

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS



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|--|---|--|---|
| Name of facility: | | Ruben M. Torres Unit / Joe Ney Unit | |
| Physical address: | | 125 Private Rd. 4303, Hondo, TX 78861 / 114 Private Rd. 4303, Hondo, TX 78861 | |
| Date report submitted: | | October 13, 2014 | |
| Auditor Information | | James Curington | |
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| Telephone number: | | 352-538-2636 | |
| Date of facility visit: | | September 22 nd , 23 rd , 24 th , 2014 | |
| Facility Information | | | |
| Facility mailing address: (if different from above) | | Same as above | |
| Telephone number: | | 830-426-5325 / 830-426-8030 | |
| The facility is: | <input type="checkbox"/> Military | <input type="checkbox"/> County | <input type="checkbox"/> Federal |
| | <input type="checkbox"/> Private for profit | <input type="checkbox"/> Municipal | <input checked="" type="checkbox"/> State |
| | <input type="checkbox"/> Private not for profit | | |
| Facility Type: | <input type="checkbox"/> Jail | <input checked="" type="checkbox"/> Prison | |
| Name of PREA Compliance Manager: | | Claudia Loera | Title: Sergeant |
| Email address: | | claudia.loera@tdcj.texas.gov | Telephone number: 830-426-5325 extension 4100 |
| Agency Information | | | |
| Name of agency: | | Texas Department of Criminal Justice | |
| Governing authority or parent agency: (if applicable) | | State of Texas | |
| Physical address: | | 861 – B I – 45 N., Huntsville, TX 77320 | |
| Mailing address: (if different from above) | | PO Box 99, Huntsville, TX 77342 | |

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|---------------------------------------|--|--------------------------|--|
| Telephone number: | 936-295-6371 | | |
| Agency Chief Executive Officer | | | |
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| Agency-Wide PREA Coordinator | | | |
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AUDIT FINDINGS

NARRATIVE: The Texas Department of Criminal Justice (TDCJ), through the American Correctional Association, (ACA) scheduled a Prison Rape Elimination Act (PREA) audit for the Ruben M Torres/Joe Ney Unit located in Hondo, Texas. The date of the audit was September 21 through September 24, 2014.

This Prison Rape Elimination Act audit was scheduled by the American Correctional Association in conjunction with the Texas Department of Criminal Justice’s request to begin audit reviews in August and September, 2014. James Curington, PREA auditor, was notified in July, 2014 of this audit for the Torres/Ney Unit in Hondo, Texas. Notices were posted and the process began.

The audit process started with the receipt of a USB thumb drive from Ms. Shannon Kersh’s Office of Administrative Review and Risk Management, the Texas Department of Criminal Justice. The thumb drive included three essential parts; the PREA Audit: Pre-Audit Questionnaire Adult Prisons and Jails, an administrative documents folder containing 43 standard folders (564 items in these 43 folders), and additional document folders containing such things as employment applications, health appraisals, reprimand forms, dismissal recommendation forms, and other unit documents containing 20 items of unit specific documents pertaining to the facility. A tremendous amount of material was supplied to this auditor and appreciated for its organization, relevance and completeness.

The PREA Resource Audit Instrument used for Adult Prisons and Jails was furnished by the National PREA Resource Center. To summarize, simply there are seven sections: A through G comprised of the Pre-audit Questionnaire, the Auditor Compliance Tool, Instructions for the PREA Audit Tour, the Interview Protocols, the Auditor’s Summary Report, the Process Map, and the Checklist of Documentation.

Following the protocols, the process began with the posting of notices, making contacts and reviewing the questionnaire. Scheduling and announcements were initiated through the American Correctional Association and the Texas Department of Criminal Justice, Torres/Ney Unit. First contacts were made with Ms. Shannon Kersh, with the receipt of the thumb drive and then with the Warden of the facility. With the receipt of the questionnaire and the supporting thumb drive material, the auditor began his review of every item on the thumb drive.

PREA Audit: Pre-Audit Questionnaire, Adult Prisons and Jails was completed by Sergeant Claudia Loera and Officer Mark Ross and reviewed by the Warden Joseph Wilson of the agency Texas Department of Criminal Justice, Torres/Ney Unit, August 26, 2014.

Sunday evening, September 21, the Warden, Mr. Joseph Wilson, Capt. Sean Clark, and Officer Mark Ross met with the auditor, James Curington for dinner to discuss the complexities, direction and agenda of accomplishing this first PREA audit for the Torres/Ney Unit. The PREA auditor stayed in Castroville, Texas and commuted each day to and from the institution in Hondo, Texas with a staff member - either Sgt. Claudia Loera or Officer Mark Ross.

The site visit and tour began September 22nd with travel to the institution, security identifications at the entry control tower and gate and then a meeting with key staff in the Warden's office. Following this short meeting, the Warden, PREA auditor and Regional Director, Mr. Joe Grimes met in the institutional visiting area for introductions to the department representatives, security representatives, and many staff who worked so hard for this PREA audit. The following were in attendance:

