020

115.87 (a)/(c)-1,2

The John W. Middleton Unit PAQ states the agency collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 1., states, “Accurate, uniform data shall be collected for every incident of sexual abuse alleged to have occurred at a TDCJ operated facility using a standardized instrument and set of definitions.”

The agency provided SSV Surveys of Sexual Victimization Surveys, State Prison Systems Summary Forms. Survey forms demonstrated a standardized instrument was used to collect data necessary to answer all questions for Surveys of Sexual Violence for years 2014, 2015, 2016, 2017, 2018 and 2019.

The agency provided a Texas Department of Criminal Justice Safe Prisons/PREA Program Monthly Safe Prisons/PREA Report Unit Investigation Team Meeting Flow Chart. The chart demonstrates documentation is gathered and shared with the unit team, monthly.

(b) The John W. Middleton Unit PAQ states The annual report includes a comparison of the current
year’s data and corrective action from prior years.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 1., states, “Incident-based sexual abuse data shall be aggregated at least annually.”

(d) The John W. Middleton Unit PAQ states the agency maintains, reviews, and collects data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section VII. A. 4, states, “All available incident-based documents, including reports, investigation files, and sexual abuse incident reviews shall be maintained, reviewed, and collected as needed to complete the SSV.”

(e) The John W. Middleton Unit PAQ states the agency obtains incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 3, section C. 2., states, “Aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means.”

(f) The John W. Middleton Unit PAQ states the Department of Justice has requested agency data for the previous calendar year.

Through such reviews, the facility meets this standards requirements.

**Standard 115.88: Data review for corrective action**

115.88 (a)

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Identifying problem areas? ☒ Yes ☐ No

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Taking corrective action on an ongoing basis? ☒ Yes ☐ No

- Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response Directives, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole? ☒ Yes ☐ No

115.88 (b)

- Does the agency’s annual report include a comparison of the current year’s data and corrective actions with those from prior years and provide an assessment of the agency’s progress in addressing sexual abuse? ☒ Yes ☐ No
115.88 (c)

- Is the agency’s annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.88 (d)

- Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility? ☒ Yes ☐ No

Auditor Overall Compliance Determination

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

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

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

Document Review:

1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019
3. Agency web address for PREA Program Annual Reports ww.tdcj.texas.gov/tbcj/prea.html

115.88 (a) The John W. Middleton Unit PAQ states the agency reviews data collected and aggregated pursuant to §115.387 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, and training, including:

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole.

Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section B. 2., states, “The TDCJ shall review data collected pursuant to Section VII.A of this plan in order to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, procedures, and training by:

a. Identifying problematic areas;
b. Taking corrective action on an ongoing basis; and
c. Preparing an annual report of findings and corrective actions for each unit, as well as the TDCJ as a whole, in collaboration with the OIG and PREA ombudsman.

115.88 (b) The John W. Middleton Unit PAQ states the annual report includes a comparison of the current year’s data and corrective actions to those from prior years. The annual report provides an assessment of the agency’s progress in addressing sexual abuse. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section B. 3., states, “The annual report shall include a comparison of the data and corrective actions from the current year with those from prior years and shall provide an assessment of the progress made in addressing sexual abuse.”
(c) The John W. Middleton Unit PAQ states the agency makes its annual report readily available to the public, at least annually, through its website. Annual reports are approved by the agency head. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 36, section B. 4., “Annual reports shall be approved by the TDCJ executive director and made readily available to the public through the TDCJ website.”

(d) The John W. Middleton Unit PAQ states when the agency redacts material from an annual report for publication, the redactions are limited to specific materials where publication would present a clear and specific threat to the safety and security of the facility. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 3., states, “Personal identifiers and sensitive information shall be redacted from the reports in instances when publication would present a clear and specific threat to the safety and security of a unit, while maintaining the nature of the material.”

Through such reviews, the facility meets this standards requirements.

Standard 115.89: Data storage, publication, and destruction

115.89 (a)

- Does the agency ensure that data collected pursuant to § 115.87 are securely retained? ☒ Yes ☐ No

115.89 (b)

- Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means? ☒ Yes ☐ No

115.89 (c)

- Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available? ☒ Yes ☐ No

115.89 (d)

- Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Document Review:
1. John W. Middleton Unit PAQ
2. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, dated February 2019

115.89

(a) The John W. Middleton Unit PAQ states the agency ensures that incident-based and aggregate data are securely retained. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 1., states, “All data collected pursuant to Section VII.A shall be securely maintained.”

(b) The John W. Middleton Unit PAQ states agency policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 2., states, “Aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means.”

(c) The John W. Middleton Unit PAQ states before making aggregated sexual abuse data publicly available, the agency removes all personal identifiers. Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 3., states, “Personal identifiers and sensitive information shall be redacted from the reports in instances when publication would present a clear and specific threat to the safety and security of a unit, while maintaining the nature of the material.”

(d) Texas Department of Criminal Justice Correctional Institutions Division Safe Prisons/PREA Plan, page 37, section C. 4., states, “All sexual abuse data collected shall be maintained for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise.”

Through such reviews, the facility meets this standards requirements.

AUDITING AND CORRECTIVE ACTION

Standard 115.401: Frequency and scope of audits

115.401 (a)

- During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A “no” response does not impact overall compliance with this standard.) ☒ Yes ☐ No

115.401 (b)

- Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.) ☐ Yes ☒ No

- If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the
agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.) ☐ Yes ☐ No ☒ NA

- If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.) ☒ Yes ☐ No ☐ NA

115.401 (h)

- Did the auditor have access to, and the ability to observe, all areas of the audited facility? ☒ Yes ☐ No

115.401 (i)

- Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)? ☒ Yes ☐ No

115.401 (m)

- Was the auditor permitted to conduct private interviews with inmates, Inmates, and detainees? ☒ Yes ☐ No

115.401 (n)

- Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel? ☒ Yes ☐ No

Auditor Overall Compliance Determination

☐ Exceeds Standard (Substantially exceeds requirement of standards)

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

☐ Does Not Meet Standard (Requires Corrective Action)

Standard 115.403: Audit contents and findings

115.403 (f)

- The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or in the case of single facility agencies that there has never been a Final Audit Report issued.) ☒ Yes ☐ No ☐ NA

Auditor Overall Compliance Determination
☐ Exceeds Standard *(Substantially exceeds requirement of standards)*

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

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

Through such reviews, the facility meets this standards requirements.

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**AUDITOR CERTIFICATION**

I certify that:

☒ The contents of this report are accurate to the best of my knowledge.

☒ No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and

☒ I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Karen d. Murray ___________________________ December 17, 2021

Auditor Signature ________________________ Date