

# PREA Agency Audit Report: Final

**Name of Agency:** Texas Department of Criminal Justice

**Facility Type:** Prison / Jail

**Date Interim Report Submitted:** NA

**Date Final Report Submitted:** 09/26/2025

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
<b>Auditor Full Name as Signed:</b> Matthew Taylor	<b>Date of Signature:</b> 09/26/2025

AUDITOR INFORMATION	
<b>Auditor name:</b>	Taylor, Matthew
<b>Email:</b>	matthew@preaauditing.com
<b>Start Date of On-Site Audit:</b>	
<b>End Date of On-Site Audit:</b>	

AGENCY INFORMATION	
<b>Name of agency:</b>	Texas Department of Criminal Justice
<b>Governing authority or parent agency (if applicable):</b>	
<b>Physical Address:</b>	861 Interstate 45, Huntsville, Texas - 77320
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**Agency Chief Executive Officer Information:**

<b>Name:</b>	Bobby Lumpkin
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**Agency-Wide PREA Coordinator Information**

<b>Name:</b>	Cassandra McGilbra	<b>Email Address:</b>	cassandra.mcgilbra@tdcj.texas.gov
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**Agency AUDIT FINDINGS****Summary of Audit Findings**

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

**Number of standards exceeded:**

0

**Number of standards met:**

10

**Number of standards not met:**

0

<b>Standards</b>	
<b>Auditor Overall Determination Definitions</b>	
<ul style="list-style-type: none"> <li>• Exceeds Standard (Substantially exceeds requirement of standard)</li> <li>• Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period)</li> <li>• Does Not Meet Standard (requires corrective actions)</li> </ul>	
<b>Auditor Discussion Instructions</b>	
<p>Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.</p>	

<b>115.11</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.11</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>• Texas Department of Criminal Justice Board Policy BP—2.09 Prison Rape Elimination Act Ombudsman Policy Statement</li> <li>• Texas Board of Criminal Justice Organizational Chart</li> <li>• Texas Department of Criminal Justice Organizational Structure</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>• Interview with agency PREA coordinator / ombudsman</li> </ul> <p>Findings by Provision:</p>

115.11 (b)

The Texas Department of Criminal Justice Board Policy BP—2.09 Prison Rape Elimination Act Ombudsman 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 sexual abuse and harassment of inmates at correctional facilities, as well as individuals at community residential facilities, and implementation of the PREA standards. In addition, the PREA ombudsman shall oversee the reporting of sexual abuse and sexual harassment to the TDCJ and serve as the independent office to receive and immediately forward reports of sexual abuse and sexual harassment to TDCJ officials, allowing an inmate to remain anonymous upon request. The PREA ombudsman reports directly and only to the TBCJ and reports all pertinent items directly to the TBCJ chairman, as deemed appropriate and necessary. The TDCJ shall establish guidelines for reporting complaints or inquiries from elected officials, the public, and inmates pertaining to allegations of sexual abuse and sexual harassment and related TDCJ initiatives to the PREA ombudsman.

Compliance was also determined through a review of both the Texas Board of Criminal Justice Organizational Chart and Texas Department of Criminal Justice Organizational Structure.

An interview was conducted with the agency PREA coordinator/ombudsman. The PREA coordinator confirmed that she believed she had sufficient time to manage all of her PREA related responsibilities.

The PREA coordinator/ombudsman also reported that in addition to PREA compliance managers that are assigned to each facility throughout the state, she is also responsible for seven regional staff who oversee specific regions. She reported that her office is responsible for site visits, in which they conduct mock audits with the facilities, which is coordinated with the PREA compliance managers.

The PREA coordinator/ombudsman was asked about her actions when she discovers non-compliance with a PREA standard. She reported that they usually initiate a corrective action period for the facility, depending on the specific issue identified. They evaluate whether the non-compliance is attributed to staff actions or policy or procedure violations. Subsequently, they draft a corrective action report, which is forwarded to the director. She emphasized that she and her staff collaborate closely with the staff at the Texas Department of Criminal Justice to rectify non-compliance as expeditiously as possible.