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| Joseph Wilson | Warden |
| Kimberly Woodall | Assistant Warden |
| Alfredo Trejo | Major, Security |
| Ronnie Perez | Major, Security |
| Christopher Garcia | Captain, Security |
| Sean Clark | Captain, Security |
| R. Carr | Sergeant, Security |
| J. Chong | Sergeant, Security |
| T. Escamilla | Lieutenant, Security |
| J. Gomez | Officer, Security |
| P. Journey | Sergeant, Security |
| Claudia Loera | Sergeant, Security |
| D. O'Connor | Captain, Security |
| Mark Ross | Officer, Security |
| K. Walker | Sergeant, Security |
| B. Wittwer | Captain, Security |
| M. Beard | Lieutenant, Security |
| Ms. R. Burrell | Risk Management |
| Charles Fernando | Chaplain |
| Lori Garza | Counsel Substitute |

| | |
|-------------------|------------------------------|
| Kristy Ivy | Chief of Classification |
| Sandra Henry | Education |
| Alice Koehler | Human Resources |
| Eddie Mata | Law Library |
| Rebecca Morris | Property and Supply |
| Gail Dupre | Medical |
| Patricia Williams | Grievance |
| Karla Dylla | Inmate Records |
| Sheryl Hill | Mailroom |
| Jaime Fernandez | Maintenance |
| Amanda Wren | Countroom |
| Benny Lopez | Print Shop |
| M. Balli | Countroom |
| Kristie Boettcher | Case Manager |
| L. Orfori | Gateway |
| Yvonne Flowers | Mailroom |
| T. Gomez | Inmate Records |
| Sherry Hartnett | Commissary |
| Patrick Morris | Maintenance |
| Joe Grimes | Region IV Director |
| Patricia Chapa | Region IV Assistant Director |
| Noelda Martinez | Region IV Safe Prisons |
| Kim Emsoff | Region V |
| Officer Tomes | Officer, Stevenson Unit |

At this time, the PREA auditor explained that he was there to observe and access all areas of the facility in order to verify compliance with the PREA standards. The auditor would also pay attention to how well inmates were supervised, how cameras were used and how security procedures were followed, being especially cognizant of the safety and security of inmates. Special emphasis would be placed on intake, reception, screening areas, all housing units, healthcare areas, recreation areas, and any areas that have or may have been renovated, modified or expanded as is noted in the instructions for the audit

tour. There were things which would be reviewed and questions which would be asked especially in medical, recreation, work and program areas, general housing and in segregated housing.

After the entrance discussion and introductions and greetings, the tour of the facility began with the Warden, Joseph Wilson, leading the tour through the dual complex. The tour of the Torres Unit started at approximately 8:30 a.m. and continued until approximately noon. About 12:30 p.m., after a short lunch, the tour of the Ney Unit began and was completed about 2:30 p.m. that afternoon. Interviews and file review continued late into the evening. Attendance at the 9:30 p.m. evening shift briefing was accomplished with observation of some training and discussion of PREA.

The route of the Torres Unit tour began in Administration continued through the Control Room and Control Room gate area and on to the following locations listed:

Education / Vocation

Laundry

Commissary

Food Service

Maintenance

Print Shop

Backgate

Housing Building J1 and J2 cellblocks

Medical

Line Building (security offices, offices, intake, segregation cells)

Housing Building J3 and J4 cellblocks

J5 Dormitory Building

The route of Ney Unit tour began in the Administration Building and continued to the:

Housing Building three sections, each with three subsections (B 1-9)

Recreation/Commons Yard

Administrative Separation, 3 cells

Health Services

Education

Commissary

Food service

Laundry

Property Supply

Maintenance

September 23, Tuesday, the tour continued to outbuildings and again to the open bay dormitory at the Torres Unit. Interviews with staff and inmates and PREA standards reviews continued.

September 24, Wednesday, interviews continued, a review of 43 file folders for each of the PREA standards was accomplished by the auditor and Sgt. Claudia Loera with the help of Officer Mark Ross and Mrs. Noelda Martinez, Region IV Safe Prisons/PREA Coordinator. The auditor was particularly impressed with the amount of work, attention to detail and most especially with the organization of documents that assisted in accomplishing this PREA audit at the Torres/Ney Unit.

While at the Torres/Ney Unit, 25 staff were formally interviewed from scripted questions. Interviews included the Warden, the PREA Compliance Manager, specialized staff, health care staff, human resource staff, the facility and regional investigator, staff responsible for intake screening and random staff from each shift and all housing areas. Additionally, 21 inmates were formally interviewed including inmates from each housing unit, and inmates from segregation. There are no intersex nor transgender inmates at the Torres/Ney Unit. In addition to these formal interviews, many informal discussions were held with staff and inmates that assisted in this PREA compliance audit.

The on-site audit process concluded at 12:15 p.m. in the Warden's executive conference room after completion of summary discussions. It was noted at this time that the summary report would be completed within 30 days.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Ruben M. Torres / Joe Ney Unit of the Texas Department of Criminal Justice is located in Hondo, Texas, Medina County, about 30 miles east of San Antonio in the South Texas Hill Country. The facility is located at 125 Private Rd. 4303 Hondo, TX 78861. Their Mission Statement is: "As dedicated criminal justice professionals, we provide leadership in the management of effective and efficient correctional facilities conducive to a positive change and the reduction of recidivism; creating a safe and secure environment for staff, offenders, and the public".

Originally, the Ruben M. Torres Unit, and the Joe Ney Unit were two units within the Texas Department of Criminal Justice and were managed and supervised by two different wardens. The two units were consolidated in 2004 under one Warden and are now considered one unit. The Torres Unit opened in January 1993 and was named after the first Hispanic to serve on the Texas Board of Pardons and Parole. The Joe Ney Unit opened in February 1995 and was named in honor of Sheriff Joe Nye, who served as Sheriff of Medina County from 1890 to 1910. The combination of the two units was formed under one administration in February 2004. The facility is located in Region IV, one of six regions of the Correctional Institutional Division of the Texas Department of Criminal Justice.

