

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA
Bureau of Justice Assistance
U.S. Department of Justice

[Following information to be populated automatically from pre-audit questionnaire]

Name of facility: Willacy State Jail	
Physical address: 1695 Buffalo Drive Raymondville TX 78580	
Date report submitted: Final Report	
Auditor Information	
Address:	David Haasenritter, PO Box 1265, Midlothian, VA 23113
Email:	David.k.haasenritter.civ@mail.mil
Telephone number:	540-903-6457
Date of facility visit: July 6-8, 2015	
Facility Information	
Facility mailing address: (if different from above)	SAA
Telephone number:	
The facility is:	<input type="checkbox"/> Military <input type="checkbox"/> County <input type="checkbox"/> Federal <input checked="" type="checkbox"/> Private for profit <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Private not for profit
Facility Type:	<input type="checkbox"/> Jail x Prison
Name of PREA Compliance Manager: Johnny Crenshaw	Title: Chief of Security
Email address: johnny.crenshaw@cca.com	Telephone number: 956-689-400 ext 140
Agency Information	
Name of agency: Corrections Corporation of America	
Governing authority or parent agency: (if applicable)	NA
Physical address: 10 Burton Hills Blvd., Nashville, TN 37215	
Mailing address: (if different from above)	SAA

Telephone number:	615-263-3000		
Agency Chief Executive Officer			
Name:	Damon Hininger	Title:	President and Chief Executive Officer
Email address:	Damon.hininger@cca.com	Telephone number:	615-263-3301
Agency-Wide PREA Coordinator			
Name:	Lisa Hollingsworth	Title:	Senior Director PREA Programs and Compliance
Email address:	Lisa.hollingsworth@cca.com	Telephone number:	615-263-6915

AUDIT FINDINGS

NARRATIVE:

The PREA audit of the Willacy State Jail was conducted on July 6 – 8, 2015 by David Haasenritter. Approximately three weeks prior to the audit, the auditor received the PREA questionnaire and additional documents through a disk. The documents and questionnaire were organized and tabbed. The night before the audit the facility provided a roster of all offenders housed at the facility; lists of offenders for specific categories to be interviewed; and a lists of all staff by duty position and shifts that were used to identify offenders and staff to be interviewed (random and specific category).

The auditor contacted Just Detention International (JDI) in reference any information previously submitted by offenders at the Willacy State Jail and reviewed the Corrections Corporation of America (CCA) and Texas Department of Criminal Justice (TDCJ) website prior to the audit. The CCA website is the most informative and one of the easiest to find PREA information of all agencies this auditor has audited. CCA PREA page lists: general information on PREA; agency zero tolerance policy; how to report; information on investigations; and where questions and inquiries can be forwarded to (PREA Coordinator phone and mailing address). It also has a number of links to include: PREA standards; PREA Resource Center website; CCA PREA policy; CCA 2013 and 2014 PREA Report; and CCA Facility PREA information. The CCA Facility PREA information link lists each CCA facility with information on that facility's PREA Compliance Manager; third party reporting methods; PREA policy; PREA audit dates; and PREA audit reports if completed and posted.

Following the entrance meeting with staff, the auditors toured the entire facility on July 6th. While touring, random offenders and staff were informally interviewed and questioned about their knowledge of PREA. All housing units, day rooms, offender program areas, work areas and all other offender accessible areas were toured. While touring several offenders and staff were questioned about their knowledge of PREA standards, procedures for reporting, services available and their responsibilities. All staff and offenders informally interviewed during the tour acknowledged receiving training and procedures for reporting sexual abuse, sexual harassment and/or retaliation for reporting. During the tour the auditors reviewed staffing; logs; physical plant; sight lines; camera coverage; tested the offender phone system for reporting allegations and for emotional support services; and facility operations. Following the tour, the auditors

began the formal interviews, review of investigations, checking of cameras, and random checks of personnel, medical, and training records. A total of 35 staff was formally interviewed in the course of the audit. This number includes five volunteer/contract employee. The interviews of the Agency Head/Designee had previously been done by another auditor and the notes from those interviews were shared with the auditors prior to the on-site visit. The PREA Coordinator was also previously been done by another auditor and this auditor also previously interviewed her. There is no SAFE or SANE staff at the facility; they are made available at Valley Baptist Medical Center. Staff interviewed were well versed in their responsibilities in reporting sexual abuse, sexual harassment, staff negligence, and retaliation for reporting. When questioned about evidence preservation, all staff responses reflected knowledge of agency policies. CCA has continued to build a culture of zero tolerance.

A total of 30 prisoners were formally interviewed, 25 random (at least one from each housing unit), three LGBTI, one non-English speaking offender, and offender who disclosed sexual victimization. Majority of the offenders interviewed acknowledged receiving PREA training and written materials, (posters, pamphlets, and offenders handbooks) outlining the agencies zero tolerance policies towards sexual abuse, sexual harassment and retaliation for reporting, as well as the procedures for reporting. The non-English speaking offender interviewed confirmed receiving the PREA training and written materials in languages they could understand as well. Some offenders stated sexual assaults did not occur at this facility, and majority stated they felt safe at the facility. The auditor found the offenders aware of PREA.

There was one investigation of a sexual abuse allegation at Willacy State Jail. The auditor reviewed the file of that case. That case was determined to be unsubstantiated.

When the on-site audit was completed, the auditor conducted an exit meeting. While the auditor could not give the facility a final finding, the auditor did provide a preliminary status of his findings. The auditor thanked TDCJ, CCA and Willacy State Jail staff for their hard work and commitment to the Prison Rape Elimination Act.

During the interim report writing and corrective action period, the auditor reviewed modified policies; additional documents; and conducted phone interviews with staff. The PREA Coordinator was very helpful in coordinating all the additional documentation.

DESCRIPTION OF FACILITY CHARACTERISTICS:

The Willacy State Jail located in the City of Raymondville, Texas is a facility operated by CCA. The prison opened October 1995 and is located on 100 acres of land. The facility has been operated as a local detention facility and as a contract facility for housing state sentenced inmates. Several different private correctional companies have had contracts at the facility. Willacy State Jail is a minimum/medium security facility with 1069 beds, count on the first day of the audit was 1069. The facility houses male felons sentenced to state jail terms as well as transfer offenders from TDCJ. All of the offenders housed at the facility have been processed through, classified by and transferred from TDCJ. Medical services are provided by the University of Texas Medical Branch (UTMB); medical services are coordinated with other UTMB resources

located at TDCJ facilities and other public providers. Food service is provided by the Trinity Services Group, a contract provider.

