

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: 10/07/2026

Auditor Certification

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.



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.



Auditor Full Name as Signed: Cynthia Swier

Date of Signature: 10/07/2026

AUDITOR INFORMATION

Auditor name: Swier, Cynthia

Email: swierconsultants@gmail.com

Start Date of On-Site Audit:

End Date of On-Site Audit:

AGENCY INFORMATION

Name of agency: Texas Department of Criminal Justice

Governing authority or parent agency (if applicable):

Physical Address: 861 Interstate 45, Huntsville, Texas - 77320

Mailing Address: PO Box 99, Huntsville, Texas - 77340

Telephone number: 8005350283

Agency Chief Executive Officer Information:

Name:	Bobby Lumpkin
Email Address:	Bobby.Lumpkin@tdcj.texas.gov
Telephone Number:	936-437-2101

Agency-Wide PREA Coordinator Information

Name:	Carina Garcia	Email Address:	carina.garcia@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:

1	115.17 - Hiring and promotion decisions
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Number of standards met:

9

Number of standards not met:

0

Standards	
Auditor Overall Determination Definitions	
- Exceeds Standard (Substantially exceeds requirement of standard) - Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) - Does Not Meet Standard (requires corrective actions)	
Auditor Discussion Instructions	
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.	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Pre-Audit Questionnaire TDCJ Organizational Chart Texas Board of Criminal Justice Overview Interviews: PREA Coordinator (PC)

	Findings (By Provision): 115.11 (b): The agency's organizational chart reflects that the PREA Coordinator (PC) position is an upper-level position and is agency-wide. The PREA Coordinator is identified as the PREA Ombudsman, who reports to the Texas Board of Criminal Justice. The Texas Board of Criminal Justice Overview states that the nine-member board is appointed by the governor to oversee the Texas Department of Criminal Justice (TDCJ), which provides confinement, supervision, rehabilitation, and reintegration of the state's convicted felons. The Board members, who are appointed for staggered, six-year terms, are responsible for hiring the executive director of the department and setting rules and policies which guide the agency. The PREA Ombudsman is appointed by the Texas Board of Criminal Justice and reports directly to the Board Chairman. The PREA Coordinator was interviewed during the agency audit and reported that she has sufficient time and authority to coordinate the agency's PREA compliance efforts. She is supported by Regional PREA Compliance Managers and PREA Ombudsman Office staff in carrying out these responsibilities. The PREA Coordinator has direct access to agency executive leadership and sufficient authority to coordinate agency-wide PREA compliance efforts and address compliance concerns as necessary. Based on the review of the PAQ, the TDCJ Organizational Chart, the Texas Board of Criminal Justice Overview, and the interview with the PREA Coordinator, this standard is determined to be compliant.
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115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Pre-Audit Questionnaire The Texas Department of Criminal Justice Solicitation and Modification of Private Residential Reentry Centers Contracts The Texas Department of Criminal Justice Solicitation and Modification of Private Transitional Treatment Centers Contracts The Texas Department of Criminal Justice Solicitation and Modification of Secure Private Facilities Contracts

Interviews:

Agency Contract Administrator

Findings (By Provision):

115.12 (a): The agency has 19 contracts related to the confinement of inmates: These include secure private facilities, residential reentry and transitional treatment centers. A review of the contracts confirmed that all had language requiring compliance with PREA standards (either directly stated PREA compliance or via compliance with department policy and/or federal law).

115.12 (b): The agency has 19 contracts related to the confinement of inmates. A review of the contracts confirmed that all had language requiring compliance with PREA standards (either directly stated PREA compliance or via compliance with department policy and/or federal law). The following requirements are specifically outlined in the contracts:

- 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.

