

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

**Safe Prisons Program
Fiscal Year 2009**



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Safe Prisons Program

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SAFE PRISONS PROGRAM

Correctional Institutions Division

The Texas Department of Criminal Justice (TDCJ) operates a Safe Prisons Program for the purpose of preventing and limiting offender-on-offender sexual assaults, physical assaults, and extortion. TDCJ strives to maintain the safety and security of all offenders incarcerated within the Agency.

The components of the Safe Prisons Program are as follows:

I. Education of Correctional Officers and staff about the importance of preventing sexual assault, extortion, and offender physical assault.

The education of correctional officers and staff on the importance of preventing sexual assaults, extortion, and offender physical assaults is one of the primary objectives of the Safe Prisons Program. A key component of the objective is the reliable transmittal of information from the Safe Prisons Program Management Office to the facility staff. To accomplish this objective notices to staff are routinely distributed at Agency meetings regarding the Safe Prisons Program and TDCJ's policy regarding offender protection issues.

Sexual assault awareness posters (in both Spanish and English) are posted in all facilities in areas readily accessible to staff as well as offenders. These posters are intended to raise awareness of the issue of sexual assault, provide direction regarding how to report allegations and emphasize the agency's "Zero-Tolerance" policy on sexual assaults within its correctional facilities. The Agency requires facility administrators to display the posters in strategically located areas identifying an individual at the facility level, and at the Agency headquarters, who the offender, staff and visitors can contact to report allegations of sexual assaults.

The Correctional Training and Staff Development (CTSD) Department provides practical and relevant training services to correctional officers and supervisors in order to prepare them to support and carry out the mission of the TDCJ. Newly hired correctional officers are required to participate in a pre-service academy, while veteran correctional officers and correctional supervisors are required to participate in an annual in-service training academy.

The CTSD conducted 174 Pre-service Academy classes for new cadets in Fiscal Year 2009, with 6,773 cadets completing the course. The course includes a four-hour curriculum that instructs officers on the Safe Prisons Program initiatives within the TDCJ, addressing topics such as Offender Sexual Assault; Offender Life Endangerment, and Offender Extortion. In addition, students viewed the video "Safe Prisons in Texas". During this period, 1,017 correctional officer in-service academy classes were conducted with 23,617 veteran correctional officers completing the course. The classes included Conducting a Thorough Investigation, and the video "Safe Prisons in Texas".

The CTSD conducted 314 specialized academy classes for correctional supervisors in Fiscal Year 2009, providing training for more than 7,011 participants. Over 5,524 correctional supervisors completed the In-Service Supervisor Training. In addition, 716 correctional supervisors completed the Sergeant, Food Service and Laundry Manager Training Academy; 170 correctional supervisors completed the Sergeant, Foodservice and Laundry Manager Retreat training; 190 lieutenants completed the Lieutenant Command School; 155 captains attended the Captains Advanced Preparedness Training; 131 majors attended the Advanced Management Training for Majors, and 125 assistant wardens attended the Assistant Wardens Annual Training.

One of the goals of the training is to provide a comprehensive but concise overview of the Safe Prisons Program and its initiatives. Topics of discussion include the prevention of extortion, the Prison Rape Elimination Act (PREA) and statistics regarding the time, location, and custody of offenders likely to report an alleged sexual assault. In addition, statistics describing the physical characteristics of both the potential sexual assault victims and potential predators are presented to aid in the assignment of offenders. Specific strategies are discussed in order to enhance the identification, investigation, prosecution, and prevention of sexual assault in prison.

The TDCJ completed the production of the video “Safe Prisons In Texas” in Fiscal Year 2008, which re-enforces the Agency’s “Zero-Tolerance-Policy” against sexual assaults, and illustrates the Agency’s support of the Safe Prisons Program initiatives. The video was added to the CTSD training curriculum in Fiscal Year 2009 and is presented to staff during pre-service, supervisor and non-supervisor in-service classes.

The Safe Prisons Program Management Office (SPPMO) and regional coordinators conducted quarterly trainings for Unit Safe Prisons Program Coordinators (USPPC). The training provided staff with policy and procedure revisions on topics such as extortion prevention; investigative report writing; interviewing techniques, and data collection.

The SPPMO developed a sexual assault/abuse pocket card for distribution to correctional staff in Fiscal Year 2010. The pocket card documents the agency's zero-tolerance policy on sexual assaults; steps to take if a sexual assault occurs; definitions for the Safe Prisons Program, Sexual Abuse, and the Prison Rape Elimination Act (PREA). The pocket card also contains a list of Sexual Assault/Abuse Red Flags that provide staff with cues regarding victim, predator, and staff behaviors and characteristics.

Safe Prisons Plan

Prior to January 2005, several separate Agency policies and procedures addressed protection of offenders. In January 2005 the *Safe Prisons Plan* was approved. The plan encompasses previous policies and procedures, as well as new processes that have evolved since the inception of the SPPMO, creating one cohesive strategy for providing staff and offender safety. The plan reflects the Agency’s commitment to reduce incidents of extortion, protect offenders who are at increased risk of harm by others, take a proactive approach to prevent sexual abuse of offenders, address the needs of offenders who have been sexually assaulted, and make violators subject to criminal charges, civil

liability and disciplinary action. The Safe Prisons Plan was revised in September 2005, and is currently beginning a third revision.

This plan sets forth the guidelines and procedures for investigating requests from offenders alleging increased risk of harm (e.g., sexual assault, extortion and physical assault) from other offenders. It also encompasses procedures to follow when a staff member is notified by other means (other than from the offender himself) that an offender's safety has been threatened. The policy provides different options for staff to take in order to protect an offender from harm and discusses when it is appropriate to use each option. The options include, but are not limited to:

- a. Verbal intervention between offenders who are having a conflict;
- b. Changes in the housing assignments of one (1) or more offenders within their housing area or other housing area of the same custody level, as well as changes to an offender's work assignment or work-shift hours;
- c. Placement of aggressive/assaultive offenders in Administrative Segregation or review for a change of custody (e.g., due to major disciplinary offenses);
- d. Transfer to another unit;
- e. Assignment to safekeeping status;
- f. Assignment to Administrative Segregation – Protective Custody; or
- g. Recommendation for transfer pursuant to the Interstate Corrections Compact.

II. Education of newly received offenders on the risks of sexual assault, as well as the prosecution process.

Available in English and Spanish, the *Offender Orientation Handbook* includes information on offender sexual assaults (from both the perpetrator and victim perspective) as well as offender protection. The information is also provided during both the diagnostic intake process and the new unit of assignment orientation process.

III. Use of offender characteristics common to offender sexual assault victims in making cell and job assignments.

The following policies establish the use of offender characteristics in making cell and job assignments:

AD-04.17, "Offender Housing Assignment Criteria and Procedures"

- ◆ "Housing assignments shall be made on the basis of an offender's total record and as required by the offender's current needs and circumstances, as reflected in the offender's unit/facility file, Health Summary for Classification form, the information contained in the offender's computerized classification record...and unit/facility record, in order to ensure that each offender receives appropriate and adequate safety, supervision, and treatment."

- ◆ “An offender identified by a classification committee as being too assaultive or too vulnerable to be safely housed with another offender shall be housed in a cell alone (see Administrative Directive-04.68, ‘Offenders Requiring Single-Cell Housing’).”
- ◆ “The following are criteria relative to offenders’ security characteristics which, in addition to custody designation, shall be considered in making housing assignments:
 - a. Criminal history;
 - b. Current offense (type and seriousness), sentence length and amount of time completed on sentence;
 - c. The offender’s age and number of prior adult incarcerations;
 - d. Violent or passive tendencies;
 - e. Criminal sophistication;
 - f. Offender enemies;
 - g. Homosexual (both active and passive) tendencies;
 - h. Physical characteristics such as height and weight;
 - i. Security threat group affiliation;
 - j. Current institutional adjustment, as reflected in the offender’s disciplinary record; and
 - k. Special safety requirements.”

AD-04.68, “Offenders Requiring Single-Cell Housing”:

- ◆ “This policy outlines those categories of offenders who require a single-cell due to vulnerability, medical or mental health problems, mental retardation, or other reasons related to offender health, safety, or security, in accordance with state law and TDCJ plans and policies.”
- ◆ “The following characteristics, and any other factors or characteristics that are indicative of a need for single-celling due to vulnerability, shall be considered in making the discretionary determination to single-cell offenders in safekeeping:
 1. Sex-related problems as demonstrated by either in-prison or out-of-prison behavior (e.g., offender is homosexual and is fearful of living with other offenders).
 2. Weak offenders (e.g., offenders who are easily exploited due to age, size, developmental impairment, physical weakness, and other similar traits).
 3. Other characteristics (e.g., unit/facility of assignment [that is, an offender may require single-celling on one unit/facility, but may be double-celled on another unit/facility]; custody level; an offender may require single-celling in one safekeeping custody level but not in another; incompatibility with other offenders; offender request due to fear of enemies; offender is institutional or law enforcement informant; offender or relative is a former law enforcement officer; or other similar circumstances).”

AD-04.18 (rev. 5), “Offender Jobs: Assignments, Job Descriptions, Selection Criteria, Work Programs and Supervision”

- ◆ “The TDCJ shall provide work opportunities and establish offender job programs in accordance with state and federal law. Job assignments shall be based on rational and objective criteria and in such a manner as to ensure that the safety, security, treatment and rehabilitative needs of the offenders are met.”
- ◆ The following security-related criteria shall be considered in making job assignments:
 - a. Custody;
 - b. Security precaution designators;
 - c. Criminal history, to include all prior adult incarcerations;
 - d. Current offense, length of sentence, and time served on sentence;
 - e. Violent or passive tendencies;
 - f. Offender enemies;
 - g. Security Threat Group (STG) affiliation;
 - h. Current institutional adjustment, as reflected in the offender’s disciplinary record; and
 - i. Special safety requirements.