The entrance to the facility is through the administration building which houses offices for administrative staff, the State Parole Officer, the TDCJ Contract Monitor and the training department. All personnel and visitors are subject to screening and search upon entry into the facility. Personnel in the control center, monitor access to the secure compound through a pedestrian sally-port. Approximately 40 acres are enclosed by a single 13-foot wire, mesh fence with razor wire barriers. There are no observation towers on the perimeter. There are two additional entry points through vehicular sally-ports. Video surveillance is available for a number of locations in the facility to include all housing areas and is monitored by personnel in the central control center.

Inside the secure perimeter is located a large multi-purpose support building that provides space for visiting, reception and processing of new inmates, medical services, educational services, a library, a chapel, a 30 bed special housing unit (BTR), a full service kitchen, the laundry and other support offices. The special housing unit houses those who are awaiting transfer due to reclassification, those pending investigation and those in disciplinary detention due to findings of the disciplinary process. Also inside the compound is the maintenance building which is fenced off from other areas. There are a total of eight general housing units. Four of the units are individual units with four 54-bed dormitories surrounding a control pod. Four additional units are smaller with two 24 bed dormitories per unit. Each of the dormitories has an adjoining dayroom that is used as a dining hall for the satellite meal service and as a general dayroom. Activity rooms that adjoin two of the 24 bed dormitories are used for classrooms for the Plumbing and Painting Vocational Programs.

CCA mission is advancing corrections through innovative results that benefit and protect all we serve. Willacy State Jail mission is in partnership with our customer, operate the best corrections system in Texas.

SUMMARY OF AUDIT FINDINGS:

On July 6 - 8, 2015, the on-site visit was completed. Within a week of the audit being completed, the auditor determined nine standards had not met standards. On August 7, 2015 (during the 30 day interim report writing period), CCA and Willacy State Jail completed corrective action plans on six standards, leaving three standards not met. On September 8, 2015, the last standard was found met standard and the auditor started the final report. The results of Willacy State Jail audit is listed below:

Number of standards exceeded: 1
Number of standards met: 40
Number of standards not met: 0
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)

Willacy State Jail must follow TDCJ policies. The two main TDCJ policies that mandates zero tolerance towards all forms of sexual abuse and sexual harassment is the Safe Prisons/PREA Plan and Executive Directive (ED)-03.03 SAFE Prison/PREA Program. The TDCJ Safe Prisons/PREA Plan outlines the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment, other agency policies such as Executive Directives, Security Memorandums, and post orders supplement the main PREA policy. Agency policies and procedures were well organized and have been continually revised over the last few years as TDCJ has developed and implemented PREA guidance and procedures. In a few circumstances Willacy State Jail also used CCA policies such as 14-2 "Sexual Abuse Prevention and Response", which outlines CCA's approach to preventing, detecting, and responding to sexual abuse and sexual harassment.

CCA employs an upper-level, agency-wide PREA coordinator and a PREA compliance manager. Ms. Lisa Hollingsworth is the PREA Coordinator. She is very knowledgeable of PREA standards and is actively involved in assisting the facilities. Ms. Hollingsworth has the authority to develop, implement, and oversee PREA compliance. She is very active in coordinating PREA, consistently sending updates to CCA facilities, especially as FAQs are posted on the PREA website, or issues or questions arise. She is consistently looking for ways to improve CCA PREA program. She has developed new training programs, revised their screening tool, works contracts with various community agencies, and coordinates with each contract client. She claimed to have enough time to perform her PREA duties. She is one of the top three PREA coordinators this auditor has worked with.

Mr. Johnny Crenshaw is the Willacy State Jail PREA Compliance Manager. He was knowledgeable of PREA standards and was involved in PREA activities. Mr. Crenshaw claimed to have enough time to perform his PREA duties. He works under the associate Warden. He coordinates and conducts training, provides info to staff at staff calls, contacts PREA Coordinator for clarification and coordinates with facility leadership.

§115.12 - Contracting with other Entities for the Confinement of Offenders

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)

X Not Applicable

CCA is a private provider and does not contract with other agencies for the confinement of offenders; therefore this standard is not applicable.

TDCJ in new contracts has included the entity's obligation to adopt and comply with the PREA standards; and notice that TDCJ will conduct contract monitoring to ensure that the contractor is complying with the PREA standards. The contract for the Willacy State Jail was modified January 2015.

§115.13 – Supervision and Monitoring

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)

CCA ensures each facility it operates develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect offenders against sexual abuse. It uses the criteria found in standard 115.13 (a) to include generally accepted correctional practices; any judicial findings of inadequacy; any findings of inadequacy from Federal investigative agencies; any findings of inadequacy from internal or external oversight bodies (TDCJ and CCA); all components of the facility's physical plant (including "blind-spots" or areas where staff or offenders may be isolated); composition of the offender population; number and placement of supervisory staff; institution programs occurring on a particular shift; any applicable State or local laws, regulations, or standards; prevalence of substantiated and unsubstantiated incidents of sexual abuse; and other relevant factors. It includes provisions of the contract between CCA and TDCJ.

The Willacy State Jail Safe Prison/PREA Operations Manual requires the staffing plan be complied with and when it does not the Willacy State Jail shall document and justify all deviations from the plan. Through review of the staffing plan and shift documents, the Willacy State Jail made its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing and uses video monitoring to protect offenders against sexual abuse. The Willacy State Jail uses overtime to ensure the staffing plan is complied with. Occasionally hospital transports requires deviations from

the plan. The auditor reviewed one deviation from 4-3-15 which was due to a hospital transport.

The staffing plan is reviewed annually by the facility. The PREA Coordinator works telephonically with the facility when they conduct their review, along with reviewing the plan when it comes to the agency level. It is then forwarded to the Vice President of Facility Operations for signature and approval of any recommendations made which would include changes to policy and procedures, physical plant, video monitoring or staffing. The last Annual Staffing Plan Assessment was completed in October 2014 as the 2015 PREA staffing plan assessment.

Unannounced rounds by intermediate-level or higher-level supervisors are documented in logs, and are done randomly on all shifts. Supervisors conducting the rounds must document their checks and any findings. TDCJ Safe Prison/PREA Plan requires these checks and prohibits staff from alerting other staff members that supervisory staff rounds are being conducted. Staff and offender interviews and the logs confirmed the unannounced rounds by supervisors are done on all shifts and staff were not alerting other staff the unannounced rounds were being conducted. The two staff interviewed were very knowledgeable of their responsibilities.

The agency head was interviewed prior to this audit and confirmed that a five year capital expenditure plan had been approved to enhance camera coverage at all CCA facilities.

§115.14 – Youthful Offenders

- 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

Willacy State Jail is an adult male facility and does not house youthful offenders; therefore this standard is not applicable. TDCJ youthful offenders are housed at Clemens Unit (males) and Hilltop Unit (females). Safe Prison/PREA Plan covers the standard of separating youthful offenders from adult offenders and ensuring youthful offenders have access to programs and work opportunities.