The Torres/Ney Unit is a large, all male, medium/minimum security, dual facility with a maximum capacity of 1,384 inmates at the Torres Unit and 576 inmates at the Ney Unit. The two units sit on over 150 acres, the Torres Unit having 40 acres inside the fence and the Ney Unit having approximately 23 acres inside the fence and building security area. Noticeable when driving up the short road that runs from the main highway through Hondo, Texas, is the vast agricultural area (large farms) and then the layout of prison parking lots, Pickett (security) towers, and prison chain-link razor ribbon topped

fencing. As one drives into the Torres/Ney Unit parking areas, immediately visible is the 12 foot high chain-link single perimeter fence with single razor wire on top of the fencing surrounding the Torres Unit. The fencing is square in shape and runs around the perimeter of prison buildings, cellblocks and recreation yards. This is surrounded by a perimeter road with perimeter security of two armed Pickett towers, one at the back gate and the other at the front entrance to the facility, both observing the perimeter of the unit. An armed mobile patrol from 6 p.m. to 6 a.m. assists in securing the Torres Unit, which is within 200 yards and a short walking distance from the Ney Unit. The Ney Unit uses a combination of buildings and fencing to surround its lower security population. It also is surrounded by a perimeter road with perimeter security by armed mobile vehicle patrol 24/7, which is its main security.

The Torres Unit is a prototypical unit of which there are several TDCJ units of similar design. Within the perimeter of the Torres Unit there are 11 large buildings. One first enters the Administration Building then proceeds through the Control Room to the Education Building. The next building is a complex building that includes the laundry, commissary, food service and medical then on to the Line building, which includes offices and segregation. Other buildings include a large print shop, a gymnasium, four cellblock dormitories, and one open bay dormitory building. There are also some smaller buildings at the front gate, the back gate and there is a small maintenance area within the compound.

Within the perimeter (buildings and back fence) of the Ney Unit there is a large recreation infield area which is surrounded by buildings. The Administration Building is to the front. To the right, as you walk through the Administration Building and the Control Room and onto the large recreation compound, you observe the Gateway therapeutic community. To the left of the Administration Building, there is a long building complex that houses maintenance, property, laundry, food service, commissary, education, and health service. The back fence forms the last side of the square encompassing the recreation area in forming a perimeter for the Ney Unit.

Additionally, this complex (Torres/Ney) includes agricultural operations (unit garden), manufacturing and logistics operations at the large print shop, medical capabilities (ambulatory medical and dental services, UTMB), educational and vocational programs, a faith-based dormitory at each unit, community work projects, and volunteer initiatives of special treatment programs in prison. There is also Inmate Prison Therapy Community (IPTC) services provided by the Gateway Foundation at the Ney Unit.

Medical/mental health services for the Torres/Ney Unit is administered and contracted through the University of Texas Medical Branch, TDCJ.

Facility Demographics:

Rated capacity: 1,384 Torres unit; 576 Ney unit

Actual population: 9/24/14 1,369 Torres unit; 546 Ney unit

Age range of population: 18 to 67 Torres unit; 18 to 68 Ney unit

Security: minimum/medium (TDCJ grades, G1, G2 G4) Torres unit; medium/minimum (TDCJ grades, G1, G2) Ney unit

Number of full-time staff: 298 Torres unit; 134 Ney unit; (also including Windham education employees 17, University of Texas Medical Branch (UTMB) employees 11, and Gateway Therapeutic Community employees 14)

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded: 1

Number of standards met: 40

Number of standards not met: Zero

Non-applicable: 2

§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

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

The Safe Prisons/PREA (Prison Rape Elimination Act) Plan established by the Texas Department of Criminal Justice (TDCJ) clearly outlines, zero tolerance, and requires compliance by all Texas Correctional Institutions for which they are responsible. The policy is outlined by the Executive Directive 03.03 Safe Prisons/PREA Plan from Mr. Brad Livingston, Executive Director of the TDCJ.

Moreover, the Safe Prisons/PREA Plan, in its 40 pages, describes General Administration Policy and Management of "safe prisons" and PREA compliance in the Correctional Institutional Division. Mr. William Stephens, Director of the Correctional Institutional Division (CID), has been appointed by the Executive Director of TDCJ as the PREA Compliance Coordinator for the agency. This exemplifies the commitment of the TDCJ to the Prison Rape Elimination Act law.

Furthermore, through discussions with staff and inmates, observation of bulletin boards, posters, handouts and materials, review of inmate and staff handbooks and personnel policies, it is clear that the Torres/Ney Unit is committed to zero tolerance of sexual abuse and sexual harassment.

The ECHO, the inmate prison newspaper distributed free to Texas prisoners, also informs inmates of zero tolerance, access to the Prison Rape Elimination Act Ombudsman and other aspects of the law.

Organizational charts were reviewed and the PREA Coordinator, Mr. Stephens, is at the top of the organizational chart. The Institutional PREA Compliance Manager at the institution, is Sergeant Claudia Loera who has direct access to the Warden, Mr. Joseph Wilson.

Special note by this auditor: due to the appointment of a top administrator as the Compliance Coordinator, and the special interest of the Executive Director, this auditor was impressed with the TDCJ's program. However, this auditing is new, and the data is limited, but commitment to Safe Prisons/PREA Program certainly is reflected in policy, program and the administration at the Torres/Ney Unit.

§115.12 - Contracting with other entities for the confinement of inmates

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

The Administrative Directive, AD 02.46, Employees of Private Businesses and Governmental Entities Contracting with the Texas Department of Criminal Justice requires compliance with agency policy, specifically Zero Tolerance towards all forms of sexual abuse and sexual harassment. Contracts and examples of contracts were reviewed. The interview with the agency contract manager was reviewed. Contract employees at the Torres/Ney Unit were interviewed and it was clear from this review and interviews that Zero Tolerance and compliance with PREA law is substantiated.

