PREA Facility Audit Report: Final

Name of Facility: Luther Unit
Facility Type: Prison / Jail
Date Interim Report Submitted: NA
Date Final Report Submitted: 11/18/2026

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	☑
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	☑
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	☑
Auditor Full Name as Signed: Lynni O'Haver	**Date of Signature:** 11/18/2026

AUDITOR INFORMATION	
Auditor name:	O'Haver, Lynni
Email:	katmai910@icloud.com
Start Date of On-Site Audit:	10/21/2026
End Date of On-Site Audit:	10/23/2026

FACILITY INFORMATION	
Facility name:	Luther Unit
Facility physical address:	1800 Luther Drive, Navasota, Texas - 77868
Facility mailing address:	

Primary Contact

Name:	Alfreda Porch
Email Address:	Alfreda.porch@tdcj.texas.gov
Telephone Number:	936 825-7548

Warden/Jail Administrator/Sheriff/Director	
Name:	Debra Booker
Email Address:	Debra.Booker@tdcj.texas.gov
Telephone Number:	936 825-7548 ext 710

Facility PREA Compliance Manager	
Name:	Alfreda Porch
Email Address:	alfreda.porch@tdcj.texas.gov
Telephone Number:	9368257547

Facility Health Service Administrator On-site	
Name:	Kolton Stoker
Email Address:	krstoker@utmb.edu
Telephone Number:	936 825-7548 ext 726

Facility Characteristics	
Designed facility capacity:	1316
Current population of facility:	1188
Average daily population for the past 12 months:	1216
Has the facility been over capacity at any point in the past 12 months?	No
What is the facility's population designation?	Men/boys

Age range of population:	19-87
Facility security levels/inmate custody levels:	G1, G2 G3 Outside Trusty
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	298
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	53
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	150

AGENCY INFORMATION	
Name of agency:	Texas Department of Criminal Justice
Governing authority or parent agency (if applicable):	
Physical Address:	861 Interstate 45, Huntsville, Texas - 77320
Mailing Address:	PO Box 99, Huntsville, Texas - 77340
Telephone number:	8005350283

Agency Chief Executive Officer Information:	
Name:	Bobby Lumpkin
Email Address:	Bobby.Lumpkin@tdcj.texas.gov
Telephone Number:	936-437-2101

Agency-Wide PREA Coordinator Information			
Name:	Carina Garcia	**Email Address:**	carina.garcia@tdcj.texas.gov

Facility AUDIT FINDINGS

Summary of Audit Findings

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

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

Number of standards exceeded:	
4	• 115.31 - Employee training • 115.33 - Inmate education • 115.51 - Inmate reporting • 115.54 - Third-party reporting
Number of standards met:	
33	
Number of standards not met:	
0	
Not audited at the facility level: Audited at the agency-level, and not relevant to the facility-level audit because the facility has no independent responsibility for the operation of these standards.	8

AGENCY AUDIT FINDINGS

Summary of Audit Findings

These standards were audited at the agency-level. For more information, please see the attached agency audit report found at the end of this document.

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

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

Number of standards exceeded:	
0	
Number of standards met:	
10	
Number of standards not met:	
0	

POST-AUDIT REPORTING INFORMATION

Please note: Question numbers may not appear sequentially as some questions are omitted from the report and used solely for internal reporting purposes.

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2026-10-21
2. End date of the onsite portion of the audit:	2026-10-23

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	(●) Yes ( ) No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	Just Detention International

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1316
15. Average daily population for the past 12 months:	1216
16. Number of inmate/resident/detainee housing units:	24
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	( ) Yes (●) No ( ) Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit	
Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit	
23. Enter the total number of inmates/ residents/detainees in the facility as of the first day of onsite portion of the audit:	1190
25. Enter the total number of inmates/ residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	6
26. Enter the total number of inmates/ residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	0
27. Enter the total number of inmates/ residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	4
28. Enter the total number of inmates/ residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	3
29. Enter the total number of inmates/ residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	56
30. Enter the total number of inmates/ residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	34

31. Enter the total number of inmates/ residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:	6
32. Enter the total number of inmates/ residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:	1
33. Enter the total number of inmates/ residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:	67
34. Enter the total number of inmates/ residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:	0
35. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):	No text provided.
Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit	
36. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:	300
37. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	344

38. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:	10
39. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:	No text provided.

INTERVIEWS

Inmate/Resident/Detainee Interviews

Random Inmate/Resident/Detainee Interviews

40. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:	28
41. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)	☑ Age ☑ Race ☑ Ethnicity (e.g., Hispanic, Non-Hispanic) ☑ Length of time in the facility ☑ Housing assignment ☐ Gender ☐ Other ☐ None

42. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?	The Auditor was provided with the facility offender roster for selection of a random representation of offenders. The facility roster includes the offender's age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the random interview process.
43. Were you able to conduct the minimum number of random inmate/ resident/detainee interviews?	(●) Yes ( ) No
44. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Targeted Inmate/Resident/Detainee Interviews	
45. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	15

As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/ resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/ residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".

47. Enter the total number of interviews conducted with inmates/residents/ detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	2
48. Enter the total number of interviews conducted with inmates/residents/ detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/ detainees in this category:	■ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. ☐ The inmates/residents/detainees in this targeted category declined to be interviewed.
b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/ residents/detainees).	The facility reported no offenders with cognitive or functional impairment housed at the facility during the on-site. The Auditor was able to confirm this information during the Auditor's review of documentation and during interviews conducted with specialized and random staff.
49. Enter the total number of interviews conducted with inmates/residents/ detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	2
50. Enter the total number of interviews conducted with inmates/residents/ detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	3

51. Enter the total number of interviews conducted with inmates/residents/ detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:	2
52. Enter the total number of interviews conducted with inmates/residents/ detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	4
53. Enter the total number of interviews conducted with inmates/residents/ detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/ detainees in this category:	■ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. ☐ The inmates/residents/detainees in this targeted category declined to be interviewed.
b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/ residents/detainees).	Luther Unit continues to track the number of offenders who identify as transgender or intersex. Luther Unit reported a total of six transgender, or intersex offenders housed at the facility during the on-site phase of the audit. However, per BJA Memorandum dated December 2, 2025, in alignment with Executive Order 14168, targeted interviews with transgender or intersex inmates are no longer applicable to a compliance finding and therefore, were not interviewed under the targeted category.

54. Enter the total number of interviews conducted with inmates/residents/ detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:	1
55. Enter the total number of interviews conducted with inmates/residents/ detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:	4
56. Enter the total number of interviews conducted with inmates/residents/ detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:	0
a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/ detainees in this category:	■ Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees. ☐ The inmates/residents/detainees in this targeted category declined to be interviewed.
b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/ residents/detainees).	The facility reported no offenders were placed in segregated housing/isolation for risk of sexual victimization or who alleged to have suffered sexual abuse. The Auditor was able to confirm this information during the Auditor's review of investigative files, offender files, and through interviews conducted with staff.
57. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):	No text provided.

Staff, Volunteer, and Contractor Interviews	
Random Staff Interviews	
58. Enter the total number of RANDOM STAFF who were interviewed:	12
59. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)	☑ Length of tenure in the facility ☑ Shift assignment ☑ Work assignment ☑ Rank (or equivalent) ☐ Other (e.g., gender, race, ethnicity, languages spoken) ☐ None
60. Were you able to conduct the minimum number of RANDOM STAFF interviews?	◉ Yes ○ No
61. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	No text provided.
Specialized Staff, Volunteers, and Contractor Interviews	
Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.	
62. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):	22
63. Were you able to interview the Agency Head?	◉ Yes ○ No

64. Were you able to interview the Warden/Facility Director/Superintendent or their designee?	(●) Yes ( ) No
65. Were you able to interview the PREA Coordinator?	(●) Yes ( ) No
66. Were you able to interview the PREA Compliance Manager?	(●) Yes ( ) No ( ) NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

67. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)	☑ Agency contract administrator ☑ Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment ☐ Line staff who supervise youthful inmates (if applicable) ☐ Education and program staff who work with youthful inmates (if applicable) ☑ Medical staff ☑ Mental health staff ☐ Non-medical staff involved in cross-gender strip or visual searches ☑ Administrative (human resources) staff ☑ Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff ☑ Investigative staff responsible for conducting administrative investigations ☑ Investigative staff responsible for conducting criminal investigations ☑ Staff who perform screening for risk of victimization and abusiveness ☑ Staff who supervise inmates in segregated housing/residents in isolation ☑ Staff on the sexual abuse incident review team ☑ Designated staff member charged with monitoring retaliation ☑ First responders, both security and non-security staff ☑ Intake staff

	☐ Other
68. Did you interview VOLUNTEERS who may have contact with inmates/ residents/detainees in this facility?	○ Yes ◉ No
69. Did you interview CONTRACTORS who may have contact with inmates/ residents/detainees in this facility?	◉ Yes ○ No
a. Enter the total number of CONTRACTORS who were interviewed:	4
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	☐ Security/detention ☑ Education/programming ☑ Medical/dental ☐ Food service ☐ Maintenance/construction ☐ Other
70. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

71. Did you have access to all areas of the facility?	(●) Yes ( ) No
Was the site review an active, inquiring process that included the following:	
72. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?	(●) Yes ( ) No
73. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?	(●) Yes ( ) No
74. Informal conversations with inmates/ residents/detainees during the site review (encouraged, not required)?	(●) Yes ( ) No
75. Informal conversations with staff during the site review (encouraged, not required)?	(●) Yes ( ) No

76. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).	The Auditor conducted thirty-one informal interviews with offenders and inquired to each - *Length of time at facility* *Received PREA Education* *How would you report an incident of PREA?* *Do you feel safe at this facility?* In addition to the above questions, throughout the informal interviews, the Auditor inquired to multiple offenders regarding the use of the phones or tablets to contact the PREA Ombudsman or a family member; all offenders confirmed calls can be made on the designated dormitory phones or any tablet. Throughout the informal interviews, the Auditor inquired to multiple offenders if they could utilize their tablets to demonstrate to the Auditor the step-by-step process to report a PREA incident. Throughout each demonstration, multiple offenders informed the Auditor utilizing the tablets for phone calls (with ear buds connected) provides the opportunity for the call to be private and confidential.

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

77. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?	(●) Yes ( ) No

78. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).	Documents from offender files (43): *Initial TDCJ Offender Orientation* – verifying receipt of TDCJ Offender Handbook (SSP-117 or Form 1.10a). *SAFE Prisons/PREA Program* – Sign-in Roster w/Inmate name & Signature / Unit Classification Records 12 Screen – verifying receipt of PREA Orientation / Education *Initial Risk Assessment and the Reassessment* - verifying initial risk screening assessments and reassessments were completed within the required timeframe. Housing Unit Logs – Unannounced Rounds and Opposite Gender Rounds for the auditing period Grievances involving SA / documentation. 13 - Investigative files of SA & SH.

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

79. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	6	3	6	3
Staff-on-inmate sexual abuse	1	0	1	0
Total	7	3	7	3

80. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	6	0	6	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	6	0	6	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

81. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	2	0	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	2	0	0	0	0

82. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	0	1	5	0
Staff-on-inmate sexual abuse	0	0	1	0
Total	0	1	6	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

83. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

84. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	1	1	4	0
Staff-on-inmate sexual harassment	0	0	0	0
Total	1	1	4	0

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

85. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:	7

86. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	(●) Yes ( ) No ( ) NA (NA if you were unable to review any sexual abuse investigation files)
Inmate-on-inmate sexual abuse investigation files	
87. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	6
88. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	(●) Yes ( ) No ( ) NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
89. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	(●) Yes ( ) No ( ) NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)
Staff-on-inmate sexual abuse investigation files	
90. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:	1
91. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?	( ) Yes (●) No ( ) NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)

92. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?	(●) Yes ( ) No ( ) NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)
Sexual Harassment Investigation Files Selected for Review	
93. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:	6
94. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?	( ) Yes (●) No ( ) NA (NA if you were unable to review any sexual harassment investigation files)
Inmate-on-inmate sexual harassment investigation files	
95. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	6
96. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?	( ) Yes (●) No ( ) NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)
97. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	(●) Yes ( ) No ( ) NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)

Staff-on-inmate sexual harassment investigation files	
98. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	0
99. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	○ Yes ○ No ◉ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
100. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	○ Yes ○ No ◉ NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
101. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.

SUPPORT STAFF INFORMATION

DOJ-certified PREA Auditors Support Staff

102. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	○ Yes ◉ No

Non-certified Support Staff	
103. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	○ Yes ◉ No
AUDITING ARRANGEMENTS AND COMPENSATION	
108. Who paid you to conduct this audit?	○ The audited facility or its parent agency ○ My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option) ◉ A third-party auditing entity (e.g., accreditation body, consulting firm) ○ Other
Identify the name of the third-party auditing entity	Corrections Consulting Services

Standards
Auditor Overall Determination Definitions
• Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions)
Auditor Discussion Instructions
Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Organizational Chart Texas Department of Criminal Justice, Luther Unit Organizational Chart Texas Department of Criminal Justice Board Policy 02.09, *Prison Rape Elimination Act Ombudsman* Texas Department of Criminal Justice Executive Directive 03.03, *Safe Prisons Program* Texas Department of Criminal Justice Post Order 07.150, *Unit Safe Prisons/PREA Manager*

Interviews conducted with:

PREA Coordinator / Ombudsman

PREA Compliance Manager

Facility Warden

Site Review Observations:

During the tour of the facility, the Auditor witnessed standardized bulletin boards, throughout the facility, in multiple locations, consisting of current agency and facility PREA Zero-Tolerance PREA packets, Audit Notices printed on bright colored paper, internal and external reporting information for offenders.

Findings (By Provision):

115.11 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the TDCJ shall take a proactive approach concerning the detection, prevention, response, and punishment of sexual abuse, including consensual sexual contact while in TDCJ custody. Agency policies also outline the facility's zero-tolerance toward all forms of sexual abuse and sexual harassment and details the facilities approach in establishing a safe environment for all offenders.

115.11 (b) – The Luther Unit PAQ states the agency employs or designates an upper-level, agency-wide PREA Coordinator. The position of the PREA Coordinator in the agency's organizational structure is the Texas Board of Criminal Justice PREA Ombudsman. The PREA Ombudsman is appointed by the Texas Board of Criminal Justice and reports directly to the Board Chairman.

The Texas Board of Criminal Justice is a nine-member board, appointed by the Governor, each severing staggered, six-year terms, and who are responsible for hiring the Executive Director of the Department and setting rules and polices that guide the agency. The Texas Department of Criminal Justice (TDCJ), Office of the Independent Auditor, Office of the Independent Ombudsman, Office of the Inspector General, Prison Rape Elimination Act (PREA) Ombudsman, and the Independent Office of Inmate Counsel are offices governed by and report directly to the Texas Board of Criminal Justice (TBCJ).

	Agency policies and the TDCJ *Safe Prisons/PREA Plan* outline the role and responsibilities of the PREA Ombudsman (Coordinator) to include being provided with the time and authority to develop, implement, and oversee the Agency's efforts to comply with the PREA standards at each facility. The Auditor conducted an interview with the PREA Ombudsman who verified she has sufficient time and authority in her position to accomplish PREA responsibilities for the agency. The PREA Ombudsman oversees six regional coordinators who monitor and support PREA compliance at each of the prison operations within the assigned regions. The PREA Ombudsman reports directly to the Texas Board of Criminal Justice. A review of the TDCJ/TBCJ organizational charts provided evidence that the agency has designated an upper-level position as the PREA Coordinator. 115.11 (c) – Agency policies and the TDCJ *Safe Prisons/PREA Plan* outline the role and responsibilities of the PREA Compliance Manager to include sufficient time and authority to develop, implement, and oversee efforts to comply with the PREA standards at the unit level. The agency organizational chart reflects the Unit Safe Prisons/PREA Compliance Manager reports to the Senior Warden. Evidence shows that the Texas Department of Criminal Justice has designated a facility PREA Compliance Manager for the Luther Unit. The Auditor verified through a review of the TDCJ organizational chart and through interviews with the PREA Compliance Manager and the Facility Warden. The Auditor interviewed the PREA Compliance Manager and verified she has sufficient time and authority in her position to accomplish the PREA responsibilities. The Auditor interviewed the Facility Warden and confirmed the responsibilities of the PREA Compliance Manager. The Facility Warden verified that the PREA Compliance Manager is provided with sufficient time and authority to accomplish these responsibilities. Upon review of the policy, the agency organizational chart, and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.12	**Contracting with other entities for the confinement of inmates**

	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Administrative Directive 02.46, *Entities Contracting with TDCJ* Interviews conducted with: Agency Contract Administrator Findings (By Provision): 115.12 (a-b) – Texas Department of Criminal Justice Administrative Directive 02.46, *Entities Contracting with TDCJ* states the TDCJ enters written contracts with private businesses as well as interagency and interlocal agreements and memorandums of understanding with various governmental entities to provide services to or for the benefit of the TDCJ. All agreements must require employees, consultants, independent contractors, agents, and volunteers of such entities to comply with certain TDCJ policies, procedures, regulations, and posted rules that the TDCJ determines are applicable to the services to be performed by such personnel. Such agreements must specify guidelines for the relationship between personnel of the entities and the Warden or Department Head for the unit or department where the personnel are present. All agreements must be reviewed upon renewal of the agreement and updated as needed. During the pre-on-site phase of the audit, an interview was conducted with the Agency Contract Administrator regarding how contracts are monitored to determine if the contractor complies with the PREA requirements of the contract. The Agency Contract Administrator confirmed the Texas Department of Criminal Justice currently has nineteen contracts for the confinement of offenders. The Agency Contract Administrator explained that all TDCJ contracts include verbiage related to the vendor’s obligation to comply with the PREA Standards prior to entering into agreement with the agency. If the entity is not PREA compliant, the contract will not be executed. Additionally, the Agency Contract Administrator informed the Auditor that the TDCJ has a contract monitor for each secure facility who are responsible for ensuring compliance to the standards by the contracted facility is maintained.

	Upon review of the policy and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.13	**Supervision and monitoring**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Operations Manual 06.01, *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Luther Unit Staffing Plan Reports Texas Department of Criminal Justice Luther Unit Deviations from Staffing Plan Facility Blueprint Facility Housing Logs (all shifts) Interviews conducted with: Facility Warden PREA Coordinator PREA Compliance Manager Intermediate or Higher-Level Facility Staff Site Review Observations: Daily operational functions Visitor Logbooks – entries of unannounced rounds Findings (By Provision):

115.13 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the TDCJ shall ensure each unit develops, documents, and complies with a staffing plan that provides adequate staffing levels, and where applicable, video monitoring, to protect offenders against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, units shall take into consideration TDCJ policies and procedures, and:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
- Any inadequacy from internal or external oversight bodies;
- Any findings of inadequacy from Federal investigative agencies;
- All the components of the facility's physical layout (including blind spots);
- Composition of offender population;
- Number of and placement of supervisory staff;
- Institution programs specific to each shift;
- All applicable State or local laws;
- Prevalence of substantiated and unsubstantiated incidents of sexual abuse;
- Any other relevant factors.

115.13 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states in circumstances where the staffing plan is not complied with, the unit shall document and justify all deviations from the plan.

The Auditor reviewed documentation of the deviations from the staffing plan that occurred in the twelve-month auditing period. The Auditor conducted an interview with the Facility Warden and discussed the deviations from the staffing plan. The Facility Warden confirmed that all instances of non-compliance with the staffing plan are documented on the Shift Turnout Roster with a notification to the Regional Director.

The average daily number of offenders on which the facility-staffing plan was predicated on 1,316. The most common reasons for deviation from the staffing plan in the last twelve months was due to call out, off unit transports, hospital security, family emergency, and consistent direct observation.

115.13 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states each unit the TDCJ operates shall complete an assessment, whenever necessary, but no less frequently than once each year in consultation with the PREA Ombudsman, who serves as the PREA Coordinator, and the TDCJ Safe Prison PREA Manager (SPPM), to determine a document if the following require adjustments:

- The staffing plan established pursuant to procedures outlined;
- The unit's deployment of video monitoring systems and other monitoring technologies; or
- Resources the unit has available to commit to ensure adherence to the staffing plan.

The Auditor reviewed three years of the Texas Department of Criminal Justice Luther Unit Annual Staffing Plans (2023, 2024, & 2025). The Luther Unit Annual Staffing Plan provided a detailed review of each facility's turnout rosters as well as addressing the required considerations outlined in the agency policy and provision (a) of this standard.