	The interview with the agency contract administrator indicates that the agency has one full-time TDCJ employee responsible for on-site contract monitoring for the secure facilities. The contract monitors provide continuous monitoring. The residential and transitional centers also have a contract monitor. The contract administrator stated that compliance reports for each contract entered into within the past 12 months have been completed. Based on the review of the PAQ, the language within the agency's contracts, the completed PREA audits for the contracted facilities, and the interview with the agency contract administrator, this standard is determined to be compliant.
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115.17	Hiring and promotion decisions
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Documents: Pre-Audit Questionnaire Safe Prisons/PREA Plan Executive Directive PD-75, Applicants with Pending Criminal Charges or Prior Criminal Convictions Executive Directive PD-56, Request for and Release of Employment Information or Documents Executive Directive PD-73, Selection Criteria for Correctional Officer Applicants Employment Applicant Supplement for Agency Applicants PERS 598 Employment Application Supplement PERS 282 Executive Directive PD-71, Selection System Procedures Executive Directive PD-27, Employment Status Pending Resolution of Criminal Charges or Protective Orders Interviews: Human Resource Staff

Site Review Observations:

Employee Personnel Files / Background Documentation

Contractor Personnel Files / Background Documentation

Findings (By Provision):

115.17 (a): The Safe Prisons/PREA Plan, page 27, section 1 as well as Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions states that 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 prison, jail, adult or juvenile confinement facility, or any other similar institution setting;
2. been convicted of engaging or attempting to engage in sexual activity in the community or has been civilly or administratively adjudicated to have engaged in sexual abuse by force, overt or implied threats of force or coercion,
3. been civilly or administratively adjudicated for engaging in the activity listed in Section I,C.1-2.

The TDCJ Employment Application Supplement for Agency Applicants (PERS 598) asks the applicant the following questions:

13a. Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?

13b. Have you 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?

13c. Have you been civilly or administratively adjudicated to have engaged 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?

13d. Have you been involved in any substantiated incidents of sexual harassment?

The form further states "All employees, who may have contact with offenders, are ineligible for promotion if they have committed any activity described in questions 13a, 13b, or 13c."

The bottom of the form has a Certification which states "I understand that falsification constitutes grounds for refusing or terminating employment." There is lastly, a Duty to Disclose which states, "I hereby acknowledge that I have a duty to disclose any sexual misconduct during the term of my employment. I further acknowledge that I have a duty to disclose any misconduct on my part while working for previous employers." The bottom of this statement has a signature line and date line for the applicant to sign and date.

TDCJ Employment Application Supplement (PERS 282) states:

8. May we contact your present employer for a reference?

9b. Have you engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution?

9c. Have you 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, of if the victim did not consent or was unable to consent or refuse?

9d. Have you been civilly or administratively adjudicated to have engaged 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?

9e. Have you been involved in any substantiated incidents of sexual harassment?

This form also has a certification and duty to disclose and requires a signature and date.

A review of documentation indicated that all staff are asked about the above incidents in their application. Additionally, all staff and contractors have a criminal background completed prior to being authorized to work at the facility.

115.17 (b): The Safe Prisons/PREA Plan, page 27, indicates that the agency considers any incidents of sexual harassment in determining whether to hire or promote any staff or enlist the services of any contractor who may have contact with an inmate. The Safe Prisons / PREA Plan requires that the TDCJ shall:

- a. perform a criminal background check
- 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.

Executive Directive, Applicants with Pending Criminal Charges or Prior Criminal Convictions (PD-75), states that the TDCJ, contract employees, construction contractors, and program-specific vendors will follow the provisions of this directive when considering applicants for employment who have pending criminal charges or prior criminal convictions. 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.

The TDCJ will consider any incident of sexual harassment in determining whether to hire an individual, or to enlist the services of a contractor, who may have contact with offenders.

Human Resource staff indicated that any previous documentation of sexual harassment is considered when hiring or promoting staff or enlisting services of any contractors.

115.17 (c): The Safe Prisons/PREA Plan, page 39, indicates that the agency is required to perform criminal background checks and make its best effort to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignations during a pending investigation of sexual abuse for new employees that may have contact with inmates.