IV. Use of an offender’s assault history in making cell assignments.

The use of an offender’s assault history in making cell assignments is set forth in the following policies:

AD-04.17, “Offender Housing Assignment Criteria and Procedures”

- ◆ “Unless there are specific mitigating circumstances, an offender shall not be assigned to dormitory housing at an ID unit, irrespective of his custody designation, if:
 - 1. The offender has been convicted within the previous 12 months of a disciplinary offense involving possession of a weapon; or
 - 2. The offender has been convicted within the previous 24 months of a disciplinary offense involving either assault with a weapon or aggressive (or assaultive) sexual misconduct; or
 - 3. The offender demonstrates a recent pattern of in-prison assaultive behavior.”

Safe Prisons Plan:

- ◆ “Placement of Aggressive/Assaultive Offenders in Administrative Segregation or Change of Custody Due to major Disciplinary Offenses

A change of custody for the offender-aggressor in accordance with the *Disciplinary Rules and Procedures for Offenders* and *Classification Plan* is also an option. Instead of placing the more vulnerable offender in another housing area, this option removes the offender who has engaged in aggressive or assaultive behavior. Although a change in custody cannot be effected by unit/facility administration, it may be done by the Unit Classification Committee (UCC) without further approval unless it involves placing the aggressor in Administrative Segregation (maximum custody). Assignment of an offender to Administrative Segregation must be made in accordance with the *Administrative Segregation Plan*. Removing the aggressor not only protects the offender specifically found to be at risk but other offenders in his housing area as well. Additionally, placing the offender-aggressor in a more restrictive custody classification (G4, G5 or Administrative Segregation) will limit his opportunity to victimize other offenders and encourage him to modify his antagonistic behavior.”

V. Use of protective custody or safekeeping.

Protective custody and safekeeping are two custodies that may be used to isolate an at-risk or vulnerable offender from a possible predatory offender. The totality of an offender’s circumstances must be considered. The greatest care must be taken to screen out offenders who are inappropriate for safekeeping, as the safety of the existing safekeeping population must also be considered. Conversely, an offender should not be denied safekeeping if he does not meet any of the factors below, but his circumstances are such that the offender clearly needs protection from other offenders.

Factors involved when considering an offender for protective custody or safekeeping include:

1. Any objective evidence discovered during an investigation which would indicate an offender is being extorted or victimized. Examples of objective evidence include visible physical injuries, medical reports, commissary account records, witness accounts, and other similar evidence.
2. Offender’s physical size.
3. Mental/physical impairments.
4. Age/first time offender.
5. Sexual orientation (claims of homosexuality should be corroborated by permanent records, disciplinary reports or any other evidence to support homosexual activity).
6. Determination whether the problem is unit or geographic specific. If an offender’s alleged problem is confined to a specific individual, alternatives such as cell changes or unit transfer might well alleviate the situation.
7. Factors that would preclude an offender’s placement into safekeeping. For example, it would not be prudent to recommend safekeeping for an offender who has a felony conviction for sexual assault of another offender.
8. An offender’s previous history in safekeeping status on prior commitment.

Safekeeping offenders are primarily housed at the Michael Prototype units in order to isolate them according to the various custodies within the safekeeping status. All safekeeping offenders are housed in buildings that allow the offenders to be separated from the general population. This isolation makes it difficult for general population offenders to enter their housing areas. In addition, safekeeping offenders receive their recreation time and meals apart from the general population. Some safekeeping offenders are still being housed at the Estelle Unit for medical reasons and at the Daniel Unit and Boyd Unit.

Staff from the Classification and Records Department produces a Monthly Activity Report that tracks:

1. The number of requests for protective custody/safekeeping/transfers
2. The number of offenders placed in protective custody/safekeeping/transfers
3. The number of offenders refused protective custody/safekeeping/transfers
4. The number of requests that include allegations of extortion, sexual assault and violence
5. The number of times an offender has signed a waiver stating that he no longer needed protection.

The *Classification Plan* sets forth the characteristics and boundaries of Protective Custody and Safekeeping, while the *Safe Prisons Plan* discusses the procedures to be used in assisting offenders who may need protection.

VI. Use of surveillance cameras.

As of September 1, 2009 there were 5,482 surveillance cameras on units across the state. Of these, 3,967 are in housing areas (mostly in dormitory areas and dormitory access control areas). In Fiscal Year 2009, TDCJ was appropriated \$10 million in order to purchase correctional security equipment, to include video surveillance systems for certain correctional facilities. This equipment will not only enhance efforts to prevent contraband from entering TDCJ correctional facilities, it will increase offender and staff safety by substantially increasing the number of surveillance cameras on targeted maximum security institutions.

VII. Education of Correctional Officers and staff on the care and protection for offenders who have been assaulted.

- ◆ Staff are oriented on and required to be familiar with the *Safe Prisons Plan*. This policy sets forth the philosophy of TDCJ regarding the duty to protect offenders. It also sets forth guidelines and procedures for investigating allegations of offender victimization and measures to prevent an offender from being victimized.
- ◆ A lesson plan entitled “Sexual Assault Offender Victim Representatives” is designed to develop appropriate skills in psychologists, sociologists, chaplains, social workers and case managers to provide counseling and other support services for an offender

who has been a victim of a sexual assault. More than 98 Offender Victim Representatives were trained during Fiscal Year 2009. Offender Victim Representatives are identified by statute as Psychologists, Sociologists, Case Managers and Chaplains.

- ◆ The CTSD Department Pre-Service Program contains a Health and Wellness – Suicide Prevention Lesson that includes a 22-minute video on suicide prevention and intervention. A videotape entitled “Suicide Prevention and Intervention” assists in identifying warning signs and symptoms and has been distributed to every facility. Over 6,773 new cadets and 23,617 veteran correctional officers received training on suicide prevention during pre-service and in-service academies in Fiscal Year 2009. In addition, 5,524 correctional supervisors, and 256 majors and assistant wardens participated in suicide prevention training during specialized and advanced management training courses.
- ◆ Pamphlets placed in visiting areas in various prison units, state jails and private facilities include “Suicide Prevention – How You Can Help” to assist families in identifying risk factors for incarcerated loved ones who may be suicidal.
- ◆ Pocket cards containing suicide risk factors have been distributed to all TDCJ units. The pocket cards help alert staff to offenders who may exhibit signs or symptoms that put them at risk for suicide.

VIII. Tracking and reporting of alleged sexual assaults.

Organizationally, the Director of the Correctional Institutions Division (CID) serves as the Safe Prisons Program coordinator. The SPPMO conducts statistical analysis of alleged sexual assaults; monitors each alleged incident to ensure Agency compliance with current policies; identifies issues for further policy development; and facilitates training and awareness programs for staff and offenders.

Alleged sexual assaults and other serious/unusual incidents are reported to the Emergency Action Center (EAC). Initially, all incidents of alleged sexual assaults are reported to EAC, who forwards the reports to the SPPMO, OIG and the PREA Ombudsman. After reviewing the allegations, the Office of the Inspector General (OIG) advises the TDCJ of those incidents that meet the elements of the Penal Code. In addition to reports received through EAC, the OIG receives reports through other sources. Information reported to OIG from other sources is not processed through EAC; however, it is reconciled monthly for statistical purposes. Alleged sexual assaults reported through EAC require an administrative review. An administrative review is a detailed report that is submitted by the warden through the appropriate regional director to the EAC. Any findings requiring recommendations or corrective action must have a follow-up within 90 days to the Deputy Director, Correctional Institutions Division – Prison and Jail Management.

Allegations of sexual assault are investigated by the OIG. If probable cause is established or if there is sufficient information to make a determination regarding the allegation, the formal criminal felony investigation is presented to the Special Prosecution Unit or the local district attorney for possible prosecution.

The Deputy Director, Correctional Institutions Division – Prison and Jail Management and the Deputy Director, Correctional Institutions Division – Management Operations reviews any administrative review regarding sexual assaults within TDCJ facilities. In addition, the PREA Ombudsman reviews the Administrative Reviews associated with allegations of sexual assaults.

Classification designators have been developed for electronic notification and tracking of sexual predators, potential sexual predators and potential sex victims on the mainframe. This designator will better enable the unit administration to identify offenders who are more likely to be sexual predators and victims.

IX. Other Initiatives

- ◆ Subsequent to the creation of the SPPMO, the CID Director formed the Safe Prisons Program Council. This body was created to provide guidance to the SPPMO and to executive administrative staff on the issue of prison sexual assault. Individuals serving on the council are criminal justice professionals who possess a wide array of educational and professional backgrounds and expertise. Since its inception in November 2003, the council has adopted as their mission: “To establish and implement a zero tolerance standard on sexual assaults and predatory behavior by collecting, analyzing and disseminating information for evidence-based decisions; and by promoting and delivering training and education that contributes to positive change in institutional culture and safer prisons.”
- ◆ A Sexual Predator Database/MAINFRAME application helps in the process of identifying potential predators and victims on the facilities. The database is a collaborative effort between the SPPMO and the OIG, the law enforcement arm of the TDCJ. All allegations of sexual assault are referred to the OIG for investigation, those offenders identified as potential predators by the OIG are then identified by the Safe Prisons Program Manager on the TDCJ Mainframe System. This identification assists in decisions regarding housing or programmatic assignments both within the institutions and post-release.
- ◆ The SPPMO conducts analysis of all alleged sexual assaults, including alleged sexual assaults which may or may not meet the elements of the penal code definition as determined by the OIG. This analysis identifies trends related to time of day allegations are more likely to be made, physical location, and custody classes with a higher rate of alleged sexual assault reports. This information is passed on to the units to enable them to make decisions related to their building schedules, physical plants and housing assignments.