§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)

TDCJ AD.03.22 Offender Searches outlines facilities shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners; shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status; and if the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. It also requires security staff to be trained how to conduct cross-gender pat-down searches, and searches of transgender and intersex offenders, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. The Willacy State Jail has not conducted any cross-gender strip searches or cross-gender visual body cavity searches. Through interviews of staff and offenders it was determined staff do not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status, and only medical staff if needed would make that determination. Through review of training records and interviews of staff demonstrated staff had been trained on how to conduct cross-gender pat-down searches. Searches of transgender and intersex offenders had recently been conducted by the Warden. Some staff interviewed said they were not trained nor could they demonstrate how to conduct a search of a transgender or intersex offender. The auditor checked additional training records and confirmed staff were trained to conduct searches of transgender and intersex offenders. Recommended to the facility to continue to conduct refresher training on searches of transgender and intersex offenders.

The Willacy State Jail does not house female offenders, thus are NA with standards 115.15(b) and (c). TDCJ 02.05 Cross Gender Searches and Logs, state facilities shall not permit cross-gender pat-down searches of female offenders, absent exigent circumstances; nor restrict female offenders' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

TDCJ Safe Prisons/PREA Plan state facilities shall enable offenders to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks; and requires staff of the opposite gender to announce their presence when entering an offender housing unit. It provides guidance how opposite gender staff are to announce their presence when entering an offender housing unit. It also addresses facilities shall not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. Observation during the audit, and staff and offender interviews

confirmed that female staff announces themselves when they enter the housing units; and that staff do not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. Some showers, toilets and outside search areas (recreation yard and vehicle sally port where offenders return and are stripped searched) were identified as areas female staff could observe and view male offenders buttocks, or genitalia. The Willacy State Jail did attempt to eliminate viewing prior to the audit to include in two housing areas that cameras were pointing directly into the showers. TDCJ did not allow them to adjust the cameras from looking directly into the showers, so Willacy State Jail provided partitions to block the camera view, which could be monitored by female staff. All cameras were reviewed.

Corrective action for standard 115.15 (d) reference offenders to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their buttocks, or genitalia required Willacy State Jail to modify current screens to better eliminate female staff having a view of male offenders during strip searches, showering or using the toilets. During the audit Willacy State Jail started modifying the screens, and during the interim report writing period all the modifications were completed. Photos of all the changes were provided to the auditor.

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

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

TDCJ policies (TDCJ AD-04-25 Language Assistance Services to Offenders Identified as Monolingual Spanish-Speaking; CMCH G-51.5 Certified American Sign Language Interpreter Service; and TDCJ AD-06.25 Qualified Interpreter Services- American Sign Language) ensure offenders with disabilities and who are limited English proficient have access to PREA information and programs. Willacy State Jail has taken steps to ensure that offenders who are limited English proficient have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Willacy State Jail does not have a contract with language translator service for offenders who are limited English proficient. Willacy State Jail uses "qualified interpreters" who are designated staff who has demonstrated a satisfactory level of competency in both Spanish and English languages through a Language Assessments Scale Spanish oral proficiency test. There are 35 certified Spanish interpreters. PREA handouts, some TDCJ policies covering disciplinary rules and grievance procedures, and offender handbooks are in English and Spanish. English and Spanish Safe Prisons/PREA posters are posted throughout the facility for offenders and staff to see. Offender interview with Spanish speaking staff interpreter was conducted. Staff and offenders stated offenders are not used as interpreters when addressing sexual abuse and sexual harassment allegations. TDCJ

policy does state the facility shall not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties under § 115.64, or the investigation of the offender's allegations.

Willacy State Jail did not have any MOUs or contracts for offenders with disabilities requiring sign language to provide offender with a hearing disability to have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Corrective action for standard 115.16(a) requires finding an agency who could provide assistance to offenders with a hearing disability. During the corrective action period the Willacy State Jail did find a company that could provide sign language translator service for offenders with a hearing disability.

§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)

Willacy State Jail SAFE Prison/PREA Plan and CCA policies provides policy and procedures to ensure staff and contractors are not hired or promoted who has engaged sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; 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; or been civilly or administratively adjudicated to have engaged in sexual activity facilitated by force, overt or implied threats of force, or coercion. The Willacy State Jail SAFE Prison/PREA Plan and CCA policies also requires the facility to consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders; requires background checks for staff and contractors; 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; imposes upon employees a continuing affirmative duty to disclose any such misconduct; identifies material omissions regarding sexual misconduct, or the provision of materially false information, shall be grounds for termination; states CCA shall 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.

Through review of personnel records and interviews it was determined Willacy State Jail has a system of conducting criminal background checks for new employees and

contractors who may have contact with offenders to ensure they do not hire or promote anyone who had engaged in sexual abuse in a prison or other confinement setting; been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, coercion, or if the victim did not consent or was unable to consent or refuse; or had civilly or administratively adjudicated to have engaged in sexual activity in the community facilitated by force, coercion, or if the victim did not consent. The background checks are done using NCIC and TCIC. During the audit had to request information for medical staff (contractors) which was provided. Willacy State Jail employs a system that captures criminal information on current employees and contractors daily.

Interview of human resource personnel and review of personnel records verified that the Willacy State Jail considers incidents of sexual harassment in hiring and promotion of staff and contractors as applicable; requests previous employers to provide information; provides 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; and staff annually discloses any sexual misconduct under PREA.

§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)

Through review of TDCJ and CCA policy and interviews of CCA Agency Head representative, PREA Coordinator, PREA Compliance Manager, and Warden it was determined that the CCA considers the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect offenders from sexual abuse. The agency head was interview prior to this audit and confirmed that a five year capital expenditure plan had been approved to enhance camera coverage at all CCA facilities. At least once per year or whenever necessary the Warden reviews the video monitoring system to ensure coverage enhances the ability to protects offenders from sexual abuse. The PREA Compliance Manager provides the Warden info from the substantiated and unsubstantiated incidents of sexual abuse to assist in the assessment. Currently Willacy State Jail has 116 cameras with monitoring capability of retaining data. After an internal PREA review, shower curtains were added to showers and restrooms; and mirrors in supply and laundry were added to help with blind spots and sight lines.

§115.21 – Evidence Protocol and Forensic Medical Examinations

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)

TDCJ SAFE Prison/PREA Manual and TDCJ AD 16.03 Evidence Handling outline evidence protocols for administrative proceedings and criminal prosecutions; and requirements for forensic medical exams. The OIG conducts all criminal investigations, and is required to follow PREA standards. The facility investigator conducts the administrative investigations. There is a uniform evidence protocol that maximizes the potential for usable physical evidence for administrative and criminal prosecutions. The protocols were reviewed and found to be in line with DoJ's National Protocol for Sexual Assault Medical Forensic Examinations. Majority of the staff interviewed could explain the protocol for obtaining useable evidence when an offender alleged sexual abuse. Ninety-six hours is used for collection of evidence through a sexual assault medical forensic examination.