§115.13 – Supervision and Monitoring

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

The Torres/Ney Unit is a minimum/medium security facility with staffing and perimeter security outlined in the description of the unit. The Warden's and the Human Resources Department's comprehensive involvement has assured staffing, according to needs and priorities set by the agency. The Warden and the Director of Personnel at the unit routinely review the staffing plan, recruitment policies, and institutional needs to assure the safety of staff and inmates.

Interviews confirmed staff and inmates felt safe at this facility.

Intermediate and higher-level staff conduct unannounced rounds to identify any deviation from policy and procedure, including deviation from compliance with the prevention of sexual abuse and sexual harassment policy.

Security Operation Procedures Manual (SOPM) and post orders addressed supervision and unannounced rounds. Staff compliance was monitored through these unannounced rounds and logs as well as incident reviews and reports.

§115.14 – Youthful Inmates

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

Not Applicable. There are no youthful offenders at the Torres/Ney Unit.

§115.15 – Limits to Cross-Gender Viewing and Searches

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

Policies and procedures governing cross gender viewing and searches were reviewed as well as actual searches conducted during the audit visit. Policy does allow cross gender strip and cross gender visual body cavity searches of inmates at the Torres/Ney Unit, except in exigent circumstances.

In the past 12 months, there have been no cross gender strip and/or cross gender visual body cavity searches of inmates (zero number).

In the past 12 months, there have been no cross gender strip and/or cross gender visual body cavity searches of inmates that did not involve exigent circumstances and were performed by non-medical staff (zero number).

There are no female inmates at the Torres/Ney Unit.

Procedures require that staff of the opposite gender announce their presence when entering inmate housing, this was observed. It was discussed several times that the idea of simple courtesy and limited privacy could and should be extended in inmate housing without jeopardizing security. It was observed in the restroom, in shower areas and in dorms/cells and confirmed by interviews with staff and inmates, that inmates can perform bodily functions, change clothing, and shower without staff of the opposite gender completely viewing them. Inmates and staff felt there was a sense of some privacy.

All staff received training in conducting pat-down searches, counts, and unannounced rounds to assure compliance with the standard that limits to cross gender viewing and searches.

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

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

Through Administrative Directives AD 04.25, AD 06.25, and through Correctional Mental Health Policies which address language assistant services, interpreter services, American Sign Language and offenders with special needs, the agency has established procedures to provide inmates with limited English proficiency an equal opportunity to participate in and benefit from all aspects of the agency's efforts to prevent and respond to sexual abuse and sexual harassment.

In the past 12 months, there have been no instances where inmate interpreters (zero number), readers or other types of inmate assistants have not been used that could compromise the inmates' safety and security or the performance of first responders and investigators.

Note: there are many Spanish-speaking inmates at this facility but, there are also many Spanish speaking staff at this facility.

Inmates assigned to the Torres/Ney Unit are of minimum needs for mental and medical health care. They are high grade level I.

§115.17 – Hiring and Promotion Decisions

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

Policies (PDs71,73,75) pertaining to criminal background checks on promotions and hiring of employees and contractors, and policy concerning criminal background checks of current employees and contractors were reviewed by this auditor. These reviews revealed that before the hire of any new employee who has contacts with inmates, a criminal background check is done. Additionally, agency policy requires that criminal background record checks be conducted at least every five years and that there is a system in place to do such.

Personnel files were reviewed, the Warden and the Human Resource Manager were interviewed and it was evident that agency policy and PREA Law were being followed concerning hiring, promotional decisions and background checks.

§115.18 – Upgrades to Facilities and Technology

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

The Torres/Ney Unit is a prototypical medium /minimum security operation. The unit was established in 1993, the maximum capacity for the Torres Unit is 1,384. It is surrounded by a 12 foot chain-link fence, 2 Pickett towers and custody level inmates grade one to grade 4 of the Texas system. The Ney Unit opened in 1995, has grade 1 and 2 inmates by the Texas system. The maximum capacity is 576 with housing, an administration building, and program/operational buildings plus a 12 foot high chain link back fence which forms a rectangular shape unit (there is no perimeter fence per se).

There are eight cameras that record 24/7 (entrance and exit areas and visitation areas) which are monitored in the control room and the Warden's office. Additionally, there are non-

monitored, non-recording cameras in J5, the open bay dormitory. None of the cameras interfere with inmates' ability to shower, dress and perform bodily functions with some privacy.

The institution is reviewing and evaluating continuously their technology needs.

§115.21 – Evidence Protocol and Forensic Medical Examinations

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

The agency is responsible for administrative and criminal sexual abuse investigations. Administrative policy and operating procedures dictate use of the Sexual Abuse Checklist Operating Memorandum (number SPPOM 05.01), which assures investigators follow a uniform evidence protocol.

The University of Texas Medical Branch (UTMB) services this region of the Texas Department of Criminal Justice. UTMB provides medical care and arranges for the forensic medical examinations (CMHC policy G-57). These examinations are conducted at the Methodist Transplant Hospital San Antonio (SAFE/SANE staff are utilized).

There have been no forensic medical exams conducted during the past 12 months and there have been no SAFE/SANE exams during the past 12 months (zero number).

The facility attempts to make a victim advocate from the Rape Crisis Center available to the victim either in person or by other means. If and when a victim advocate from the Rape Crisis Center is not available to provide victim advocate services, the facility provides a qualified staff member.