- ◆ The SPPMO identifies trends related to the age, height and weight of both victims and predators. This information is passed on to the facilities to make staff aware of these physical characteristics when determining housing assignments.

Parole staff are trained to recognize that an offender may not report a sexual assault that occurred in prison until after release. A process has been established for reporting these allegations in order to initiate the necessary investigations and track alleged predators.

X. Protecting Inmates and Safeguarding Communities (PISC) Grant initiatives

Since October 1, 2004 TDCJ has received two one million dollar grant awards from the Office of Justice Programs to enhance the Safe Prisons Program through additional measures aimed at heightened awareness, prevention, detection, investigation and prosecution of sexual assaults. The last of these two awards expired on May 31, 2008.

As a part of the federal grant program, the TDCJ-CID met the dollar amount awards with a matching “in-kind” amount. These “in-kind” dollars are directed toward facility based operations of the Safe Prisons Program. Twenty-five of the largest facilities, intake facilities, and facilities housing more aggressive or vulnerable offenders have been staffed with a designated Unit Safe Prisons Program Coordinator (USPPC). The USPPC is a multitasked position identified by the TDCJ to perform facility based initiatives identified through the SPPMO and the Safe Prisons Program Council. The USPPC is responsible for monitoring the Safe Prisons Program at the facility level and works directly for the facility administrator responsible for the safety and security of the unit. The USPPC is a collateral duty function on the remaining TDCJ facilities.

The PISC grants assisted the Agency in implementing the following initiatives, which remain in effect:

- 1) To reduce the number of in-cell offender-on-offender sexual assaults in high-risk areas by increasing the visibility into the cells and also by adding additional video surveillance equipment.*

The TDCJ manufactured and installed Lexan© Cell-Fronts in selected areas in order to enhance the ability of the central security officer to visually supervise offenders. The security officer has unlimited visual supervision of the cell fronts contained in each 24-cell section; however, the doors are currently constructed from a solid piece of steel with a small viewing window. This design limits the officer’s view of activities in the cell and increases the opportunities for in-cell sexual assaults. By modifying the cell front with the Lexan© that is reinforced by bars or expanded metal, the security officer is afforded increased visual surveillance of the offenders inside the cell. This enhancement allows staff the increased ability to detect assaults or suicide attempts and respond accordingly. TDCJ officials also plan to utilize data obtained from reported incidents to determine the most appropriate location to place additional digital video surveillance equipment. The

combination of the Lexan© doors and more video surveillance equipment is expected to contribute to the prevention, detection and investigation of incidences of sexual assault.

Two-hundred sixteen (216) cells were fitted with Lexan© cell-fronts and installed on ten (10) of the Michael prototype facilities during Fiscal Year 2006. TDCJ purchased 270 video surveillance cameras as a result of the PISC grant. One-hundred-thirty-five (135) video surveillance cameras were installed on five (5) of the Michael prototype facilities in Fiscal Year 2006 with an additional 135 video surveillance cameras installed on the remaining five (5) Michael prototype facilities during Fiscal Year 2007.

2) *To enhance sexual assault awareness for medical personnel and to improve medical examination services provided to offender sexual assault victims.*

All medical services provided to offenders are through the university medical school health care providers under contract through the Correctional Managed Health Care Committee. Medical services personnel oversee any medical examination and administration of a forensic collection kit performed in response to an allegation of sexual assault. Information obtained from the offender during the medical interview, evaluation and examination are shared with OIG investigators. In order to enhance coordination of the medical process with security personnel, TDCJ officials hired a Sexual Assault Examination Coordinator who is a licensed registered nurse and a certified Sexual Assault Nurse Examiner. The Office of the Texas Attorney General's Sexual Assault Prevention and Crisis Services coordinates the certification training. The nurse is responsible for planning and implementing training for unit level nurses, mid-level practitioners (physician assistants and advanced practice nurses), and physicians. The training for clinical staff includes the proper techniques for performing the examinations, collecting samples, chain of custody procedures and testifying in court. The curriculum is specific to the gender of the offender assigned to each facility, and contains information relevant to the prison population, culture and setting. Health care administrative staff are included in general training topics. The coordinator is also responsible for providing liaison functions with non-health care departments in the TDCJ.

During Fiscal Year 2009, the Sexual Assault Examination Coordinator conducted 16 In-Service sessions on conducting medical examinations with more than 192 health professionals attending.

3) *To increase the knowledge level of the Special Prosecutors Unit (SPU) through special training on the management of sexual assault cases.*

There are many complex issues facing prosecutors charged with the responsibility of handling prison sexual assault cases. With heightened awareness of the Prison Rape Elimination Act of 2003, more professional organizations are addressing the issue through specialized training and public forums. The SPPMO and the Special Prosecutors Unit meet regularly to discuss the availability of continued training and specific issues relevant to the prosecution of sexual assault cases.

4) To provide resources to enhance the investigation process performed by OIG staff.

TDCJ policy requires correctional staff to notify OIG staff immediately when an alleged sexual assault has been reported. Upon notification of an alleged sexual assault, OIG staff begins the investigation process through the collection of information obtained in one-on-one interviews with the victim and alleged perpetrator. OIG staff are responsible for determining the need for a sexual assault evidence collection exam to be performed by medical staff. The OIG investigator may consult with the onsite medical personnel regarding the necessity of such an exam. The location of the alleged sexual assault is secured and checked for any evidence that is also collected. Upon receipt of all investigative data, the OIG investigator reviews the information to assess whether it meets the elements of an offense.

Additionally, OIG investigators coordinate with security personnel to take measures to prevent offender on offender assaults through enhanced surveillance equipment and investigative tools. An additional staff member (grant-funded) was hired to manage the collection, maintenance, analysis and dissemination of data obtained during criminal investigation of alleged sexual assaults. In an effort to enhance the current investigative process, OIG investigators participate in training to enhance staff knowledge and skill level regarding evidence detection/collection, securing a crime scene and interviewing sexual assault victims. This training is intended to compliment training that is received by the staff from the SPU. Similar to other groups participating in training, OIG investigators share lessons learned with correctional staff.

In Fiscal Year 2008, the OIG completed the implementation of a Case Management System to assist in tracking and providing statistical information needed for sexual assault cases. In addition, the OIG provided training to OIG Investigators so they could obtain certification as a Sexual Assault/Family Violence investigator.

5) To increase offender's knowledge of sexual assault prevention.

The Texas Department of Criminal Justice has partnered with several community-based organizations to pilot an HIV offender peer education program. The program concept provides for offenders being trained as peer educators to share information to their counterparts on such topics as infectious diseases, sexually transmitted diseases and other health related topics. The program includes training offender peer educators; increasing the knowledge level of the peer educators and recipients of the training session; and expanding the number of topics addressed.

The Agency initiated a similar peer education program as a component of the Safe Prisons Program. Officials partnered/contracted (grant-funded) with local community-based organizations to assist with the development of a curriculum, printing of attendant training materials, and to provide training (three hours) to peer educators. The curriculum entitled "Sexual Assault Awareness" was completed by the grant funded contractor in Fiscal Year 2006, with more than 250 offender peer educators from 35 prison facilities participating in the initial training.

The Sexual Assault Awareness Curriculum - Peer Education Program utilizes offender peer educators to discuss issues of prevention, reporting, and State and Federal laws pertaining to sexual abuse and sexual assault. This direct intervention helps change certain perceptions and attitudes among the offender population regarding prison sexual assault. Due to the success of this concept with other prison based initiatives, TDCJ implemented the peer education program at units with the highest rates of reported sexual assaults.

In Fiscal Year 2009, over 3,016 Sexual Assault Awareness classes were conducted with over 68,370 offender participants attending. The Sexual assault Awareness curriculum is currently being provided in over 84 correctional facilities. In addition, a Spanish Sexual Assault Awareness curriculum was developed and implemented to assist Spanish speaking offenders with limited English proficiency. A Peer Education Coordinator manages the peer education services and monitors performance of program operations. The coordinator also serves as an offender liaison to ensure appropriate level of services to offender victims. The Peer Education Coordinator works in collaboration with the Agency's Health Services Division to update the curriculum as required.

The National Institute of Corrections (NIC) has produced a video toolkit for offenders titled "Speaking Up - Discussing Prison Sexual Assault." This video, provided in male, female, and Spanish versions is designed to assist facility staff in educating offenders on federal, state, and local sexual assault laws, policies and practices. TDCJ has obtained copies of the video to be provided to correctional facilities in Fiscal Year 2010. The videos will be utilized to enhance the Sexual Assault Awareness classes and provide additional training opportunities for incarcerated offenders.

6) To create an Offender Sexual Assault Victim Services Component within the SPPMO to address the needs of offender sexual assault victims.

The SPPMO has taken an active role in ensuring that appropriate services are provided to offender victims of sexual assaults. For example, the SPPMO collaborated with CTSD, Health Services Division and Victim Services Division to develop an approved training curriculum for Offender Victim Representatives who provide support and resources to offenders that are administered a Forensic Medical Collection Kit due to an alleged sexual assault. TDCJ continues to train additional staff to ensure adequate services are available at each of the Agency's units to address the victim's needs. In Fiscal Year 2009, Offender Victim Representative training was provided for 98 new and veteran representatives attending.

7) To enhance the offender orientation process by introducing a more formalized approach to advising offenders of prison life.

Offenders processed for admissions into the TDCJ are provided with an Offender Orientation Handbook that is designed to inform them of prison life, Agency policies and their roles and responsibilities. In Fiscal Year 2009, TDCJ conducted an enhanced

offender orientation process at 14 major intake facilities that delivers a formal presentation on prison life. The 10 hour curriculum is comprised of two segments: a) a five-hour video segment illustrating general information documented in the Offender Orientation Handbook, and a five-hour peer education segment that includes the Sexual Assault Awareness curriculum and a comprehensive educational awareness program on health services topics.