Forensic Exams are done at Valley Baptist Medical Center where Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) are utilized and services are provided at no costs to the offender when requested. There have been no forensic exams done in the last 12 months. CCA attempted to make available to the victim a victim advocate from a rape crisis center. The CCA PREA Coordinator worked with a number rape crisis centers to support its homeland security and Texas state contract facilities. Initially she was able to get a contract for each of their facilities. The Warden had also worked with neighboring rape crisis centers to provide assistance. A copy of the contract for Willacy State Jail and Family Crisis Center in Rio Grande Valley was reviewed by the auditor but per request of TDCJ, Willacy State Jail does not use the contracted rape crisis center. In lieu of and in accordance with TDCJ policies the Warden identifies facility Offender Victim Representatives (OVR) from mental health, religious staff, social workers or case managers who receive education concerning sexual assault and forensic examination issues. Identified Willacy State Jail offender victim representatives training records were verified. OVRs are trained as victim advocates who can provide victim support to staff or offenders who have been sexually abused. OVRs respond when requested by the victim to provide services, the OVR responded to the one sexual assault allegation in the last 12 months.

§115.22 – Policies to Ensure Referrals of Allegations for 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)

TDCJ policy (Safe Prisons/PREA Plan and AD 16.20 Reporting Incidents and Crimes to the Office of the Inspector General) requires an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment, that all allegations of sexual abuse or sexual harassment are referred for investigation by the appropriate authority. All cases referred for investigation. The TDCJ policy describes the responsibilities of TDCJ and OIG. Interviews with investigators demonstrated the responsibilities were clearly established and understood by both agencies. An investigation was completed on the one allegation of sexual abuse. The case was sent to the District Attorney. Review of the investigative file and interviews of the Warden and investigative staff, the Willacy State Jail ensures that an administrative and/or a criminal investigation is completed for all allegations of sexual abuse and sexual harassment. Referrals of allegations are first investigated by the facility.

There was one investigation of a sexual abuse allegation at Willacy State Jail. The auditor reviewed the file of that case. That case was determined to be unsubstantiated.

Standard 115.22 (b) requires to post the policy that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The TDCJ Safe Prisons/PREA Plan was initially not posted on the CCA Willacy State Jail site. It was posted during the corrective action period.

§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)

Willacy State Jail employees receive PREA training annually. They use the TDCJ training that includes a video of Safe Prison/PREA TDCJ staff and leadership. Training records were reviewed prior to the audit and additional records were reviewed during the audit and during the interim report writing period to ensure all staff completed the training. All staff has been trained. The PREA training curriculum was reviewed and verified that the training provided to employees is very comprehensive. Review of the lesson plan and slides demonstrated the training covered: TDCJ and CCA zero-tolerance policy for sexual abuse and sexual harassment; how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; offenders' right to be free from sexual abuse and sexual harassment; the right of offenders and employees to be free from retaliation for reporting sexual abuse and sexual harassment; the dynamics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual

harassment victims; how to detect and respond to signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with offenders; how to communicate effectively and professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders; and how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. Interviews of staff demonstrated they understand TDCJ and CCA zero tolerance policy; the policy and procedures for prevention, reporting and response to a sexual assault or sexual harassment incident, and the dynamics of sexual abuse and harassment in a confinement setting. Employees sign an acknowledgement form that they have received and understood the training they received during pre-service and annual in-service training. Annual training was three hours in length in 2014, and two hours in 2013. Random reviews of employee training records demonstrated the training is properly documented and maintained by the facility. In the interviews with staff, they were able to confirm receiving this training and knew the zero tolerance policy; and their responsibilities for preventing, reporting, and responding to allegation of sexual abuse and sexual harassment to include obtaining useable physical evidence. Staff also are provided and carry a PREA card with good information.

§115.32– Volunteer and Contractor Training

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)

TDCJ Safe Prisons/PREA Plan policy outlines training requirements for volunteers and contractors who have contact with offenders. The training curriculum was reviewed, it covers all the required areas and includes a separate TDCJ PREA training video for volunteers and contractors. Five volunteers and contractors were interviewed. Each volunteer and contractor is provided a volunteer and contractor handbook that has two pages of information on PREA to include the zero tolerance policy, how and who to report to, and PREA definitions. The training ensuring volunteers and contractors are notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment as well as how and to who they are to report such incidents. The agency maintains documentation confirming that volunteers and contractors understand the training they have received. The auditor reviewed additional documentation on site. Though there was documentation that medical contractors received the training, there was no documentation that they understood the training. During the interviews they did demonstrate they understood the training. Interviews of the other contractors and volunteers demonstrated their knowledge of PREA, their responsibilities and the agency zero tolerance policy. All contractors and volunteers who have contact with offenders have been trained. During the audit, all medical contractors signed the documentation stating they understood the training they received.

§115.33 – Offender Education

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)

During intake offenders are provided information through a PREA pamphlet, offender rule book, and video (all available in English and Spanish) that explains the agencies zero tolerance policy regarding sexual abuse and sexual harassment; and how to report such incidents. By TDCJ policy the comprehensive education will be through a TDCJ video and may be supplemented by a Peer Education Sexual Assault Awareness Class. At Willacy State Jail offenders receive the comprehensive education through the TDCJ video. Information provided included: offender rights; how to report; what to expect after you report; and how to protect yourself against sexual assault. Willacy State Jail document offenders having received the training. Review of the documentation demonstrated not all offenders received comprehensive education within 30 days. Posters and offender handbooks are provided to offenders or posted in the housing units in formats accessible to all offenders to ensure that key information is continuously and readily available or visible to offenders. TDCJ posters addressed sexual abuse, CCA posters addressed both sexual abuse and sexual harassment. Additionally, Willacy State Jail has conducted offender PREA training at town hall meetings, which has included a CCA video on what you need to know about PREA.

During the tour and interviews most offenders acknowledged the information being provided upon arrival, orientation, and posters displayed throughout the facility. They definitely knew the agency zero tolerance policy; how to report and that they had the right to be free from retaliation for reporting such incidents.

The auditor required the facility to provide documentation of offenders that arrived in June and part of July had received the comprehensive education within 30 days. The auditor and facility discussed how to better track and conduct the training within 30 days which they implemented immediately following the audit.

§115.34 – Specialized Training: 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)

TDCJ and CCA policy requires the facility's investigator receives specialized training in addition to the general education provided to all employees. One investigator completed the NIC PREA Investigating Sexual Abuse in a Confinement Setting course and the other completed the TDCJ SAFE Prison/PREA investigator course. The interview of the investigators demonstrated they understood the how to conduct a sexual abuse investigation in a confinement setting and what their role was. Both special training for investigators was reviewed and found to cover all requirements. The training included techniques for interviewing sexual abuse victims, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The agency maintains documentation that the investigator has received both the general and investigative PREA training. Based on an earlier TDCJ audit conducted by the PREA auditor, OIG investigators are trained using the NIC PREA investigator course.