The Auditor conducted an interview with the Facility Warden regarding the Luther Unit Staffing Plan. The Facility Warden discussed how Security Operations develops each unit's staffing levels based on each unit's design, mission, offender population, and custody level. The Facility Warden confirmed Security Operations provides the Luther Unit with shift turnout rosters of all positions identified in the staffing plans. The Facility Warden confirmed when developing a shift turnout roster, several items are taken into consideration such as internal reviews, components of the physical plant, composition of the offender population, the prevalence of substantiated and unsubstantiated allegations of sexual abuse, offender-on-offender assaults, and uses of force. To ensure compliance with the staffing plan, Facility Warden and Supervisory Staff conduct rounds on the compound for visual verification of staff assignments throughout the facility.

The Auditor conducted an interview with the PREA Compliance Manager and confirmed the process of developing a staffing plan previously described by the Facility Warden. The PREA Compliance Manager also confirmed that an assessment of the facility staffing plan is conducted annually, and each are consulted regarding any adjustments to the staffing plan.

115.13 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states Security Supervisors shall conduct and document unannounced rounds to identify and deter sexual abuse and sexual harassment. These rounds shall be conducted during all shifts in accordance with applicable Post Orders.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff is prohibited from alerting other staff members when these rounds are occurring, unless the announcement is related to the legitimate operational functions of the unit. Violations

	shall be handled in accordance with Executive Directive PD-22, *General Rules of Conduct and Disciplinary Action Guidelines for Employees.* The Auditor reviewed the average daily number of offenders' report, staff turnout rosters, facility blueprint, and daily offender activity schedules to verify adequate staff coverage in comparison to offender population, offender movement, and facility size and layout. The Auditor toured the facility and observed the daily operational functions, staff interacting with offenders, general offender movement, offenders out at recreation, offenders participating in programs, offenders completing job assignments, and supervisory staff conducting rounds. These observations provided additional verification of policy and of standard compliance. The Auditor reviewed twelve months of housing logs documenting supervisor unannounced rounds and verified the unannounced rounds are being conducted and documented in accordance with agency policy and the PREA Standard. The housing logs reviewed covered the twelve-month auditing period, were from each housing unit, and covered all shifts. In the housing logs reviewed, the Auditor did not find any consistent patterns or inadequacies. The Auditor conducted supervisory level staff interviews and inquired how unannounced rounds are completed without staff knowledge. Supervisory level staff indicated this is completed by observing staff movement, monitoring radio transmissions, alternating movement patterns or being unpredictable with times or walking pattern and listening to staff conversations while conducting rounds throughout the facility. Supervisory staff also indicated that all staff are aware of the existing agency policy governing unannounced rounds and any violation of policy will be handled with progressive disciplinary action. Upon review of the policies and documentation provided and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.14	**Youthful inmates**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Unit Classification Procedure 4.19, *Youthful Offenders* Interviews conducted with: Facility Warden PREA Compliance Manager Site Observation: The facility tour and formal and informal interviews with offenders and staff demonstrated youthful offenders were not housed at the facility. Findings (By Provision): 115.14 (a) – Texas Department of Criminal Justice Unit Classification Procedure 4.19, *Youthful Offenders* designates specific TDCJ facilities to house youthful offenders. Luther Unit is not designated as a youthful offender facility. This was verified during interviews with the Facility Warden, PREA Compliance Manager, and Classification Staff. Upon review of the policy and upon completion of the interviews, the Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.15	**Limits to cross-gender viewing and searches**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

	Luther Unit PAQ Texas Department of Criminal Justice Operations Manual 06.01, *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Safe Prisons PREA Operations Manual 02.05, *Cross-Gender Searches & Log* Texas Department of Criminal Justice Administrative Directive 03.22, *Offender Searches* Texas Department of Criminal Justice Security Memorandum 02.25, *On-the-Job Training Program* Texas Department of Criminal Justice OJT Program Procedures Guide Texas Department of Criminal Justice Safe Prisons/PREA Program In-Service Training Curriculum / Records Interviews conducted with: Random sample of Offenders Random sample of Staff Site Review Observations: Daily operational functions Staff interaction with Offenders Unannounced rounds documentation Offender movement Findings (By Provision): 115.15 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches, such as a search of the anal or genital opening, except in exigent circumstances or when performed by medical practitioners in accordance with Administrative Directive 03.22, Offender Searches. 115.15 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* and Administrative Directive 03.22, *Offender Searches* states female offenders shall be

strip searched by a female correctional officer or trained female staff member. Female offenders shall not be strip searched in the visual presence of or by male staff.

The agency provided the auditor with the *Safe Prisons/PREA Program Cross-Gender Search Log* which indicated there were no cross-gender strip searches or cross-gender visual body cavity searches conducted during the last twelve months. The Auditor conducted an interview with the Facility Warden and the PREA Compliance Manager and confirmed that no cross-gender strip searches or cross-gender visual body cavity searches were conducted during the twelve-month auditing period.

The Auditor reviewed the provided documentation to include shift turnout rosters, shift assignments, and daily offender activity schedule. The Auditor observed the facility operations throughout the day, to include continuous offender movement throughout the facility, continuous physical interactions between staff and offenders, offenders participating in-group activities, and offenders performing job assignments throughout the facility and within the compound grounds. The Auditor also observed opposite gender announcements being conducted throughout the facility tour.

115.15 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* and Administrative Directive 03.22, *Offender Searches* outline the documentation procedures required in exigent circumstances or when performed by medical practitioners.

115.15 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states correctional officers shall make best efforts to allow offenders to shower, perform bodily functions, and change clothing without staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Staff of the opposite gender shall announce their presence when entering an offender housing area in accordance with applicable Post Orders. Under no circumstances shall an offender search be conducted solely for the purpose of determining an offender's genital status.

The Auditor requested an up-to-date facility offender roster. The facility offender roster provides a list of all offenders currently at the facility and is organized by housing unit, provides offender characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were

	selected under the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.* The Auditor conducted twenty-eight offender interviews, and all twenty-eight offenders interviewed confirmed they have privacy while showering, changing clothes, or using the bathroom facilities. Additionally, twenty-six of the twenty-eight offenders interviewed confirmed staff of the opposite gender announce their presence prior to entering the housing unit. The Auditor also observed announcements of an opposite gender entering a housing dormitory throughout the facility tour, which demonstrated the facility's compliance with this standard. 115.15 (e) – This provision is no longer applicable to a compliance finding. 115.15 (f) – This provision is no longer applicable to a compliance finding. The Auditor reviewed the training records and training curriculum provided to staff members who may have contact with offenders, how to perform cross-gender pat-down searches of offenders. Training records indicated staff members receive training on the agency's PREA policies and how to perform cross-gender pat-down searches annually. The training curriculum outlined the agency's policy on cross-gender pat-down searches of offenders, policy defining exigent circumstances, and conducting searches in a professional and respectful manner. The Auditor interviewed random staff members and inquired if they have received training on how to conduct cross-gender pat-down searches in a professional manner, consistent with security needs. Each female staff member interviewed confirmed receiving training on cross-gender searches of offenders annually during Annual In-Service Training and each female staff member confirmed the "knock and announce" is made prior to her entering an offender housing unit. Additionally, staff confirmed receiving refresher training each month during shift turn-out. Upon reviewing staff training records and training curriculum, observations during the on-site visit, and information obtained during interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and with the requirements that complies with the PREA standard.

115.16	**Inmates with disabilities and inmates who are limited English**

	proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Operations Manual 06.01, *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Administrative Directive 06.25, *Qualified Interpreter Services - ASL* Texas Department of Criminal Justice Staff Translator List Texas Department of Criminal Justice Correctional Institutions Division Intake Procedures Texas Board of Criminal Justice, PREA Ombudsman Office brochure (multiple languages) Correctional Managed Health Care Policy Manual G.51.1, *Offenders with Special Needs* Interviews conducted with: Facility Warden Targeted Offenders (Limited English Proficient, Hearing, Vision, Physical or Cognitive Impairment) Random sample of Staff Site Review Observation: Standardized PREA bulletin boards were observed throughout the facility (English & Spanish) Findings (By Provision): 115.16 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states appropriate steps shall be taken to ensure offenders with disabilities, including

	offenders who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities, have an equal opportunity to participate in or benefit from all aspect of TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment. 115.16 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff shall provide access to qualified interpreters, when necessary, to ensure effective communication with offenders who are deaf or hard of hearing. Written materials shall be provided in accordance with TDCJ policies and procedures, to ensure effective communication with offenders with disabilities, limited reading skills, or who are blind or have low vision. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders with limited English proficiency shall be provided meaningful access to information regarding TDCJ efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. 115.16 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states when seeking interpreters, staff shall not rely on offender interpreters, readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety, the performance of first-response duties, or the investigation of the allegations. Staff shall follow appropriate TDCJ policies and procedures for obtaining a qualified interpreter. In the last twelve months the facility has had zero instances where offenders were used as interpreters. The Auditor conducted interviews with random staff members, and each staff member confirmed the agency policy prohibiting the use of an offender to provide translation services except in limited circumstances where an extended delay in obtaining an interpreter could compromise the offender's safety; all staff members acknowledged the use of either the language line (interpreter services) or contacting another staff member to translate. The Auditor interviewed targeted offenders with either a physical, hearing, vision, or cognitive impairment or who were Limited English Proficient. Each offender acknowledged receiving PREA information during the intake / transfer process. Each offender described receiving the comprehensive PREA orientation within the first few days after arriving at the facility. Additionally, each offender acknowledged the

	information was provided to him in an accessible format specific to his individual needs. For the targeted interviews with an LEP offender, the Auditor utilized a certified interpreter for translation services. Texas Department of Criminal Justice Administrative Directive 06.25, *Qualified Interpreter Services – ASL* and the TDCJ *Safe Prisons/PREA Plan* outline procedures for acquiring a qualified interpreter for offenders requiring such services. The Auditor conducted an interview with the PREA Compliance Manager regarding how the facility takes appropriate steps to ensure that all offenders have an equal opportunity to participate in the facility's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. The PREA Compliance Manager detailed the efforts made by the facility to ensure impaired offenders are provided opportunities and benefits equal to those of unimpaired offenders. Offenders with either impairments or LEP offenders are provided with alternatives to accommodate participation in the Safe Prisons PREA program such as videos and brochures tailored to their primary language. Additionally, every effort is made to provide all training in a format that will be easily understood by offenders who have a physical or developmental impairment or who have limited English proficiency. The Texas Department of Criminal Justice maintains a list of translators for every institution and this list is utilized for assisting with translation. Upon review of the policies, TDCJ offender intake procedures, and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.17	**Hiring and promotion decisions**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Operations Manual 06.01, *Safe Prisons/PREA Plan*

Texas Department of Criminal Justice Executive Directive PD-73, *Selection Criteria for Correctional Officer Applicants*

Interviews conducted with:

Administrative / Human Resources Staff

Site Review Observation:

Documentation demonstrated completed background checks upon hire and every five years thereafter. Administrative questions are asked during the application process. The agency does represent being able to show institutional reference are requested during the hiring process.

Findings (By Provision):

115.17 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the TDCJ shall not hire or promote anyone, who may have contact with offenders, and shall not enlist the services of any contractor who may have contact with offenders, who previously:

- Has engaged in sexual abuse in a prion, jail, lockup, community confinement, juvenile facility, or other institution, as defined in 42 USC 1997;
- Has been convicted of engaging or attempting to engage in sexual activity in the community that was facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent, refused, or was unable to consent or refuse; or
- Has been civilly or administratively adjudicated to have engaged in the activity.

115.17 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the TDCJ shall consider any incidents of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders.

115.17 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states before hiring new employees who may have contact with offenders, the TDCJ shall perform a criminal background check and attempt to contact all prior institutional

	employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, in accordance with Federal, State, and local law. Luther Unit reported, in the twelve months prior to the audit, seventy-six criminal background checks were performed of persons hired or promoted who may have contact with offenders. 115.17 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states a criminal background check shall be performed before enlisting the services of any contractor who may have contact with offenders. The Luther Unit reported, in the twelve months prior to the audit, three criminal background checks were performed on all staff covered in the contract who may have contact with offenders. 115.17 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states criminal background checks shall either be conducted at least every five years for current employees and contractors who may have contact with offenders, or a system shall be in place to otherwise attain the information for current employees. 115.17 (f) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the TDCJ shall directly ask all applicants and employees who may have contact with offender about previous misconduct in written applications or interviews for hiring or promotions. 115.17 (g) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states TDCJ shall also impose on employees a continuing affirmative duty to disclose knowledge of any such misconduct. Material omissions regarding misconduct of this nature, or the provision of materially false information, shall be grounds for termination. 115.17 (h) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states unless prohibited by law, information shall be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee after receiving a request from an institutional employer for whom the employee has applied to work. Texas Department of Criminal Justice Executive Directive PD-73, *Selection Criteria for Correctional Officer Applicants* states the TDCJ promotes equal employment opportunity through a correctional officer selection system designed to achieve employment without regard to race, color, religion, sex (gender), national origin, age, disability, or genetic information.

	Texas Department of Criminal Justice performs all criminal history checks through the Criminal Justice Information System (CJIS). TDCJ access is provided through the Texas Department of Public Safety (DPS). Once an employee or contractor is entered into the system, DPS provides an automatic notification by email of any subsequent activity on the individual's criminal history. The Department of Public Safety sends an electronic report to the TDCJ Human Resources Headquarters criminal history staff monthly. DPS provides a report each month for employees with active warrants. However, if an employee is arrested the agency will receive an automatic notification via CJIS. The agency receives these notifications daily. The Auditor conducted an interview with the agency's Administrative/ Human Resources personnel who confirmed the agency conducts the required criminal background checks prior to hiring a new employee, employees who are considered for promotions, or enlisting the services of a contractor or volunteer and at least once every five years. The HR Staff Member confirmed the TDCJ requirement imposed upon all employees to disclose any previous misconduct and the agency's requirement to provide information regarding a former employee upon request of another institution or agency. In addition to using the Criminal Justice Information System (CJIS), the HR Staff Member confirmed the TDCJ access is provided through the Texas Department of Public Safety (DPS). Upon review of the policies and review of personnel files and upon completion of the interview conducted with the Human Resources Staff, the Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.18	**Upgrades to facilities and technologies**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Security Operations Manual 07.02, *Security Surveillance Systems* Interviews conducted with: Agency Head

Facility Warden

Findings (By Provision):

115.18 (a) – Texas Department of Criminal Justice Security Operations Manual 07.02, *Security Surveillance Systems* outlines the agency's procedures for conducting annual reviews of video monitoring systems and the installation of new video surveillance equipment to ensure adequate coverage is provided to protect offenders from sexual abuse.

Luther Unit PAQ states the facility has not acquired a new facility or made substantial expansions or modifications to existing facilities since the last PREA audit.

115.18 (b) – The Luther Unit PAQ states the facility has not installed or updated the video monitoring system, electronic surveillance system, or other monitoring technology since the last PREA audit.

The Auditor conducted an interview with the Agency Head and discussed if the agency considered how modifications or expansions to a facility affect the ability to protect offenders from sexual abuse. The Agency Head explained how facility modification has always been focused on providing safety to both staff and offenders. Modifications or expansions that are not in the best interest of the facility or department are not given consideration.

The Auditor conducted an interview with the Facility Warden who confirmed that prior to designing or acquiring any new facility or when planning any substantial expansion or modification, of existing facilities, the facility shall consider the effect of the design, acquisition, expansion, or modification might have upon the facility's ability to protect offenders from sexual abuse. The Facility Warden confirmed to the Auditor that Luther Unit has not undergone modifications or expansions to the facility since the last audit.

The Facility Warden also confirmed that prior to the installation of cameras, the facility would consider how the addition of such technology would enhance the agency's ability to protect offenders from sexual abuse. The Facility Warden confirmed to the Auditor that Luther Unit has not updated and/or installed new video monitoring systems since the last PREA audit.

	Upon review of the policy and upon completion of the interviews conducted with the Agency Head and the Facility Warden, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Operations Manual 06.01, *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 05.01, *Sexual Abuse Response, & Investigation* Texas Department of Criminal Justice Office of Inspector General 04.05, *Offender Sexual Assault Investigations* Correctional Managed Health Care Policy Manual G-57.1, *Sexual Assault / Sexual Abuse* Texas Department of Criminal Justice correspondence w/ local crisis centers SANEs / SAFEs Uniform Evidence Protocol Interviews conducted with: Medical Staff Random sample of Staff Offenders who reported sexual abuse Inmate Victim Representative (IVR) Findings (By Provision):

	115.21 (a) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 05.01, *Sexual Abuse Response, & Investigation* and TDCJ *Safe Prisons/PREA Plan* outlines the procedures, notification process, and the coordinated response to an allegation of sexual abuse. Coordinated response includes the role and responsibilities of First Responders, Unit Security Staff, the Office of the Inspector General (OIG), Medical and Mental Health, and Victim Advocate. The Auditor established, from a thorough review of TDCJ policy, and the SANEs/SAFEs evidence protocol, that inspectors assigned to the Office of the Inspector General's office follow the United States Department of Justice, *A National Protocol for Sexual Assault Medical Forensic Examinations* a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions. 115.21 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developmentally appropriate for youth, where applicable, and, as appropriate, shall be adapted from or otherwise based on the most recent edition of the U.S. Department of Justice Office on Violence against Women publication, *A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,* or similarly comprehensive and authoritative protocols developed after 2011. The Auditor interviewed random staff members regarding his/her role as a First Responder to an allegation of sexual abuse. The staff members provided specific details of their responsibilities as a First Responder. These responsibilities include separating the victim and abuser, preserving, and protecting the crime scene, requesting that the alleged victim not take any actions that could destroy physical evidence, ensuring the alleged abuser does not take any actions, which would destroy physical evidence, and to immediately notify Medical and Mental Health. In addition, each staff member acknowledged the importance of the agency's response protocol to a sexual abuse allegation as well as his or her role as a First Responder. 115.21 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all offender victims of sexual abuse shall be offered access to forensic medical examinations, whether on-site or at an outside medical facility, without financial cost, where evidentiary or medically appropriate. Such examination shall be performed by a Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) when possible. If neither SAFE nor SANE can be made available, the examination may be performed by other qualified medical practitioners in accordance with CMHC

policies. Efforts to provide a SAFE or SANE shall be documented. Offender victims of sexual abuse who require a forensic exam shall be taken to the nearest hospital emergency room for completion of a forensic exam. The Auditor reviewed the Texas Senate Bill (SB-1191) which requires health care facilities to be equipped to conduct medical forensic exams for sexual abuse victims. Senate Bill 1191 also requires hospitals not designated a forensic exam facility are required to train personnel in the basic sexual assault forensic evidence collection.

According to the information previously reported in the PAQ, there were no forensic examinations completed during the twelve months prior to the audit. The Auditor conducted an interview with contract Medical Staff responsible for the coordination of forensic examinations. The Medical Staff member provided the Auditor with an overview of the procedures if a forensic exam was needed, such services are provided at the nearest local hospital with the forensic exam being completed by a certified SANE Nurse. The Medical Staff also confirmed there were no forensic examinations completed within the past twelve months for the Luther Unit.

115.21 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse shall receive timely, unimpeded access to emergency treatment and crisis intervention services. Attempts shall be made to make a victim advocate from a rape crisis center available to the offender victim first, however if one is not available, the unit shall make a qualified staff member from a community-based organization or a qualified TDCJ staff member available.

The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, after reporting, did the facility allow him to contact anyone. The offender confirmed to the Auditor, after reporting the incident, he was able to meet with a contracted Medical and Mental Health staff member and that Medical staff informed him of the additional services available from an Inmate Victim Representative (IVR); the offender confirmed being offered the services from the IVR, however, the offender declined the need for such services. The Auditor confirmed the information provided by the offender during her review of documentation and investigative files.