XI Prison Rape Elimination Act of 2003

On September 4, 2003, President Bush signed the Prison Rape Elimination Act (PREA) into law (Public Law 108-79) to address the issue of sexual violence in prisons. Two key components of the act were the appointments of the National Prison Rape Elimination Commission (NPREC), and the Review Panel on Prison Rape.

The Commission is a bipartisan panel created by Congress and charged with studying federal, state and local government policies and practices related to the prevention, detection, response and monitoring of sexual abuse in correction and detention facilities in the United States. Upon completion of the study, the Commission will report its findings, conclusions and recommendations to the President, Congress, the US Attorney General and other federal and state officials.

The Commission conducted eight public hearings between June 2005 and December 2007. The purpose of the hearings was to gather documentation and listen to testimony of correctional professionals and offender advocacy groups to assist in the preparation of the report and the drafting of the standards. TDCJ administrators participated in three of the hearings; assisted the Commission in Fiscal Year 2008 by providing documents utilized in preparing the standards, and submitted an Agency response to the request for public comments on the draft of the PREA Standards. In addition, the Allred Unit in Iowa Park, Texas was chosen to participate in the Standards Implementation Needs Assessment (SINA) Project in June 2008, which provided unit staff the opportunity to speak directly with representatives drafting the PREA Standards to discuss the possible effects the implementation of the standards would have on correctional facilities.

The three member Review Panel on Prison Rape was created to conduct hearings on prison rape and to interview officials who oversee the three (3) facilities with the highest incidence of prison rape and the two (2) facilities with the lowest incidence of prison rape in prisons, jails, and community corrections facilities. The Bureau of Justice Statistics (BJS) conducted a National Inmate Survey (NIS) in the spring of 2007, which provided a special report to the Panel in December 2007 to assist in determining the facilities that will participate in the Panel hearings. The NIS is a self-administered survey that provides anonymity to respondents and encourages the reporting of victimization. The survey collects reports of sexual violence directly from the inmates, utilizing an Audio Computer-Assisted Self Interview (ACASI) process in which inmates interact with a computer-assisted questionnaire. One-hundred-forty-six (146) State and Federal prisons participated in the survey, with fifteen (15) of those facilities in Texas. As a consequence of the sampling error, the survey could not provide an exact ranking for all facilities as

required under the PREA. However, the survey did provide the ability to statistically identify a small group of facilities with the highest rate of sexual victimization of 9.3% or greater. The report identified five (5) correctional facilities in the State of Texas among the top ten (10) facilities in the nation meeting this criterion.

The Panel conducted hearings in Washington, DC and Houston, Texas in the spring of 2008 with TDCJ administrators and unit officials from the five (5) facilities in Texas participating in the hearing in Houston. The hearing included a visit to a local prison facility, and testimony from TDCJ administrators and employees. In addition, TDCJ provided documentation on existing policies and procedures; information related to the reporting and processing of administrative and criminal investigations of allegations of sexual assault, and reports on grievances and disciplinary cases concerning sexual assaults alleged against offenders or staff.

The Panel published its findings and policy recommendations in its *Report On Rape In Federal And State Prisons In The U.S.* in August 2008. Several common characteristics of victims of inmate-on-inmate prison rape were identified, which may include one or more of the following:

- ◆ Physical attributes (height, weight);
- ◆ Smaller inmates paired with larger cellmates;
- ◆ Age of the victim in contrast to the assailant;
- ◆ Nature of the victims current offense;
- ◆ History of prior incarceration;
- ◆ Mental illness or physical limitations;
- ◆ Lack of gang affiliation or social support;
- ◆ Low self-confidence, or
- ◆ Vulnerability to extortion.

In addition, the Panel identified common characteristics of inmate sexual assault perpetrators. The study indicated:

- ◆ Larger inmates are more prone to assault smaller cellmates;
- ◆ Inmates that have a history of committing sexual offenses or engaging in sexual misconduct are at higher risk of committing sexual assaults;
- ◆ Inmates with a history of incarceration are more prone to engage in sexual assaults;
- ◆ Inmates with a history of engaging in violence are more prone to engage in sexual violence;
- ◆ Inmates that engage in extortion are more prone to engage in sexual assaults;
- ◆ Inmates' gang affiliation may determine if they are more prone to engage in sexual assaults, and
- ◆ Inmates exhibiting aggressive attitudes during the intake process are more prone to engage in sexual assaults.

The Panel concluded its report with recommendations to policymakers and correctional administrators based on information and testimonies obtained from the hearings. In June, 2009 the PREA Commission submitted their final report and recommendations for National PREA Standards to the US Attorney General, which are currently under review.

The proposed Standards titled “*Standards for the Prevention, Detection, Response, and Monitoring of Sexual Abuse in Adult Prisons and Jails*” are separated into five (5) categories; forty (40) standard statements; an assessment checklist for each standard statement; and a discussion of each standard. The discussion provides explanation for the rationale of the standard and offers guidance for achieving compliance which provides commentary and guidance.

The following provides a summation of the proposed PREA Standard statements:

1) *Prevention and Response Planning*

a. Prevention Planning (PP)

- i. PP-1, *Zero Tolerance of sexual abuse*: The agency has a written policy mandating zero tolerance toward all forms of sexual abuse and enforces that policy by ensuring all of its facilities comply with the PREA standards.
- ii. PP-2, *Contracting with other entities for the confinement of inmates*: If public correctional agencies contract for the confinement of their inmates, they do so only with private agencies or other entities, including other government agencies, committed to eliminating sexual abuse in their facilities, as evidenced by their adoption of and compliance with the PREA standards.
- iii. PP-3, *Inmate Supervision*: Security staff provides the inmate supervision necessary to protect inmates from sexual abuse.
- iv. PP-4, *Limits to cross-gender viewing and searches*: Except in the case of emergency, the facility prohibits cross-gender strip and visual body cavity searches.
- v. PP-5, *Accommodating inmates with special needs*: The agency ensures that inmates who are limited English proficient (LEP), deaf, or disabled are able to report sexual abuse to staff directly, through interpretive technology, or through non-inmate interpreters.
- vi. PP-6, *Hiring and promotion decisions*: The agency does not hire or promote anyone who has engaged in sexual abuse in an institutional

setting or who has engaged in sexual activity in the community facilitated by force, the threat of force, or coercion.

- vii. PP-7, *Assessment and use of monitoring technology*: The agency uses video monitoring systems and other cost-effective and appropriate technology to supplement its sexual abuse prevention, detection, and response efforts.

b. Response Planning (RP)

- i. RP-1, *Evidence protocol and forensic medical exams*: The agency follows a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions (2004 U.S. Department of Justice’s Office on Violence Against Women publication “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,”) Forensic medical exams are provided free of charge to the victim. The facility makes available a victim advocate to accompany the victim through the forensic medical exam process.
- ii. RP-2, *Agreements with outside public entities and community service providers*: The agency maintains or attempts to enter into memoranda of understanding (MOUs) or other agreements with an outside public entity or office that is able to receive and immediately forward inmate reports of sexual abuse to facility heads.
- iii. RP-3, *Agreements with outside law enforcement agencies*: If an agency does not have the legal authority to conduct criminal investigations or has elected to permit an outside agency to conduct criminal or administrative investigations of staff or inmates, the agency maintains or attempts to enter into a written MOU or other agreement specific to investigations of sexual abuse with the law enforcement agency responsible for conducting investigations.
- iv. RP-4, *Agreements with the prosecuting authority*: The agency maintains or attempts to enter into a written MOU or other agreement with the authority responsible for prosecuting violations of criminal law.

2) Prevention

a. Training and Education (TR)

- i. TR-1, *Employee training*: The agency trains all employees to be able to fulfill their responsibilities under agency sexual abuse prevention, detection, and response policies and procedures; the

PREA standards; and relevant Federal, State, and local law. The agency trains all employees to communicate effectively and professionally with all inmates. Additionally, the agency trains all employees on an inmate's right to be free from sexual abuse, the right of inmates and employees to be free from retaliation for reporting sexual abuse, the dynamics of sexual abuse in confinement, and the common reactions of sexual abuse victims.

- ii. TR-2, *Volunteer and contract training*: The agency ensures that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse prevention, detection, and response policies and procedures; the PREA standards; and relevant Federal, State, and local law.
- iii. TR-3, *Inmate Education*: During the intake process, staff informs inmates of the agency's zero-tolerance policy regarding sexual abuse and how to report incidents or suspicions of sexual abuse.
- iv. TR-4, *Specialized training: Investigations*: In addition to the general training provided to all employees, the agency ensures that agency investigators conducting sexual abuse investigations have received comprehensive and up-to-date training in conducting such investigations in confinement settings.
- v. TR-5, *Specialized training: Medical and mental health care*: The agency ensures that all full- and part-time medical and mental health care practitioners working in its facilities have been trained in how to detect and assess signs of sexual abuse and that all medical practitioners are trained in how to preserve physical evidence of sexual abuse.

b. Screening for Risk of Sexual Victimization and Abusiveness (SC)

- i. SC-1, *Screening for Risk of Sexual Victimization and Abusiveness*: All inmates are screened during intake, during the initial classification process, and at all subsequent classification reviews to assess their risk of being sexually abused by other inmates or sexually abusive toward other inmates.
- ii. SC-2, *Use of screening information*: Employees use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive.