§115.35 – Specialized Training: Medical and Mental Health Care

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Correctional Managed Health Care Policy Manuals C-19.1 Continuing Education/Staff Development; C-25.1 Orientation Training for Health Services Staff; and G-57.1 Sexual Assault/Sexual Abuse address the training required for medical practitioners to include both PREA requirements for medical practitioners. University of Texas Medical Branch (UTMB) conducts the training for its medical and mental health staff. Interviews and training records for medical and mental health care staff (contractors) demonstrated all medical and mental health care staff had received the medical and basic PREA training. The medical training included how to detect and assess signs of sexual abuse and harassment, how to preserve physical evidence, how to respond effectively and professionally to victims of sexual abuse and sexual harassment and how to report allegations of sexual abuse and harassment. The auditor checked additional training records in addition to what was provided with the questionnaire. Interviews of medical and mental health staff demonstrated they understood: how to detect and assess signs of sexual abuse and sexual harassment; how to preserve physical evidence of sexual abuse; how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. The facility medical staff does not conduct forensic examinations.

§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)

TDCJ policy requires facilities to screen upon admission for risk of sexual abuse victimization or sexual abusiveness toward other offenders. All offenders are assessed during intake screening for their risks of being sexually abused by other offenders or sexually abusive towards other offenders. Per the Safe Prisons/PREA Operations Manual 03.01 the intake screen is done within 24 hours. The auditor had the staff that performs the screen to conduct a screen of the auditor to demonstrate the process of filling out the screening form. The process was done very professionally. All the criteria referenced in the standard are on the form and offenders are asked most of the questions required to be asked to the offender. The screen also requires the screener to make his/her own assessment of whether the offender is gender non-conforming. It should be noted Willacy State Jail at some point during the last 12 months switched from the TDCJ to CCA PREA screening form. Auditor reviewed screens using both forms. The screening instrument is objective in determining if offender is at risks for victimization or abusiveness. The Safe Prisons/PREA Plan requires the facility reassesses the offender's risks of victimization or abusiveness within 30 days and the offender's risks level is reassessed again when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness. The auditor reviewed random screening forms to include those that were reassessments within 30 days. Not all offenders were being screened within 30 days (115.41(f)). Referrals to mental health are made as warranted in response to the offender's disclosures. Staff interviews confirmed appropriate controls have been implemented to ensure that sensitive information is not released and exploited by staff or other offenders. Risk screening records are maintained and only a limited number of staff has access to these files. The screening instrument was restricted to staff making housing, work and program assignments. Offenders are not disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked. The offender population remembers being asked the questions and being screened upon arrival.

A reassessment and the comprehensive education was conducted by the same staff at the same time. Thus the process did not always get offenders back for the training and reassessment. The auditor discussed with the staff setting up a system of scheduling the screening and training at about 25 days, and ensure it is a priority for the facility and not an event that could be missed which was part of the problem. During the audit and report writing period a new system was established and implemented. The auditor reviewed 30 days' worth of initial and reassessment to ensure all were completed in a timely manner during the report writing and corrective action period.

§115.42 – Use of Screening Information

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

The auditors reviewed TDCJ policies, screening forms, housing and program decisions, and interviewed staff. Willacy State Jail uses the screening information to determine housing, bed, work, education, and program assignment with the goal of keeping offenders at high risk of being sexually victimized separate from those at high risk of being sexually abusive. The decisions are made on a case-by-case basis using information from the screen, assigned PREA classification, and good correctional judgment by the Unit Classification Committee.

By TDCJ policy assignment of transgender or intersex offenders to a facility for male or female is first done on a case-by-case basis, a transgender or intersex offender's own views with respect to his or her own safety shall be given serious consideration. Reassessments are done as needed on a case-by-case basis based on the offender's health and safety and security management. By policy lesbian, gay, bisexual, transgender, or intersex offenders are not housed in dedicated facilities or housing units; and transgender or intersex offenders shall be reassessed twice each year and have the opportunity to shower separately. The facility claimed they just recently had an offender identify as transgender, and have not had the opportunity to conduct a six month reassessment.

There were offenders who were gay and transgender and they acknowledged they were treated with respect and were not housed in dedicated housing area.

§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)

TDCJ policy (Safe Prisons/PREA Plan) states offenders at high risks for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers; if placed in segregated housing involuntarily they shall have access to programs, privileges, education, and work opportunities to the extent possible; and that the facility

shall document any access to programs, privileges, education, or work opportunities that was restricted and that every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population. There are offenders on a potential victim lists, but there were no offenders in protective custody solely for being high risks for sexual victimization. Interviews of the Warden, PREA Compliance Manager, and segregation staff verified offenders at high risk of sexual victimization would not be placed in involuntary segregation unless other measures have been assessed. It was confirmed during interviews with the Warden and staff who supervise segregated offenders that segregation has not been used during the past 12 months to house any offender at high risk for victimization.

§115.51 – Offender 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)

TDCJ, CCA, and Willacy State Jail policies and fliers provide multiple internal and external ways for offenders to report sexual abuse, sexual harassment and retaliation. Interviews of offenders, staff and review of policies, offender handbooks and information posted next to the offender phones in the housing areas verified the offenders have multiple internal ways to report incidents of abuse or harassment. The auditor during the tour tested the numbers posted. Offenders can report verbally and in writing to staff, report through the grievance system, or send an anonymous note. These reporting systems were demonstrated through interviews of offenders, staff and review of policies, offender handbooks and posters demonstrate these offender reporting systems. Additionally, offenders or their family members/friends can contact TDCJ Safe Prison Program Management Office; or TDCJ Correctional Institutional Division (CID) Ombudsman Office. CCA website provides information for third party reporting.

Willacy State Jail can write to the OIG or Texas Board of Criminal Justice (TBCJ) PREA Ombudsman to report sexual assault or harassment. The OIG or TBCJ PREA Ombudsman allows offenders to contact as an outside agency that is able to receive and immediately forward reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. Reports to the PREA ombudsman may be made confidentially. Examples of offenders reporting verbally to staff were reviewed when investigative cases were reviewed.

TDCJ policy and staff fliers provide information on PREA to include ways for staff to privately report sexual abuse and sexual harassment of offenders. TDCJ staff can inform unit staff or five different agencies by phone or in writing: PREA Ombudsman Office; OIG; TDCJ Ombudsman Coordinator; Safe Prison Program Management Office;

or CID Ombudsman Office. During interviews some of the staff knew they could privately report sexual abuse and harassment of offenders.

CCA PREA Coordinator also requested TDCJ for approval to have a contract with the Rape Crisis Center of San Antonio to provide another outside agency to receive and immediately forward reports of sexual abuse and sexual harassment to agency officials, allowing the offender to remain anonymous upon request. Approval was not granted.