115.21 (e) – The victim advocate or qualified TDCJ staff member, or qualified community-based organization staff member shall:

- Accompany and support the victim through the forensic medical examination process and investigatory interviews.
- Provide emotional support, crisis intervention, information, and referrals; and
- Not delay or otherwise impede the screening or stabilization of an emergency

	medical condition. The Auditor reviewed documentation which included, communication between TDCJ and local rape crisis centers (attempts for an MOU), the TDCJ Sexual Assault Offender Victim Representative training curriculum, and verification of attendance by facility staff member designated as an Inmate Victim Representative (IVR). The Auditor conducted an interview with a staff member designated as Inmate Victim Representative (IVR). The staff member confirmed the designation of victim advocate at Luther Unit and received the required advocacy training. The staff member confirmed the services an IVR would provide include emotional support services, accompaniment to forensic exams and investigatory interviews, crisis intervention, and provide referrals and resources for continued follow-up emotional support services. 115.21 (f, g, h) – Texas Department of Criminal Justice Administrative Directive 16.20, *Reporting Incidents/Crimes to Office of Inspector General* outlines the legal authority and jurisdiction of the OIG as the primary investigating law enforcement agency for the TDCJ and criminal offenses on TDCJ property. In accordance with Texas Government Code § 493.019, the Office of the Inspector General (OIG) is the primary investigative and law enforcement entity of the TBCJ. The OIG reports directly and only to the Texas Board of Criminal Justice. Upon review of the policies, documentation, the SANEs/SAFEs Uniform Evidence Protocol, and observations made during the facility tour, and upon completion of interviews conducted prior to and during the on-site visit, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.22	**Policies to ensure referrals of allegations for investigations**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ

Texas Department of Criminal Justice *Safe Prisons/PREA Plan*

Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 05.01, *Sexual Abuse Response, & Investigation*

Texas Department of Criminal Justice Administrative Directive 16.20, *Reporting Incidents/Crimes to Office of Inspector General*

Texas Department of Criminal Justice Board Policy 01.07, *Inspector General*

OIG Investigator Training, Credentials

Texas Department of Criminal Justice Agency Website

Interviews conducted with:

Agency Head

Investigative Staff

Site Review Observation:

SA/SH Investigation files (13)

Findings (By Provision):

115.22 (a) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 05.01, *Sexual Abuse Response, & Investigation* and TDCJ *Safe Prisons/PREA Plan* outlines the procedures, notification process, and the coordinated response to an allegation of sexual abuse. Coordinated response includes the role and responsibilities of First Responders, Unit Security Staff, the Office of the Inspector General (OIG), Medical and Mental Health, and Victim Advocate.

The Auditor conducted an interview with the Agency Head regarding how the agency ensures that an administrative or criminal investigation is completed for allegations of sexual abuse or sexual harassment. The Agency Head explained TDCJ supervisors and managers are responsible for conducting administrative investigations and the Office of the Inspector General oversees and coordinates the process for all criminal investigations involving offenders or staff members.

115.22 (b-c) – Texas Department of Criminal Justice Administrative Directive 16.20,

	Reporting Incidents/Crimes to Office of Inspector General outlines the legal authority and jurisdiction of the OIG as the primary investigating law enforcement agency for the TDCJ and criminal offenses on TDCJ property. Texas Department of Criminal Justice publishes agency policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation on the agency website https://www.tdcj.texas.gov/divisions/arrm/prea_audits.html 115.22 (d) – In accordance with Texas Government Code § 493.019, the Office of the Inspector General (OIG) is the primary investigative and law enforcement entity of the TBCJ. The OIG reports directly and only to the Texas Board of Criminal Justice. The Auditor conducted an interview with an Investigator and requested an overview of the investigative process and the documentation required in a case when an allegation of sexual abuse or sexual harassment incident occurs within the facility. The Investigator explained upon receiving notification of a sexual assault incident, the investigation is initiated promptly and is completed thoroughly and objectively by a qualified investigator who has received training and education and has the authority to conduct such investigations. The Investigator explained the initial process includes conducting scene investigation, collecting evidence (biological or trace), photographs, interview staff, witnesses, review unit documentation pertaining to the investigation, and interviewing the victim – depending on emotional and physical state. The Investigator also provided an overview of the various documents contained in each case file to include but not limited to the initial incident reports, notifications, medical and mental health forms, offender rosters, advocacy information, witness statements, victim and alleged aggressor statements, investigative report, Office of the Inspector General Inquiry Report, notification of case disposition to offender (offender acknowledgement), 90-day monitoring, / status check history, and the Required Procedures Log. The Investigator also confirmed the agency policy requiring all criminal allegations of sexual abuse must be referred to the Office of the Inspector General. Additionally, the Investigator confirmed all OIG Investigators are certified peace officers, as authorized by Texas Code of Criminal Procedures, Article 2.12 and licensed by the Texas Commission on Law Enforcement (TCOLE).

	The Auditor reviewed thirteen sexual abuse or sexual harassment investigative files. Each investigation was reviewed thoroughly and systematically to ensure each investigation contained the correct procedures, completed documentation, and that all processes were completed as required. Each file reviewed by the Auditor contained all the appropriate documentation, and each incident was investigated promptly, thoroughly, and objectively by a qualified investigator who has the training and the authority to conduct such investigations. Each file contained documentation to include but not limited to the initial incident reports – summary of the allegation, demographics of involved staff or offender(s) to include relevant history and current sentence, medical documentation and notes, photos of offender victim and alleged aggressor, advocacy acceptance or refusal, victim, witness, and alleged aggressor statements, review of communications – emails and phone calls, review of video surveillance, investigative summary, investigative findings, notification of case disposition to offender, sexual abuse incident reviews, and monitoring for retaliation forms. Upon review of the policies, documentation, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.31	**Employee training**
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.01 *PREA Awareness Training* Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Safe Prisons PREA Training Curriculum (Staff) Texas Department of Criminal Justice Luther Unit Training Roster / Staff Signatures

Interviews conducted with:

Random sample of Staff

Site Review Observations:

Safe Prison PREA Awareness Training

Findings (By Provision):

115.31 (a) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.01 *PREA Awareness Training* and the TDCJ *Safe Prisons/PREA Plan* outlines the responsibilities of the PREA Compliance Manager as it relates to the training program for all unit staff. The agency has a comprehensive training program, which includes the agency's zero-tolerance policy and the prevention, detection, reporting and response to sexual abuse and sexual harassment allegations.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all Safe Prisons/ PREA Program training and education shall be performed in accordance with the Correctional Training and Staff Development program. All employees who may have contact with offenders shall receive the following in accordance with Safe Prisons/ PREA requirements:

- TDCJ's zero tolerance for sexual abuse and sexual harassment;
- Methods for fulfilling responsibilities under the TDCJ sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- Offenders' rights to be free from sexual abuse and sexual harassment;
- The right of offenders & staff to be free from retaliation for reporting sexual abuse and sexual harassment;
- Characteristics of sexual abuse and sexual harassment in confinement settings;
- Common reactions of sexual abuse and sexual harassment victims;
- How to detect and respond to signs of threatened & actual sexual abuse and sexual harassment;
- How to avoid inappropriate relationships with offenders;
- Communicating effectively & professionally with offenders, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming offenders;
- How to comply with relevant laws related to mandatory reporting of sexual abuse;
- Common characteristics of victims and predators sometimes referred to as

red flags.

115.31 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the training shall be tailored to the gender of the offenders at the unit of assignment. The employee shall receive additional training when transferring to a unit with offenders of a different gender.

115.31 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all employees who have contact with offenders, including medical and mental health care practitioners, shall receive training at least every two years. In the interim years, employees shall be provided refresher information on current sexual abuse and sexual harassment policies.

115.31 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all training shall be documented through employee signature or electronic verification, confirming that employees understand the training and information they received.

The Auditor reviewed training curriculum and documentation of staff signatures verifying training comprehension and attendance. The training curriculum outlined the staff member's responsibilities in preventing, detecting, and response to offender sexual abuse and sexual harassment. The curriculum also provided staff with communicating effectively and professionally with offenders, understanding that offenders have the right to be free from sexual abuse and sexual harassment.

The Texas Department of Criminal Justice PREA training curriculum provided to the Auditor, titled *Safe Prisons/PREA*, includes an offender's right to be free from sexual abuse and sexual harassment, including the right to dress, shower, and use toilet facilities out of view of staff of the opposite sex. The training also included the appropriate method to introduce/announce "opposite gender" correctional officers and supervision staff into an all-male or all-female housing unit and how to conduct cross-gender pat-down searches of offenders in a professional and respectful manner consistent with security correctional environments. The training curriculum was extremely detailed with discussions of the required PREA standards, instruction videos, and group discussion scenarios.

The Auditor conducted random staff interviews, and each staff member articulated the agency's zero tolerance policy on sexual abuse and sexual harassment, their role

	and responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting, and response, how to communicate effectively and professionally with offenders, and an offender right to be free from sexual abuse and sexual harassment. All staff members acknowledged receiving the training every year during his/her In-service training. Upon review of the policies and training documentation listed above and previously discussed, and after completion of interviews, in addition to the files reviewed during the on-site visit, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with and exceeds the PREA standard.

115.32	**Volunteer and contractor training**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* Texas Department of Criminal Justice Volunteer & Contractor Training Curriculum Texas Department of Criminal Justice Volunteer & Contractor Training Roster with Signatures Interviews conducted with: Volunteer or Contractor who have contact with Offenders Findings (By Provision): 115.32 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all contractors and volunteers who have contact with offenders shall be trained regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures in accordance with the TDCJ Volunteer Services Plan PD-29,

	Sexual Misconduct with Offenders. 115.32 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the level and type of training provided to volunteers and contractors shall be specific to the services provided and the level of contact with offenders; however, all volunteers and contractors who have contact with offenders shall be notified of the TDCJ's zero-tolerance policy regarding sexual abuse and sexual harassment and informed of the procedures for reporting incidents. 115.32 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states training documentation confirming the volunteers and contractors have received and understand the training shall be maintained in accordance with TDCJ Records Retention Schedule. The Auditor reviewed training documentation to include training curriculum and attendance roster for contract and volunteer staff. Additional documentation included signatures from each contract staff and volunteer staff confirming understanding of policies and training received. The volunteer and contractor training was tailored based on the services they provide and the level of contact they have with offenders and included the agency's zero-tolerance policy regarding sexual abuse and sexual harassment along with how to report such incidents. The Auditor conducted interviews with contract staff members and each confirmed receiving PREA training, provided the Auditor with an overview of the training, and acknowledged their understanding of the agency's zero tolerance policy and PREA standards and reporting responsibilities. Upon review of the policy and documentation and after completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.33	**Inmate education**
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Document Review:

	Luther Unit PAQ Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Intake Procedures 1.10, *Initial Orientation* Texas Department of Criminal Justice Offender Orientation Handbook (multiple languages) Texas Department of Criminal Justice Acknowledgement of Receipt of PREA Orientation PREA / Sexual Awareness Brochures (multiple languages) Interviews conducted with: PREA Compliance Manager Intake Staff Random Sample of Offenders Targeted Offenders (Limited English Proficient, Hearing, Vision, Physical or Cognitive Impaired) Site Review Observations: Offender files – Comprehensive PREA Education PREA Informational Signage posted throughout facility PREA / Sexual Awareness video Findings (By Provision): 115.33 (a) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* and the *Safe Prisons/PREA Pla*n outline the procedures requiring all offenders receive comprehensive education on sexual abuse and sexual harassment, agency zero tolerance, and methods to report such incidents.

	115.33 (b) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* and the *Safe Prisons/PREA Plan* outlines the responsibility of the Unit Safe Prisons/PREA Compliance Manager to ensure all offenders at Luther Unit are provided education on sexual abuse and sexual harassment. Unit Safe Prisons/PREA Compliance Manager shall maintain documentation of offender participation on file and in accordance with TDCJ policy. The policy also outlines provisions to provide PREA education in formats accessible for all offenders. 115.33 (c) – The Luther Unit PAQ states that of those who were not educated during 30 days of intake, all offenders have been subsequently educated. Agency policy requires that offenders who are transferred from one facility to another be educated regarding their rights to be free from both sexual abuse and sexual harassment and retaliation for reporting such incidents and on agency policies and procedures for responding to such incidents, to the extent that the policies and procedures of the new facility differ from those of the previous facility. PAQ within 30 days of transfer to unit of assignment all offenders have been educated. The Auditor reviewed the comprehensive PREA educational video transcript, provided in multiple languages, which is given to all TDCJ offenders within seven days of arriving at a permanent facility. The facilities utilize the TDCJ Safe Prisons/PREA Program educational video titled *Offender Sexual Abuse/PREA Awareness* video. During the pre-on-site phase of the audit, the Auditor reviewed twelve months of documentation showing all offenders received into the facility during the auditing period, were provided with comprehensive PREA education. The comprehensive documentation included rosters with offender signatures and acknowledgment of understanding. The facility maintains documentation of offender participation on the Individual Treatment Plan. The Auditor requested an up-to-date facility offender roster. The facility offender roster provides a list of all offenders currently at the facility and is organized by housing unit, provides offender characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were selected under the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.* The Auditor conducted twenty-eight offender interviews and inquired if each offender had received PREA education upon arrival at the facility. All twenty-eight offenders

	interviewed recalled receiving both the initial PREA orientation and the comprehensive (video) orientation. Each offender interviewed acknowledged the facility's zero-tolerance policy on sexual abuse sexual harassment and the various ways to report such incidents. Offenders referred to utilizing multiple PREA informational bulletins, pamphlets, and brochures, which are posted throughout the facility, or the offender tablet a source of information. The offender tablet has an app (FYI) which has multiple resources (videos and documents) available for offenders to review which provides additional PREA education/information. Throughout the interviews, several offenders referred to using the tablet (FYI app) as a source for PREA information to include the ability to make phone calls from the tablet. Twenty of the twenty-eight offenders interviewed referred to notifying staff members, counselors, or family members as the most direct method to report or inquire about PREA information. All twenty-eight offenders interviewed confirmed knowledge of third-party reporting and referred to contacting a family member, acquaintance, or the PREA Ombudsman as their source outside the facility. All twenty-eight offenders interviewed were aware of the availability of submitting an anonymous PREA report. 115.33 (d) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* and *Safe Prisons/PREA Plan* outline the resources available for offenders with recognized disabilities and Limited English Proficiency (LEP). TDCJ policy outlines resources for offenders with hearing impairment (closed captioning), vision impairment (large print material or reading of material to offender by staff), or translation for LEP offenders (language line services). The Auditor interviewed targeted offenders with either a physical, hearing, vision, or cognitive impairment or who were Limited English Proficient. Each offender acknowledged receiving PREA information during the intake / transfer process. Each offender described receiving the comprehensive PREA orientation within the first few days after arriving at the facility. Additionally, each offender acknowledged the information was provided to him in an accessible format specific to his individual needs. For the targeted interviews with an LEP offender, the Auditor utilized a certified interpreter for translation services. 115.33 (e) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* and the *Safe Prisons/PREA Plan* outlines the responsibility of the Unit Safe Prisons/PREA Compliance Manager to ensure all offenders at Luther Unit are provided education on sexual abuse and sexual harassment. Unit Safe Prisons/PREA Compliance Manager shall maintain documentation of offender participation on file and in accordance with TDCJ policy.

	115.33 (f) – Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 06.02, *Offender Sexual Abuse Awareness Training* and *Safe Prisons/PREA Plan* outline the resources available for offenders about the agency's PREA policies is continuously and readily available or visible through posters, offender handbooks, or other written formats. The Auditor conducted a tour of the facility and observed PREA informational bulletins. These PREA bulletins are posted in multiple languages, located inside every dormitory, as well as several informational bulletins were posted in common areas (educational and vocational buildings) throughout the facility. The bulletins display phone numbers and addresses, advocacy services and the PREA Ombudsman and are displayed in multiple languages. The Auditor conducted an interview with the PREA Compliance Manager and discussed the offender comprehensive PREA orientation and documentation process. The PREA Compliance Manager provided specific details on the process of educating offenders including the initial orientation upon intake into the facility, the comprehensive orientation video, and the continued educational process through the Safe Prisons/PREA Program, PREA informational pamphlets, sexual assault prevention brochures, and the signage posted throughout the facility. Upon review of the policy and documentation listed above and previously discussed, and after completion of staff and offender interviews, in addition to the observations made throughout the on-site tour, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with and exceeds the PREA standard.

115.34	**Specialized training: Investigations**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Safe Prisons/PREA Specialized Training

Curriculum & Training Certificates

Interviews conducted with:

Investigative Staff

Site Review Observations:

Training documentation / file review

Findings (By Provision):

115.34 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states investigations involving allegations of sexual abuse shall be conducted by investigators who have received special training in sexual abuse investigations pursuant to this plan.

115.34 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states investigators shall receive training specific to conducting sexual abuse investigations in confinement settings as well as training on the Prison Rape Elimination Act (PREA) standards. Sergeants and above, including Security Threat Group correctional officers and Safe Prisons/PREA officers, shall receive training on conducting sexual abuse investigations in confinement settings. Training shall include:

- Techniques for interviewing sexual abuse victims;
- Sexual abuse evidence collection and handling; and
- Criteria and evidence required to substantiate an investigation.

115.34 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states records documenting the staff investigators have completed the required sexual abuse investigations training shall be maintained in accordance with the TDCJ Records Retention Schedule.

The Auditor reviewed investigator training records, which included the specialized training curriculum from Safe Prisons/PREA Program, Conducting a Thorough Investigation and training certificates of completion verifying investigative staff that conduct sexual abuse investigations attended and completed the required specialized

	training. The specialized training curriculum is extensive and included, but not limited to, the following topics: • History of the Prison Rape Elimination Act • Define key terms • Identify the PREA standards related to sexual abuse and sexual harassment • Discuss the effects of sexual abuse in custody • Discuss how investigations in confinement are different from other types of investigations • Understand the goals of an investigation • Identify the criteria for administrative action and criminal prosecution • Understand the requirements for administrative and criminal investigations • Discuss interviewing techniques for victims and special populations • Understand the role of a victim advocate / offender victim representative • Discuss the forensic medical exam and timeline for obtaining forensic medical evidence • Understand the use of *Miranda* & *Garrity* Warnings The Auditor interviewed an Investigator who confirmed attending and successful completion of the required specialized training. The Investigator clearly articulated the comprehensive training received which included investigating sexual harassment allegations, investigating sexual abuse allegations, understanding the impact of victim trauma, techniques for interviewing sexual abuse victims, preservation of crime scene and evidence collection, proper use of *Miranda* and *Garrity* and the importance of each, and criteria required for administrative action and prosecution referrals. Upon review of the policy and documentation listed above and previously discussed, and after completion of interviews, in addition to the observations made throughout the on-site visit, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.35	**Specialized training: Medical and mental health care**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan*

	Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* Correctional Managed Health Care Policy Manual C-25.1, *Training for Health Service Staff* Texas Department of Criminal Justice Medical & Mental Health Training Curriculum Texas Department of Criminal Justice Training Roster w/signatures (Medical / Mental Health Staff) Interviews conducted with: Medical / Mental Health Staff Site Observation: Medical Staff Training Records Findings (By Provision): 115.35 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all contractors and volunteers who have contact with offenders shall be trained regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures in accordance with the TDCJ Volunteer Services Plan PD-29, *Sexual Misconduct with Offenders*. 115.35 (b) – Luther Unit medical staff do not conduct forensic medical exams; forensic examinations are conducted at the local hospital. This provision of the standard is not applicable. 115.35 (c, d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all employees who have contact with offenders, including medical and mental health care practitioners, shall receive training at least every two years. In the interim years, employees shall be provided refresher information on current sexual abuse and sexual harassment policies. All training shall be documented through employee signature or electronic verification, confirming that employees understand the training and information they received.

	Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* states the TDCJ has zero tolerance for sexual misconduct, sexual abuse, and sexual harassment of offenders. An employee is prohibited from subjecting another employee, offender, or other individual to harassment or retaliation for reporting or cooperating with an investigation of alleged sexual misconduct with offenders. The Auditor reviewed the Correctional Managed Health Care Policy Manual C- 25.1, *Training for Health Service Staff* policy and the training records of medical staff currently assigned to the facility; training records included the training curriculum and certificates of completion (with signatures). The training curriculum included the required elements of the agency policy and of the PREA standard. The Auditor conducted interviews with Medical & Mental Health staff members and confirmed receipt of specialized training on how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how to report allegations of sexual abuse and sexual harassment. Medical and Mental Health staff members also confirmed receiving the agency's general PREA training, which included the zero tolerance to sexual abuse and sexual harassment. Upon review of the policy and documentation listed above and previously discussed, and after completion of interviews, in addition to the observations made during the on-site visit file review, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.41	**Screening for risk of victimization and abusiveness**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Offender Risk Assessment

	Interviews conducted with: Offenders who disclosed prior SV at Intake Random sample of Offenders Staff Responsible for Risk Screening PREA Compliance Manager PREA Coordinator / Ombudsman Site Review Observations: Safe Prisons/PREA 24-Hour, E or Special Assessment, E-2 Safe Prisons/PREA Temporary Assessment, E-1 Findings (By Provision): 115.41 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states that all offenders shall be assessed during intake, and if transferred to another unit for permanent assignment, to determine the risk of being sexually abused by or sexually abusive toward other offenders. Intake screening shall take place within 24 hours of arrival at the unit in accordance with the SPPOM. Assignments shall be made through the collaborative efforts of intake staff, the USPPM, and medical and mental health services by using objective screening instruments. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the intake screening shall include, at a minimum, the following criteria to assess offenders for risk of sexual victimization: • Any mental, physical, or developmental disability; • Age of offender; • Physical build of offender; • Prior incarcerations; • Whether criminal history is exclusively nonviolent; • Prior convictions for sex offenses against an adult or child; • Perception of the offender as gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; • Previous sexual victimization; and • Offender’s own perception of vulnerability.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the TDCJ, in assessing offenders for risk of being sexually abusive.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states after completion of the screening instrument, the USPPM shall forward a copy to the intake coordinator for intake facilities, and the original shall be provided to the unit classification department for review.