3) *Detection and Response*

a. Reporting (RE)

- i. RE-1, *Inmate Reporting*: The facility provides multiple internal ways for inmates to report easily, privately, and securely sexual abuse, retaliation by other inmates or staff for reporting sexual abuse, and staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse. The facility also provides at least one way for inmates to report the abuse to an outside public entity or office not affiliated with the agency that has agreed to receive reports and forward them to the facility head.
- ii. RE-2, *Exhaustion of administrative remedies*: Under agency policy, an inmate has exhausted his or her administrative remedies with regard to a claim of sexual abuse either (1) when the agency makes a final decision on the merits of the report of abuse (regardless of whether the report was made by the inmate, made by a third party, or forwarded from an outside official or office) or (2) when 90 days have passed since the report was made, whichever occurs sooner.
- iii. RE- 3, *Inmate access to outside confidential support services*: In addition to providing on-site mental health care services, the facility provides inmates with access to outside victim advocates for emotional support services related to sexual abuse.
- iv. RE-4, *Third-party reporting*: The facility receives and investigates all third-party reports of sexual abuse and distributes publicly information on how to report sexual abuse on behalf of an inmate.

b. Official Response Following an Inmate Report (OR)

- i. OR-1, *Staff and facility head reporting duties*: All staff members are required to report immediately and according to agency policy any knowledge, suspicion, or information they receive regarding an incident of sexual abuse that occurred in an institutional setting; retaliation against inmates or staff who reported abuse; and any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or retaliation.
- ii. OR-2, *Reporting to other confinement facilities*: When the facility receives an allegation that an inmate was sexually abused while confined at another facility, the head of the facility where the report was made notifies in writing the head of the facility where the alleged abuse occurred. The head of the facility where the alleged abuse occurred ensures the allegation is investigated.

- iii. OR-3, *Staff first responder duties*: Upon learning that an inmate was sexually abused within a time period that still allows for the collection of physical evidence, the first security staff member to respond to the report is required to (1) separate the alleged victim and abuser; (2) seal and preserve any crime scene(s); and (3) instruct the victim not to take any actions that could destroy physical evidence, including washing, brushing his or her teeth, changing his or her clothes, urinating, defecating, smoking, drinking, or eating.
- iv. OR-4, *Coordinated response*: All actions taken in response to an incident of sexual abuse are coordinated among staff first responders, medical and mental health practitioners, investigators, and facility leadership.
- v. OR-5, *Agency protection against retaliation*: The agency protects all inmates and staff who report sexual abuse or cooperate with sexual abuse investigations from retaliation by other inmates or staff.

c. Investigations (IN)

- i. IN-1, *Duty to investigate*: The facility investigates all allegations of sexual abuse, including third-party and anonymous reports, and notifies victims and/or other complainants in writing of investigation outcomes and any disciplinary or criminal sanctions, regardless of the source of the allegation.
- ii. IN-2, *Criminal and administrative agency investigations*: Agency investigations into allegations of sexual abuse are prompt, thorough, objective, and conducted by investigators who have received special training in sexual abuse investigations.
- iii. IN-3, *Evidence standard for administrative investigations*: Allegations of sexual abuse are substantiated if supported by a preponderance of the evidence.

d. Discipline (DI)

- i. DI-1, *Disciplinary sanctions for staff*: Staff is subject to disciplinary sanctions up to and including termination when staff has violated agency sexual abuse policies.
- ii. DI-2, *Disciplinary sanctions for inmates*: Inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative ruling that the inmate engaged in inmate-on-inmate sexual abuse or following a criminal finding of guilt for inmate-on-inmate sexual abuse.

e. Medical and Mental Health Care (MM)

- i. MM1- *Medical and mental health screenings-history of sexual abuse*: Qualified medical or mental health practitioners ask inmates about prior sexual victimization and abusiveness during medical and mental health reception and intake screenings.
- ii. MM-2, *Access to emergency medical and mental health services*: Victims of sexual abuse have timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment.
- iii. MM-3, *Ongoing medical and mental health care for sexual abuse victims and abusers*: The facility provides ongoing medical and/or mental health evaluation and treatment to all known victims of sexual abuse. The evaluation and treatment of sexual abuse victims must include appropriate follow-up services, treatment plans, and, when necessary, referrals for continued care following their release from custody.

4) Monitoring

a. Data Collection and Review (DC)

- i. DC-1, *Sexual abuse incident reviews*: The facility treats all instances of sexual abuse as critical incidents to be examined by a team of upper management officials, with input from line supervisors, investigators, and medical/mental health practitioners.
- ii. DC-2, *Data collection*: The agency collects accurate, uniform data for every reported incident of sexual abuse using a standardized instrument and set of definitions.
- iii. DC-3, *Data review for corrective action*: The agency reviews, analyzes, and uses all sexual abuse data, including incident-based and aggregated data, to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training.
- iv. DC-4, *Data storage, publication, and destruction*: The agency ensures that the collected sexual abuse data are properly stored, securely retained, and protected. The agency makes all aggregated sexual abuse data, from facilities under its direct control and those with which it contracts, readily available to the public at least

annually through its Web site or, if it does not have one, through other means.

b. Audits (AU)

- i. AU-1, *Audits of standards*: The public agency ensures that all of its facilities, including contract facilities, are audited to measure compliance with the PREA standards. Audits must be conducted at least every three years by independent and qualified auditors.

TDCJ officials will begin reviewing the recommended standards for policy considerations in Fiscal Year 2010.

PREA OMBUDSMAN

The 80th Texas Legislature passed legislation in 2007 establishing the appointment of an ombudsperson to the Texas Board of Criminal Justice (TBCJ). The primary purpose of the ombudsperson is to coordinate the Agency's efforts to eliminate the occurrence of sexual assaults in correctional facilities. The primary responsibilities of the ombudsperson are to: (1) monitor agency policies for the prevention of sexual assaults in correctional facilities; (2) oversee the administrative investigation of inmate complaints of sexual assaults; (3) insure the impartial resolution of offender complaints of sexual assaults, and (4) collect statistics regarding all allegations of sexual assaults from correctional facilities in accordance with the established standards of the National Prison Rape Elimination Commission (NPREC).

In Fiscal Year 2008, the TBCJ and TDCJ completed the process to establish the ombudsperson position, identified as the "Safe Prisons Ombudsman Liaison (SPOL)" in the previous report. The title was changed to "PREA Ombudsman" in 2009 to minimize confusion of the position being affiliated with the TDCJ Safe Prisons Program.

Monitoring Agency Policies

In Fiscal Year 2009, the PREA Ombudsman began coordinating with TDCJ administrators to review existing policies concerning the prevention, reporting and investigation of sexual assaults in correctional facilities to ensure the duties and responsibilities of the PREA Ombudsman are reflected within the policies. The coordination included several meetings with various administrators to formulate a comprehensive assessment of policies. The PREA Ombudsman was included in the Executive Services Policy Review process, which submits agency policies to administrators for review and comments before adoption. Being a part of the review process enables the PREA Ombudsman to provide responses to policies that may impact the duties and responsibilities of the PREA Ombudsman, and assess the impact the proposed PREA Standards may have on the current policies and procedures. Currently, The PREA Ombudsman is reviewing existing policies to develop procedures, to include checklists that will enable the PREA Ombudsman to monitor compliance of the processing of allegations of sexual assaults with agency policies and PREA Standards, and researching best practices in the areas of sexual assault prevention, reporting, investigation and education. Most of the research involves reviewing best practices identified by the Bureau of Justice Statistics (BJS) and the National Institute of Corrections (NIC); attending conferences that provide the opportunity to network with correctional professionals involved with issues related to sexual assaults in prison, and sharing information with other correctional professionals across the United States. Best practices identified by the PREA Ombudsman will be shared with the director of the TDCJ – Correctional Institutions Division (CID) for consideration and possible implementation.

Oversight of Administrative Investigations

In Fiscal Year 2009, the PREA Ombudsman implemented office procedures enabling the PREA Ombudsman to provide oversight of the administrative investigations of complaints of offender-on-offender sexual assaults. Allegations of sexual assaults are reported to the Emergency Action Center (EAC) within three hours of the allegation being reported to facility staff. Once the EAC

receives the incident report, the report is forwarded to the PREA Ombudsman office for review. Upon completion of the investigation, the facility administrator completes an Administrative Review detailing information specific to the incident. The PREA Ombudsman implemented office procedures enabling the PREA Ombudsman to monitor the Administrative Reviews associated with allegations of sexual assaults to ensure compliance with agency policies. In Fiscal Year 2009, the PREA Ombudsman office reviewed over 617 administrative investigations pertaining to allegations of offender-on-offender sexual assault.

Impartial Resolution of Complaints of sexual Assaults

The PREA Ombudsman processes complaints and inquiries from offenders incarcerated in TDCJ correctional facilities and the public concerning allegations of sexual assault. The PREA Ombudsman reports directly to the Chairman of the Texas Board of Criminal Justice, providing an external source where public inquiries can be processed and investigations conducted that are independent of the investigations conducted by TDCJ staff, ensuring an impartial resolution to those complaints. This process provides multiple avenues for oversight of allegations of sexual assaults to occur.

In Fiscal Year 2009, the PREA Ombudsman office established office procedures for the documentation and response of inquiries received by the office. The process includes the use of the Ombudsman Case Tracking System (OCTS) to maintain and track inquiries and responses, and to generate various informational and statistical reports.

Anyone can report allegations of sexual assault to the PREA Ombudsman. However, due to the serious nature of sexual assaults, anyone knowledgeable of an offender-on-offender or staff-on-offender sexual assault that occurs within a TDCJ correctional facility is encouraged to immediately report the allegation. Offenders incarcerated in TDCJ are encouraged to immediately report allegations of sexual assault to correctional staff on their current facility. However, offenders may report allegations of sexual assault to the PREA Ombudsman Office, the Office of Inspector General (OIG), the Safe Prisons Program Management Office (SPPMO), or the CID - Ombudsman Office. In addition, offenders may report allegations of sexual assault through the grievance process. TDCJ employees are required to immediately report allegations of sexual assault to their supervisors.