During the audit process, the auditor examined additional criteria to determine whether the PREA coordinator/ombudsman was compliant with the standard, as she does not directly work for The Texas Department of Criminal Justice. The auditor found that there was no additional guidance provided beyond the requirement to

	<p>employ or designate a PREA coordinator. Through interviews with the PREA coordinator/ombudsman, the auditor determined that the coordinator satisfies the requirement of the standard as written.</p> <p>The auditor conducted an examination to ascertain whether the PREA coordinator/ombudsman possessed the requisite authority and direct access to the agency's most senior leader. This included direct access to the agency's executive or senior leadership team and the requisite influence to establish and implement agency-wide policies, procedures, and practices without interference from other levels of bureaucracy or supervision. The initial interview with the PREA coordinator and subsequent interviews revealed that she satisfies all the aforementioned requirements.</p> <p>Based upon information contained in the PAQ, policies, procedures and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.12</b>	<b>Contracting with other entities for the confinement of inmates</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.12</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Solicitation and Modification of Private Residential Reentry Centers Contracts.</li> <li>· The Texas Department of Criminal Justice Solicitation and Modification of Private Transitional Treatment Centers Contracts</li> <li>· The Texas Department of Criminal Justice Solicitation and Modification of Secure Private Facilities Contracts</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with agency contract administrator</li> </ul> <p>Findings by Provision:</p> <p>115.12 (a)</p> <p>The Texas Department of Criminal Justice Solicitation and Modification Contract specifically outline the following requirements:</p> <p>A. Upon award of this contract, the contractor shall obtain PREA compliance for the facilities within (12) months of the service commencement date. The contractor shall maintain compliance with all applicable PREA standards at all times thereafter.</p>

- B. The contractor shall comply with the PREA Prison/Jail/Community Confinement Standards and report inmate abuse to the TDCJ-PFCMOD.
- C. The contractor shall notify the TDCJ-PFCMOD when a PREA compliance audit is scheduled.
- D. The Department designated TDCJ-PFCMOD monitor will monitor the facility to ensure the contractor is compliant with the PREA Prison/Jail/Community Confinement Standards.
- E. The contractor shall correct all identified areas of non-compliance in regards to PREA Prison/Jail/Community Confinement Standards deemed applicable and within a time frame determined by the Department or by the date of a Department approved extension.
- F. Upon completion of the PREA compliance audit, the contractor shall provide a copy of the initial report and final report to the TDCJ-PFCMOD.
- G. All associated fees shall be the contractor's responsibility.

115.12 (b)

The Texas Department of Criminal Justice Solicitation and Modification Contract specifically outline the following requirements:

- A. Upon award of this contract, the contractor shall obtain PREA compliance for the facilities within (12) months of the service commencement date. The contractor shall maintain compliance with all applicable PREA standards at all times thereafter.
- B. The contractor shall comply with the PREA Prison/Jail/Community Confinement Standards and report inmate abuse to the TDCJ-PFCMOD.
- C. The contractor shall notify the TDCJ-PFCMOD when a PREA compliance audit is scheduled.
- D. The Department designated TDCJ-PFCMOD monitor will monitor the facility to ensure the contractor is compliant with the PREA Prison/Jail/Community Confinement Standards.
- E. The contractor shall correct all identified areas of non-compliance in regards to PREA Prison/Jail/Community Confinement Standards deemed applicable and within a time frame determined by the Department or by the date of a Department approved extension.
- F. Upon completion of the PREA compliance audit, the contractor shall provide a copy of the initial report and final report to the TDCJ-PFCMOD.
- G. All associated fees shall be the contractor's responsibility.

	<p>During the audit process, the auditor conducted an interview with the agency’s designated contract administrator. The contract monitor was inquired about the agency’s monitoring mechanisms for newly and renewed contracts involving confinement services to ascertain compliance with the mandated PREA practices. She clarified that the agency employs contract monitors to oversee compliance with the agency’s policies, procedures, and specific PREA practices.</p> <p>The contract administrator has reported that compliance reports for each contract entered into within the past 12 months have been completed.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.17</b>	<b>Hiring and promotion decisions</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.17</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions</li> <li>· The Texas Department of Criminal Justice Employment Application Supplement</li> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Plan</li> <li>· The Texas Department of Criminal Justice Executive Directive PD-56 Request for and Release of Employment Information or Documents</li> <li>· The Texas Department of Criminal Justice Executive Directive PD-71 Selection System Procedures</li> <li>· The Texas Department of Criminal Justice Executive Directive PD-27 Employment Status Pending Resolution of Criminal Charges or Protective Orders</li> <li>· The Texas Department of Criminal Justice Executive Directive PD-73 Selection Criteria for Correctional Officer Applicants</li> <li>· Examples of Persons Hired or Promoted in the Past 12-Months</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with human resources staff</li> </ul> <p>Findings by Provision:</p>

115.17 (a)

The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions states the TDCJ will not hire, as an employee or contract employee, any individual who may have contact with offenders, if they have:

1. Engaged in sexual abuse in a prison, jail, adult or juvenile confinement facility, or other similar institution setting;
2. Been convicted of engaging or attempting to engage in sexual activity by use of force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or
3. Been civilly or administratively adjudicated for engaging in the activity listed in Section I.C.1-2.