Staff accepts reports made verbally, in writing, anonymously, and from third parties, and are promptly documented any verbal reports. During interviews some of the staff knew they could privately report sexual abuse and harassment of offenders to the CCA Ethics and Compliance hotline. Willacy State Jail does not house offenders solely for civil immigration.

Offenders incarcerated in TDCJ are encouraged to immediately report allegations of sexual abuse and sexual harassment to correctional staff, facility administrators, or the unit Safe Prisons/PREA Manager. Offenders may also report allegations of sexual abuse and sexual harassment to the PREA Ombudsman Office, the Office of Inspector General (OIG), or through the grievance process.

§115.52 – Exhaustion of Administrative Remedies

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

TDCJ has adopted administrative procedures to address offender grievances regarding sexual abuse. Review of policies and staff and offender interviews confirm the system is established. In review of the Safe Prison/PREA Plan, and the TDCJ Grievance Manual, there is a procedure in place for offenders to submit grievances regarding sexual abuse and the agency has procedures for dealing with these grievances. There is no time limit on when an offender may submit a grievance regarding an allegation of sexual abuse. Grievances may also be submitted by third parties on behalf of an offender. Emergency grievances may be filed if the offender feels he is at substantial risk of imminent sexual abuse. The PREA Manager receives all copies of grievances related to sexual abuse and sexual harassment for monitoring purposes. Per Willacy State Jail, there were no grievances filed for sexual abuse in the past 12 months.

§115.53 – Offender Access to Outside Confidential Support Services

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 states offenders shall be provided access to outside victim advocates for emotional support services related to sexual abuse by giving offenders mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations; and the facility shall enable reasonable communication between offenders and these organizations and agencies, in as confidential a manner as possible.

TDCJ has not been able to get MOUs with rape crisis centers to provide offenders with access to outside victim advocates for emotional support services related to sexual abuse. The auditor contacted one of the rape crisis centers who confirmed they would not support the TDCJ request because of staff shortages. In 2014 TDCJ had a MOU with Families in Crisis Inc. for six facilities to provide emotional support services, but this does not include the Willacy State Jail. The CCA PREA Coordinator worked with a number rape crisis centers to support its homeland security and Texas state contract facilities. Initially she was able to get a contract for each of their facilities. The Warden had also worked with neighboring rape crisis centers to provide assistance. A copy of the contract for Willacy State Jail and Family Crisis Center in Rio Grande Valley was reviewed by the auditor but per request of TDCJ, Willacy State Jail does not use the contracted rape crisis center.

A list of Rape Advocacy Center numbers and addresses is provided in the library though offenders were not aware of it, nor was it posted informing them of that. If the offender needs to see someone immediately, Offender Victim Representative (trained staff member) is used. Of the approximately 100 agencies listed, only Just Detention International was an agency outside of Texas.

Offender interviews confirmed a few offenders knew of the confidential support services provided. The Warden posted additional fliers in English and Spanish informing the offender population where the information was maintained. The flier stated written communication sent to these organizations would not be monitored and written communication from these organizations will be opened and inspected only for contraband.

§115.54 – Third-Party 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)

Willacy State Jail have a few methods to receive third party reports of sexual abuse and sexual harassment.

TDCJ web site provides a link to the TBCJ PREA Ombudsman who can be contacted to report sexual assaults through a third party. The link also states "Friends of offenders incarcerated in the TDCJ, family members, and the general public are encouraged to report allegations of sexual assault to the PREA Ombudsman Office, the TDCJ ombudsman coordinator, or the CID Ombudsman Office." It provides a number and address to the PREA Ombudsman Office. The PREA Ombudsman Office also provides recommended information to provide when reporting, though not required. This includes: name of the unit where the alleged victim is assigned; date and time the alleged incident occurred; name and TDCJ number of the alleged offender victim; name and TDCJ number of the alleged assailant and witnesses; brief summary of the allegation; and correspondence that could assist in the investigation. TDCJ "General Information Guide for Families of Offenders", also on the TDCJ website, has the same information SPPOM 04.02 Receiving Allegations of Sexual Abuse from an Outside Agency, and offender interviews, support compliance for this standard. Offenders were aware family members and friends could do third party reporting.

The CCA website provides a phone number to the National Sexual Assault Hotline and CCA's Ethics and Compliance Helpline; along with information to write to the Warden at the facility. It has on line section that allows an individual to file a report or get an update on a report on line. It also states "It is not required that any personal information be provided. However, the more information that can be provided regarding dates, times, locations, witnesses, and as much detail about the alleged incident as is known serves to assist staff and law enforcement in their efforts to successfully conduct the investigations." Information is also located at the facility that provides the offenders a telephone number to make third party reports, along with numbers to tell family and friends to make third party reports. Interview of offenders demonstrated they knew how third party reporting could be accomplished. No third party reports were done in last 12 months.

§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)

Both TDCJ and CCA policies require all staff to report immediately any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment; and for staff not to reveal any information related to a sexual abuse report to anyone other than extent necessary. The facility reports all allegations of sexual abuse and sexual harassment, including third party and anonymous reports, to the facility investigator. By Correctional Managed Health Care (CMHC) G-57.1 states if the alleged victim is

under the age of 18 or considered a vulnerable adult under a State or local vulnerable person's statute, the facility will report to the Office of the Inspector General, and patient consent is not required. Medical and mental health practitioners are required to report sexual abuse. Review of investigative files; and interviews of staff and offenders verified staff immediately report to the facility's designated investigator any knowledge, suspicion, or information regarding an incident of sexual abuse or harassment; and that staff does not reveal information related to a sexual abuse report other than to people authorize to discuss the report. Random interviews with staff revealed that staff is very aware of their responsibilities to report incidents of sexual abuse or harassment to the investigator or their supervisor and know not to reveal any information about a sexual abuse incident to other staff. Interviews with offenders and staff did not reveal any incident of sexual abuse or harassment not reported to the facility's designated investigator.

§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)

No policy was provided to demonstrate when a facility learns that an offender is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the offender. Interviews of staff did clearly document they knew what to do. Specific guidance was addressed in the Willacy State Jail Sexual Abuse Response Plan, published 10 July.

§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)

TDCJ Safe Prisons/PREA Operations Manual states the Safe Prisons/PREA Management Office will make the notification to the other facility Warden or agency representative within 72 hours of the incident and not Warden to Warden as required in the standard (115.63 (a)). Facilities are required to contact the SPPMO immediately and not later than 24 hours after receiving the allegation. TDCJ Safe Prisons/PREA Manager has a form letter prepared and faxed in most cases within 72 hours, sometimes even within 24 hours of the unit becoming aware of the incident. Interviews with the Warden,

PREA Compliance Manager, and investigator confirmed their knowledge of the policies and responsibilities to report and investigate. The Warden stated he would contact the other Warden and then follow-up with paperwork. No offenders reported being sexually abused at another facility, nor any reports of a sexual abuse allegation at Willacy State Jail by an offender at another facility.