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

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

The Safe Prisons/PREA Plan insures referrals of allegations for investigations, documentation of reports of sexual abuse and harassment, and documentation of investigations, including full investigative report with findings. Administrative Directive AD 02.15 Operations of the Emergency Action Center (EAC) and Reporting Procedures indicates the immediacy of reporting of these incidents and crimes to the Office of the Inspector General (OIG). Safe Prisons/PREA Plan also, outlines sexual abuse response and investigation and offender protection investigations, all of which are also outlined for inmates in the Offender Orientation Handbook.

Interviews with the investigative staff, random staff, and inmates indicate a familiarity with these policies.

The number of criminal and or administrative investigations of alleged inmate sexual abuse and sexual harassment that were received by the agency/facility in the past 12 months, was two at the Torres Unit and one at the Ney Unit.

§115.31 – Employee Training

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

Staff were knowledgeable about “zero tolerance” policy for sexual abuse and sexual harassment. They were knowledgeable on how to perform their responsibility in reporting and response. It was clear that they had received much training at the Torres/Ney Unit. After reviewing the Pre-Audit Questionnaire, after receiving documents from the agency and the institution, after reviewing training records and curriculum, and after interviewing staff and inmates, it was clear to this auditor that employees were well-trained.

This auditor sat through shift briefings (turnouts of staff) three times and during these 20 to 30 minute sessions, each of the shift supervisors discussed PREA and in one meeting a video was shown. It was obvious at the shift supervisory level that the lieutenants were concerned and interested in training the staff at these turnout meetings about zero tolerance and the agency’s position and the institution’s position on the PREA law. Staff’s duties and responsibilities were emphasized and reviewed by all and in the past 12 months, 100% of the staff who have contact with inmates were trained. Again, not only did they receive training at their annual in-service training, but in staff meetings as well as the shift briefings mentioned. Documentation was maintained through employee signature.

Random staff interviews and random inmate interviews also clearly indicated the Warden’s and his key staff’s commitment to being one of the first institutions in the TDCJ to accomplish PREA audit compliance.

§115.32– Volunteer and Contractor Training

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

All volunteers and contractors who have contact with inmates have been trained in their responsibilities under the agency’s policies and procedures regarding sexual abuse/harassment prevention, detection and response.

In the past 12 months, there have been 186 contractors and volunteers at the Torres Unit that have been trained and 92 contractors and volunteers at the Ney Unit who have been trained. Documentation and records have been maintained of this training.

§115.33 – Inmate Education

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

Admission and orientation was observed, the Inmate Handbook is received at intake. The Inmate Handbook was reviewed and interviews with staff and inmates revealed that at the time of intake, inmates received training and information about the Zero Tolerance Policy and how to report instances or suspicions of sexual abuse or sexual harassment. Inmate interviews confirm this education. 857 inmates at the Torres Unit received this information, and 786 inmates at the Ney Unit received this information

The agency maintains documentation of inmate participation in the PREA education sessions.

The number of inmates in the facility that did not receive comprehensive education within 30 days of intake was zero.

Key information about Safe Prisons and PREA policy was noticeable on all bulletin boards throughout both units, and in the inmate newspaper, the ECHO.

§115.34 – Specialized Training: Investigations

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

The agency's training policy along with training curriculum and personnel policy, requires investigators to be trained in conducting sexual abuse investigations in confinement settings.

The Office of the Inspector General also conducts specialized training. The number of investigators currently employed who have completed the required training are 136 in the Agency with the Office of the Inspector General, of these the Torres Unit has 16 and the Ney Unit has 10.

§115.35 – Specialized training: Medical and mental health care

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

Medical and mental health care training is directed at the contract staff of the University of Texas Medical Branch (UMTB) who work regularly in this facility. The agency policies are contained in the Correctional Managed Health Care Policy Manual, (CMHC manual). Policies on continuing education, staff development, orientation and training for health services staff and sexual assault/sexual abuse training, as well as course curriculum and medical and mental health checklists were reviewed and revealed that 100% of the staff at the Torres/Ney Unit were trained.

The facility maintains documentation (i.e. rosters/logs of those staff completing the training).

§115.41 – Screening for Risk of Victimization and Abusiveness

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

The Safe Prisons/PREA Operational Manual (SPPOM) outlines the screening process for the risk of victimization and abusiveness.

Included in the manual is the Offender Assessment Screening Form which addresses the risk of sexual victimization or the risk of sexually abusing other inmates. This is completed within 72 hours of intake. This auditor actually reviewed the intake process of how the PREA Compliance Manager met the inmates as they arrived at the back gate for intake into the facility. Within hours of arrival, the PREA Compliance Manager and/or her assistant met with three inmates. The inmates allowed the PREA auditor to sit in and observe the process. The form/checklist for screening included questions regarding mental, physical, developmental disabilities, whether or not the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex or gender non-conforming, whether or not the inmate has previously experienced sexual victimization and the inmate's own perception of vulnerability. The screening/intake process met standards, was thorough, consistent and in this auditor's opinion well-managed.

Policy requires that the facility reassess each inmate's risk of victimization or abusiveness not to exceed 30 days after arrival at the facility. The number of inmates entering the facility within the past 12 months, who were reassessed were 682 at the Torres Unit, and 783 at the Ney Unit.

This assessment, and screening process performed at the Torres/Ney Unit appears to positively assist in the effective and efficient security and management of this medium/minimum security facility.

§115.42 – Use of Screening Information

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

Interviews with intake and mental health staff supported by interviews with inmates as well as practice, observation, and documentation supports the appropriate use of screening information. Health care staff were especially concerned with privacy and confidentiality issues balancing the use of the screening information with the goal of keeping separate those vulnerable inmates at high risk from being sexually victimized by those that may be sexually abusive.