115.17 (b)

The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions states the TDCJ will consider any incidents of sexual harassment in determining whether to hire an individual, or to enlist the services of a contractor, who may have contact with offenders.

During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency always considers prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates.

115.17 (c)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states 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.

During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency performs criminal background checks as required under this provision.

115.17 (d)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states a criminal background record check shall be performed before enlisting the services of any

contractor who may have contact with offenders.

During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency performs criminal background checks as required under this provision.

115.17 (e)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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 Texas Department of Criminal Justice Executive Directive PD-27 Employment Status Pending Resolution of Criminal Charges or Protective Orders states that Employee Relations shall conduct a semi-annual background check for each employee to ensure there are no outstanding warrants of arrest for the employee once during the month of the employee's birthday and once 180 days later.

During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency is subscribed to T-LETS which is a system that immediately reports to the agency when there is any change to an employee's background.

115.17 (f)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states The TDCJ shall directly ask all applicants and employees who may have contact with offenders about previous misconduct described in Section VIII.A.1.a in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of employee reviews. The TDCJ shall also impose on employees a continuing affirmative duty to disclose knowledge of any such misconduct.

115.17 (g)

The Texas Department of Criminal Justice Executive Directive PD-73 Selection Criteria for Correctional Officer Applicants states prior to an applicant being employed by the TDCJ, the applicant shall provide all required documentation. The Employment Section, Human Resources Division, shall verify the authenticity of the documentation.

A. An applicant who provides false or inaccurate information or documentation in the application process shall be disqualified from consideration for any TDCJ position for a minimum period of one year from the date of the applicant's PERS 283, State of Texas Application for Employment.

B. A current employee who provides false or inaccurate information documentation may be subject to disciplinary action in accordance with PD-22,

"General Rules of Conduct and Disciplinary Action Guidelines for Employees."

115.17 (h)	<p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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.</p> <p>During the onsite portion of the audit, the auditor interviewed a representative from human resources. She stated that the agency does provide information on substantiated allegations of sexual abuse and sexual harassment about former employees upon receiving a request.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.18</b>	<b>Upgrades to facilities and technologies</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.18</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Plan</li> <li>· The Texas Department of Criminal Justice Video Surveillance System Preventative Maintenance Checklist</li> <li>· The Texas Department of Criminal Justice Video Surveillance System Guidelines</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with agency head and agency head designee</li> </ul> <p>Findings by Provision:</p> <p>115.18 (a)</p> <p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan states when designing or acquiring any new unit and in planning any substantial expansion or modification of existing units, the TDCJ shall consider the effect of the design, acquisition, expansion, or modification on the ability to protect offenders from sexual abuse.</p> <p>During the onsite audit, the auditor conducted interviews with both the agency head and the agency head designee. The auditor engaged in a detailed discussion with the agency head regarding their compliance with the specified provision. The agency</p>

head informed the auditor that they had not designed a facility since the 1990s. However, they recently secured funding for 5,600 additional beds, which will be strategically placed in existing facilities where staffing capacity is anticipated. The design will adhere to the anticipated practices of the ACA. Furthermore, the agency head emphasized the importance of adhering to 100% PREA when making these designs.

The agency designee informed me that we conduct thorough assessments of potential areas with a higher incidence of allegations. We are currently in communication with our information technology division to explore the possibility of installing additional cameras.

115.18 (b)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, consideration shall be given as to how the technology may enhance the ability to protect offenders from sexual abuse.

During the onsite audit, the auditor conducted interviews with both the agency head and the agency head designee. The agency head designee stated, "We do have a comprehensive video surveillance system on our maximum-security facilities across the state. We have 23 maximum-security facilities that have video surveillance throughout the housing area and the entire facility. Additionally, we implemented body-worn cameras last year to assist in any allegations or assaults that may occur on a facility. These body-worn cameras are also available on our 23 maximum-security facilities throughout the state. There are facilities that do not have body-worn cameras but still have some form of surveillance.

Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.42	Use of screening information
	<b>Auditor Overall Determination:</b> Meets Standard
	<p><b>Auditor Discussion</b></p> <p>115.42</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Plan</li> <li>· The Texas Department of Criminal Justice Classification Plan</li> <li>· The Texas Department of Criminal Justice Administrative Directive AD-04.17 Inmate Housing Assignment Criteria and Procedures</li> </ul>

	<p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with PREA coordinator / ombudsman</li> </ul> <p>Findings by Provision:</p> <p>115.42 (a)</p> <p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan states that 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.</p> <p>Housing determinations shall not be made solely on the basis of LGBTI status. 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.</p> <p>The committee shall make individualized determinations regarding how to ensure the safety of each offender.</p> <p>During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's policies regarding the placement of transgender and intersex inmates in dedicated housing units, facilities, or wings. The coordinator confirmed that the agency is not currently under a legal requirement or consent decree that mandates the placement of this population in dedicated spaces. She explained that inmates are housed on a case-by-case basis, and their overall classification scores are considered when determining the most appropriate placement for their health and safety.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.66</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	115.66
	Document Review:

	<ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Statement of Fact Related to 115.66</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with agency head and agency head designee</li> </ul> <p>Findings by Provision:</p> <p>115.66 (a)</p> <p>The Texas Department of Criminal Justice Statement of Fact related to standard 115.66 states the agency has not entered or renewed any collective bargaining or other agreement. TDCJ does not engage in collective bargaining with staff. Staff are subject to the rules of conduct and other TDCJ policies mandating zero tolerance of all forms of sexual abuse and sexual harassment.</p> <p>During the onsite audit, the auditor conducted an interview with the agency head and the agency head designee. The agency head designee reiterated what was written in the statement of fact. The Texas Department of Criminal Justice and the State of Texas is not a collective bargaining State.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard</p>
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<b>115.87</b>	<b>Data collection</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.87</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Plan</li> <li>· The Texas Department of Criminal Justice Administrative Directive AD-02.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents</li> <li>· The Texas Department of Criminal Justice Data Collection Instrument</li> <li>· The Texas Department of Criminal Justice Emergency Action Center Notification Handbook</li> <li>· 2023 Annual Survey of Sexual Victimization Summary Form</li> </ul> <p>Findings by Provision:</p> <p>115.87 (a)</p>

The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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 Texas Department of Criminal Justice Administrative Directive AD-02.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents, provides the set of definitions required under this provision.

115.87 (b)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states Incident-based sexual abuse data shall be aggregated at least annually.

The auditor reviewed examples provided by the agency of aggregated data collected illustrating further compliance with this provision.

115.87 (c)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states the incident-based data collected shall include, at a minimum, information necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice.

The auditor also reviewed the data collection instrument utilized by the agency which is called SPPANS Database. The auditor ensured that the information collected in the instrument minimally captured information necessary to answer all the questions in the Survey of Sexual Victimization.

115.87 (d)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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.

115.87 (e)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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.

115.87 (f)

The Texas Department of Criminal Justice reported in the PAQ that the Department of Justice did not request data from the agency from the previous calendar year.

Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

<b>115.88</b>	<b>Data review for corrective action</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.88</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Board Policy BP-02.09 Prison Rape Elimination Act Ombudsman Policy Statement</li> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023</li> <li>· The Texas Department of Criminal Justice Safe Prisons / PREA Plan</li> </ul> <p>Interviews:</p> <ul style="list-style-type: none"> <li>· Interview with agency head and agency head designee</li> <li>· Interview with agency PREA Coordinator / Ombudsman</li> </ul> <p>Findings by Provision:</p> <p>115.88 (a)</p> <p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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:</p> <ol style="list-style-type: none"> <li>a. Identifying problematic areas;</li> <li>b. Taking corrective action on an ongoing basis; and</li> <li>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.</li> </ol> <p>The Texas Department of Criminal Justice Board Policy BP-02.09 Prison Rape Elimination Act Ombudsman Policy Statement also states the PREA ombudsman’s responsibilities include the following:</p> <ol style="list-style-type: none"> <li>1. Monitor TDCJ policy for the prevention of sexual abuse and sexual harassment of inmates at correctional facilities, as well as individuals at community residential facilities, and compliance with PREA ombudsman policies and procedures to assure PREA compliance.</li> <li>2. Provide oversight of education and training for employees, inmates, and other individuals assuring the curriculum and trainers cover topics required in the PREA standards to include specific topics and information, and serve as a subject matter</li> </ol>

expert regarding training.

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 inmates concerning 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 sexual abuse and sexual harassment to assure quality and thorough investigations.