The facility provided the Auditor with the *SPPANS Assessment User Guide*. The guide demonstrates areas completed in the database assessment, the following questions are asked of each offender, within 24 hours of intake:

- *Offender TDCJ#; Ethnicity; Gender; Height; Weight; Age*
- *File review:*
    - *Prior incarcerations*
    - *Prior sexual Offense - was it against an adult or child.*
    - *Criminal History is exclusively non-violent.*
    - *Evidence suggesting offenders have a history of prior institutional sexual victimization.*
    - *Evidence suggesting the offender has a history of prior institutional violence or sexual abuse.*
- *Completed Safe Prisons/ PREA education during current incarceration.*
- *History of sexual abuse:*
    - *Prior to incarceration have you ever experienced sexual victimization*
    - *Engaged in sexual activity with another because you believed you would be harmed if you refused.*
    - *Been forced or coerced to engage in sexual activity for protection or otherwise.*
    - *Engaged in non-coerced (willing) sexual activity with Staff or Offender?*
    - *Was abuse reported.*
    - *Forced another offender by violence, threats, or promise to provide protection to engage in sexual acts?*
    - *Been disciplined in any other institution for sexual abuse or sexual harassment of another offender?*
- *Do you have any mental, physical, or developmental disabilities?*
- *Do you feel at risk from sexual abuse, sexual harassment, or other forms of victimization?*
- *How do you wish to identify?*
- *Do you identify as Transgender or Intersex?*

115.41 (b) – Luther Unit reported in the PAQ the number of offenders entering the facility (either through intake or transfer) within the past twelve months (whose length of stay in the facility was for 72 hours or more) who were screened for risk of sexual victimization or risk of sexually abusing other offenders with 72 hours of their entry into the facility was 1,007, 100% of offenders.

The Auditor requested an up-to-date offender roster, which provides a list of all offenders currently at the facility and is organized by housing unit, provides offender characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were selected under the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.*

Eighteen of the twenty-eight offenders interviewed arrived at the facility twelve months or longer, therefore this interview question was not posed to them. Of the remaining ten offenders interviewed, all ten offenders recalled the initial risk assessment interview and eight of the ten offenders confirmed receiving the second risk assessment interview occurring with a member of Safe Prisons Staff within a few weeks after the initial assessment.

115.41 (c-e) – Luther Unit PAQ states the facility conducts risk assessments by using an objective screening instrument. Risk screenings are completed in the Safe Prisons/ PREA Automated Network System (SPPANS) Assessments database using the *Safe Prisons/PREA 24-Hour, E or Special Assessment, E-2.*

This assessment documents the following:

- *File Review*
  - *Unit of Assessment/Receive Date/Screening Date*
  - *Inmate Name/TDCJ#*
  - *File Review*
  - *Prior Incarcerations (verify)*
  - *Current or Prior Sexual Offense Convictions (verify) Was it against Child/Adult*
  - *Prior Violent Offense Convictions (verity)*
  - *Evidence suggesting an inmate has a history of prior institutional sexual victimization.*
  - *Evidence suggesting inmate has history of prior institutional violence or sexual abuse.*

- *Is the inmate currently assigned to Safekeeping or Protective Safekeeping? (verify)*
- *Completed Safe Prisons/PREA education during current incarceration.*

- *History of Sexual Abuse*
  - *Prior to incarceration have you ever experienced sexual victimization?*

- *While in a juvenile facility, county jail, or prison facility, have you ever:*
  - *Engaged in sexual activity with another because you believed you would be harmed if you refused?*
  - *Been forced or coerced to engage in sexual activity for protection or otherwise?*
  - *Engaged in non-coerced (willing) sexual activity with Staff or Inmate?*

- *Was the abuse reported to facility authorities or law enforcement?*
  - *Was the assault at a TDCJ or contracted facility?*
  - *Was the assault after 01/01/2020?*

- *Find the investigation in SPPANS and enter the investigation ID here:*
  - *Does the inmate want to be referred to a representative from mental health?*
  - *Forced another inmate by violence, threats or promise to provide protection to engage in sexual acts?*
  - *Been disciplined in any other institution for sexual abuse or sexual harassment of another inmate (verify)*
  - *Do you have any mental, physical, or developmental disabilities?*
  - *For Mental or Developmental, refer the inmate to mental health department. For Physical, refer the inmate to the medical department.*
  - *Do you feel at risk from sexual abuse, sexual harassment, or other forms of victimization?*

- *Why does the inmate feel at risk? (record response below)*
  - *How do you wish to identify? Heterosexual, Bisexual Gay, Lesbian*
  - *Do you identify as Transgender or Intersex?*

- *Observation: Does the inmate display characteristics or demeanor of the opposite sex or appear gender non-conforming?*
- *If the inmate answered "Yes" to identifying as "Intersex" or "Transgender," or is perceived to be gender non-conforming, complete, and forward a referral to Mental Health*

- *Has the inmate received the Heat/Cold, Safe Prisons/PREA and Suicide Prevention informational flyer?*

- *Was an interpreter required?*

The Auditor conducted an interview with the PREA Compliance Manager (Safe Prisons/ PREA Manager) regarding the responsibility to conduct screenings for risk of victimization and abusiveness. The PREA Compliance Manager provided the Auditor with a complete overview of the offender classification process and the offender risk screening process to include how all offenders are screened within 72 hours (or less) of their arrival at the facility. The PREA Compliance Manager also confirmed all interviews are conducted privately and the interviews include the classification and risk assessment process, program opportunities, qualifications for job assignments, and educational opportunities.

115.41 (f) – Texas Department of Criminal Justice Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states within a period not to exceed 30 days from the offender's arrival at an intake facility, the offender shall be reassessed for risk of victimization or abusiveness following receipt of any additional or relevant information is received by TDCJ.

The Auditor reviewed forty-three *72-Hour Assessment & Special Assessment* forms completed during the auditing period. The initial risk assessments and reassessments reviewed included offenders who disclosed prior sexual victimization, length at facility, and offenders that disclosed sexual orientation as gay or bisexual, offenders who reported an allegation of sexual abuse, and offenders from the random and targeted interviews. Each file contained the initial risk screening form as well as the 30-day reassessment form; all were filled out completely and in accordance with the facility's policy.

	The Auditor conducted interviews with offenders who disclosed prior sexual victimization during intake and inquired to each offender if he was offered the opportunity to meet with a medical or mental health care practitioner during the risk screening process. Each offender confirmed being offered the services with mental health staff, and all four offenders declined the services with mental health, explaining such services were not necessary. The Auditor confirmed the information provided by each offender during her review of documentation and offender files. 115.41 (g) – Texas Department of Criminal Justice Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an offender's risk level shall be reassessed following a referral, request, and incident of sexual abuse or receipt of any additional information that may affect the offender's risk of sexual victimization or abusiveness. 115.41 (h) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders will not be disciplined for refusing to answer, or for not disclosing complete information in response to the questions asked during the risk screening. The Auditor inquired to the PREA Compliance Manager what actions are taken against offenders who refuse to cooperate or answer the questions in the risk screening process. The PREA Compliance Manager responded that offenders are not required to provide answers, if an offender refuses to answer, another staff member will conduct a follow-up interview. The PREA Compliance Manager confirmed that offenders are not disciplined for refusing to cooperate or answer the questions in the risk screening process. 115.41 (i) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff shall use appropriate controls to disseminate responses to the questions asked pursuant to risk screenings to ensure privacy of sensitive information is not exploited to the detriment of any offender by staff or other offenders. The Auditor inquired with the PREA Compliance Manager how the facility protects such sensitive information. The PREA Compliance Manager confirmed access to such information is strictly limited and any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, to assist with making treatment plans and informed management decisions (housing, bed, work, education, and program assignments).

	The Auditor inquired to the PREA Ombudsman how the facility protects sensitive information, in particular an offender's risk assessment. The PREA Ombudsman explained how the risk assessments are maintained electronically, in a secure program, and only Classification staff, Safe Prisons Staff, and the Facility Warden have access to the risk assessments. Upon review of the policies, on-site file, and documentation review, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.42	**Use of screening information**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 03.01, *Offender Assessment Screening* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Offender Risk Assessment Interviews conducted with: PREA Compliance Manager Staff Responsible for Risk Screening Non-heterosexual inmates Site Observation: Offender initial risk assessment & reassessment

Findings (By Provision):

115.42 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the Unit Classification Committee (UCC) shall use information from the risk-screening document to make housing, bed, work, education, and program assignments with the goal of separating offenders at high risk of being sexually victimized from offenders at high risk of being sexually abusive.

The Auditor conducted an interview with PREA Compliance Manager regarding the responsibility to conduct screenings for risk of victimization and abusiveness. The PREA Compliance Manager provided the Auditor with a complete overview of the offender classification process and the offender risk screening process to include how all offenders are screened within 72 hours (or less) of their arrival at the facility. The PREA Compliance Manager explained how the facility uses the information obtained from the risk screening assessment interviews to determine housing assignment for each offender, which is done strictly on a case-by-case basis.

115.42 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the committee shall make individualized determinations regarding how to ensure the safety of each offender.

The Auditor requested an up-to-date offender roster for gay or bisexual offenders to conducted targeted offender interviews. All other offender interviews were conducted with the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Offenders.*

The Auditor conducted interviews with offenders who identified as gay or bisexual. The offenders were questioned whether they were placed in a housing area only for gay or bisexual offenders. Each offender acknowledged being housed in a general population housing area for all offenders of the same level of classification. Documentation reviewed by the Auditor indicated each offender interviewed was housed according to their security custody level and in accordance with TDCJ policy.

115.42 (c) – This provision is no longer applicable to a compliance finding.

115.42 (d) – This provision is no longer applicable to a compliance finding.

	115.42 (e) – This provision is no longer applicable to a compliance finding. 115.42 (f) – This provision is no longer applicable to a compliance finding. 115.42 (g) – This provision is no longer applicable to a compliance finding. Upon review of the policies and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.43	**Protective Custody**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Procedure *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Protective Safekeeping Plan Texas Department of Criminal Justice Restrictive Housing Plan Interviews conducted with: Facility Warden Staff who supervise Offenders in Segregated Housing Findings (By Provision): 115.43 (a) – Texas Department of Criminal Justice Procedure *Safe Prisons/PREA Plan* states offenders at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all other available alternatives has been made

	and it is determined that there are no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary segregated housing while completing the assessment, for no longer than 24 hours. The Auditor conducted an interview with the Facility Warden regarding offenders at high risk of victimization. The Facility Warden explained offenders who are at a high risk of sexual victimization will be placed in protective safekeeping until an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary safekeeping while completing the assessment, for no longer than 24 hours. The incident is reviewed as soon as possible, and the offender will be released from segregation as soon as it can be determined that the offender is no longer in imminent danger, or as soon as alternative means of separation from an alleged abuser can be arranged. 115.43 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders placed in protective safekeeping for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the unit restricts access to programs, privileges, education, or work opportunities, the unit shall document the opportunities that have been limited, the duration of the limitations, and the reasons for the limitations. The Auditor conducted an interview with a Facility Staff Member who supervises offenders in segregated housing. The Auditor inquired to the Facility Staff Member if an offender is placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, what restrictions are placed on the offender. The Facility Staff Member articulated that offenders placed in safekeeping do not have restrictions and retain the same privileges as offenders in general population housing, to include participating in programs and education opportunities. The Facility Staff Member explained if an offender has restrictions placed on him/her it would be a result of behavior or actions, and such action (being placed on restrictions) would require documentation explaining what has been restricted, duration of restriction, and reasons for initiating the restriction. During the twelve months prior to the audit, the facility reported in the PAQ there were no offenders at risk of sexual victimization being assigned to involuntary segregated housing. During the on-site phase of the audit, the Auditor interviewed the Classification Supervisor and the PREA Compliance Manager and both confirmed the information previously provided by the facility in the PAQ. Therefore, offenders in

	this targeted category were not interviewed. 115.43 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states every 30 days, the unit shall conduct a review to determine if there is a continuing need for separation of the offender from the general population. 115.43 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if a protective safekeeping housing assignment is made, the unit shall clearly document the basis of the concern for the offender's safety and the reason why no alternative means of separation can be arranged. 115.43 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states every 30 days, the unit shall conduct a review to determine if there is a continuing need for separation of the offender from the general population. Upon review of the policy and documentation provided and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.51	**Inmate reporting**
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Offender Orientation Handbook (English/ Spanish) Texas Department of Criminal Justice *End the Silence* Brochure (English/Spanish) Texas Department of Criminal Justice PREA Zero Tolerance Poster (English/Spanish) Interviews conducted with:

Random sample of Offenders

PREA Compliance Manager

Random sample of Staff

Site Observations:

PREA informational signage

TDCJ *End the Silence* Brochure

Findings (By Provision):

115.51 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders shall be provided multiple internal methods to privately report sexual abuse, sexual harassment, and other acts of aggression including but not limited to, extortion and violence. Offenders may report allegations directly to the Major, the Office of the Inspector General, or the PREA Ombudsman. Reports to the PREA Ombudsman may be made confidentially. Offenders may remain anonymous upon request when reporting allegations of sexual abuse and sexual harassment to the PREA Ombudsman.

Texas Department of Criminal Justice Offender Orientation Handbook states in the event an offender feels pressured for sexual favor or to violate an institutional rule, the offender shall refuse to do the prohibited act and either:

- File a formal grievance;
- Contact either a ranking correctional officer, Classification Staff, the Warden, Chaplain, the Office of the Inspector General, or any staff member and request their help; or
- Contact a family member and urge them to call the PREA Ombudsman Office immediately.

Texas Department of Criminal Justice Offender Orientation Handbook provides direction on reporting complaints of sexual harassment or sexual abuse. Reporting methods include:

- File a formal grievance;
- Contact a ranking correctional officer;

- Contact a Classification Staff;
- Contact the Warden;
- Contact the Chaplain;
- Contact the Office of Inspector General;
- Contact any staff member with whom he feels comfortable enough to let them know and request their help; or
- Writing a family member and urging the family member to call the PREA Ombudsman Office immediately.

Texas Board of Criminal Justice PREA Ombudsman Office, *End the Silence* brochure provides offenders with addresses and phone numbers to the following entities:

- PREA Ombudsman Office
- Office of Inspector General (OIG)
- TDCJ Ombudsman Office
- TDCJ Parole Division Ombudsman

During the facility tour, the Auditor observed PREA Zero-tolerance informational signage and *End the Silence* brochures posted in all housing dormitories, offender educational and program buildings, in the religious programs / services building, and offender work areas. The PREA informational signage was posted in multiple languages.

The Auditor conducted informal interviews with offenders in the housing dormitories, various work assignments, and while touring the programs, educational, and vocational buildings. The Auditor inquired to each offender on the various PREA reporting methods available, and each offender confirmed reporting to any staff member, submitting a grievance, or utilizing an outside reporting method – writing the PREA Ombudsman or calling a family member or friend and request a report be submitted on their behalf.

During the informal interviews with offenders, the Auditor inquired on the use of the phones or tablets to contact a family member or friend; all offenders confirmed calls can be made on the designated dormitory phones or their individual tablet. Throughout the facility tour, multiple offenders utilized their tablets to demonstrate to the Auditor the step-by-step process to report a PREA incident either by sending an email to a Staff Member, or family member or utilizing the tablet to call a family member and request a report be filed on their behalf. Throughout each demonstration, multiple offenders confirmed to the Auditor the preference to utilizing the tablets for phone calls (with ear buds connected) as it provides the opportunity

for the phone call to be private and confidential.

The Auditor requested an up-to-date facility offender roster, organized by housing unit, and provides offender characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were selected under the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.*

The Auditor conducted twenty-eight offender interviews and inquired to each offender on the PREA reporting methods. All twenty-eight offenders acknowledged the multiple methods available for reporting an incident of sexual abuse or sexual harassment. Twenty of the twenty-eight offenders interviewed referred to notifying staff members, counselors, or family members as the most direct method to report or inquire about PREA information. All twenty-eight offenders interviewed confirmed knowledge of third-party reporting and referred to contacting a family member, acquaintance, or the PREA Ombudsman as their source outside the facility. Twenty-five of the twenty-eight offenders interviewed were aware of the availability of submitting an anonymous PREA report.

115.51 (b) – Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* states employees may privately report sexual abuse and sexual harassment of offenders directly to the PREA Ombudsman, a unit OIG investigator, or the OIG Records Management Office.

115.51 (c) – The Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff shall accept reports made verbally, in writing, anonymously, and from third parties, and shall promptly document any verbal reports.

115.51 (d) – The Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states a method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders.

The Auditor-conducted interviews with random staff members and asked each staff member how an offender can privately report sexual abuse and sexual harassment or retaliation by other offenders or staff for previously reporting sexual abuse and sexual

	harassment. Each staff member interviewed was able to articulate the various methods an offender may privately report an allegation of sexual abuse or sexual harassment (family member, third party reporting, PREA Ombudsman). Staff members also explained that reports concerning sexual abuse or sexual harassment, whether reported verbally or in writing, are considered confidential and must be documented immediately. The Auditor conducted an interview with the PREA Compliance Manager to verify reporting methods for sexual abuse or sexual harassment allegations that are available for offenders and staff. The PREA Compliance Manager confirmed the multiple methods of reporting available for offenders and staff, these reports can be made either verbally, in writing, by a third party and may be done so in private or anonymously and all reports, no matter the method used to report, are confidential and handled promptly and professionally. The PREA Compliance Manager confirmed that the PREA Ombudsman office is the designated outside entity for offender reporting. Upon review of the policies, contracts, employee handbook, TDCJ offender handbook, and viewing of the PREA informational brochures and signs and upon completion of interviews conducted, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with and exceeds the PREA standard.

115.52	**Exhaustion of administrative remedies**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Offender Orientation Handbook Interviews conducted with:

	Offenders who reported sexual abuse Site Observation: Locations of Grievance mailboxes (and processing procedures) Findings (By Provision): 115.52 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the compliant and a grievance of this nature shall not be referred to a staff member who is the subject of the compliant. 115.52 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states there is no time limit on when an offender or a third party may initiate a grievance regarding allegations of sexual abuse. 115.52 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an offender who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the compliant and a grievance of this nature shall not be referred to a staff member who is the subject of the compliant. 115.52 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states a final decision shall be made on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. Computation of the 90-day time period shall not include time used by offenders for preparing for an administrative appeal. If the 90-day time period is insufficient to make an appropriate decision, an extension of up to 70 days may be granted. The offender shall be notified in writing of the extension and a date by which the decision will be made. The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender if the facility notified him of the final decisions made regarding the allegation and if such notification was in writing. The offender confirmed to the Auditor he was notified by staff of the case disposition, both verbally and in writing. The Auditor verified the notifications while reviewing the investigative files and the offender notification contained the date, case disposition, and offender signature.