Executive Directive, Request for and Release of Employment Information or Documents (PD-56) states that "The release of information or documents relating to active or former TDCJ employees shall be in accordance with the guidelines established in this directive." "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."

Executive Directive, Selection System Procedures (PD-71) states, "The TDCJ promotes equal employment opportunity through a selection system without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information (collectively "protected class"). In addition, the TDCJ complies with the provisions of applicable federal and state laws relating to employment and reemployment entitlements for prospective, current, or former members of the uniformed services."

Section XVII. Clearance for Selection, states that "In addition, the contact person shall verify that the applicant's eligibility is not affected due to current disciplinary probation, having been recommended for dismissal, or any other reason." "The contact person shall request a criminal record check from the Employment Section if an inside applicant is selected for one of the following positions: A supervisor of Cos, food service manager, or laundry manager from outside the respective series, parole officer, or unit commissary position. The criminal record check shall be used to determine whether the applicant has any pending criminal charges or prior criminal convictions that would disqualify the applicant from the position in accordance with PD-75, "Applicants with Pending Criminal Charges or Prior Criminal Convictions", or a position with minimum qualifications requiring the selected applicant to meet the Texas Department of Public Safety (DPS) criteria for accessing the Texas Law Enforcement Telecommunication System operated by the DPS."

The Employment Section shall perform a final employment clearance prior to a conditional offer to an outside or interagency applicant. The employment clearance shall include a criminal record check, verification that all required documents have been provided, verification of document authenticity, and eligibility for employment.

The PAQ indicated that 100% of those hired in the past twelve months that may have contact with inmates had received a criminal background check and prior institutional employers were contacted.

A review of documentation indicated 100% of the random sample reviewed had a criminal background completed initially and annually thereafter. Human Resource staff indicated that all staff are required to have a criminal background check before they are hired and that all law enforcement agencies are contacted related to information on any prior substantiated allegations of sexual abuse or resignations while under investigation. The annual check is completed on the birthday of the staff member each year. Additionally, all staff are fingerprinted and any future arrest is automatically reported to the agency through the Fingerprint-based Applicant Clearinghouse of Texas (FACT).

115.17 (d): The Safe Prisons/PREA Plan, page 39, indicates that the agency performs criminal background checks before enlisting the services of any contractor who may have contact with inmates.

PD-71 states, "The Employment Section shall perform a final employment clearance prior to a conditional offer to an outside or interagency applicant. The employment clearance shall include a criminal record check, verification that all required documents have been provided, verification of document authenticity, and eligibility for employment."

Human Resource staff indicated that all contractors have a criminal background check completed prior to working at the facility.

115.17 (e): The Safe Prisons/PREA Plan, page 39, outlines the system that is in place to capture criminal background information. The agency utilizes the FACT process. All staff and contractors are fingerprinted and anytime an individual in this system is arrested the TDCJ is immediately notified. This system is more efficient than annual background checks as it is live information and the agency is notified immediately and able to terminate employment. All staff have an annual background completed each year, in addition to the FACT process.

Employment Directive, Employment Status Pending Resolution of Criminal Charges or Protective Orders (PD-27), states, "Employee Relations shall conduct a semi-annual background check for each employee to ensure there are no outstanding warrants for arrest for the employee once during the month of the employee's birthday and once 180 days later."

PD-75 states, "The TDCJ, contract employees, construction contractors, and program-specific vendors will follow the provisions of this directive when considering applicants for employment who have pending criminal charges or prior criminal convictions." "An individual with a prior conviction will be required to meet the criteria set out in this directive before being considered for hire as an employee or approved as a volunteer, and before performing services for the TDCJ as a contract employee, contract construction worker, program specific vendor employee, or approved volunteer. If applicable, the applicant will also be required to meet the minimum qualifications or basic eligibility criteria for a TDCJ position. See PD-71, "Selection System Procedures," and PD-73, "Selection Criteria for Correctional Officer Applicants."