Willacy State Jail published the Willacy State Jail Sexual Abuse Response Plan, published on July 10, 2015, requires the Warden to contact the other Warden at the same time they contact the SPPMO.

§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)

TDCJ and CCA policy clearly specifies procedures to respond to an allegation of sexual abuse for both security and non-security staff. Both agencies have an incident/investigation check sheet which is completed and forwarded to the respective agency. Random interviews with staff confirm both security and non-security staff knew what to do upon learning an offender was sexually abused to include separating the alleged victim and abuser; how to preserve the crime scene; and what actions offenders should not take in order not to destroy physical evidence. Good training has prepared the staff to properly respond.

§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)

Willacy State Jail did not have institutional plan to coordinate actions taken in response to an incident of sexual abuse, amongst staff first responders, medical and mental health practitioners, investigators, and facility leadership at the time of the audit. It was in draft and was completed four days following the audit. The plan published as the Willacy State Jail Sexual Abuse Response Plan was very thorough and well organized. It included some policy and procedures for other PREA standards. Interviews with staff and review of investigative and medical files confirmed they were knowledgeable about their coordinated duties and collaborative responsibilities.

§115.66 – Preservation of Ability to Protect Offenders 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)

Willacy State Jail has no collective bargaining agreements. Willacy State Jail does as a matter of policy separate staff and offenders pending the outcome of the investigation. There are no restrictions to keep the agency from not disciplining employees up to and including termination.

§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)

TDCJ Agency Policy Supplement 14-2 Safe Prisons/PREA Operations Manual, Safe Prisons/PREA Operations Manual 02.04 Intervention Practices, and Safe Prisons/PREA Operations Manual 05.08 90 day monitoring outlines the policy and procedures for monitoring staff and offenders against retaliation. It includes designating which staff members or departments are charged with monitoring retaliation; employing multiple protection measures; monitoring the conduct and treatment of offenders or staff who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff; and conducting periodic status checks through interviews at least every 30 days. The TDCJ monitoring form for the offender specifically addresses changes in offenders housing, program changes, job changes, disciplinary actions, and has a section if the offender revealed any information during the interview.

Willacy State Jail uses multiple protection measures, such as housing changes or transfers for offender's victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offenders who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. For at least 90 days following a report of sexual abuse, Willacy State Jail monitors the conduct and treatment of offenders who reported the sexual abuse and of offenders who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by offenders or staff.

During the interviews of the monitors, it was determined the monitor for staff was recently selected and did not know the requirements of the job. During the interim report writing period and corrective action period he was provided training and the policies. During the subsequent interview during the corrective action period, the monitor was able to explain his role, though he had not done any to date. The monitor for offenders were very familiar with his role, and the Warden was very familiar with the requirements.

§115.68 – Post-Allegation Protective Custody

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

TDCJ policy (Safe Prisons/PREA Plan) states involuntary segregated housing for offenders who have alleged to have suffered sexual abuse may be used only after an assessment of all available housing alternatives has shown there are no other means of protecting the offender; and use of protective custody to protect alleged victim is only used as a last resort for a very short time. If placed in segregated housing involuntarily they shall have access to programs, privileges, education, and work opportunities to the extent possible; and that the facility shall document any access to programs, privileges, education, or work opportunities that was restricted and that every 30 days, the facility shall afford each such offender a review to determine whether there is a continuing need for separation from the general population. There were no offenders who have alleged to have suffered sexual abuse in protective custody. Interviews of the Warden, PREA Compliance Manager, and offenders, there were no instances of using segregation housing to protect offenders who had alleged to have been sexually abused.

§115.71 – Criminal and Administrative Agency Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

Based on review of the investigation, TDCJ and OIG policies (AD 16.20 Reporting Incidents/Crimes to the Office of the Inspector General; SAFE PRISONS/PREA Plan; SAFE PRISONS Operating Manual 05.05; TDCJ BP 01.07 Inspector General Policy

Statement); CCA Policy 5-1 Incident Reporting (Willacy State Jail); interviews of Willacy State Jail investigators and offenders it was determined investigations into allegations of sexual abuse and sexual harassment are done promptly, thoroughly, and objectively for all allegations. All investigators have received special training in sexual abuse investigations; OIG used the NIC PREA Investigator course. The credibility of an alleged victim, suspect, or witness is assessed on an individual basis and not determined by the person's status as offender or staff. Neither TDCJ nor OIG require an offender who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation. Investigators gather and use camera footage, photo lineups, statements, property forms, medical reports, grievances reports, DNA evidence, etc. Investigation files were organized and properly documented. Written reports are maintained as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

There was one investigation of a sexual abuse allegation at Willacy State Jail. The auditor reviewed the file of that case. That case was determined to be unsubstantiated. The investigative file was well documented to include having a sexual investigator checklists and documenting when the victim and seen by medical and mental health staff.

§115.72 – Evidentiary Standard for Administrative Investigations

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

A review of TDCJ SAFE PRISONS/PREA Plan, and interviews with the investigator and administrative staff confirm the Willacy State Jail has no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. When the investigator was asked what standard of evidence was used in determining if an allegation is substantiated, the agencies policy was recited confirming compliance with the standard.

§115.73 – Reporting to Offender

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)

A review of TDCJ Safe Prisons/PREA Plan and TDCJ 05.10 Safe Prisons/PREA Operations Manual, a review of the one investigation completed, interviews of staff, and notification memorandum indicated that offender were informed of the outcome of the investigations whether the allegation had been determined to be substantiated, unsubstantiated, or unfounded. If the allegation of sexual abuse was by a staff member (except if unfounded), the offender is informed of the status of the staff member in writing to include whenever: the staff member is no longer posted within the offender's unit; the staff member is no longer employed at the facility; the agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. If the offender was alleged to have been sexually abused by another offender, Willacy State Jail informs the alleged victim whenever: the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or been convicted on a charge related to sexual abuse within the facility. TDCJ has set forms to complete the notifications. The offender was transferred to another unit, so the Warden did a memorandum providing the outcome of the investigation.

§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)

Per TDCJ policies (PD 13 Sexual Harassment and Discourteous Conduct of a Sexual Nature; and APS 14-2 Safe Prison/PREA Operating Manual) and interviews with CCA and Willacy State Jail staff, staff are subject to disciplinary sanctions for violating agency sexual abuse or sexual harassment policies; termination is the presumptive disciplinary sanction for staff who have engaged in sexual abuse; and disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.