	115.52 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states, third parties, including fellow offenders, staff members, family members, attorneys, and advocates, shall be permitted to assist offenders in filing requests for administrative remedies relating to an allegation of sexual abuse, and shall also be permitted to file these requests on behalf of offenders. 115.52 (f) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an emergency grievance alleging substantial risk of imminent sexual abuse shall be filed and managed in accordance with the TDCJ Offender Grievance Operations Manual. When receiving an emergency grievance is received, any portion that alleges the substantial risk of imminent sexual abuse shall be forwarded to a level of review for immediate corrective action. An initial response shall be provided within 48 hours of receipt, and a final decision rendered within five calendar days. The initial response and final decision shall document whether the offender is at substantial risk of imminent sexual abuse and the action taken. 115.52 (g) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an offender may be disciplined for filing a grievance related to alleged sexual abuse only when the investigation determines the offender filed the grievance in bad faith. The Auditor reviewed the Texas Department of Criminal Justice Offender Handbook and confirmed the handbook contains information about the grievance process to include explanation of the two types of grievance, informal and formal. The handbook informs offenders that additional and more detailed grievance information is covered during orientation. Upon review of policies, documentation, case files, and of the TDCJ Offender Handbook, and upon completion of interviews conducted, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.53	**Inmate access to outside confidential support services**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review:

	Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice correspondence w/ local crisis centers Texas Department of Criminal Justice Safe Prisons/PREA Operations Manual 02.03, *Postings & Brochures* Texas Department of Criminal Justice Board Policy 03.91, *Uniform Offender Correspondence Rules* Texas Department of Criminal Justice Offender Orientation Handbook (English/ Spanish) Texas Department of Criminal Justice *End the Silence* Brochure (English/Spanish) Texas Department of Criminal Justice PREA Zero Tolerance Poster (English/Spanish) Interviews conducted with: Random sample of Offenders Offenders who reported sexual abuse Site Review Observations: PREA informational signage TDCJ *End the Silence* Brochure Findings (By Provision): 115.53 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders shall be provided access to victim advocates for emotional support services related to sexual abuse by providing mailing address and telephone numbers. The unit shall enable reasonable communication between offenders and these organizations. The Auditor requested an up-to-date offender roster, organized by housing unit, which provides characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were selected under the guidance of the National

PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.*

The Auditor inquired to each offender interviewed, if needed, are services available outside of the facility for dealing with sexual abuse. Twenty-two of the twenty-eight offenders interviewed confirmed being provided such information during the comprehensive PREA orientation as well as informational posters being displayed throughout the housing units and the Texas Association Against Sexual Assault (TAASA) resources located in the inmate law library. The PREA Compliance Manager utilizes offender artists to paint PREA informational signs and victim advocacy information throughout the facility.

During the facility tour, the Auditor conducted informal interviews with offenders in the housing dormitories and in various work assignments, and while touring the programs and educational buildings. Throughout the tour, the Auditor noted PREA informational posters and Sexual Abuse Awareness Brochures displayed in all the above areas and buildings. During informal interviews with offenders, the Auditor was provided with a demonstration of the offender tablets by several offenders. Each offender demonstrated to the Auditor that PREA information is readily available on the tablet as well as the ability for offenders to make phone calls.

115.53 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders shall be informed, prior to giving them access, of the extent to which these communications will be monitored and the extent of which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

115.53 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse shall receive timely, unimpeded access to emergency treatment and crisis intervention services. Attempts shall be made to make a victim advocate from a rape crisis center available to the offender victim first, however if one is not available, the unit shall make a qualified staff member from a community-based organization or a qualified TDCJ staff member available. The victim advocate or qualified TDCJ staff member, or qualified community-based organization staff member shall:

- Accompany and support the victim through the forensic medical examination process and investigatory interviews.
- Provide emotional support, crisis intervention, information, and referrals; and
- Not delay or otherwise impede the screening or stabilization of an emergency medical condition.

	The Auditor reviewed the Texas Department of Criminal Justice Offender Orientation Handbook. The TDCJ Offender Handbook provides information regarding victim advocacy services for offenders and all information provided will be kept confidential, except information that requires mandatory reporting. In addition, the Auditor reviewed documentation which included, communication between TDCJ and local rape crisis centers (attempts for an MOU), the TDCJ Sexual Assault Offender Victim Representative training curriculum, and verification of attendance by facility staff member designated as an Inmate Victim Representative (IVR). The Auditor conducted an interview with a staff member designated as Inmate Victim Representative (IVR). The staff member confirmed the designation of victim advocate at Luther Unit and received the required advocacy training. The staff member confirmed the services an IVR would provide include emotional support services, accompaniment to forensic exams and investigatory interviews, crisis intervention, and provide referrals and resources for continued follow-up emotional support services. The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, after reporting, did the facility allow him to contact anyone. The offender confirmed to the Auditor, after reporting the incident, he was able to meet with a contracted Medical and Mental Health staff member and that Medical staff informed him of the additional services available from an Inmate Victim Representative (IVR); the offender declined the need for the services from the IVR. During the Auditors review of documentation and investigative files, she confirmed the information provided during the offender interviews. Upon review of the policies and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.54	**Third-party reporting**
	Auditor Overall Determination: Exceeds Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ

	Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Offender Orientation Handbook (multiple languages) Texas Department of Criminal Justice Website https://www.tdcj.texas.gov/divisions/arr-m/prea_audits.html Texas Department of Criminal Justice PREA Zero Tolerance Poster (English / Spanish) Interviews conducted with: Random sample of Offenders Site Review Observation: PREA informational signage Findings (By Provision): 115.54 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders may report incidents of sexual abuse or sexual harassment by having a family member, friend, or other member of the public submit a third- party grievance. Texas Department of Criminal Justice publishes agency policy regarding the referral of allegations of sexual abuse or sexual harassment for criminal investigation on the agency website https://www.tdcj.texas.gov/divisions/arrm/prea_audits.html The Auditor requested an updated offender roster, organized by housing unit, provides offender characteristics such as age, gender, race, ethnicity, date received at facility, tentative release date, program assignments, work assignments, classification level, security level, gang affiliation, and housing assignment. This allowed the Auditor to accurately select a random representation of offenders for the interview process. All offenders selected for interviews were selected under the guidance of the National PREA Resource Center, *PREA Compliance Audit Instrument - Interview Guide for Inmates.* The Auditor conducted twenty-eight offender interviews and inquired if each offender

	had received PREA education upon arrival at the facility. All twenty-eight offenders interviewed recalled receiving both the initial PREA orientation and the comprehensive (video) orientation. All offenders interviewed acknowledged the zero-tolerance policy on sexual abuse sexual harassment and the various ways to report such incidents. When questioned about third party reporting, all twenty-eight offenders interviewed acknowledged how to submit a third-party report (ask a family member or friend to submit a report or contact the PREA Ombudsman). In addition, several of the offenders referred to the informational bulletin posters throughout the facility, which contains directions on how to submit a third-party report. During the pre-on-site phase of the audit, the Auditor visited the agency's website and confirmed the availability for the public to submit a report of sexual abuse or sexual harassment on behalf of an offender. The report may also be submitted anonymously. Upon review of the policies and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the requirements that complies with and exceeds the PREA standard.

115.61	**Staff and agency reporting duties**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Random sample of Staff Medical / Mental Health Staff Facility Warden

Site Observations:

Staff reporting documentation of offender information, incident reports and investigations being completed in the facility database demonstrated reports of allegation are addressed timely. All investigations reviewed were completed in the agency SPPANS database.

Findings (By Provision):

115.61 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all staff members shall immediately report, according to TDCJ policy, any knowledge suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against offenders or staff who reported an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states a method shall be provided for staff to privately report sexual abuse and sexual harassment of offenders. Staff shall accept reports made verbally; in writing, including by letter, Inmate Request to Official (I-60), sick call form, or a grievance submitted through the grievance process; anonymously; and from third parties. All verbal reports shall be promptly documented.

The Auditor conducted interviews with a random sample of staff members. Each staff member interviewed articulated the agency's zero tolerance policy on sexual abuse and sexual harassment, their role and responsibilities regarding sexual abuse and sexual harassment prevention, detection, reporting, and response, how to communicate effectively and professionally with offenders, and an offender right to be free from sexual abuse and sexual harassment. Staff members also acknowledged that reports concerning sexual abuse or sexual harassment, whether reported verbally or in writing, are considered confidential and must be documented immediately.

115.61 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff will not reveal any information related to the sexual abuse report to anyone other than designated supervisors or officials, and only to the extent necessary to make informed treatment, investigative, security, and management decisions.

	115.61 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states unless otherwise precluded by federal, state, or local law, and at the initiation of services, medical and mental health practitioners shall be required to report sexual abuse, and to inform offenders of the practitioner's duty to report, as well as the limitations of confidentiality. The Auditor conducted interviews with Medical and Mental Health Staff regarding responsibilities to disclose to offenders the confidentiality limitations and reporting incidents of sexual abuse or sexual harassment. Each Medical and Mental Health Staff member articulated in detail step-by- step process when reporting incidents of sexual abuse or sexual harassment as well as expressed the requirement to report such incidents immediately. Each Medical and Mental Health Staff member acknowledged disclosing the confidentiality limitation prior to the initiation of services with any offender. The Auditor inquired if any offenders had reported an incident of sexual abuse or harassment during the past twelve months and both the medical staff member as well as the mental health staff member confirmed receiving such reports and immediately reported the allegation in accordance with agency policy. 115.61 (d) – The Luther Unit does not house offenders under the age of 18 nor offenders who are considered vulnerable adults. 115.61 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states investigations of sexual abuse, threatened sexual abuse, and sexual harassment shall be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The Auditor inquired to the Facility Warden are allegations of sexual abuse and sexual harassment, to include third party and anonymous sources, reported to designated facility investigators. The Facility Warden indicated all allegations of sexual abuse and sexual harassment, no matter the origin of reporting, are reported directly to the designated facility investigators and the Office of the Inspector General. Upon review of the policies and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.62	**Agency protection duties**

	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Agency Head Facility Warden Random sample of Staff Findings (By Provision): 115.62 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all staff members shall immediately report, according to TDCJ policy, any knowledge suspicion, or information regarding an incident of sexual abuse or sexual harassment, retaliation against offenders or staff who reported an incident, and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Texas Department of Criminal Justice Procedure *Safe Prisons/PREA Plan* states offenders at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary segregated housing while completing the assessment, for no longer than 24 hours. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if a protective safekeeping housing assignment is made, the unit shall clearly document the basis of the concern for the offender's safety and the reason why no alternative means of separation can be arranged. During the twelve months prior to the audit, the facility reported in the PAQ there

	were no offenders at risk of imminent sexual abuse. During the on-site phase of the audit, the Auditor interviewed the Classification Supervisor, PREA Compliance Managers and the Facility Warden and each confirmed the information previously reported in the PAQ. The Auditor conducted interviews with random staff members and inquired about his/her actions if they received information that an offender was at imminent risk of sexual abuse. Each staff member articulated the agency's response protocol to receiving such information and all staff members interviewed confirmed the priority is ensuring the safety of the offender. Staff indicated they would safeguard the offender and immediately notify their supervisor to investigate the threat to the offender and to find safe housing for the offender. The Auditor conducted an interview with the Facility Warden and inquired as to what action is taken upon learning an offender is subject to a substantial risk of imminent sexual abuse. The Facility Warden informed the Auditor that once a staff member receives information that an offender may be at risk for sexual abuse, that offender is immediately removed from the area. The offender victim’s housing preference is considered, however the decision on his/her ultimate placement is driven by the need for protection from possible abuse and/or retaliation. The Auditor conducted an interview with the Agency Head regarding what action is taken upon learning that an offender is subject to a substantial risk of imminent sexual abuse. The Agency Head stated if an offender is at risk of imminent sexual abuse the first thing staff will be responsible for separating the victim from the potential abuser. The potential victim will be given the opportunity to speak with a staff member regarding the situation as well as Medical and Mental Health. If necessary, a housing change or facility transfer may be required for that offender. The offender may also request to be reviewed for placement in Protective Safekeeping custody level. Upon review of the policy, observations made during the on-site facility tour, and upon completion of the interviews with staff, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.63	**Reporting to other confinement facilities**
	Auditor Overall Determination: Meets Standard

	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Agency Head Facility Warden Findings (By Provision): 115.63 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states after receiving an allegation that an offender was sexually abused while confined at another facility, such as a county jail or out of state facility, the individual taking the initial report shall immediately notify the Unit Safe Prisons/PREA Compliance Manager (USPPM). 115.63 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states USPPM shall provide the Safe Prisons/PREA Management Office (SPPMO) with the details of the alleged incident so the SPPMO may initiate notification to the appropriate office of the outside agency where the alleged abuse occurred. Notification to the appropriate agency shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. The SPPMO shall document the notification. 115.63 (c) – In the twelve months prior to the audit, no allegations were received from a Luther Unit offender alleging sexual abuse while confined at another facility. 115.63 (d) – In the twelve months prior to the audit, Luther Unit reported receiving two allegations of sexual abuse from another facility. During the Auditor's review of investigation files, she was able to confirm the Warden-to-Warden notifications were completed within the 72-hour timeframe as required by the provision and with TDCJ policy.

	The Auditor conducted an interview with the Facility Warden and asked what the process is when your facility receives an allegation from another facility or agency that an incident of sexual abuse or sexual harassment occurred at the facility. The Facility Warden explained the facility, which houses the alleged victim, handles protective measures, and notification would be made to the Office of the Inspector General and the PREA Ombudsman for investigation. The Auditor conducted an interview with the Agency Head and inquired if another agency or facility refers an allegation of sexual abuse that occurred within one of your facilities if there is a designated point of contact. The Agency Head explained that the point of contact for all sexual abuse related incidents is either the Office of the Inspector General or the PREA Ombudsman for investigation. Upon review of the policy, documentation, and investigative files, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.64	**Staff first responder duties**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Staff PREA Training Curriculum Texas Department of Criminal Justice Luther Unit Training Roster / Staff Signatures Interviews conducted with: Security Staff / Non-Security Staff First Responders Random sample of Staff Offenders who reported sexual abuse

Findings (By Provision):

115.64 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states upon learning of an allegation that an offender was sexually abused, the first correctional officers to responding to the report shall:

- Separate the alleged victim and assailant;
- Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect evidence;
- Request that the alleged victim not take any actions that could destroy physical evidence, including washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence;
- Request that the alleged abuser not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; If the abuse occurred within a time period that still allows for the collection of physical evidence,
- If the first responder is not a security staff member, request that the alleged victim not take any action that could destroy physical evidence, and then notify a correctional officer.

The Auditor conducted random and targeted staff interviews regarding his/her role as a First Responder to an allegation of sexual abuse. The Staff Members interviewed provided specific details of his/her responsibilities as a First Responder to include separating the victim and abuser, preserving, and protecting the crime scene, requesting that the alleged victim not take any actions that could destroy physical evidence, ensuring the alleged abuser does not take any actions, which would destroy physical evidence, and to immediately notify Medical and Mental Health and an immediate Supervisor.

In addition, each Staff Member acknowledged the importance of the agency's response protocol to a sexual abuse allegation as well as his or her role as a First Responder. Each Staff Member interviewed articulated in detail the responsibilities of a First Responder and the importance of his/her responsibility when responding to an incident of sexual abuse or sexual harassment as well as the importance of ensuring the victim is safe.

115.64 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if the first staff responder is not a correctional officer, the responder shall be required to request that the alleged victim not take any actions that could destroy physical

	evidence and shall immediately notify a correctional officer. The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, after reporting the incident, how did the facility respond and what did staff do when they first arrived at the scene. The offender confirmed to the Auditor that upon notifying staff of the allegation, staff members responded immediately, taking the allegation seriously, moving him to a safe, secure location, interviewed (took statement) by a shift supervisor, and escorted him to medical for treatment and evaluation. The offender confirmed being offered victim advocacy services and information on mental health follow-up services if such services were warranted. The Auditor confirmed the information described by the offender during her review of the investigation files and documentation provided by the facility. Upon review of the policy, documentation, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.65	**Coordinated response**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Safe Prisons/PREA Program, *Luther Unit Sexual Abuse Coordinated Response Plan* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Facility Warden Findings (By Provision):

115.65 (a) – Texas Department of Criminal Justice *Luther Unit Sexual Abuse Coordinated Response Plan* outlines the facility's written plan to coordinate actions taken in response to an incident of sexual abuse. Any employee who has knowledge of or receives information, written or verbal (firsthand or third party) regarding the fear of, coercion into, or actual sexual abuse, sexual battery, staff sexual misconduct, or sexual harassment will immediately notify the Shift Supervisor or the Chief of Security, who will then take immediate steps to evaluate the offender's concern/ allegation.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states upon learning of an allegation that an offender was sexually abused, the first correctional officers to responding to the report shall:

- Separate the alleged victim and assailant;
- Preserve and protect the crime scene, if applicable, until appropriate steps can be taken to collect evidence;
- Request that the alleged victim not take any actions that could destroy physical evidence, including washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence;
- Request that the alleged abuser not take any actions that could destroy physical evidence, including but not limited to, washing, bathing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating; If the abuse occurred within a time period that still allows for the collection of physical evidence,
- If the first responder is not a security staff member, request that the alleged victim not take any action that could destroy physical evidence, and then notify a correctional officer.

The Auditor established, from a thorough review of TDCJ policy, that investigators assigned to the Office of the Inspector General's office follow the United States Department of Justice, *A National Protocol for Sexual Assault Medical Forensic Examinations* a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceeding and criminal prosecutions.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse shall receive timely, unimpeded access to emergency treatment and crisis intervention services. Attempts shall be made to make a victim advocate from a rape crisis center available to the offender victim first, however if one is not available, the unit shall make a qualified staff member from a community-based organization or a qualified TDCJ staff member available. The victim advocate or qualified TDCJ staff member, or qualified community-based organization staff member shall:

	• Accompany and support the victim through the forensic medical examination process and investigatory interviews; • Provide emotional support, crisis intervention, information, and referrals; and • Not delay or otherwise impede the screening or stabilization of an emergency medical condition. The Auditor reviewed *Luther Unit PREA Coordinated Response Plan*. The plan is detailed, provides systematic instructions, and outlines the roles and responsibilities for all staff responding to an incident of sexual abuse. The Auditor conducted an interview with the Facility Warden and inquired as to the implementation of the *Luther Unit Sexual Abuse Coordinated Response Plan*. The Facility Warden provided a detailed description of the response plan and each staff member's responsibility when responding to an allegation of sexual abuse. Upon review of the policies and upon completion of interviews, the Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.66	**Preservation of ability to protect inmates from contact with abusers**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion
	Document Review: Luther Unit PAQ Interviews conducted with: Agency Head Findings (By Provision):

	115.66 (a) – Texas Department of Criminal Justice does not have a collective bargaining agreement. The Auditor verified that the TDCJ and the facility does not engage in collective bargaining during interviews with the Facility Warden, the PREA Ombudsman, and Agency Head. Upon review of the policies and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.67	**Agency protection against retaliation**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Designated Member Charged with Monitoring Retaliation Offenders who reported sexual abuse Facility Warden Agency Head On Site Observation: Investigation file review Findings (By Provision):

115.67 (a) – Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* states the TDCJ has zero tolerance for sexual misconduct, sexual abuse, and sexual harassment of offenders. An employee is prohibited from subjecting another employee, offender, or other individual to harassment or retaliation for reporting or cooperating with an investigation of alleged sexual misconduct with offenders.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders and staff who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliations by other offenders or staff. The Unit Safe Prison/PREA Compliance Manager shall monitor for incidents of retaliation.

115.67 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states as appropriate, multiple protective measures may be taken, such as housing changes or transfers for offender victims or abusers, removal of alleged staff or offender abusers from contact with victims, and emotional support services for offender or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

115.67 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states for at least 90 days, following a report of sexual abuse, the Unit Safe Prisons/PREA Compliance Manager (USPPM) shall monitor and document the conduct and treatment of offenders or staff who reported the sexual abuse, for changes that may indicate possible retaliation by offenders or staff, and shall act promptly to address any retaliation.

During the twelve months prior to the audit, the Luther Unit PAQ reflected there were no allegations of retaliation reported nor were there any offenders placed in segregated housing due to risk of sexual victimization. During interviews with the Facility Warden, PREA Compliance Manager and SAFE Prisons Staff, the Auditor confirmed there were no allegations of retaliation received during the twelve-month auditing period. Therefore, offenders in these targeted categories were not interviewed.

115.67 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the monitoring shall also include periodic status checks of offenders.

The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender if he feels protected against possible revenge from staff or inmates for reporting an incident of sexual abuse. The offender interviewed acknowledged feeling safe within the facility and if there was a need or concern, he would report to a SAFE Prisons staff member.

The Auditor reviewed eighteen sexual abuse investigative files and each file reviewed by the Auditor contained all the appropriate documentation, to include but not limited to monitoring for retaliation forms. Each monitoring for retaliation form was completed within the required timeframe, documented by the staff member conducting a face-to-face status check with the alleged offender victim, and documented any changes in the offender's assigned housing, programming, or job assignments as well as statements/comments by each offender.

115.67 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if any other individual who cooperates with an investigation expresses a fear of retaliation, the TDCJ shall take appropriate measures to protect that individual against retaliation. If the TDCJ investigation determines the allegation to be unfounded, the monitoring shall discontinue.

The Auditor conducted an interview with the Facility Staff Member designated with monitoring retaliation. The Staff Member articulated that to prevent retaliation against offenders and staff who report sexual abuse or harassment or those who cooperate with an investigation, the Staff Member would monitor those individuals for at least 90 days. The Staff Member reviews disciplinary reports, offender housing or transfers, and negative performance reviews of staff members. If a concern that potential retaliation might occur beyond the 90 days, the Staff Member would continue to monitor conduct and treatment until the issue or threat is resolved.