The interview with Human Resource staff confirmed that all staff and contractors are entered into the FACT system and that any arrests are immediately reported to the agency.

115.17 (f): The Safe Prisons/PREA Plan, page 38, indicates that the agency will ask all applicants and employees who have contact with inmates directly about whether they have: engaged in sexual abuse in prison, jail, lockup or any other institution been convicted of engaging or attempting to engage in sexual activity in the community or has been civilly or administratively adjudicated to have engaged in sexual abuse by force, overt or implied threats of force or coercion through a written application, during any interviews or through any written self-evaluations as part of a review of current employees.

A review of documentation indicated that all staff were asked about the above incidents in their supplemental application.

The interview with Human Resource staff confirmed that these questions are contained on the employment application supplement that is required for all applicants.

115.17 (g): The Safe Prisons/PREA Plan, page 38, indicates that material omissions regarding sexual misconduct or the provision of materially false information is grounds for termination.

Executive Directive, Selection Criteria for Correctional Officer Applicants (PD-73) states, " The TDCJ promotes equal employment opportunity through a correctional officer (CO) selection system designed to achieve employment without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information. In addition, the TDCJ complies with the provisions of applicable federal and state laws related to employment and reemployment entitlements for prospective, current, or former members of the uniformed services." "All CO applicants, including non-correctional TDCJ employees applying for reassignment or being involuntarily demoted, including through a disciplinary action, resolution of a grievance, or Independent Dismissal Mediation, to a CO position, shall meet the following basic eligibility criteria to be employed as a CO:

Not be on community supervision (probation), including deferred adjudication for any criminal offense;

Not have pending charges for any criminal offense or have an outstanding warrant;

Not have had a Class A misdemeanor conviction within the last 10 years;

Not have had a Class B misdemeanor conviction within the last 5 years;

Not have an active restraining order that prohibits the applicant from possessing a firearm;

Never have been convicted of a felony.

"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."

Human resource staff confirm that any false information or omissions would result in an employee or contractor being terminated.

115.17 (h): Executive Directive PD-56 indicates that the agency will provide information related to substantiated allegations of sexual abuse or sexual harassment involving a former employee to institutional employers for whom the employee has applied to work. Human resource staff indicated that this information would be

	provided when requested. Based on a review of the PAQ, the Safe Prisons/PREA Plan, PERS 282, PERS 598, PD-56, PD-71, PD-73, PD-27, PD-75, a review of background documentation for staff and contractors and information obtained from the Human Resource staff interview, this standard is determined to be compliant and is rated as exceeds.
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115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Pre-Audit Questionnaire Interviews: Agency Head Designee PREA Coordinator Findings (By Provision): 115.18 (a): 115.18 (a): The agency recently acquired the Giles W. Dalby Unit and began operating the facility in January 2026. The PREA Coordinator stated that prior to placing inmates at the facility, the agency conducted a review to determine the number of inmates who could be safely and securely housed at the facility. The agency determined that housing inmates within the capacity established through that review would not negatively impact its ability to protect inmates from physical or sexual abuse. The Agency Head Designee was interviewed, and he stated that the agency does look at housing assignments areas, risk screening locations and places where the video surveillance should be located. The technologies division as well as the

	PREA Coordinator work in conjunction with facility and agency leadership to determine how to best design areas to ensure inmate safety. 115.18 (b): The PAQ as well as interviews with the Agency Head Designee indicated that there is comprehensive video surveillance in TDCJ facilities. This surveillance is reviewed proactively as well as reactively, and locations of cameras are reviewed by facility wardens on an ongoing basis. Based on the PAQ and the interview with the Agency Head Designee and the PREA Coordinator, this standard is determined to be compliant.
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115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Pre-Audit Questionnaire TDCJ Correctional Institutions Division, Safe Prisons/PREA Plan TDCJ Classification Plan Unit Classification Procedure 4.00, Offender Housing Assignments Interviews: PREA Coordinator Findings (By Provision): 115.42 (c): Per Presidential Executive Order 14168, this standard is no longer applicable.