Intake staff, as well as the security department as a whole, is also interested and well-informed in how to keep and the use of screening information for the safety of each inmate.

There are no transgender or intersex inmates at this facility.

§115.43 – Protective Custody

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

The agency has a policy prohibiting the placement of inmates at high risk for sexual victimization in involuntary segregated housing. The Torres/Ney Unit does not have a protective custody housing unit or protective cellblock housing.

The number of inmates at risk of sexual victimization who were held in involuntary segregated housing in the past 12 months for one to 12 hours or for longer than 30 days was zero.

Inmates requiring protective custody are transferred to a nearby TDCJ protective custody unit.

§115.51 – Inmate Reporting

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

The Safe Prisons/PREA Plan has established procedures allowing for multiple internal ways for inmates to report privately to agency officials.

The Safe Prisons/PREA Operational Manual and attachments outline ways for inmates to report sexual harassment or sexual abuse.

Inmate handbooks distributed during intake outline ways for inmates to report sexual harassment or sexual abuse.

The Texas Board of Criminal Justice (different from the Texas Department of Criminal Justice) PREA brochure is distributed to the public outlining ways for reporting sexual harassment or sexual abuse of inmates.

The agency provides for at least one way for inmates to report harassment or abuse that is not part of the Correctional Institutions Division TDCJ. The Texas Board of Criminal Justice (TBCJ) has established an Ombudsman Office for reporting PREA incidents.

Interviews with inmates and interviews with staff revealed that inmates know how to report sexual abuse and sexual harassment and that staff know how to report sexual abuse and sexual harassment. Posters and bulletin boards maintain information on how to reach the PREA Ombudsman and/or the Office of the Inspector General, as well as the internal chain of command to privately report sexual abuse and sexual harassment.

§115.52 – Exhaustion of Administrative Remedies

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

The agency has an administrative procedure for dealing with inmate grievances regarding sexual abuse along with policy and procedures for filing emergency grievances alleging that an inmate is subject to substantial risk of imminent sexual abuse.

Administrative Directive AD 03.77.82 addressing offender grievances and management of offender grievances is available to inmates and staff. Additionally, the Inmate Handbook and the Safe Prisons/PREA Plan and the Safe Prisons/PREA Operational Manual also cover these topics.

In the past 12 months, there was one grievance that was filed that alleged sexual abuse. The grievance was unfounded.

§115.53 – Inmate Access to Outside Confidential Support Services

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

Inmate access to outside confidential support services is supported by the agency through its Safe Prisons/PREA Plan and identified in the institutional Inmate Handbook, "How to Access Support Services". There are lists of outside confidential support services provided to the inmate population. However, there is no memorandum of understanding or agreement with community service providers that have been able to support inmates with emotional support services related to sexual abuse in this community. The institution has solicited help, sought and attempted to enter into memorandums of understanding or agreements with community services providers, but has not been successful. The Mental Health Department, University of Texas Medical Branch, and the Religious Department (chaplains) have been trained in these kind of support services and work with the inmate population to meet their needs.

§115.54 – Third-Party Reporting

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

The agency provides a method to receive third-party reports of inmate sexual abuse or harassment. Third party reporting is accomplished through the Office of the Inspector General or through the Texas Board of Criminal Justice PREA Ombudsman website.

The Texas Department of Criminal Justice publicly distributes the PREA Ombudsman Brochure as well as having established a public PREA Ombudsman Website, both on how to report inmate sexual abuse or sexual harassment on behalf of inmates.

§115.61 – Staff and Agency Reporting Duties

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

The Safe Prisons/PREA Plan and the Safe Prisons/PREA Operational Manual clearly outline staff and agency reporting steps. All staff is required to report immediately and in accordance

to policy, any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred at a facility whether or not it is part of the agency.

Interviews with staff and inmates revealed that all are aware of the step by step procedure to take concerning reporting incidents of sexual harassment and sexual abuse.

Training curriculum and documentation records reveal that staff and inmates have been trained in how to report.

§115.62 – Agency Protection Duties

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The Safe Prisons/PREA Operational Manual and the Administrative Directive AD 02.15 outline the immediate action that is to be taken to protect inmate(s) who is/are in substantial risk of sexual abuse. It also, outlines action that needs to be taken to assist and implement appropriate protective measures without unreasonable delay.

The institution and its staff were very knowledgeable and well trained in their protection duties when an inmate is subject to imminent sexual abuse or risk of imminent sexual abuse. Agency policy above directs appropriate action. In the past 12 months, the number of times the facility determined that an inmate was subject to substantial risk of imminent sexual abuse was zero.

§115.63 – Reporting to Other Confinement Facilities

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, it is required by policy that the Warden of the facility that received the inmate must immediately notify the facility where the sexual abuse is alleged to have occurred. Through review of policy and in the interview with the Warden, staff is knowledgeable of this procedure. This is also outlined in the Safe Prisons/PREA Operating Manual and the Safe Prisons/PREA Plan.

During the past 12 months, the number of allegations the facility received that an inmate was abused while confined at another facility was zero. In the past 12 months, there have

been no allegations of sexual abuse received from other facilities regarding inmates transferred from the Torres/Ney Unit (zero number).