§115.77 – Corrective Action for Contractors and Volunteers

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

TDCJ policies prohibit contractors or volunteers who engaged in sexual abuse to have contact with offenders and requires they be reported to law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The Interviews with contractors and volunteers confirmed they knew the punishment for engaging in sexual abuse or sexual harassment of offenders. Warden reported that there have been no allegations of sexual abuse by contractors or volunteers.

§115.78 – Disciplinary Sanctions for Offenders

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)

Per TDCJ policies (SAFE Prison/PREA Plan, TDCJ Disciplinary Rules and Procedures for Offenders, and TDCJ Sex Offender Treatment Program 01.01 Sex Offender Rehabilitation Programs) and interviews with Willacy State Jail staff, offenders are subject to disciplinary sanctions following an administrative finding that the offender engaged in offender-on-offender sexual abuse or following a criminal finding of guilt for offender-on-offender sexual abuse; sanctions are commensurate with the nature and circumstances of the abuse committed, the offender's disciplinary history, and the sanctions imposed for comparable offenses by other offenders with similar histories; and considers whether an offender's mental disabilities or mental illness contributed to his or her behavior. TDCJ prohibit all sexual activity between offenders to include consensual and discipline offenders for such activity, but does not consider it sexual abuse. In the past 12 months there have been no incidents of disciplinary sanctions imposed on offenders for engaging in offender on offender sexual abuse.

§115.81 – Medical and Mental Health Screenings; History of Sexual Abuse

Exceeds Standard (substantially exceeds requirement of standard)

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

Does Not Meet Standard (requires corrective action)

During the audit it was determined TDCJ Safe Prison/PREA Plan required medical and mental health follow-up meeting within 14 days for those offenders whose PREA screen

indicated they experienced prior sexual victimization or previously perpetrated sexual abuse, whether in a prison/jail setting or in the community. Review of a case demonstrated medical and mental health screening was being conducted normally within 14 days of the intake screening. Interviews of medical and mental health staff confirmed follow-up meetings are scheduled and conducted. Information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health staff, and other staff as required.

§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)

Review of TDCJ policies Safe Prisons/PREA Operating Manual and CMHC G-57.1 and interviews with staff confirm offender victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services from medical and mental health staff. If alleged sexual abuse occurred within 96 hours, security escorts the victim to medical department for medical staff to assess and stabilize while awaiting transfer to hospital for a forensic exam. If needed medical would refer to mental health. Interview with the medical staff confirmed this practice and that the requirements of this standard are adhered to. Treatment is provided to the victim without financial costs and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. The one incident did not receive a forensic exam, but was seen by both medical and mental health staff, evaluated and provided information.

§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)

There were no substantiated cases of sexual abuse at Willacy State Jail. TDCJ policies, and interviews with staff demonstrate there is on-going medical and mental health care for sexual abuse victims and abusers. Treatment is at no costs to the offenders regardless of whether the victim names the abuser or cooperates with any investigation

arising out of the incident. Per policy, offender victims of sexual abuse while incarcerated are offered tests for sexually transmitted infections as medically appropriate. Mental health evaluations are conducted on all known offender on offender abusers no later than ten business days after notification. Willacy State Jail is a male facility and thus non-applicable 115.83 (d) and (e) which deals with pregnancy testing and medical services.

§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)

Safe Prison/PREA Plan and Safe Prison/PREA Operating Manual covers all parts of the standard except 115.86 (d) which is what the incident review team should cover and assess in each case. Willacy State Jail uses the CCA form 14-2F that does cover all things the standards requires the facility to consider and assess in standard 115.86 (d). The one Sexual Abuse Review Report completed clearly addressed whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility; whether physical barriers in the area may enable abuse; the adequacy of staffing levels in that area during different shifts; and whether monitoring technology should be deployed or augmented to supplement supervision by staff. This review did not include medical or mental health staff. Corrective action was determined to ensure new Willacy State Jail institutional response plan listed all the members of the incident review team to include medical or mental personnel. The auditor would also review a new incident review team report if an incident occurred during the corrective action period. No new incident was reported to the auditor during the corrective action period.

§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)

Willacy State Jail follows CCA policy requires the collection of uniform data that provides the minimum data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice. CCA collects accurate uniform data for every allegation of sexual abuse at facilities under its control using a standardized instrument (Incident Reporting Database System). The policy requires information is entered in the Incident Reporting Database System on all allegations. The system allows the agency to prepare an annual PREA report, monitor trends, and take corrective action, and the facility submit the annual DoJ Survey of Sexual Violence (if requested). Review of previous DoJ Survey of Sexual Violence reports, annual agency PREA reports, and data submitted by the facility demonstrated the agency collects uniform data to be used by CCA. CCA does not contract its offenders to other facilities (115.87 (e)). The information is also provided to TDCJ in order for TDCJ to track incidents in its contracted facilities.

§115.88 – Data Review for Corrective Action

X 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)

CCA policy requires the agency to review all of the data collected from all its facilities and aggregates that data annually to assess and improve the effectiveness of its sexual abuse program and practices. Based on interviews with the PREA Compliance manager, PREA Coordinator and review of the CCA website, CCA reviews the data collected to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies; and to identify problem areas and take corrective actions. An annual report is published and posted on the CCA website. The 2014 annual report was thorough, provided corrective measures taken and addressed the agency progress in addressing sexual abuse. The 2014 Annual Report noted 14 facilities were audited and was found to be in compliance with the National PREA standards. It also highlighted reinforcing the knock and announce standard by placing "Opposite gender Must Announce Upon Entry" stickers at the entry to all offender housing units, which was observed at Willacy State Jail. The report includes a comparison of the current year's data and with the previous year's data.

The CCA website is the most informative and one of the easiest to find PREA information of all agencies this auditor has audited. CCA PREA page lists: general information on PREA; agency zero tolerance policy; how to report; information on investigations; and where questions and inquiries can be forwarded to (PREA Coordinator phone and mailing address). It also has a number of links to include: PREA standards; PREA Resource Center website; CCA PREA policy; CCA 2013 and 2014 PREA Report; and CCA Facility PREA information. The CCA Facility PREA information link lists each CCA facility with information on that facility's PREA Compliance Manager; third

party reporting methods; PREA policy; PREA audit dates; and PREA audit reports if completed and posted.

§§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)

Per CCA policy, review of websites, and interviews of staff it is determined data is properly stored, maintained and secured. Access to data is controlled. Aggregate data on all its facilities is available to the public through its website. All CCA facility 2013 and 2014 data is in the annual report and posted on the website. CCA maintains sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection. Before making aggregated sexual abuse data publicly available, CCA removes all personal identifiers.

AUDITOR CERTIFICATION:

I certify that

X The contents of the report are accurate to the best of my knowledge

X No conflict of interest exists with respect to my ability to conduct an audit of the agency under review

X I have not included in the final report any personally identifiable information about any offender or staff member, except where the names of administrative personnel are specifically requested in the report template.



Auditor Signature

23 Oct 2015

Date