Friends of offenders incarcerated in TDCJ, family members, and the general public are encouraged to report allegations of sexual assault to the PREA Ombudsman Office. Public inquiries concerning allegations of sexual assault received by the TBCJ and TDCJ – Ombudsman Coordinator are referred to the PREA Ombudsman office for investigation and response. Inquiries pertaining to allegations of sexual assaults received by the PREA Ombudsman are reported immediately (same day received) to unit administration for investigation and appropriate administrative action. A thorough investigation is conducted and a comprehensive report is forwarded to the PREA Ombudsman office. Depending on the results of the investigation, the PREA Ombudsman office may elect to conduct a subsequent interview and investigation. In addition, all allegations of sexual assault are referred to the OIG for criminal investigation.

Collection of Statistical Data

In Fiscal Year 2009, the PREA Ombudsman assisted in the coordination of data requested by the BJS for the completion of the national Survey of Sexual Violence for 2008. In addition, the PREA Ombudsman established procedures to coordinate with the TDCJ Executive Services, the SPPMO and the OIG to monitor the collection of data associated with sexual assaults in prisons to ensure accuracy of data utilized in reports to agency administrators and responses to public requests concerning PREA related statistics. The procedures include monthly reconciliation of the number of offender-on-offender allegations of sexual assault that are reported to EAC and the PREA Ombudsman and identifying those allegations that meet the elements of the Texas Penal Code for Sexual Assault (Texas Penal Code 22.011) and Aggravated Sexual Assault (Texas Penal Code 22.021) as determined by the OIG.

Initially, all allegations of sexual assault are reported to EAC and forwarded to the PREA Ombudsman office as an alleged sexual assault. However, upon reconciliation with OIG the incidents are divided into two categories for reporting purposes. Incidents that meet the Texas Penal Code 22.011 or 22.021, and OIG opens a criminal case, remain identified as an *Alleged Sexual Assault*. However, incidents that do not meet the Texas Penal Codes 22.011 and 22.021, and OIG does not open a criminal case, are identified as *Abusive Sexual Contact*. These categories are consistent with BJS definitions and are used to assist in the compilation of data to complete the national Survey of Sexual Violence each year.

During Fiscal Year 2009, there were 617 allegations of offender-on-offender alleged sexual assaults reported to the PREA Ombudsman by TDCJ. Only 162 (26.3%) of those allegations were identified by OIG as meeting the elements of the Texas Penal Code for Sexual Assault or Aggravated Sexual Assault, and subsequently categorized as an *Alleged Sexual Assault*. The remaining 455 allegations were categorized as the *Abusive Sexual Contact* of one offender by another. Regardless of the category, TDCJ policy of “Zero-Tolerance” on sexual assaults assures every allegation is thoroughly investigated and appropriate disciplinary actions taken should the allegations be substantiated.

All dispositions of investigations pertaining to an *Alleged Sexual Assault* or an *Abusive Sexual Contact* are based on the preponderance of evidence collected during the investigation. The definitions of disposition outcomes are consistent with definitions utilized by the Bureau of Justice Statistics. “Substantiated” means the event was investigated and determined to have occurred; “Unsubstantiated” means the evidence was insufficient to make the final determination if the incident occurred; “Unfounded” means the incident was determined not to have occurred and “Investigation Ongoing” means a final determination has not yet been made as to whether the incident occurred.

The disposition of the administrative investigations monitored by the PREA Ombudsman and statistical information submitted by correctional facilities are provided in the following paragraphs and tables.

Offender-On-Offender Alleged Sexual Assault Statistics

The PREA Ombudsman reviewed 162 administrative investigations identified as Alleged Sexual Assaults. There were 10 correctional facilities where five (5) or more allegations were reported to have occurred. These facilities accounted for 60.5% of the allegations reported occurring in TDCJ correctional facilities. Fifteen (15) of the 162 incidents reported occurred on a female facility. Of the cases reviewed, 10 cases were substantiated, two (2) cases were unfounded, and 150 cases were unsubstantiated. The substantiated cases resulted in seven (7) cases where disciplinary penalties were administered; the unfounded cases resulted in two (2) disciplinary penalties administered, and 12 of the unsubstantiated cases resulted in disciplinary penalties being administered. Nine (9) assailants received disciplinary cases for “Sexual Misconduct”; four (4) assailants received cases for “Sexual Abuse”, and three (3) assailants received cases for “Engaging In Consensual Sex With Others”. Lastly, 28 of the allegations had no identified assailants; 120 allegations had one (1) assailant, and 14 allegations had multiple (2 or more) assailants, resulting in a total of 319 participants. There were a total of 162 alleged victims and 157 alleged assailants reported.

The PREA Ombudsman monitors the number of convictions against assailants for the following disciplinary infractions; Sexual Misconduct; Sexual Fondling, and Sexual Abuse. There were nine (9) assailants who received disciplinary cases for “Sexual Misconduct”, and four (4) assailants received disciplinary cases for “Sexual Abuse”. No assailants received disciplinary cases for “Sexual Fondling” in this category.

Victims and assailants of Alleged Sexual Assaults are interviewed by the Unit Classification Committee (UCC), who makes specific recommendations based on the disposition of administrative investigations. The following UCC dispositions are based on the findings of the Alleged Sexual Assault investigations conducted by the unit administration.

| UCC Disposition | Assailant | Victim |
|--|------------------|---------------|
| Assigned To Administrative Segregation | 1 | 1 |
| Issued A Housing Change | 9 | 10 |
| No Changes (No Merit Or Allegations Unfounded) | 43 | 46 |
| Released By TDCJ Prior To Hearing | 2 | 1 |
| Placed In Safekeeping | 0 | 12 |
| Received A Unit Transfer | 8 | 47 |
| Other UCC Action | 78 | 32 |

One of the challenges to conducting an administrative investigation of an Alleged Sexual Assault is the delay in reporting the incident from the time it occurred to the time it was reported. Consequently, offenders are informed through various media the importance of reporting allegations of sexual assault as soon as possible, especially within 96 hours (4 days). However, only 95 of the 162 incidents (58.6%) were reported within four (4) days; 29 were reported within five (5) to 30 days; seven (7) were reported within 31 to 90 days. The remaining 31 incidents were either reported later than 90 days, or information obtained during the administrative investigation could not determine the approximate date of occurrence.

Another element of the administrative investigation is to determine the location the Alleged Sexual Assault occurred. The following table indicates general locations where victims claimed

the Alleged Sexual Assaults occurred. The “Offender Housing Area” category includes dorms, general population cells, and single-cell housing areas. The “Other” category depicts locations where a single incident was reported for a given location, or where no location information was provided.

| General Location | Occurrences | Percent |
|-------------------------|--------------------|----------------|
| Offender Housing Area | 132 | 81.5% |
| Shower Or Restroom Area | 11 | 6.8% |
| Other | 9 | 5.5% |
| Recreation Yard/Gym | 5 | 3.1% |
| Offender Dayroom | 3 | 1.9% |
| Offender Work Area | 2 | 1.2% |

Lastly, specific offender demographic information pertaining to the reports of allegations of sexual assault was reviewed. Of the 162 incidents reported, 50 of the victims were Black; 45 of the victims were Hispanic, and 67 of the victims were White. Conversely, 89 of the assailants were Black; 40 of the assailants were Hispanic, and 28 of the assailants were White. The average age of the victim was 34, and the average age of the assailant was 35. However, there were 27 incidents (20.1%) where the alleged assailant was 10 years or older than the alleged victim. The average height of the victim and the assailant was 5'9". There were five (5) incidents (5.1%) where the alleged assailant was more than 6 inches taller than the alleged victim. The average weight of the alleged victim was 178 pounds, and the average weight of the alleged assailant was 185 pounds. There were 25 incidents (19%) where the alleged assailant was more than 40 pounds heavier than the alleged victim.

Offender-On-Offender Abusive Sexual Contact Statistics

The PREA Ombudsman reviewed 455 administrative investigations that are deemed as Abusive Sexual Contact. There were 14 correctional facilities where 10 or more allegations were reported to have occurred. These facilities accounted for 51.9% of the allegations reported occurring in TDCJ correctional facilities. Eighty-four (84) of the 455 incidents reported were on a female facility. Of the cases reviewed, 7 cases were substantiated, 33 cases were unfounded, and 415 cases were unsubstantiated. The substantiated cases resulted in six (6) cases where disciplinary penalties were administered; the unfounded cases resulted in 12 disciplinary penalties administered, and 33 of the unsubstantiated cases resulted in disciplinary penalties being administered. Lastly, 104 of the allegations had no identified assailants; 316 allegations had one (1) assailant, and 35 allegations had multiple (2 or more) assailants, resulting in a total of 858 participants. There were a total of 455 alleged victims and 403 alleged assailants reported.

The PREA Ombudsman monitors the number of convictions against assailants for the following disciplinary infractions; Sexual Misconduct; Sexual Fondling, and Sexual Abuse. There were 16 assailants who received disciplinary cases for “Sexual Misconduct”; three (3) assailants received disciplinary cases for “Sexual Fondling”, and three (3) assailants received disciplinary cases for “Sexual Abuse”.

Victims and assailants of alleged Abusive Sexual Contact were interviewed by the UCC, which made specific recommendations based on the disposition of the administrative investigations. The following dispositions were based on the findings of the alleged Abusive Sexual Contact investigations conducted by the unit administration.

| UCC DISPOSITION | Assailant | Victim |
|--|------------------|---------------|
| Assigned to Administrative Segregation | 1 | 0 |
| Received a Custody Downgrade | 2 | 0 |
| Issued a Housing Change | 26 | 51 |
| No Changes (No Merit or Allegations Unfounded) | 146 | 174 |
| Placed in Protective Custody | 0 | 3 |
| Released by TDCJ Prior to Hearing | 3 | 7 |
| Placed in Safekeeping | 0 | 17 |
| Received a Unit Transfer | 21 | 81 |
| Other UCC Action | 179 | 89 |

One of the challenges to conducting an administrative investigation of an alleged Abusive Sexual Contact is the delay in reporting the incident from the time it occurred to the time the incident was reported. Consequently, offenders are informed through various media the necessity for reporting allegations of Abusive Sexual Contact as soon as possible, especially within 96 hours (4 days). However, only 274 of the 455 incidents (60.2%) were reported within four (4) days; 68 were reported within five (5) to 30 days; 21 were reported within 31 to 90 days. The remaining 92 incidents were either reported later than 90 days, or information obtained during the administrative investigation could not determine the exact date of occurrence.