6. Collect statistics regarding allegations of 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.

During the onsite audit, the auditor conducted interviews with the agency head and the agency head designee. The auditor inquired about the agency's use of incident-based sexual abuse data to assess and enhance sexual abuse prevention detection and response policies and practices. The agency head designee informed the auditor that the Texas Department of Criminal Justice (TDCJ) collaborates closely with the PREA ombudsman to collect all pertinent data associated with reports of sexual abuse and sexual harassment. The designee further stated that all TDCJ facilities collect incident-based data and aggregate it for the PREA ombudsman's office to develop corrective action response plans tailored to the assessed needs.

During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's data collection and aggregation practices for assessing and improving the effectiveness of its sexual abuse prevention, detection, and response policies. The coordinator reported that the agency diligently collects sexual abuse and sexual harassment data from all its facilities, which is securely retained in a specific agency database accessible only to authorized staff. This data is aggregated, and patterns and problem areas are identified through this process. The coordinator also mentioned that PREA audit reports are reviewed to identify any deficiencies. All this information is utilized to determine if there is a need to modify or update policies and procedures to enhance sexual safety in the facilities. Additionally, the coordinator indicated that her office is responsible for the PREA portion of the annual report, which is highly comprehensive.

115.88 (b)

	<p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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.</p> <p>The auditor also reviewed the provided Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023. The report provided includes a comparison of the current year's data and corrective actions with those from prior years. Additionally, the annual report provides an assessment of the agency's progress in addressing sexual abuse.</p> <p>115.88 (c)</p> <p>The Texas Department of Criminal Justice provided a web link in the PAQ where a copy of the most recent annual report was publicly available for review. The annual report was also reviewed and approved by the agency head.</p> <p>During the onsite audit, the auditor inquired with the agency head designee whether the annual report had been approved by the agency head. The designee responded affirmatively.</p> <p>115.88 (d)</p> <p>The Texas Department of Criminal Justice Safe Prisons / PREA Plan 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.</p> <p>The auditor reviewed the Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023, which illustrated compliance with this requirement.</p> <p>During the in-person audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The coordinator was inquired about the typical information that is redacted from the annual report. She informed the auditor that there is no requirement to redact information from the annual report because it does not contain any personally identifiable information.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.89</b>	<b>Data storage, publication, and destruction</b>
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	115.89

Document Review:

- The Texas Department of Criminal Justice Executive Directive ED-02.29 Records Management
- The Texas Department of Criminal Justice Safe Prisons / PREA Plan
- The Texas Department of Criminal Justice Records Retention Schedule

Interviews:

- Interview with agency PREA Coordinator / Ombudsman

Findings by Provision:

115.89 (a)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states All data collected pursuant to Section VII.A shall be securely maintained.

The Texas Department of Criminal Justice Executive Directive ED-02.29 Records Management states the TDCJ develops, implements, and monitors an agency-wide records management program that complies with all state and federal laws while safeguarding all state records, both paper and electronic, through effective records management, retention, storage, protection, and disposition. The TDCJ continually addresses the use of new technologies for records management while ensuring transparency by open and verifiable documentation of the processes and activities carried out in the management of all state records.

During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's data collection and aggregation practices for assessing and improving the effectiveness of its sexual abuse prevention, detection, and response policies. The coordinator reported that the agency diligently collects sexual abuse and sexual harassment data from all its facilities, which is securely retained in a specific agency database accessible only to authorized staff. This data is aggregated, and patterns and problem areas are identified through this process. The coordinator also mentioned that PREA audit reports are reviewed to identify any deficiencies. All this information is utilized to determine if there is a need to modify or update policies and procedures to enhance sexual safety in the facilities. Additionally, the coordinator indicated that her office is responsible for the PREA portion of the annual report, which is highly comprehensive.

115.89 (b)

The Texas Department of Criminal Justice Safe Prisons / PREA Plan states aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means.