The Auditor conducted an interview with the Facility Warden and inquired on the different measures taken to protect offenders and staff from retaliation for reporting allegations of sexual abuse or sexual harassment. The Facility Warden confirmed the facility would take all necessary steps to protect any person who reports a sexual abuse / harassment incident from retaliation. The Facility Warden explained that housing changes or transfers of offenders, disciplinary action against staff members – including possible dismissal – or other means of removal of those who retaliate against someone who reports an allegation.

	The Auditor conducted an interview with the Agency Head and inquired how the agency protects offenders or staff from retaliation for sexual abuse or sexual harassment allegations. The Agency Head explained that facilities deploy numerous measures including housing, program, and work assignments changes. If warranted, an offender may be transferred to another facility to be protected from retaliation. All offenders who report sexual abuse are monitored for retaliation for at least 90 days. Staff members are required to monitor the offender with periodic status checks every 30 days to ensure they are not experiencing any additional problems. The Agency Head also explained that staff members would be afforded the opportunity to change posts or facilities to protect them from retaliation. They are also monitored for retaliation for at least 90 days following a report of sexual abuse or sexual harassment. The Auditor inquired to the Agency Head if an individual cooperates with an investigation expresses a fear of retaliation, what measures the agency take to protect that individual against retaliation. The Agency Head explained the same process previously described is utilized. If the individual is an offender, he may be afforded a housing change or transfer to another facility. That offender will also be subject to 90-day monitoring. If the individual is a staff member, they may be provided with the opportunity to change posts or institutions and will be subject to 90-day monitoring. Upon review of the policy, investigative files, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.68	**Post-allegation protective custody**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Procedure *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Protective Safekeeping Plan Texas Department of Criminal Justice Restrictive Housing Plan

Interviews conducted with:

Facility Warden

Staff who supervise offenders in Segregated Housing

Findings (By Provision):

115.68 (a) – Texas Department of Criminal Justice Procedure *Safe Prisons/PREA Plan* states offenders at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers. If the assessment cannot be completed immediately, the unit may hold the offender in involuntary segregated housing while completing the assessment, for no longer than 24 hours.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if a protective safekeeping housing assignment is made, the unit shall clearly document the basis of the concern for the offender's safety and the reason why no alternative means of separation can be arranged.

Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders placed in protective safekeeping for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the unit restricts access to programs, privileges, education, or work opportunities, the unit shall document the opportunities that have been limited, the duration of the limitations, and the reasons for the limitations. Every 30 days, the unit shall conduct a review to determine if there is a continuing need for separation of the offender from the general population.

The Auditor conducted an interview with a Facility Staff Member who supervises offenders in segregated housing. The Auditor inquired to the Facility Staff Member if an offender is placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, what restrictions are placed on the offender. The Facility Staff Member articulated those offenders placed in Protective Management (placed in segregated housing for protection) do not have restrictions and retain the same privileges as offenders in general population housing, to include participating in programs, education, and work opportunities. The Facility Staff Member explained if an offender has restrictions placed on him/her it would be a result of behavior or actions, and such action (being placed on restrictions) would require documentation

	explaining what has been restricted, duration of restriction, and reasons for initiating the restriction. According to the information provided in the PAQ, Luther Unit reported there were no offenders alleging sexual abuse assigned to involuntary segregated housing. Additionally, during the twelve months prior to the audit, the agency reported no allegations of retaliation were reported nor were there any offenders placed in segregated housing due to risk of sexual victimization. The Auditor was able to confirm the information provided in the PAQ during her review of the allegations / investigative case files and through interviews with specialized staff. The Auditor conducted an interview with the Facility Warden regarding offenders who alleged sexual abuse. Offenders who have made an allegation of sexual abuse and have stated that they are in fear for their safety will be placed in segregated housing (Safekeeping), either voluntarily or involuntarily, on a temporary basis until a review can be conducted to verify the extent of the danger. The incident is reviewed as soon as possible, and the offender will be released from segregation as soon as it can be determined that the offender is no longer in imminent danger, or as soon as alternative means of separation from an alleged abuser can be arranged. Upon review of the policy and documentation provided and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.71	**Criminal and administrative agency investigations**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice Board Policy 01.07, *Inspector General Policy Statement* Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Office of the Inspector General 03.72, *Record Retention – PREA*

Interviews conducted with:

Investigative Staff

Offenders who reported sexual abuse

Site Review Observations:

Investigative files (13)

Training files

Findings (By Provision):

115.71 (a) – Texas Department of Criminal Justice Board Policy 01.07, *Inspector General Policy Statement* outlines the legal authority and jurisdiction of the OIG as the primary investigating law enforcement agency for the TDCJ and criminal offenses on TDCJ property. In accordance with Texas Government Code § 493.019, the Office of the Inspector General (OIG) is the primary investigative and law enforcement entity of the TBCJ. The OIG reports directly and only to the Texas Board of Criminal Justice.

115.71 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states investigators shall receive training specific to conducting sexual abuse investigations in confinement settings as well as training on the Prison Rape Elimination Act (PREA) standards. Sergeants and above, including Security Threat Group correctional officers and Safe Prisons/PREA officers, shall receive training on conducting sexual abuse investigations in confinement settings. Training shall include:

- Techniques for interviewing sexual abuse victims;
- Sexual abuse evidence collection and handling; and
- Criteria and evidence required to substantiate an investigation.

115.71 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all allegations of sexual abuse shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. Investigations shall include, at a minimum, interviews with alleged victims, suspected assailants, and witnesses; a review of prior complaints and reports of sexual abuse involving the alleged assailant; review of video surveillance where available; and any evidence, including physical evidence.

	The Auditor interviewed an Investigator who confirmed attending and successful completion of the required specialized training. The Investigator clearly articulated the comprehensive training received which included investigating sexual harassment allegations, investigating sexual abuse allegations, understanding the impact of victim trauma, techniques for interviewing sexual abuse victims, preservation of crime scene and evidence collection, proper use of *Miranda* and *Garrity* and the importance of each, and criteria required for administrative action and prosecution referrals. The Investigator also confirmed agency policy requiring all criminal allegations of sexual abuse must be referred to the Office of the Inspector General. Additionally, the Investigator confirmed all OIG Investigators are certified peace officers, as authorized by Texas Code of Criminal Procedures, Article 2.12 and licensed by the Texas Commission on Law Enforcement (TCOLE). Additionally, the Auditor requested to the Investigator to provide an overview of the investigative process and the documentation required in a case when an allegation of sexual abuse or sexual harassment incident occurs within the facility. The Investigator explained upon receiving notification of a sexual assault incident, the investigation is initiated promptly and is completed thoroughly and objectively by a qualified investigator who has received training and education and has the authority to conduct such investigations. The Investigator explained the initial process includes conducting scene investigation, collecting evidence (biological or trace), photographs, interview staff, witnesses, review unit documentation pertaining to the investigation, and interviewing the victim – depending on emotional and physical state. 115.71 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states when the evidence supports criminal prosecution, OIG shall conduct compelled interviews only after consulting with prosecutors to ensure the interviews do not impede subsequent criminal prosecution. 115.71 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender who alleges sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of the allegation. The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, did the facility require him to submit to a polygraph test as a condition for proceeding with the investigation. The offender confirmed to the Auditor that no one required him to

complete a polygraph test as a condition of proceeding with the investigation.

115.71 (f) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the credibility of an alleged victim, assailant, or witness shall be assessed on an individual basis and not on the status as an offender or staff member. Staff shall document the description of physical and testimonial evidence in the body of the report, the reasoning behind credibility assessment, and investigative facts and findings.

115.71 (g) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states criminal investigations shall be documented in accordance with OIG policies and procedures.

115.71 (h) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states substantiated allegations of conduct that appear to be criminal shall be referred for prosecution in accordance with OIG policies and procedures.

115.71 (i) – Texas Department of Criminal Justice Office of the Inspector General 03.72, *Record Retention – PREA* states all administrative and criminal investigative reports involving any sexual assault related offenses, pursuant to a sexual battery investigation, as long as the alleged suspect is incarcerated, supervised, or employed by the agency plus five years.

115.71 (j) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the departure of the alleged assailant or victim from employment of the custody of the TDCJ shall not be the basis for terminating an investigation.

115.71 (k) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the requirements of evidence protocol and forensic medical examinations shall also apply to:

- Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or jails; and
- Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

	115.71 (l) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states Unit staff conducting OPIs shall cooperate with the OIG when applicable, to avoid interfering with possible criminal investigation related to the same incident. The Auditor reviewed seven allegations of sexual abuse and six allegations of sexual harassment. The sexual abuse allegations included six offender-on-offender allegations with five investigations closed as unsubstantiated and one investigation closed as unfounded. The remaining sexual abuse allegation reviewed was a staff-on-offender allegation with the investigation closed as unsubstantiated. The six sexual harassment allegations reviewed were offender-on-offender allegations with four investigations closed as unsubstantiated, one investigation closed as unfounded, and one investigation still pending. All investigations were selected and reviewed based upon the initial reporting method, the outcome or investigation status (closed or open), and the Auditor's requirement to review all the required steps and processes to verify compliance with multiple PREA Standards. Each investigation contained all documented reports for that specific incident, summary of the allegation, demographics of involved parties to include relevant criminal history and current sentence, photos of victim and alleged aggressor, medical documentation and notes, victim, witness, and aggressor statements, review of email and phone correspondence, IVR documentation – acceptance or refusal, a description of the physical and testimonial evidence, the reasoning behind credibility assessments and the investigative facts, findings, and investigative conclusion. Additionally, each completed report included an assessment as to whether staff actions or a failure to act on the part of staff contributed to the abuse. The Auditor reviewed each case thoroughly and systematically to ensure each investigation followed procedures, contained all required and completed documentation, and that all processes were followed in accordance with policy and the PREA standards. Upon review of the policies and documentation listed above, and upon completion of the interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.72	**Evidentiary standard for administrative investigations**
	Auditor Overall Determination: Meets Standard

	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Investigative Staff Findings (By Provision): 115.72 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states no standard higher than the preponderance of evidence shall be imposed in determining if allegations of sexual abuse or sexual harassment are substantiated. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states administrative investigations shall include an effort to determine if staff actions or inactions contributed to the abuse and be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings. Criminal investigations shall be documented in accordance with OIG policies and procedures. Substantiated allegations of conduct that appear to be criminal shall be referred for prosecution in accordance with OIG policies and procedures. The Auditor conducted an interview with an Investigator who provided the Auditor with a complete overview of the investigative process to include verifying specialized training credentials. The Investigator articulated the investigative process beginning with initial notification, investigation of the allegation, understanding the impact of victim trauma, techniques for interviewing sexual abuse victims, preservation of the crime scene and evidence collection, proper use of *Miranda* and *Garrity*, and criteria required for administrative action and prosecution referrals. The Auditor inquired to the Investigator what standard of evidence is required to substantiate allegations of sexual abuse or sexual harassment. The Investigator explained that the agency should impose no standard higher than a preponderance of the evidence. Upon review of the policy and upon completion of the interviews, Luther Unit demonstrated facility- wide practices that are consistent with policy and the

	requirements that complies with the PREA standard.

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Offenders who reported sexual abuse Investigative Staff Facility Warden Site Review Observations: Investigative Case Final Notifications Findings (By Provision): 115.73 (a, b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* outlines the Unit Safe Prisons/PREA Compliance Manager responsibilities to inform the alleged offender victim of sexual abuse when the criminal case outcomes or status changes occur. These changes include when the allegation has been determined to be substantiated, unsubstantiated, or unfounded, or the staff member or offender assailant has been indicted or convicted on a charge related to sexual abuse within TDCJ. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states unless the allegation is unfounded, following an offender's allegation that a staff member has committed sexual abuse against him/her, the Warden shall inform the offender whenever the staff member is no longer assigned to the facility or no longer

employed by TDCJ.

115.73 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if an offender is determined to have been a victim of staff-on-offender sexual abuse, the Assistant Warden shall inform the offender when:

- The staff member is no longer assigned to the offender's unit; or
- The staff member is no longer employed by the TDCJ.

If an offender is determined to have been a victim of staff-on-offender sexual abuse and the abuse is determined criminal, the SPPMO shall inform the offender when:

- The staff member has been indicted on a charge related to sexual abuse within the unit; or
- The staff member has been convicted on a charge related to sexual abuse within the unit.

115.73 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if an offender alleges to have been a victim of offender-on-offender sexual abuse, the SPPMO will subsequently inform the alleged victim when:

- The alleged assailant has been indicted on a charge related to sexual abuse within the unit; or
- The alleged assailant has been convicted on a charge related to sexual abuse within the unit.

115.73 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all offender notifications or attempted notifications shall be documented. The requirement to provide offender notification shall terminate if the offender is released from the custody of the TDCJ.

The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender if the facility notified him of the final decisions made regarding the allegation and if such notification was in writing. The offender confirmed to the Auditor he was notified by staff of the case disposition. The Auditor verified the notifications while reviewing the investigative files and the offender notification contained the date, case disposition, and offender signature.

	The Auditor inquired to the Investigator about the agency's notification procedures, to an alleged victim of sexual abuse, when the case is closed and whether the allegation has a final determination of substantiated, unsubstantiated, or unfounded. The Investigator confirmed such notifications were completed by the Safe Prison/PREA Compliance Manager or the Unit Classification Committee (UCC) and is documented upon completion. The Auditor conducted an interview with the Facility Warden and inquired regarding how the facility notifies an offender who makes an allegation of sexual abuse when the case is closed and a determination as to either substantiated, unsubstantiated, or unfounded. The Facility Warden confirmed that once the Office of Inspector General notifies the facility of the outcome of each criminal investigation, the Unit Safe Prison/ PREA Compliance Manager completes the offender notification process for administrative investigations. Upon review of the policies and upon completion of the interviews with specialized staff, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.76	**Disciplinary sanctions for staff**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Administrative (Human Resources) Staff Findings (By Provision): 115.76 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states termination shall be the presumptive disciplinary sanction for staff who have engaged

	in sexual abuse. Disciplinary sanctions for violations of TDCJ policies relating to sexual abuse or sexual harassment, that do not involve actual sexual abuse, shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. 115.76 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. 115.76 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states disciplinary sanctions for violations of TDCJ policies relating to sexual abuse or sexual harassment, that do not involve actual sexual abuse, shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. 115.76 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all terminations for violations of TDCJ sexual abuse and sexual harassment policies, or resignations in lieu of termination, shall be reported to the OIG, unless the activity was clearly not criminal, and to any relevant licensing bodies. The facility reported no staff violations, resignations prior to termination, or terminations for violating the agency's sexual abuse or sexual harassment polices during the twelve months prior to the audit. The Auditor conducted an interview with Administrative / HR Staff Member who confirmed that Luther Unit had no staff members violate, resign prior to termination, or be terminated for violating the agency's policy against sexual abuse or sexual harassment during the past twelve months. Upon review of the policy, facility documentation, and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.77	**Corrective action for contractors and volunteers**

	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Executive Directive PD-29, *Sexual Misconduct with Offenders* Interviews conducted with: Facility Warden Findings (By Provision): 115.77 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all contractors and volunteers who have contact with offenders shall be trained regarding sexual abuse and sexual harassment prevention, detection, and response policies and procedures in accordance with the TDCJ Volunteer Services Plan PD-29, *Sexual Misconduct with Offenders.* 115.77 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states contractors or volunteers that engage in sexual abuse shall be prohibited from contact with offenders and shall be reported to applicable law enforcement agencies, unless the activity was clearly not criminal, and to relevant licensing bodies. The unit shall take appropriate remedial measures and shall consider whether to prohibit further contact with offenders, in the case of any other violation of TDCJ sexual abuse or sexual harassment policies by the contractor or volunteer. The facility reported no contractor or volunteer violations or terminations due to the violation of the agency's sexual abuse or sexual harassment polices during the twelve months prior to the audit. The Auditor confirmed this information during interviews with the PREA Compliance Manager and Facility Warden. The Auditor conducted an interview with the Facility Warden regarding any violation of the facility's sexual abuse and sexual harassment by a contractor or volunteer. The

	Facility Warden explained that the incident would be reported to the Office of the Inspector General and an investigation would be conducted. If the investigation shows the activity was criminal, then the incident will be reported to law enforcement. The Facility Warden also explained the incident would be reported to any relevant licensing entity and the contractor or volunteer would be prohibited from any further contact at Luther Unit or any facility within our agency. Upon review of the policy and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.78	**Disciplinary sanctions for inmates**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Disciplinary Rules & Procedures for Offenders Texas Department of Criminal Justice Offender Orientation Handbook Interviews conducted with: Facility Warden Medical / Mental Health Staff Findings (By Provision): 115.78 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states all offenders shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the offender engaged in offender-on-offender sexual abuse or sexual harassment or following a criminal finding of guilt for offender-on- offender sexual abuse.

	115.78 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states sanctions will be appropriate to the nature of abuse committed, the offender's disciplinary history, and the sanction imposed for comparable offenses by other offenders with similar histories. 115.78 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states consideration shall be given whether the offender's mental disabilities or mental illness contributed to the behavior. 115.78 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if the unit offers therapy, counseling, or other interventions designed to address and correct possible underlying reasons or motivations for the abuse, consideration shall be made to determine if participation should be a requirement for access to programming or other benefits. 115.78 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an offender may be disciplined for sexual contact with staff only if it is determined the staff member did not consent to the contact. 115.78 (f) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states a report of sexual abuse made in good faith, based on a reasonable belief that the alleged conduct occurred, shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation. 115.78 (g) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states sexual misconduct between offenders is prohibited and shall result in disciplinary sanctions in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders. However, sexual misconduct between offenders shall not constitute sexual abuse if it is determined the activity is consensual. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* and the TDCJ Offender Orientation Handbook states sexual misconduct between offenders is prohibited and shall result in disciplinary sanctions in accordance with the TDCJ Disciplinary Rules and Procedures for Offenders. The Auditor conducted an interview with the Facility Warden and discussed the

	facility's policy on disciplinary sanctions for an offender after an administrative or criminal finding that the offender engaged in offender-on-offender sexual abuse. The Facility Warden referred to the existing policy that an offender would be subject to disciplinary sanctions, which would be conducted in accordance with the formal disciplinary process. The Auditor conducted an interview with Medical and Mental Health Staff members and discussed the victim advocacy services available to offenders and counseling services available for abusers. Both Medical and Mental Health Staff members explained the services provided at the facility include one-on-one counseling, and support groups. These services are offered for victims of sexual abuse or sexual harassment as well as offenders of sexual abuse. Upon review of the policy, Texas Department of Criminal Justice Offender Orientation Handbook, and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.81	**Medical and mental health screenings; history of sexual abuse**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Offenders who disclose Sexual Victimization at Risk Screening Staff responsible for Risk Screening Medical & Mental Health Staff Findings (By Provision):

	115.81 (a, c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if results of the screening process indicate that an offender has experienced prior sexual victimization, or has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, the offender will be offered a follow-up meeting with a mental health practitioner within 14 days of the screening. Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states staff shall use appropriate controls to disseminate responses to the questions asked pursuant to risk screenings to ensure privacy of sensitive information is not exploited to the detriment of any offender by staff or other offenders. The Auditor conducted interviews with offenders who disclosed prior sexual victimization during intake. Each offender confirmed to the Auditor that each were offered the opportunity to meet with a medical or mental health care practitioner during the risk screening process. Each offender confirmed being offered the services with mental health staff, and all four offenders declined the services with mental health, explaining such services were not necessary. The Auditor confirmed the information provided by each offender during her review of documentation and offender files. 115.81 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if the screening pursuant to this section indicates an offender has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening. 115.81 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states any information related to sexual victimization or abusiveness that occurred in an institutional setting shall be strictly limited to medical and mental health practitioners and other staff, as necessary, assisting with making treatment plans and informed management decisions, including those related to housing, bed, work, education, and program assignments, or as otherwise required by federal, state, or local law. 115.81 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states in accordance with CMHC policies, medical and mental health practitioners shall obtain informed consent from offenders before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the offender is under the age of 18.