§115.64 – Staff First Responder Duties

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

The Texas Department of Criminal Justice, through its Safe Prisons/PREA Operating Manual, Sexual Abuse Response and Investigation, and through its Administrative Directive AD 16.03-Evidence Handling, and the Office of Inspector General Operating Procedure Manual, detail policy and action for the first responder to an allegation of sexual abuse. The first security staff member to respond to the report that an inmate was sexually abused is required to separate the alleged victim and abuser, preserve and protect the crime scene, and request the alleged victim take no action to destroy evidence. Policy also requires efforts be made to ensure that the alleged abuser does not take any action that could destroy evidence and notify one's immediate supervisor or shift commander.

These steps and duties were confirmed by random staff interviews, investigative staff interviews, higher and intermediate level supervisor interviews, and through observation of actual training sessions conducted at turnout sessions/shift briefings.

In the past 12 months, there have been zero number of allegations to a first responder that an inmate was sexually abused.

§115.65 – Coordinated Response

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

Texas Department of Criminal Justice Safe Prisons/PREA Operation Manual dictates responding to an allegation of sexual abuse requires a coordinated effort between unit security staff, the Office of the Inspector General, medical and mental health services and victim advocates or victim offender representatives. Procedures have been outlined to provide a systematic notification and response process following a reported sexual abuse incident.

The Safe Prisons/PREA Plan details also coordinated actions to be taken in response to an incident of sexual abuse.

Interview with the Warden of the Torres/Ney Unit indicated a commitment and facility leadership in handling a coordinated response.

§115.66 – Preservation of ability to protect inmates from contact with abusers

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

NOT APPLICABLE. The agency, Texas Department of Criminal Justice is not responsible for collective bargaining on the agency's behalf. There is no collective bargaining agreement with TDCJ.

Human resource policy is "independent mediation and dispute resolution".

See standard 115.67 agency protection against retaliation. (Below)

§115.67 – Agency protection against retaliation

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

The Department's policy, the Safe Prisons/PREA Plan, protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations, from retaliation by other staff or inmates.

Furthermore, personnel policies covering sexual harassment and discourteous conduct of a sexual nature, general rules of conduct, sexual misconduct with offenders, discrimination in the workplace, also protect against retaliation.

The Safe Prisons/PREA Operation Manual addresses ninety-day monitoring for retaliation. The offender ninety-day monitoring form and the staff ninety-day monitoring form, as well as other intervention practices are indicative of the agency's commitment to prevent retaliation.

The facility has designated a correctional officer (Major) the responsibility of monitoring possible retaliation at the Torres/Ney Unit.

There have been zero number of times an incident of retaliation occurred in the past 12 months.

§115.68 – Post-Allegation Protective Custody

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

All available alternatives are explored before a determination is made for the placement of inmates of alleged sexual abuse or sexual harassment in involuntary housing.

There is no involuntary protective custody housing at the Torres/Ney Unit. If determined such housing is necessary, the facility and agency would have the inmate transferred to a nearby institution that provides protective custody/protective housing.

Zero number of inmates who alleged sexual abuse were held in involuntary segregated housing at the Torres/Ney Unit.

§115.71 – Criminal and Administrative Agency Investigations

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

The agency's Administrative Directive, AD 16.20 Reporting Incidents/Crimes to the Office of the Inspector General, and Safe Prisons/PREA Plan establishes policy related to criminal and administrative agency investigations. Furthermore, evidence handling, specialized investigative training, completing the offender protection investigation, completing the staff on offender sexual abuse investigation, and the Inspector General policy statement all address handling of criminal and administrative investigations.

Records and retention schedule, Office of the Inspector General, addresses and ensures retention of all written reports for as long as the alleged abuser is incarcerated or employed by the agency +5 years.

There have been zero number of sustained allegations of conduct that appear to be criminal that were referred for prosecution from the Torres/Ney Unit.

§115.72 – Evidentiary Standard for Administrative Investigations

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

The Texas Department of Criminal Justice imposes a standard of preponderance of the evidence for determining whether allegations of sexual abuse or sexual harassment are substantiated. The Safe Prisons/PREA Plan, Safe Prisons/PREA Operational Manual and special investigative training in investigator interviews confirm meeting this standard.

§115.73 – Reporting to Inmate

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

Any inmate who makes an allegation that he suffered sexual abuse in the Torres/Ney Unit is informed verbally or in writing as to whether or not the allegation has been determined to be substantiated or unsubstantiated or unfounded following an investigation. The Texas Department of Criminal Justice Safe Prisons/PREA Plan as well as the Safe Prisons/PREA Operational Manual all require that the inmate who makes an allegation is informed.

§115.76 – Disciplinary sanctions for staff

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

Personnel policy of the Texas Department of Criminal Justice lists disciplinary sanctions up to and including termination for violating agency sexual abuse and sexual harassment policies.

Disciplinary sanctions for violations of agency's policies relating to sexual abuse or sexual harassment are commensurate with the nature and circumstances of the acts committed. Personnel departments policies PG-13, PD 22, PD 29 relating to sexual harassment, discourteous conduct of a sexual nature, general rules of conduct in disciplinary action, guidelines for employees and sexual misconduct with offenders, detailed the sanctions and actions required.

In the past 12 months, there have been zero number of staff that have violated agency sexual abuse or sexual harassment policies.

§115.77 – Corrective action for contractors and volunteers

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

The Volunteer Service Plan of the Texas Department of Criminal Justice, the acknowledgment of volunteer training and orientation, the volunteer services video training, and the Safe Prisons/PREA Plan all outline and require that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies (unless the activity was clearly not criminal) and to relevant licensing bodies. The policy also requires that any contractor or volunteer who engages in sexual abuse be prohibited from future contact with inmates.

In the past 12 months zero contractors or volunteers have been reported to law enforcement agencies or relevant licensing bodies for engaging in sexual abuse of inmates.