The auditor reviewed the agency's external website and verified that the most recent

	<p>edition of the agency’s annual report was posted and readily available to the public.</p> <p>115.89 (c) (d)</p> <p>The Texas Department of Criminal Justice Records Retention Schedule illustrates that the agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise.</p> <p>The Texas Department of Criminal Justice reported in the PAQ that they do not put personally identifiable information in the annual report, therefore there is nothing to redact.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.</p>
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<b>115.401</b>	<b>Frequency and scope of audits</b>
	<p><b>Auditor Overall Determination:</b></p> <p><b>Auditor Discussion</b></p> <p>115.401</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Agency External Website</li> </ul> <p>Findings by Provision:</p> <p>115.401 (a)</p> <p>The Texas Department of Criminal Justice ensured that during the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency mandated that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once.</p> <p>The auditor reviewed agency records which illustrated the agency met this standard requirement during the prior three-year audit cycle.</p> <p>115.401 (b)</p> <p>The Texas Department of Criminal Justice ensured that during each one-year period starting on August 20, 2013, the agency shall completed audits of at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency.</p> <p>The auditor reviewed agency records which illustrated the agency met this standard requirement during the prior year.</p>

	Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.
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<b>115.403 Audit contents and findings</b>	
	<b>Auditor Overall Determination:</b> Meets Standard
	<b>Auditor Discussion</b>
	<p>115.403</p> <p>Document Review:</p> <ul style="list-style-type: none"> <li>· The Texas Department of Criminal Justice Agency External Website</li> </ul> <p>Findings by Provision:</p> <p>115.403 (a)</p> <p>The Texas Department of Criminal Justice ensures that auditor’s final reports are published to the agency’s external website and therefore readily available for public review.</p> <p>The auditor verified the public availability of all final audit reports through a review of the agency’s external website. Each report was accompanied by a web link, serving as evidence of their official release.</p> <p>Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard</p>

<b>Appendix: Provision Findings</b>		
<b>115.11 (b)</b>	<b>Zero tolerance of sexual abuse and sexual harassment; PREA coordinator</b>	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	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
<b>115.12 (a)</b>	<b>Contracting with other entities for the confinement of inmates</b>	
	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
<b>115.12 (b)</b>	<b>Contracting with other entities for the confinement of inmates</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
<b>115.17 (a)</b>	<b>Hiring and promotion decisions</b>	
	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
	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
	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	yes

	described in the two bullets immediately above?	
	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
	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
	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 two bullets immediately above?	yes
<b>115.17 (b)</b>	<b>Hiring and promotion decisions</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
	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
<b>115.17 (c)</b>	<b>Hiring and promotion decisions</b>	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	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
<b>115.17 (d)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
<b>115.17 (e)</b>	<b>Hiring and promotion decisions</b>	

	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
<b>115.17 (f)</b>	<b>Hiring and promotion decisions</b>	
	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
	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
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
<b>115.17 (g)</b>	<b>Hiring and promotion decisions</b>	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
<b>115.17 (h)</b>	<b>Hiring and promotion decisions</b>	
	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
<b>115.18 (a)</b>	<b>Upgrades to facilities and technologies</b>	
	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.)	na
<b>115.18 (b)</b>	<b>Upgrades to facilities and technologies</b>	
	If the agency installed or updated a video monitoring system,	yes

	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.)	
<b>115.42 (c)</b>	<b>Use of screening information</b>	
	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 policy 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
	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
<b>115.66 (a)</b>	<b>Preservation of ability to protect inmates from contact with abusers</b>	
	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 limit 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
<b>115.87 (a)</b>	<b>Data collection</b>	
	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
<b>115.87 (b)</b>	<b>Data collection</b>	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
<b>115.87 (c)</b>	<b>Data collection</b>	

	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
<b>115.87 (d)</b>	<b>Data collection</b>	
	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
<b>115.87 (e)</b>	<b>Data collection</b>	
	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
<b>115.87 (f)</b>	<b>Data collection</b>	
	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.)	na
<b>115.88 (a)</b>	<b>Data review for corrective action</b>	
	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 policies, practices, and training, including by: Identifying problem areas?	yes
	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 policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	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 policies, 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
<b>115.88 (b)</b>	<b>Data review for corrective action</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

<b>115.88 (c)</b>	<b>Data review for corrective action</b>	
	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
<b>115.88 (d)</b>	<b>Data review for corrective action</b>	
	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
<b>115.89 (a)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
<b>115.89 (b)</b>	<b>Data storage, publication, and destruction</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
<b>115.89 (c)</b>	<b>Data storage, publication, and destruction</b>	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
<b>115.89 (d)</b>	<b>Data storage, publication, and destruction</b>	
	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
<b>115.401 (a)</b>	<b>Frequency and scope of audits</b>	
	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
<b>115.401 (b)</b>	<b>Frequency and scope of audits</b>	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	yes

	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.)	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.)	na
<b>115.403 (f)</b>	<b>Audit contents and findings</b>	
	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, there has never been a Final Audit Report issued.)	yes