	The Auditor conducted an interview with a PREA Compliance Manager who is responsible for conducting screenings for risk of victimization and abusiveness. The PREA Compliance Manager provided the Auditor with a complete overview of the offender classification process and the offender risk screening process to include how all offenders are screened within 72 hours (or less) of their arrival at the facility. The Auditor inquired to the PREA Compliance Manager what actions are taken against offenders who refuse to cooperate or answer the questions in the risk screening process. The PREA Compliance Manager responded that offenders are not required to provide answers, if an offender refuses to answer, another staff member will conduct a follow-up interview. The PREA Compliance Manager confirmed that offenders are not disciplined for refusing to cooperate or answer the questions in the risk screening process. The PREA Compliance Manager confirmed all interviews are conducted privately and the interviews include the classification and risk assessment process, program opportunities, qualifications for job assignments, and educational opportunities. The PREA Compliance Manager confirmed that offenders are not disciplined for refusing to cooperate or answer the questions in the risk screening process. The Auditor inquired to the PREA Compliance Manager how the facility protects such sensitive information. The PREA Compliance Manager stated the access to such information is strictly limited to Classification Staff, Safe Prisons Staff, and the Warden. The Auditor reviewed forty-three offender records which were selected based upon offenders who disclosed prior sexual victimization, length at facility, and offenders that disclosed sexual orientation as gay or bisexual, offenders who reported an allegation of sexual abuse, and offenders from the random and targeted interviews. Each file contained the initial risk screening form as well as the 30-day reassessment form; all were filled out completely and in accordance with the facility's policy. Upon review of the policy, documentation, and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.82	**Access to emergency medical and mental health services**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

Document Review:

Luther Unit PAQ

Texas Department of Criminal Justice *Safe Prisons/PREA Plan*

Interviews conducted with:

Offenders who reported sexual abuse

Medical / Mental Health Staff

Security Staff / Non-Security Staff First Responders

Site Review Observations:

Secondary Medical Records

Findings (By Provision):

115.82 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse shall receive 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 judgement.

115.82 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if no qualified medical or mental health practitioners are on duty at the time a report of abuse is made, staff first responders shall take preliminary steps to protect the victim and immediately notify the appropriate on-call medical and mental health practitioners.

The Auditor conducted interviews with random staff members regarding his/her role as a First Responder to an allegation of sexual abuse. The staff members provided specific details of their responsibilities as a First Responder. These responsibilities include separating the victim and abuser, preserving, and protecting the crime scene, requesting that the alleged victim not take any actions that could destroy physical evidence, ensuring the alleged abuser does not take any actions, which would destroy physical evidence, and to immediately notify Medical and Mental Health. In addition, each staff member acknowledged the importance of the agency’s response protocol

to a sexual abuse allegation as well as his or her role as a First Responder.

115.82 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse while incarcerated will be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis in according to professionally accepted standards of care, where medically appropriate.

The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, after reporting, if the facility provided immediate access to medical and mental health treatment. The offender confirmed, after reporting the incident, he was immediately escorted to medical where an evaluation and treatment services were provided, and he had the opportunity to meet with mental health staff. The Auditor also inquired if the offender was offered tests for sexually transmitted infections and if payment for any of the services provided were required. The offender informed the Auditor that such treatment was not necessary or warranted and denied being charged for any medical treatment related to the incident.

115.82 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident.

The Auditor conducted interviews with Medical and Mental Health Staff at the facility. During the interviews, the Auditor discussed the required protocols medical staff would complete if an offender reported an incident of sexual abuse within the facility. Each Medical Staff Member described the process to the Auditor to include a systematic overview of the initial treatment process and the steps required. Documentation of the offender's medical treatment must be completed on the TDCJ Referral to Medical / Mental Health Services and Correctional Managed Health Care Clinic Notes. The forms have specific requirements to complete and/or make notations as to why the question or process was not completed. All protocols are completed by LPNs and must be reviewed and cosigned by an RN or Clinician.

Additionally, during the interview Medical Staff members confirmed offender victims are provided immediate access to medical treatment as well as crisis intervention, therapy, and counseling services. Each Medical and Mental Health Staff member explained the services provided at the facility and include one-on-one counseling, and support groups. These services are offered for victims of sexual abuse or sexual

	harassment as well as offenders of sexual abuse. Upon review of the policy and upon completion of staff interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.83	**Ongoing medical and mental health care for sexual abuse victims and abusers**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Interviews conducted with: Medical / Mental Health Staff Offenders who reported sexual abuse Findings (By Provision): 115.83 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states if the results of the screening process indicate that an offender has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure the offender is offered a follow-up meeting with a mental health practitioner within 14 days of the screening. 115.83 (b) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states medical and mental health evaluation and treatment shall be offered to offender victims of sexual abuse and will be consistent with the community level of care. The evaluation and treatment of such victims shall include as appropriate follow-up services, and when necessary, referrals for continued care following a transfer to, or placement in, another facility, or a release from custody.

	115.83 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims shall be provided medical and mental health services consistent with the community level of care. 115.83 (d) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders who have the capacity to become pregnant as a result of sexually abusive penile-vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the conduct described in this section, the victim shall receive timely and comprehensive information about and access to all lawful pregnancy-related medical services in accordance with CMHC policies. 115.83 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offenders who have the capacity to become pregnant as a result of sexually abusive penile-vaginal penetration while incarcerated shall be offered pregnancy tests. If pregnancy results from the conduct described in this section, the victim shall receive timely and comprehensive information about and access to all lawful pregnancy-related medical services in accordance with CMHC policies. 115.83 (f) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states offender victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. 115.83 (g) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigations arising out of the incident. 115.83 (h) – Texas Department of Criminal Justice *Safe Prisons/PREA Pla*n states a mental health evaluation of all known offender-on-offender abusers shall be attempted within 60 days of learning of such abuse history and treatment shall be offered when deemed appropriate. The Auditor conducted an interview with Medical and Mental Health Staff members at the facility. Medical Staff confirmed that offender victims are provided immediate access to medical treatment as well as crisis intervention, therapy, and counseling services. Each Medical and Mental Health Staff member explained the services provided at the facility include advocacy and emotional support services. These

	services are offered for victims of sexual abuse or sexual harassment as well as offenders of sexual abuse. The Auditor conducted a targeted interview with an offender who reported an incident of sexual abuse or sexual harassment and inquired to the offender, after reporting the incident, did he see a Medical or Mental Health staff member in a timely manner and did anyone provide treatment or follow-up plans. The offender confirmed, after reporting the incident, he was immediately escorted to medical where an evaluation and treatment services were provided, and he had the opportunity to meet with mental health staff. Additionally, the offender confirmed he was offered the services of a victim advocate. The Auditor also inquired if the offender was offered tests for sexually transmitted infections and if payment for any of the services provided were required. The offender informed the Auditor that such treatment was not necessary or warranted and denied being charged for any medical treatment related to the incident. Upon review of the policy and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.86	**Sexual abuse incident reviews**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Document Review: Luther Unit PAQ Texas Department of Criminal Justice *Safe Prisons/PREA Plan* Texas Department of Criminal Justice Administrative Incident Reviews Interviews conducted with: Facility Warden Incident Review Team Findings (By Provision):

115.86 (a) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an administrative review shall be completed for all alleged sexual abuse and staff sexual harassment incidents, unless determined unfounded. The Unit Warden shall obtain input from security supervisors, investigators, and medical and mental health practitioners when completing the review. The administrative review shall be completed within 30 days of an investigation being completed.

115.86 (b) – Luther Unit PAQ reported in the past twelve months, excluding investigations determined to be unfounded, six investigations of alleged sexual abuse were completed at the facility and were followed by a sexual abuse incident review within 30 days. During the Auditor's review of the closed investigations, a sexual abuse incident review was completed for each closed investigation reviewed and all sexual abuse incident reviews were completed within the required 30 days.

115.86 (c) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states an administrative review shall be completed for all alleged sexual abuse and staff sexual harassment incidents, unless determined unfounded. The Unit Warden shall obtain input from security supervisors, investigators, and medical and mental health practitioners when completing the review. The administrative review shall be completed within 30 days of an investigation being completed.

115.86 (d) – The Luther Unit PAQ states the facility prepares a report of its findings from sexual abuse incident reviews, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1) - (d)(5) of this section, and any recommendations for improvement and submits such report to the facility head and Unit Safe Prisons/PREA Manager.

115.86 (e) – Texas Department of Criminal Justice *Safe Prisons/PREA Plan* states the unit shall implement recommendations that result from the review or document the reasons for not doing so.

The Auditor conducted an interview with a staff member who is a member of the Incident Review Team and inquired if the Incident Review Team considers whether an incident or allegation was motivated by race, ethnicity, or gender identity and if the Incident Review Team examines the area in the facility were the incident allegedly occurred. The staff member confirmed that the Incident Review Team does consider whether the incident was motivated by race, ethnicity, or gender identity, and gang affiliation. The Incident Review Team also tours the area where the alleged incident

	occurred as well as considering if the addition of monitoring technology should be deployed to supplement supervision by staff. The staff member explained how touring the area provides the team with the best possible representation of an incident and assists the Incident Review Team in determining if adding monitoring technology is warranted. The Auditor conducted an interview with the Facility Warden and discussed the incident review process. The Facility Warden explained the Incident Review Team includes upper- level management with input from Investigators, Line Staff, and Medical and Mental Health personnel. The Facility Warden articulated the process of the incident review, including listing the elements required per the PREA standard. The Facility Warden explained how the Incident Review Team uses the information obtain from the review to determine if changes need to be made to the physical plant, policy and procedure or any other change that would improve the safety of the offender population and prevent sexual abuse. Upon review of the policy and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.87	**Data collection**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.88	**Data review for corrective action**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.89	**Data storage, publication, and destruction**
	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.401 (a) – During the prior three-year audit period, the agency ensured that each facility operated was audited, once. 115.401 (b) – Texas Department of Criminal Justice, Luther Unit had its first PREA Audit conducted on October 30 – 31, 2014; the second year of the first three-year auditing cycle. Luther Unit had its second PREA Audit conducted on October 25 - 27, 2017; the second year of the second three-year cycle. Luther Unit had its third PREA Audit conducted on January 25 – 27, 2021; the second year of the third three-year auditing cycle. Luther Unit had its fourth PREA audit conducted on October 25 – 27, 2023; the second year of the fourth three-year auditing cycle. This audit was the facility's fifth audit and was conducted on October 21 – 23, 2026; the second year of the fifth three-year auditing cycle. 115.401 (h) – The Auditor was granted complete access to, and the ability to observe, all areas of the facility. 115.401 (i) – The Auditor was permitted to request and receive copies of any relevant documents (including electronically stored information). 115.401 (m) – The Auditor was permitted to conduct private interviews with offenders and staff. 115.401 (n) – The Auditor verified through offender and staff interviews that offenders and staff were permitted to send confidential correspondence to the Auditor in the same manner as if they were communicating with legal counsel. Upon review of the policy and upon completion of interviews, Luther Unit demonstrated facility-wide practices that are consistent with policy and the requirements that complies with the PREA standard.

115.403	Audit contents and findings

	Auditor Overall Determination: Audited at Agency Level
	Auditor Discussion

Appendix: Provision Findings		
115.11 (a)	**Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (c)	**Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.12 (a)	**Contracting with other entities for the confinement of inmates**	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.12 (b)	**Contracting with other entities for the confinement of inmates**	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.13 (a)	**Supervision and monitoring**	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional	yes

	practices?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any applicable State or local laws, regulations, or standards?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	**Supervision and monitoring**	

	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes
115.13 (c)	**Supervision and monitoring**	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	**Supervision and monitoring**	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes
115.14 (a)	**Youthful inmates**	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	**Youthful inmates**	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na

	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	**Youthful inmates**	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	**Limits to cross-gender viewing and searches**	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	**Limits to cross-gender viewing and searches**	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	na
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the facility does not have female inmates.)	na
115.15 (c)	**Limits to cross-gender viewing and searches**	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	na
115.15 (d)	**Limits to cross-gender viewing and searches**	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or	yes

	genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	**Limits to cross-gender viewing and searches**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.15 (f)	**Limits to cross-gender viewing and searches**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.16 (a)	**Inmates with disabilities and inmates who are limited English proficient**	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are deaf or hard of hearing?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who are blind or have low vision?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have intellectual disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have psychiatric disabilities?	yes
	Does the agency take appropriate steps to ensure that inmates	yes

	with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: inmates who have speech disabilities?	
	Does the agency take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have intellectual disabilities?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	**Inmates with disabilities and inmates who are limited English proficient**	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	**Inmates with disabilities and inmates who are limited English proficient**	
	Does the agency always refrain from relying on inmate	yes

	interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	
115.17 (a)	**Hiring and promotion decisions**	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
115.17 (b)	**Hiring and promotion decisions**	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	
	Does the agency consider any incidents of sexual harassment in	

	determining whether to enlist the services of any contractor who may have contact with inmates?	
115.17 (c)	**Hiring and promotion decisions**	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	
115.17 (d)	**Hiring and promotion decisions**	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	
115.17 (e)	**Hiring and promotion decisions**	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	
115.17 (f)	**Hiring and promotion decisions**	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	
115.17 (g)	**Hiring and promotion decisions**	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	

115.17 (h)	**Hiring and promotion decisions**	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	
115.18 (a)	**Upgrades to facilities and technologies**	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	
115.18 (b)	**Upgrades to facilities and technologies**	
	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	
115.21 (a)	**Evidence protocol and forensic medical examinations**	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	**Evidence protocol and forensic medical examinations**	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/	yes

	Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	
115.21 (c)	**Evidence protocol and forensic medical examinations**	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes
	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	**Evidence protocol and forensic medical examinations**	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	yes
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	**Evidence protocol and forensic medical examinations**	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes

115.21 (f)	**Evidence protocol and forensic medical examinations**	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	yes
115.21 (h)	**Evidence protocol and forensic medical examinations**	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	yes
115.22 (a)	**Policies to ensure referrals of allegations for investigations**	
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	**Policies to ensure referrals of allegations for investigations**	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	**Policies to ensure referrals of allegations for investigations**	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
115.31 (a)	**Employee training**	
	Does the agency train all employees who may have contact with	yes

	inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes
	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	The subsection of this provision is no longer applicable to your compliance finding, please select N/A.	na
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	**Employee training**	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	**Employee training**	
	Have all current employees who may have contact with inmates	yes

	received such training?	
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	**Employee training**	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	**Volunteer and contractor training**	
	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	**Volunteer and contractor training**	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	**Volunteer and contractor training**	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	**Inmate education**	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	**Inmate education**	

	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	**Inmate education**	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes
	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d)	**Inmate education**	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	**Inmate education**	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	**Inmate education**	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes

115.34 (a)	**Specialized training: Investigations**	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	**Specialized training: Investigations**	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	**Specialized training: Investigations**	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	**Specialized training: Medical and mental health care**	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes

	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or suspicions of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (b)	**Specialized training: Medical and mental health care**	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
115.35 (c)	**Specialized training: Medical and mental health care**	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	**Specialized training: Medical and mental health care**	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes

115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	**Screening for risk of victimization and abusiveness**	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	**Screening for risk of victimization and abusiveness**	
	Are all PREA screening assessments conducted using an objective screening instrument?	yes
115.41 (d)	**Screening for risk of victimization and abusiveness**	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate’s criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	The subsection of this provision is no longer applicable to your compliance finding, please select N/A.	na

	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10) Whether the inmate is detained solely for civil immigration purposes?	yes
115.41 (e)	**Screening for risk of victimization and abusiveness**	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	**Screening for risk of victimization and abusiveness**	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	**Screening for risk of victimization and abusiveness**	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	**Screening for risk of victimization and abusiveness**	

	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	**Screening for risk of victimization and abusiveness**	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates?	yes
115.42 (a)	**Use of screening information**	
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b)	**Use of screening information**	
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c)	**Use of screening information**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na

115.42 (d)	**Use of screening information**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.42 (e)	**Use of screening information**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.42 (f)	**Use of screening information**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.42 (g)	**Use of screening information**	
	This provision is no longer applicable to your compliance finding, please select N/A.	na
115.43 (a)	**Protective Custody**	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b)	**Protective Custody**	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges,	yes

	education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c)	**Protective Custody**	
	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d)	**Protective Custody**	
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e)	**Protective Custody**	
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a)	**Inmate reporting**	
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to	yes

	privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.51 (b)	**Inmate reporting**	
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain anonymous upon request?	yes
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	**Inmate reporting**	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	**Inmate reporting**	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	**Exhaustion of administrative remedies**	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
115.52 (b)	**Exhaustion of administrative remedies**	

	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	**Exhaustion of administrative remedies**	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	**Exhaustion of administrative remedies**	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	**Exhaustion of administrative remedies**	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this	yes

	standard.)	
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	**Exhaustion of administrative remedies**	
	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.).	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	**Exhaustion of administrative remedies**	

	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.53 (a)	**Inmate access to outside confidential support services**	
	Does the facility provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers, including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	na
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	**Inmate access to outside confidential support services**	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	**Inmate access to outside confidential support services**	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	**Third-party reporting**	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	**Staff and agency reporting duties**	
	Does the agency require all staff to report immediately and	yes

	according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency?	
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation?	yes
115.61 (b)	**Staff and agency reporting duties**	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	**Staff and agency reporting duties**	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	**Staff and agency reporting duties**	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	**Staff and agency reporting duties**	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility’s designated investigators?	yes
115.62 (a)	**Agency protection duties**	
	When the agency learns that an inmate is subject to a substantial	yes

	risk of imminent sexual abuse, does it take immediate action to protect the inmate?	
115.63 (a)	**Reporting to other confinement facilities**	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	**Reporting to other confinement facilities**	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes
115.63 (c)	**Reporting to other confinement facilities**	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	**Reporting to other confinement facilities**	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	**Staff first responder duties**	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating,	yes

	defecating, smoking, drinking, or eating, if the abuse occurred within a time period that still allows for the collection of physical evidence?	
115.64 (b)	**Staff first responder duties**	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	**Coordinated response**	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in response to an incident of sexual abuse?	yes
115.66 (a)	**Preservation of ability to protect inmates from contact with abusers**	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	
115.67 (a)	**Agency protection against retaliation**	
	Has the agency established a policy to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	**Agency protection against retaliation**	
	Does the agency employ multiple protection measures, such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims, and emotional support services for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.67 (c)	**Agency protection against retaliation**	

	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	**Agency protection against retaliation**	
	In the case of inmates, does such monitoring also include periodic status checks?	yes

115.67 (e)	**Agency protection against retaliation**	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	**Post-allegation protective custody**	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	**Criminal and administrative agency investigations**	
	When the agency conducts its own investigations into allegations of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/ facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	**Criminal and administrative agency investigations**	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	**Criminal and administrative agency investigations**	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	**Criminal and administrative agency investigations**	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes

115.71 (e)	**Criminal and administrative agency investigations**	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual’s status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	**Criminal and administrative agency investigations**	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes
	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	**Criminal and administrative agency investigations**	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	**Criminal and administrative agency investigations**	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	**Criminal and administrative agency investigations**	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	**Criminal and administrative agency investigations**	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	**Criminal and administrative agency investigations**	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual	yes

	abuse investigations. See 115.21(a).)	
115.72 (a)	**Evidentiary standard for administrative investigations**	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	**Reporting to inmates**	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes
115.73 (b)	**Reporting to inmates**	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	**Reporting to inmates**	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has	yes

	committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	
115.73 (d)	**Reporting to inmates**	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (e)	**Reporting to inmates**	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	**Disciplinary sanctions for staff**	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	**Disciplinary sanctions for staff**	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	**Disciplinary sanctions for staff**	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	**Disciplinary sanctions for staff**	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law	yes

	enforcement agencies(unless the activity was clearly not criminal)?	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	**Corrective action for contractors and volunteers**	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	**Corrective action for contractors and volunteers**	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	**Disciplinary sanctions for inmates**	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	**Disciplinary sanctions for inmates**	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate’s disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	**Disciplinary sanctions for inmates**	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate’s mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	**Disciplinary sanctions for inmates**	
	If the facility offers therapy, counseling, or other interventions	yes

	designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	
115.78 (e)	**Disciplinary sanctions for inmates**	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	**Disciplinary sanctions for inmates**	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation?	yes
115.78 (g)	**Disciplinary sanctions for inmates**	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	**Medical and mental health screenings; history of sexual abuse**	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	**Medical and mental health screenings; history of sexual abuse**	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	**Medical and mental health screenings; history of sexual abuse**	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental	yes

	health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	
115.81 (d)	**Medical and mental health screenings; history of sexual abuse**	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	**Medical and mental health screenings; history of sexual abuse**	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	yes
115.82 (a)	**Access to emergency medical and mental health services**	
	Do inmate victims of sexual abuse receive 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?	yes
115.82 (b)	**Access to emergency medical and mental health services**	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	**Access to emergency medical and mental health services**	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	**Access to emergency medical and mental health services**	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes

115.83 (a)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.83 (c)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (e)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	na
115.83 (f)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes

115.83 (g)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	**Ongoing medical and mental health care for sexual abuse victims and abusers**	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes
115.86 (a)	**Sexual abuse incident reviews**	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	**Sexual abuse incident reviews**	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	**Sexual abuse incident reviews**	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	**Sexual abuse incident reviews**	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	The subsection of this provision is no longer applicable to your compliance finding, please select N/A.	na
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology	yes

	should be deployed or augmented to supplement supervision by staff?	
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	**Sexual abuse incident reviews**	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes
115.401 (h)	**Frequency and scope of audits**	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	**Frequency and scope of audits**	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	**Frequency and scope of audits**	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	**Frequency and scope of audits**	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes

PREA Agency Audit Report: Final

Name of Agency: Texas Department of Criminal Justice
Facility Type: Prison / Jail
Date Interim Report Submitted: NA
Date Final Report Submitted: 09/26/2025

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

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

AGENCY INFORMATION	
Name of agency:	Texas Department of Criminal Justice
Governing authority or parent agency (if applicable):	
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Mailing Address:	PO Box 99, Huntsville, Texas - 77340
Telephone number:	8005350283

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Agency AUDIT FINDINGS

Summary of Audit Findings

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

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

Number of standards exceeded:	
0	

Number of standards met:
10

Number of standards not met:	
0	

Standards
Auditor Overall Determination Definitions
• Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions)
Auditor Discussion Instructions
Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.11 Document Review: · Texas Department of Criminal Justice Board Policy BP—2.09 Prison Rape Elimination Act Ombudsman Policy Statement · Texas Board of Criminal Justice Organizational Chart · Texas Department of Criminal Justice Organizational Structure Interviews: · Interview with agency PREA coordinator / ombudsman Findings by Provision:

115.11 (b)

The Texas Department of Criminal Justice Board Policy BP—2.09 Prison Rape Elimination Act Ombudsman Policy Statement states it is the policy of the Texas Board of Criminal Justice (TBCJ) that the Prison Rape Elimination Act (PREA) ombudsman shall coordinate the Texas Department of Criminal Justice's (TDCJ) efforts to comply with the PREA standards in all of its correctional and community residential facilities. The PREA ombudsman shall have sufficient time and authority to oversee the TDCJ's policies relating to the elimination of sexual abuse and harassment of inmates at correctional facilities, as well as individuals at community residential facilities, and implementation of the PREA standards. In addition, the PREA ombudsman shall oversee the reporting of sexual abuse and sexual harassment to the TDCJ and serve as the independent office to receive and immediately forward reports of sexual abuse and sexual harassment to TDCJ officials, allowing an inmate to remain anonymous upon request. The PREA ombudsman reports directly and only to the TBCJ and reports all pertinent items directly to the TBCJ chairman, as deemed appropriate and necessary. The TDCJ shall establish guidelines for reporting complaints or inquiries from elected officials, the public, and inmates pertaining to allegations of sexual abuse and sexual harassment and related TDCJ initiatives to the PREA ombudsman.