The following table indicates those general locations where victims claimed the alleged Abusive Sexual Contact occurred. The “Offender Housing Area” category includes dorms, general population cells, and single-cell housing areas. The “Other” category identifies those locations where a single incident was reported for a given location, or where no location information was provided.

| General Location | Occurrences | Percent |
|---------------------------|--------------------|----------------|
| Offender Housing Area | 316 | 69.5% |
| Shower Or Restroom Area | 34 | 7.5% |
| Offender Dayroom | 31 | 6.8% |
| Other | 24 | 5.3% |
| Hallway Or Walkway | 14 | 3.1% |
| Offender Work Area | 11 | 2.4% |
| Recreation Yard/Gym | 9 | 2.0% |
| Dining Hall Or Kitchen | 8 | 1.8% |
| Education Or Library Area | 8 | 1.8% |

Lastly, specific offender demographic information pertaining to the reports of allegations of Abusive Sexual Contact was reviewed. Of the 455 incidents reported, 135 of the victims were Black; 123 of the victims were Hispanic; four (4) were Other, and 193 of the victims were White. Conversely, 223 of the assailants were Black; 92 of the assailants were Hispanic, and 88

of the assailants were White. The average age of the victim was 35, and the average age of the assailant was 36. However, there were 73 incidents (20.8%) where the alleged assailant was 10 years or older than the alleged victim. The average height of the victim and the assailant was 5'8". There were 25 incidents (5.5%) where the alleged assailant was more than 6 inches taller than the alleged victim. The average weight of the alleged victim was 175 pounds, and the average weight of the alleged assailant was 188 pounds. There were 83 incidents (24%) where the alleged assailant was more than 40 pounds heavier than the alleged victim.

SAFE PRISONS PROGRAM

Office of Inspector General

The Office of the Inspector General, in conjunction with the staff of the Correctional Institutional Division, medical personnel, and the Special Prosecution Unit, is focused on creating a safer environment for both offenders and TDCJ employees. The following programs and procedures are utilized:

1. Identification and protection of victims of sexual assault along with the identification and timely prosecution of sexual predators;
2. Continued training of investigative staff in the Sexual Assault Family Violence Investigator Course, a three day training course. This course covered the dynamics of sexual assault; sexual assault laws, and sexual assault investigative techniques.
3. Monthly briefings to the OIG deputy directors, operations commander, and the regional captains on all sexual assault investigations;
4. Meetings with medical administrative staff, as appropriate, to ensure timely and appropriate medical examinations continue to be provided to victims of sexual assaults as well as proper procedures for obtaining and preserving evidence are followed;
5. Meetings with prosecutorial entities, as appropriate, to ensure thorough report presentation and timely adjudication of sexual assault allegations. OIG investigators routinely request that the prosecutor allow them to personally present substantiated offenses to grand juries to ensure that grand jury members receive all facts of the investigation from an individual with full working knowledge of the incident. The personal presentation is also an attempt to humanize the victim to the grand jury and dispel myths regarding prison assaults and rapes; and
6. Meetings with correctional staff, as appropriate, to ensure the timely reporting of allegations of sexual assaults to OIG, timely medical assistance to the victims, and the preservation of evidence.

SEXUAL ASSAULT INVESTIGATIVE PROCESS:

Following is an outline of the process of a sexual assault investigation:

1. An offender makes an allegation of sexual assault or aggravated sexual assault and unit officials notify an OIG Investigator, or the victim or other interested party reports a sexual assault allegation directly to OIG.
2. An OIG investigator conducts a thorough investigation into the allegation. The offender victim is immediately offered a medical examination and a sexual assault examination (rape kit) is performed if it is determined that there is a possibility that evidence exists. The offender victim may request a representative who can be present during the forensic medical

examination. During the interview, pertinent information relating to the alleged sexual assault, such as the date, time, circumstances, and subject information is obtained and documented. The subject information is then shared with security personnel to ensure the victim is isolated from the subject.

3. If a crime scene exists, the investigator conducts a thorough investigation of the scene in an effort to obtain evidence for use in the prosecution of the subject. All OIG investigators are licensed peace officers and have received continuing education and training in sexual assault investigations and evidence collection.
4. In the event DNA evidence is collected and a subject is identified, the investigator will obtain a search warrant to collect DNA evidence directly from the subject for comparison with samples obtained during the sexual assault examination and/or crime scene. All DNA evidence is then forwarded to a crime laboratory for analysis.
5. In the course of the investigation, witnesses, potential witnesses, and subjects are identified and statements are obtained.
6. Upon completion of the investigation, if probable cause is established or if there is insufficient information to make a determination regarding the allegation, then the case is presented to a prosecutor with the District Attorney's Office or the Special Prosecution Unit. The prosecutor will make the determination as to whether a case is accepted or declined for prosecution.
7. When a case is declined for prosecution the investigation is closed, but retained in file so if additional information is developed in support of the allegation the case can be re-opened.
8. When an investigation is accepted for prosecution the case enters the status of "Pending Grand Jury Presentation," until a disposition is rendered by a Grand Jury.
9. After presentation of the case to a Grand Jury, the Grand Jury votes to either indict or no bill the subject. After this decision is rendered, the investigation is either closed or held pending the outcome of the judicial process.

CASE TRACKING OF SEXUAL ASSAULTS:

The OIG maintains a computer database which is utilized in the tracking of all sexual assault cases that occurred on or after September 1, 2001. This database allows for the retrieval of information from any entry field and has the added ability of formulating statistical information. Additionally, the database is programmed to notify OIG officials when the name of a subject, witness, or victim was previously entered into the system. With this information, OIG officials have the ability to identify and track potential victims, sexual predators, and offenders who may use allegations of sexual assault to manipulate the system. This information is also shared with the Classification Division for their use in assessing risk and making housing assignments.

1. The OIG database tracking program includes violations of the civil rights of persons in custody/improper sexual activity of persons in custody. These violations are included due to the sexual nature of the offense involving offenders.
2. With the implementation of the sexual assault tracking program, information generated in statistical reports identified specific problems that needed to be addressed. One of the problems identified was the delayed reporting period for a large number of sexual assaults. The average time delay for offenders to report sexual assaults during fiscal years 2005 through 2009 are listed below:

| | |
|-----------|------|
| ◆ FY 2005 | 39 |
| ◆ FY 2006 | 27 |
| ◆ FY 2007 | 70 |
| ◆ FY 2008 | 88 |
| ◆ FY 2009 | 115* |
3. *During FY2009, 13 offenders made delayed sexual assault outcries greater than 365 days with the greatest being 2,553 days. Obviously, the aforementioned delayed reporting adversely effects the FY2009 average reporting time. ***Excluding the 13 delayed reports, the FY 2009 average reporting time is 35 days.***

STATUS OF SEXUAL ASSAULT INVESTIGATIONS:

During Fiscal Year 2009, there were 211 sexual assault allegations that met the Penal Code elements for the offenses listed below.

- ◆ Sexual assault allegations (Texas Penal Code 22.011)
- ◆ Attempted sexual assault allegations (Texas Penal Code 22.011A)
- ◆ Aggravated sexual assault allegations (Texas Penal Code 22.021)
- ◆ Attempted aggravated sexual assault (Texas Penal Code 22.021A)

There were also 53 allegations of improper sexual activity with persons in custody (Texas Penal Code 39.04), that met the Penal Code elements for the offenses listed.

The status of the open investigations and the dispositions of the investigations completed by the OIG are provided in the appendices that follow, along with information regarding sexual assaults by unit. Completed investigations in the “inactivated” column are no longer under active investigation because there was insufficient evidence and all investigative means were exhausted, or because the alleged victim declined prosecution. Completed investigations in the “unfounded” column are no longer under active investigation because the alleged victim later recanted the allegation, or the investigation revealed that it was impossible for the alleged incident to have occurred in the manner that it was reported.

Safe Prisons Program

Appendices

Reconciliation of Alleged Sexual Assault Statistics

This report provides a comprehensive review of the prevalence of sexual assaults reported to the TDCJ. In doing so, several departments¹ have coordinated their efforts to ensure that an accurate reconciliation of the incidents reported occurs. This is significant given that this report encompasses the documentation of administrative investigations and criminal investigations simultaneously. Both of these investigative processes have unique characteristics, which require a systematic review to provide a thorough reconciliation of the data. The following paragraphs summarize the prevalence of the allegations of sexual assaults documented in this report, and the correlation between the administrative investigations and criminal investigations.

TDCJ policy requires that all offender-on-offender alleged sexual assaults reported on correctional facilities be reported to the TDCJ Emergency Action Center (EAC), who forwards the reports to the Office of Inspector General (OIG), PREA Ombudsman, and the Safe Prisons Program Management Office. An administrative investigation is completed on all allegations, regardless of the ability to substantiate the initial complaint. In addition, an OIG Investigator will conduct a criminal investigation to determine if the incident meets the elements of a felony penal code violation.

During Fiscal Year 2009, there were 617 allegations of offender-on-offender alleged sexual assaults reported to EAC. Only 162 of those allegations were identified by OIG as meeting the elements of the Texas Penal Code 22.011 (Sexual Assault) and 22.021 (Aggravated Sexual Assault). The remaining 455 allegations did not meet the elements of a felony penal code violation and were categorized as the *Abusive Sexual Contact* of one offender by another.²

In Fiscal Year 2009, there were a total of 264 criminal cases opened by the OIG pertaining to allegations of sexual assault, attempted sexual assault, or improper sexual activity with persons in custody³, including 211 criminal cases that met the elements under Penal Code sections 22.011, 22.011(A), 22.021, and 53 criminal cases opened by OIG that met the elements under Penal Code section 39.04.