115.66	Preservation of ability to protect inmates from contact with
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	abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Correctional Institution Division, Prison Rape Elimination Act / PREA, Statement of Fact Interviews: Agency Head Designee Findings (By Provision): 115.66 (a): The agency provided a Statement of Fact which states that 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. The Agency Head Designee stated in the interview that the Agency does not participate in collective bargaining. 115.66 (b): The auditor is not required to audit this provision. Findings: Based on the Statement of Fact as well as the interview with the Agency Head Designee, this standard is determined to be compliant.

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Documents:

TDCJ Emergency Action Center Notification Handbook

TDCJ Correctional Institutions Division, Safe Prisons/PREA Plan

TDCJ Administrative Directive, AD-02.15. Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents

Aggregated Data

115.87 (a-1): The Texas Department of Criminal Justice Safe Prisons / PREA Plan states that 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, specifies the set definitions required per this provision.

The Texas Department of Criminal Justice Emergency Action Center Notification Handbook provides definitions for incident types and a list of reportable incidents which require an administrative incident review.

115.87 (b): The Texas Department of Criminal Justice Safe Prisons / PREA Plan, p. 36, states that incident-based sexual abuse data shall be aggregated at least annually.

The agency provided documentation to the auditor of the aggregated data collected which demonstrated compliance with this provision.

115.87 (c): The Texas Department of Criminal Justice Safe Prisons / PREA Plan states that 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.

115.87 (d): The Texas Department of Criminal Justice Safe Prisons / PREA Plan, p. 36, states that 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 that 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 PAQ indicated that the Department of Justice has not requested data from the agency from the previous two years. The agency provided the Department of Justice with data in 2023 which is the latest request from the DOJ. Based on the information provided in the PAQ, the TDCJ Safe Prisons / PREA Plan, The TDCJ Emergency Action Center Notification Handbook, TDCJ AD-02.15, and documentation of aggregated data, this standard is determined to be compliant.
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115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: TDCJ Correctional Institutions Division, Safe Prisons/PREA Plan Data Collection Instrument – SPPANS Database Annual Reports Corrective Action Plans Interviews: Agency Head Designee PREA Coordinator 115.88 (a): The Texas Department of Criminal Justice Safe Prisons / PREA Plan states

that 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, and training by: identifying problematic areas, taking corrective action on an ongoing basis; and 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.

Interviews were conducted with the Agency Head Designee and the PREA Coordinator who stated they both work collaboratively to collect pertinent data of reports of sexual abuse and sexual harassment. The information is collected by the facilities who then forward this information to the PC (Ombudsman). The PC develops corrective action response plans for the facilities pursuant to the needs identified in the reports. The PREA Coordinator stated in her interview that data collected is reviewed and analyzed to assess PREA compliance, identify trends, and improve prevention, detection, response, policies, and training. When compliance concerns are identified, the PREA Coordinator works with the appropriate division to develop corrective actions and monitor implementation until compliance is achieved.

115.88 (b): The Texas Department of Criminal Justice Safe Prisons/ PREA Plan states that the annual report shall include a comparison of the data and corrective actions from the current year with those from prior years and shall provide an assessment of the progress made in addressing sexual abuse.

The agency provided a copy of the Annual Report for 20234 which is the last report. This report includes a comparison of the current year's data and corrective actions with those from prior years. The report additionally provides an assessment of the agency's progress in addressing sexual abuse.

115.88 (c): The PAQ provided the website address for the agency with the location of the annual report which is <https://www.tdcj.texas.gov/tbcj/prea.html>. This is the location where the annual report is located and is available to the public. The Agency Head Designee indicated in the interview that annual reports are approved by the agency head.