§115.78 – Disciplinary sanctions for inmates

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

Inmate Discipline Policy, GR – 106, Disciplinary Rules and Procedures for Offenders and the Safe Prisons/PREA Plan outlines disciplinary sanctions for inmates for sexual abuse and sexual harassment.

In the past 12 months, there have been zero number of administrative findings of inmate on inmate sexual abuse that occurred at the Torres/Ney Unit. In the past 12 months, there have been zero number of criminal findings for inmate on inmate sexual abuse that occurred at the Torres/Ney Unit.

The agency prohibits sexual activities between inmates. See Safe Prisons/PREA Plan, GR – 106 rules of discipline.

§115.81 – Medical and mental health screenings; history of sexual abuse

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

All inmates at this facility who have disclosed any prior sexual victimization during a screening, pursuant to statute/rule 115.41, are offered a follow-up meeting with a medical or

mental health practitioner. This follow-up, as outlined in the Safe Prisons/PREA Plan, in the Safe Prisons/PREA Operational Manual and in the Correctional Mental Health Care Policies is administered by mental health staff, University of Texas Medical Branch, at the Torres/Ney Unit. Policy outlines that follow-up services are offered within 14 days of intake screening.

It should be noted in the past 12 months, zero number of inmates have disclosed prior victimization or have disclosed previously perpetrated sexual abuse. These questions are noted on the intake form and asked of each inmate received at the Torres/Ney Unit. It was also noted that intake staff clearly examine records for the screening of victimization or abusiveness in addition to the questions personally asked of the inmate.

§115.82 – Access to emergency medical and mental health services

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

Correctional Mental Health Care Policies (CMHCP) and CMHC G-57 as well as Safe Prisons/PREA Operating Manual dictate that inmates who are victims of sexual abuse, receive timely unimpeded access to emergency medical treatment and crisis intervention services.

Emergency medical care is provided through University of Texas Medical Branch staff, 911 ambulance services, Medina Regional (local) hospital, and San Antonio Methodist Transplant Hospital.

Treatment services are provided to every victim without financial cost as outlined in Medical/Mental Treatment Sexual Assault Correctional Mental Health Care Policy (CMHC G-57).

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

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

The facility offers medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse and abusers.

Medical/mental health treatment is outlined in the Medical/Mental Health Treatment for Victims and Abusers PREA Plan, Safe Prisons/PREA Operations Manual and the UTMB Correctional Mental Health Care, CMHC G-57 policy. University of Texas Medical Branch

employees interviewed at the Torres/Ney Unit confirmed their commitment and dedication to appropriate and personalized total health care to the inmates at this facility. Random interviews with inmates supported appropriate healthcare treatment.

§115.86 – Sexual abuse incident reviews

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

The facility, in the past 12 months, has had zero number of criminal and/or administrative investigations of alleged sexual abuse at the facility excluding unfounded incidents, but, by policy, the facility conducts a sexual abuse incident review at the conclusion of every criminal, or investigative sexual abuse investigation (unless the allegation had been determined to be unfounded).

Moreover, by the Administrative Directive AD 02 .15, operations of the Emergency Action Center and reporting procedures for serious and unusual incidents, and through the Safe Prisons/PREA Plan, these reports are reviewed by the Warden and staff at the facility. There is also a monthly Safe Prisons/PREA report as outlined in the Safe Prisons/PREA Operational Manual 08.01 which involves the Warden and the PREA Compliance Manager reviewing findings and implementing recommendations or improvement concerning such reports, and/or incidents.

There is a sexual abuse incident review team at the Torres/Ney Unit, including upper-level management staff.

§115.87 – Data Collection

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

The agency collects accurate information and data for every allegation of sexual abuse at facilities under its direct control. The Texas Department of Criminal Justice, through its Safe Prisons/PREA Operational Manual and through the Safe Prisons/PREA Plan directs this data collection.

The agency aggregates this incident-based sexual abuse data, at least annually.

The Office of the Inspector General, an Office of Personnel Management, and the Survey of Sexual Violence Annual Report corroborate this standard.

Note: The Survey of Sexual Violence 2012, State Prison Systems for the Texas Department of Criminal Justice submitted by Mr. Brad Livingston, Executive Director of TDCJ, was reviewed. The Survey of Sexual Violence 2013 is in preparation.

§115.88 – Data Review for Corrective Action

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

The annual report and monthly reports are used by the Torres/Ney Unit to improve the effectiveness of its sexual abuse prevention, detection and response policies and training, including identifying problem areas, and taking corrective action on an ongoing basis.

Interviews with higher and intermediate staff, including the Warden, as well as review of the reports, substantiates this data collection and reviews for corrective action.

§§115.89 – Data Storage, Publication, and Destruction

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

The Texas Department of Criminal Justice Safe Prisons/PREA Plan ensures that the incident based and aggregate data are securely retained. The TDCJ maintains a sexual abuse data collection pursuant to statute, rule, standard 115.87 for at least 10 years after the initial date of collection unless federal, state or local law requires otherwise.

The Records Retention Schedule brochure was reviewed by this auditor along with a memo from records management indicating security of Texas government records from creation to final disposition. Records are required to be maintained as part of the Texas State Library and according to Texas Government code 444.184.

The Brochure on Records Retention Schedule, the Letter on Records Management and the Safe Prisons/PREA Plan were, again, reviewed.

The Office of the Inspector General, PREA Ombudsman makes available to the public, its annual report on PREA.

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

James Curington

//S//_____

Auditor Signature

10/16/2014_____

Date: 10/16/2014