Of the 211 cases opened involving alleged violations of Penal Code Chapter 22, there were 206 criminal cases specific to sexual assault (Penal Code 22.011 and 22.021).

Of the 206 cases relating to sexual assault, 184 of the cases were identified as an offender-on-offender sexual assault; the remaining 22 cases included 1 alleged offender-on-employee assault and 21 alleged employee-on-offender assaults.

Of the 184 cases identified as an offender-on-offender sexual assault 7 cases were received by OIG from external sources and were not processed through EAC; 13 were multiple cases opened on single incidents, and 2 incidents occurred at a halfway house. The remaining 162 cases were processed through EAC and forwarded to the OIG for review, as noted above.

¹ Offices involved in reconciling Allegations of Sexual Assault for this report include the Office of Inspector General; TDCJ Executive Services; TDCJ Safe Prisons Program Management Office, and the PREA Ombudsman.

² Statistics on administrative investigations are included in the [PREA Ombudsman](#) section of this report.

³ These totals are depicted in the appendices *Sexual Assault Case Counts by Penal Code Violation*.

Fiscal Year 2009 Sexual Assault Cases

Counts by Penal Code Violation

By Current Status and by Location

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Penal Code Violation

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Penal Code Violation | Penal Code | Cases Reported |
|--|------------|----------------|
| Sexual Assault (Reported) | 22.011 | 179 |
| Attempted Sexual Assault (Reported) | 22.011(A) | 4 |
| Aggravated Sexual Assault (Reported) | 22.021 | 27 |
| Attempted Aggravated Sexual Assault (Reported) | 22.021 (A) | 1 |
| Improper Sexual Activity With A Person In Custody (Reported) | 39.04 | 53 |
| Total Number of Cases Reported: | | 264 |

Allegations reported under Penal Code sections 22.011, 22.011(A) and 22.021 primarily include allegations against other inmates, but also include allegations against staff. Allegations reported under Penal Code 39.04 are allegations against staff.

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Current Status

Penal Codes 22.011 and 22.021

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Disposition | Number of Cases |
|---|------------------------|
| Accepted for Prosecution | 3 |
| Active/Open | 87 |
| Administratively Closed | 2 |
| Inactivated – Not Presented for Prosecution | 69 |
| Prosecution Declined by SPU/DA | 10 |
| Prosecution Declined by Victim | 18 |
| Sentenced | 1 |
| Unfounded | 16 |

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Current Status

Penal Codes 22.011(A) and 22.021(A)

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Disposition | Number of Cases |
|---|------------------------|
| Active/Open | 2 |
| Inactivated - Not Presented for Prosecution | 1 |
| Prosecution Declined By SPU/DA | 1 |
| Unfounded | 1 |

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Current Status

Penal Code 39.04

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Disposition | Number of Cases |
|---|------------------------|
| Accepted for Prosecution | 5 |
| Active/Open | 18 |
| Inactivated – Not Presented for Prosecution | 18 |
| Indicted (True Billed) | 1 |
| Not Convicted | 1 |
| Prosecution Declined by SPU/DA | 3 |
| Sentenced | 3 |
| Unfounded | 4 |

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Incident Location

Penal Codes 22.011 and 22.021

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Facility | County | Cases Reported |
|-------------------|-----------|----------------|
| Allred | Wichita | 15 |
| Beto | Anderson | 8 |
| Bill Clements | Potter | 11 |
| Boyd | Freestone | 1 |
| Bradshaw | Rusk | 1 |
| Central | Fort Bend | 2 |
| Clemens | Brazoria | 1 |
| Coffield | Anderson | 3 |
| Connally | Karnes | 16 |
| Dominguez | Bexar | 2 |
| Eastham | Houston | 3 |
| Ellis | Walker | 4 |
| Estelle | Walker | 3 |
| Ferguson | Madison | 4 |
| Formby | Hale | 1 |
| Gist | Jefferson | 1 |
| Goree | Walker | 1 |
| Henley | Liberty | 1 |
| Hightower | Liberty | 1 |
| Hobby | Falls | 5 |
| Hughes | Coryell | 19 |
| Hutchins | Dallas | 1 |
| Jester I (SAFP) | Fort Bend | 1 |
| Jester III | Fort Bend | 2 |
| Jester IV (Psych) | Fort Bend | 4 |
| Johnston | Wood | 1 |
| Jordan | Gray | 1 |

| Facility | County | Cases Reported |
|----------------------------------|-----------|----------------|
| Lewis | Tyler | 3 |
| Luther | Grimes | 1 |
| Lychner | Harris | 1 |
| Lynaugh | Pecos | 2 |
| McConnell | Bee | 7 |
| Michael | Anderson | 6 |
| Montford | Lubbock | 2 |
| Mountain View | Coryell | 6 |
| Murray | Coryell | 4 |
| Ney | Medina | 1 |
| Pack | Grimes | 1 |
| Polunsky | Polk | 4 |
| Powledge | Anderson | 1 |
| Ramsey | Brazoria | 1 |
| Reid Facility | Harris | 2 |
| Robertson | Jones | 10 |
| Sanchez | El Paso | 1 |
| Scott | Brazoria | 2 |
| Skyview | Cherokee | 2 |
| Smith | Dawson | 4 |
| Stevenson | DeWitt | 1 |
| Stiles | Jefferson | 4 |
| Telford | Bowie | 20 |
| Terrell | Brazoria | 1 |
| Torres | Medina | 1 |
| Waco Parole Office | McClennan | 2 |
| Ware | Mitchell | 1 |
| Wynne | Walker | 2 |
| Total Number of Cases Reported : | | 206 |

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Incident Location

Penal Codes 22.011(A) and 22.021(A)

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Facility | County | Cases Reported |
|--------------------------------|-----------|----------------|
| Allred | Wichita | 2 |
| Hughes | Coryell | 1 |
| Jester IV (Psych) | Fort Bend | 1 |
| Scott | Brazoria | 1 |
| Total Number of Cases Reported | | 5 |

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Disposition

Penal Code 39.04

OIG Reporting Dates Range: 9/1/2008 – 8/31/2009

| Facility | County | Cases Reported |
|-------------------|------------|----------------|
| Allred | Wichita | 1 |
| Avalon | El Paso | 1 |
| Bartlett | Williamson | 1 |
| Beto | Anderson | 2 |
| Bill Clements | Potter | 1 |
| Bradshaw | Rusk | 2 |
| Carole S. Young | Galveston | 1 |
| Central | Fort Bend | 1 |
| Coffield | Anderson | 5 |
| Daniel | Scurry | 1 |
| Eastham | Houston | 1 |
| Estelle | Walker | 3 |
| Fort Stockton | Pecos | 1 |
| Garza East | Bee | 1 |
| Gatesville | Coryell | 5 |
| Henley | Liberty | 1 |
| Hilltop | Coryell | 1 |
| Hobby | Falls | 2 |
| Hughes | Coryell | 1 |
| Kyle | Hays | 1 |
| Lockhart | Caldwell | 1 |
| Luther | Grimes | 1 |
| McConnell | Bee | 3 |
| Michael | Anderson | 2 |
| Mineral Wells PPT | Parker | 1 |
| Montford | Lubbock | 1 |
| Mountain View | Coryell | 2 |

| Facility | County | Cases Reported |
|----------------------------------|----------|----------------|
| Murray | Coryell | 2 |
| Neal | Potter | 1 |
| North Texas ISF | Tarrant | 2 |
| Powledge | Anderson | 1 |
| San Antonio II Parole Office | Bexar | 1 |
| Woodman | Coryell | 2 |
| Total Number of Cases Reported : | | 53 |

Fiscal Years 2004 – 2009 Sexual Assault Cases

Counts by Penal Code Violation

Texas Department of Criminal Justice – Office of the Inspector General

Sexual Assault Case Counts by Penal Code Violation

Fiscal Years 2005 – 2009

| Penal Code Violation | Penal Code | Fiscal Year | | | | |
|---|------------|-------------|------|------|------|------|
| | | 2005 | 2006 | 2007 | 2008 | 2009 |
| Sexual Assault | 22.011 | 270 | 280 | 281 | 221 | 179 |
| Attempted Sexual Assault | 22.011 (A) | 0 | 0 | 0 | 0 | 4 |
| Aggravated Sexual Assault | 22.021 | 45 | 22 | 21 | 26 | 27 |
| Attempted Aggravated Sexual Assault | 22.021 (A) | 0 | 0 | 0 | 0 | 1 |
| Improper Sexual Activity with Person in Custody | 39.04s | 51 | 77 | 79 | 103 | 53 |
| Total Number of Cases Reported | | 366 | 379 | 381 | 353 | 264 |

When making comparisons between fiscal years, note the statistical information provided by the Office of the Inspector General through Fiscal Year 2005 depicts incidents of alleged sexual assaults in the year in which the alleged assault occurred. However, due to a change in methodology, statistical information provided for Fiscal Year 2006 through Fiscal Year 2009 depict the incidents of alleged sexual assaults in the year they were reported. In Fiscal Year 2009 there were 206 allegations of sexual assaults (Penal Codes 22.011 and 22.021) accepted by OIG as meeting the elements of the Penal Code. Of the 206 cases, 184 were identified as an offender-on-offender sexual assault. 162 of those reports were processed through EAC and forwarded to the PREA Ombudsman for review, Seven (7) reports were added to EAC statistics following reconciliation with OIG; 13 were multiple cases opened on single incidents, and 2 incidents occurred at a halfway house. The remaining 22 reports included 1 incident that was an offender-on-employee, and 21 reports that were employee-on-offender allegations.