115.88 (d): The PREA Coordinator stated in their interview that no personally identifiable information is included in the published annual report; therefore, no personally identifiable information requires redaction.

A review of the most recent annual report was conducted and no sensitive or confidential information was observed.

Based on the review of the TDCJ Correctional Institutions Division, Safe Prisons/PREA

	Plan, the Data Collection Instrument – SPPANS Database, Annual Reports with Corrective Action Plans and the interviews with the Agency Head Designee and the PREA Coordinator, this standard is determined to be compliant.
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115.89	Data storage, publication, and destruction
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: TDCJ Executive Directive, ED-02.29, Records Management TDCJ Records Retention Schedule, 7th Edition, September 2020 Historical Data – Annual Reports TDCJ Safe Prisons / PREA Plan Interviews: PREA Coordinator Site Review Observations: Record Storage Area – physical and electronic Public Website 115.89 (a) The TDCJ Safe Prisons PREA Plan states that all data collected pursuant to Section VII.A shall be securely maintained. ED-02.09 states that the TDCJ develops, implements and monitors and agency-wide records management program that complies with all state and federal laws while safeguarding all state records, both paper, electronic, through effective records management, retention, storage, protection and disposition.

	The interview with the PREA Coordinator indicated that data on sexual abuse and sexual harassment are collected from all TDCJ facilities. This data is securely retained in an agency database which is only accessible to authorized staff. The data is aggregated and reviewed to determine if there are any issues such as patterns or problem areas. The information is reviewed to ensure that the facilities maintain sexual safety. 115.89 (b) A review of the public website verified that the most recent annual report is posted and readily available to the public. 115.89 (c): The PAQ states that the annual report does not provide sensitive or confidential information. The agency does maintain sexual abuse data collected for at least 10 years after the date of initial collection. ED-02.29 states that 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. 115.89 (d): The TDCJ Records Retention Schedule specifies 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. Based on a review of ED-02.29, the Records Retention Schedule and historical data, the review of the public website, and the interview with the PREA Coordinator, this standard is determined to be compliant.
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115.401	Frequency and scope of audits
	Auditor Overall Determination:
	Auditor Discussion

	Documents: Agency Records Agency Website Findings (By Provision): 115.401 (a). All TDCJ facilities were audited in the previous three-year audit cycle. 115.401 (b): The TDCJ has a schedule for all their facilities to be audited within the three-year cycle, with one third being audited in each cycle.
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115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Documents: Agency Website – to include facility PREA Final Reports 115.403(f): The Texas Department of Criminal Justice ensures that the final PREA Audit reports are published to the agency’s external website and therefore readily available for public review. The auditor reviewed the agency website and verified that final audit reports are publicly available. Based upon a review of the PAQ and the agency website, this standard is determined to be compliant.

Appendix: Provision Findings**115.11 (b) Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**

	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

115.12 (a) Contracting with other entities for the confinement of inmates

	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
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115.12 (b) Contracting with other entities for the confinement of inmates

	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
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115.17 (a) Hiring and promotion decisions

	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
115.17 (b)	Hiring and promotion decisions	
	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
115.17 (c)	Hiring and promotion decisions	
	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
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	Hiring and promotion decisions	

	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
115.17 (f)	Hiring and promotion decisions	
	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
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	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
115.18 (a)	Upgrades to facilities and technologies	
	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
115.18 (b)	Upgrades to facilities and technologies	
	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.)	
115.42 (c)	Use of screening information	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	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
115.87 (a)	Data collection	
	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
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	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
115.87 (d)	Data collection	
	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
115.87 (e)	Data collection	

	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
115.87 (f)	Data collection	
	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
115.88 (a)	Data review for corrective action	
	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
115.88 (b)	Data review for corrective action	
	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
115.88 (c)	Data review for corrective action	
	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
115.88 (d)	Data review for corrective action	
	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

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

(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, there has never been a Final Audit Report issued.) yes