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

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

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

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

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

	employ or designate a PREA coordinator. Through interviews with the PREA coordinator/ombudsman, the auditor determined that the coordinator satisfies the requirement of the standard as written. The auditor conducted an examination to ascertain whether the PREA coordinator/ ombudsman possessed the requisite authority and direct access to the agency's most senior leader. This included direct access to the agency's executive or senior leadership team and the requisite influence to establish and implement agency-wide policies, procedures, and practices without interference from other levels of bureaucracy or supervision. The initial interview with the PREA coordinator and subsequent interviews revealed that she satisfies all the aforementioned requirements. Based upon information contained in the PAQ, policies, procedures and interviews conducted, the agency is substantially compliant with this standard.

115.12	**Contracting with other entities for the confinement of inmates**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.12 Document Review: · The Texas Department of Criminal Justice Solicitation and Modification of Private Residential Reentry Centers Contracts. · The Texas Department of Criminal Justice Solicitation and Modification of Private Transitional Treatment Centers Contracts · The Texas Department of Criminal Justice Solicitation and Modification of Secure Private Facilities Contracts Interviews: · Interview with agency contract administrator Findings by Provision: 115.12 (a) The Texas Department of Criminal Justice Solicitation and Modification Contract specifically outline the following requirements: A. Upon award of this contract, the contractor shall obtain PREA compliance for the facilities within (12) months of the service commencement date. The contractor shall maintain compliance with all applicable PREA standards at all times thereafter.

	B. The contractor shall comply with the PREA Prison/Jail/Community Confinement Standards and report inmate abuse to the TDCJ-PFCMOD. C. The contractor shall notify the TDCJ-PFCMOD when a PREA compliance audit is scheduled. D. The Department designated TDCJ-PFCMOD monitor will monitor the facility to ensure the contractor is compliant with the PREA Prison/Jail/Community Confinement Standards. E. The contractor shall correct all identified areas of non-compliance in regards to PREA Prison/Jail/Community Confinement Standards deemed applicable and within a time frame determined by the Department or by the date of a Department approved extension. F. Upon completion of the PREA compliance audit, the contractor shall provide a copy of the initial report and final report to the TDCJ-PFCMOD. G. All associated fees shall be the contractor’s responsibility. 115.12 (b) The Texas Department of Criminal Justice Solicitation and Modification Contract specifically outline the following requirements: A. Upon award of this contract, the contractor shall obtain PREA compliance for the facilities within (12) months of the service commencement date. The contractor shall maintain compliance with all applicable PREA standards at all times thereafter. B. The contractor shall comply with the PREA Prison/Jail/Community Confinement Standards and report inmate abuse to the TDCJ-PFCMOD. C. The contractor shall notify the TDCJ-PFCMOD when a PREA compliance audit is scheduled. D. The Department designated TDCJ-PFCMOD monitor will monitor the facility to ensure the contractor is compliant with the PREA Prison/Jail/Community Confinement Standards. E. The contractor shall correct all identified areas of non-compliance in regards to PREA Prison/Jail/Community Confinement Standards deemed applicable and within a time frame determined by the Department or by the date of a Department approved extension. F. Upon completion of the PREA compliance audit, the contractor shall provide a copy of the initial report and final report to the TDCJ-PFCMOD. G. All associated fees shall be the contractor’s responsibility.

	During the audit process, the auditor conducted an interview with the agency's designated contract administrator. The contract monitor was inquired about the agency's monitoring mechanisms for newly and renewed contracts involving confinement services to ascertain compliance with the mandated PREA practices. She clarified that the agency employs contract monitors to oversee compliance with the agency's policies, procedures, and specific PREA practices. The contract administrator has reported that compliance reports for each contract entered into within the past 12 months have been completed. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.17	**Hiring and promotion decisions**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.17 Document Review: · The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions · The Texas Department of Criminal Justice Employment Application Supplement · The Texas Department of Criminal Justice Safe Prisons / PREA Plan · The Texas Department of Criminal Justice Executive Directive PD-56 Request for and Release of Employment Information or Documents · The Texas Department of Criminal Justice Executive Directive PD-71 Selection System Procedures · The Texas Department of Criminal Justice Executive Directive PD-27 Employment Status Pending Resolution of Criminal Charges or Protective Orders · The Texas Department of Criminal Justice Executive Directive PD-73 Selection Criteria for Correctional Officer Applicants · Examples of Persons Hired or Promoted in the Past 12-Months Interviews: · Interview with human resources staff Findings by Provision:

	115.17 (a) The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions states the TDCJ will not hire, as an employee or contract employee, any individual who may have contact with offenders, if they have: 1. Engaged in sexual abuse in a prison, jail, adult or juvenile confinement facility, or other similar institution setting; 2. Been convicted of engaging or attempting to engage in sexual activity by use of force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse; or 3. Been civilly or administratively adjudicated for engaging in the activity listed in Section I.C.1-2. 115.17 (b) The Texas Department of Criminal Justice Executive Directive PD-75 Applicants with Pending Criminal Charges or Prior Criminal Convictions states the TDCJ will consider any incidents of sexual harassment in determining whether to hire an individual, or to enlist the services of a contractor, who may have contact with offenders. During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency always considers prior incidents of sexual harassment when determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with inmates. 115.17 (c) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states before hiring new employees who may have contact with offenders, the TDCJ shall: a. Perform a criminal background check; and b. Attempt to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse, in accordance with federal, state, and local law. During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency performs criminal background checks as required under this provision. 115.17 (d) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states a criminal background record check shall be performed before enlisting the services of any

	contractor who may have contact with offenders. During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency performs criminal background checks as required under this provision. 115.17 (e) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states criminal background checks shall either be conducted at least every five years for current employees and contractors who may have contact with offenders, or a system shall be in place to otherwise attain the information for current employees. The Texas Department of Criminal Justice Executive Directive PD-27 Employment Status Pending Resolution of Criminal Charges or Protective Orders states that Employee Relations shall conduct a semi-annual background check for each employee to ensure there are no outstanding warrants of arrest for the employee once during the month of the employee's birthday and once 180 days later. During the onsite portion of the audit, the auditor interviewed a representative from human resources. She reported that the agency is subscribed to T-LETS which is a system that immediately reports to the agency when there is any change to an employee's background. 115.17 (f) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states The TDCJ shall directly ask all applicants and employees who may have contact with offenders about previous misconduct described in Section VIII.A.1.a in written applications or interviews for hiring or promotions and in any interviews or written self-evaluations conducted as part of employee reviews. The TDCJ shall also impose on employees a continuing affirmative duty to disclose knowledge of any such misconduct. 115.17 (g) The Texas Department of Criminal Justice Executive Directive PD-73 Selection Criteria for Correctional Officer Applicants states prior to an applicant being employed by the TDCJ, the applicant shall provide all required documentation. The Employment Section, Human Resources Division, shall verify the authenticity of the documentation. A. An applicant who provides false or inaccurate information or documentation in the application process shall be disqualified from consideration for any TDCJ position for a minimum period of one year from the date of the applicant's PERS 283, State of Texas Application for Employment. B. A current employee who provides false or inaccurate information documentation may be subject to disciplinary action in accordance with PD-22, "General Rules of Conduct and Disciplinary Action Guidelines for Employees."

	115.17 (h) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states unless prohibited by law, information shall be provided on substantiated allegations of sexual abuse or sexual harassment involving a former employee after receiving a request from an institutional employer for whom the employee has applied to work. During the onsite portion of the audit, the auditor interviewed a representative from human resources. She stated that the agency does provide information on substantiated allegations of sexual abuse and sexual harassment about former employees upon receiving a request. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.18	**Upgrades to facilities and technologies**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.18 Document Review: · The Texas Department of Criminal Justice Safe Prisons / PREA Plan · The Texas Department of Criminal Justice Video Surveillance System Preventative Maintenance Checklist · The Texas Department of Criminal Justice Video Surveillance System Guidelines Interviews: · Interview with agency head and agency head designee Findings by Provision: 115.18 (a) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states when designing or acquiring any new unit and in planning any substantial expansion or modification of existing units, the TDCJ shall consider the effect of the design, acquisition, expansion, or modification on the ability to protect offenders from sexual abuse. During the onsite audit, the auditor conducted interviews with both the agency head and the agency head designee. The auditor engaged in a detailed discussion with the agency head regarding their compliance with the specified provision. The agency

	head informed the auditor that they had not designed a facility since the 1990s. However, they recently secured funding for 5,600 additional beds, which will be strategically placed in existing facilities where staffing capacity is anticipated. The design will adhere to the anticipated practices of the ACA. Furthermore, the agency head emphasized the importance of adhering to 100% PREA when making these designs. The agency designee informed me that we conduct thorough assessments of potential areas with a higher incidence of allegations. We are currently in communication with our information technology division to explore the possibility of installing additional cameras. 115.18 (b) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states when installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, consideration shall be given as to how the technology may enhance the ability to protect offenders from sexual abuse. During the onsite audit, the auditor conducted interviews with both the agency head and the agency head designee. The agency head designee stated, “We do have a comprehensive video surveillance system on our maximum-security facilities across the state. We have 23 maximum-security facilities that have video surveillance throughout the housing area and the entire facility. Additionally, we implemented body-worn cameras last year to assist in any allegations or assaults that may occur on a facility. These body-worn cameras are also available on our 23 maximum-security facilities throughout the state. There are facilities that do not have body-worn cameras but still have some form of surveillance. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.42	**Use of screening information**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.42 Document Review: · The Texas Department of Criminal Justice Safe Prisons / PREA Plan · The Texas Department of Criminal Justice Classification Plan · The Texas Department of Criminal Justice Administrative Directive AD-04.17 Inmate Housing Assignment Criteria and Procedures

	Interviews: · Interview with PREA coordinator / ombudsman Findings by Provision: 115.42 (a) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states that when deciding to assign a transgender or intersex offender to a unit for male or female offenders, and when making other housing and programming assignments, consideration shall be made on a case-by-case basis with regard to the health and safety of the offender and potential management or security problems. Housing determinations shall not be made solely on the basis of LGBTI status. Unit Classification Committee (UCC), or a similarly designed committee for units without a UCC, shall use information from the risk screening document required by Section III.B of this plan to make housing, bed, work, education, and program assignments with the goal of separating offenders at high risk of being sexually victimized from offenders at high risk of being sexually abusive in accordance with the TDCJ Classification Plan and the TDCJ Unit Classification Procedures Manual. The committee shall make individualized determinations regarding how to ensure the safety of each offender. During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's policies regarding the placement of transgender and intersex inmates in dedicated housing units, facilities, or wings. The coordinator confirmed that the agency is not currently under a legal requirement or consent decree that mandates the placement of this population in dedicated spaces. She explained that inmates are housed on a case-by-case basis, and their overall classification scores are considered when determining the most appropriate placement for their health and safety. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.66	**Preservation of ability to protect inmates from contact with abusers**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.66 Document Review:

	· The Texas Department of Criminal Justice Statement of Fact Related to 115.66 Interviews: · Interview with agency head and agency head designee Findings by Provision: 115.66 (a) The Texas Department of Criminal Justice Statement of Fact related to standard 115.66 states the agency has not entered or renewed any collective bargaining or other agreement. TDCJ does not engage in collective bargaining with staff. Staff are subject to the rules of conduct and other TDCJ policies mandating zero tolerance of all forms of sexual abuse and sexual harassment. During the onsite audit, the auditor conducted an interview with the agency head and the agency head designee. The agency head designee reiterated what was written in the statement of fact. The Texas Department of Criminal Justice and the State of Texas is not a collective bargaining State. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard

115.87	**Data collection**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.87 Document Review: · The Texas Department of Criminal Justice Safe Prisons / PREA Plan · The Texas Department of Criminal Justice Administrative Directive AD-02.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents · The Texas Department of Criminal Justice Data Collection Instrument · The Texas Department of Criminal Justice Emergency Action Center Notification Handbook · 2023 Annual Survey of Sexual Victimization Summary Form Findings by Provision: 115.87 (a)

	The Texas Department of Criminal Justice Safe Prisons / PREA Plan states accurate, uniform data shall be collected for every incident of sexual abuse alleged to have occurred at a TDCJ operated facility using a standardized instrument and set of definitions. The Texas Department of Criminal Justice Administrative Directive AD-02.15 Operations of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents, provides the set of definitions required under this provision. 115.87 (b) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states Incident-based sexual abuse data shall be aggregated at least annually. The auditor reviewed examples provided by the agency of aggregated data collected illustrating further compliance with this provision. 115.87 (c) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states the incident-based data collected shall include, at a minimum, information necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. The auditor also reviewed the data collection instrument utilized by the agency which is called SPPANS Database. The auditor ensured that the information collected in the instrument minimally captured information necessary to answer all the questions in the Survey of Sexual Victimization. 115.87 (d) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews shall be maintained, reviewed, and collected as needed to complete the SSV. 115.87 (e) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states Aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means. 115.87 (f) The Texas Department of Criminal Justice reported in the PAQ that the Department of Justice did not request data from the agency from the previous calendar year. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.88 Document Review: · The Texas Department of Criminal Board Policy BP-02.09 Prison Rape Elimination Act Ombudsman Policy Statement · The Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023 · The Texas Department of Criminal Justice Safe Prisons / PREA Plan Interviews: · Interview with agency head and agency head designee · Interview with agency PREA Coordinator / Ombudsman Findings by Provision: 115.88 (a) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states the TDCJ shall review data collected pursuant to Section VII.A of this plan in order to assess and improve the effectiveness of the sexual abuse prevention, detection, and response policies, procedures, and training by: a. Identifying problematic areas; b. Taking corrective action on an ongoing basis; and c. Preparing an annual report of findings and corrective actions for each unit, as well as the TDCJ as a whole, in collaboration with the OIG and PREA ombudsman. The Texas Department of Criminal Justice Board Policy BP-02.09 Prison Rape Elimination Act Ombudsman Policy Statement also states the PREA ombudsman’s responsibilities include the following: 1. Monitor TDCJ policy for the prevention of sexual abuse and sexual harassment of inmates at correctional facilities, as well as individuals at community residential facilities, and compliance with PREA ombudsman policies and procedures to assure PREA compliance. 2. Provide oversight of education and training for employees, inmates, and other individuals assuring the curriculum and trainers cover topics required in the PREA standards to include specific topics and information, and serve as a subject matter

	expert regarding training. 3. Make recommendations to TDCJ executive management concerning changes in policies and procedures necessary to comply with PREA standards. 4. Process complaints and inquiries from elected officials, the public, and inmates concerning sexual abuse and sexual harassment and TDCJ initiatives related to PREA and ensure impartial resolution. The PREA ombudsman may use discretion to respond directly or forward complaints to appropriate TDCJ staff for investigation and disposition. Criminal investigations are the responsibility of the Office of the Inspector General (OIG). 5. Oversee the administrative investigation of allegations of sexual abuse and sexual harassment to assure quality and thorough investigations. 6. Collect statistics regarding allegations of sexual abuse and sexual harassment from each correctional facility to comply with PREA standards. 7. Prepare monthly and semiannual activity reports for distribution to the TBCJ chairman, TBCJ members, and TDCJ executive management. 8. Ensure the TBCJ chairman and TDCJ executive management are informed of any problematic, systemic trends. During the onsite audit, the auditor conducted interviews with the agency head and the agency head designee. The auditor inquired about the agency's use of incident-based sexual abuse data to assess and enhance sexual abuse prevention detection and response policies and practices. The agency head designee informed the auditor that the Texas Department of Criminal Justice (TDCJ) collaborates closely with the PREA ombudsman to collect all pertinent data associated with reports of sexual abuse and sexual harassment. The designee further stated that all TDCJ facilities collect incident-based data and aggregate it for the PREA ombudsman's office to develop corrective action response plans tailored to the assessed needs. During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's data collection and aggregation practices for assessing and improving the effectiveness of its sexual abuse prevention, detection, and response policies. The coordinator reported that the agency diligently collects sexual abuse and sexual harassment data from all its facilities, which is securely retained in a specific agency database accessible only to authorized staff. This data is aggregated, and patterns and problem areas are identified through this process. The coordinator also mentioned that PREA audit reports are reviewed to identify any deficiencies. All this information is utilized to determine if there is a need to modify or update policies and procedures to enhance sexual safety in the facilities. Additionally, the coordinator indicated that her office is responsible for the PREA portion of the annual report, which is highly comprehensive. 115.88 (b)

	The Texas Department of Criminal Justice Safe Prisons / PREA Plan states the annual report shall include a comparison of the data and corrective actions from the current year with those from prior years and shall provide an assessment of the progress made in addressing sexual abuse. The auditor also reviewed the provided Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023. The report provided includes a comparison of the current year's data and corrective actions with those from prior years. Additionally, the annual report provides an assessment of the agency's progress in addressing sexual abuse. 115.88 (c) The Texas Department of Criminal Justice provided a web link in the PAQ where a copy of the most recent annual report was publicly available for review. The annual report was also reviewed and approved by the agency head. During the onsite audit, the auditor inquired with the agency head designee whether the annual report had been approved by the agency head. The designee responded affirmatively. 115.88 (d) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states personal identifiers and sensitive information shall be redacted from the reports in instances when publication would present a clear and specific threat to the safety and security of a unit, while maintaining the nature of the material. The auditor reviewed the Texas Department of Criminal Justice Safe Prisons / PREA Program Annual Report for 2023, which illustrated compliance with this requirement. During the in-person audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The coordinator was inquired about the typical information that is redacted from the annual report. She informed the auditor that there is no requirement to redact information from the annual report because it does not contain any personally identifiable information. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.89	**Data storage, publication, and destruction**
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.89

	Document Review: · The Texas Department of Criminal Justice Executive Directive ED-02.29 Records Management · The Texas Department of Criminal Justice Safe Prisons / PREA Plan · The Texas Department of Criminal Justice Records Retention Schedule Interviews: · Interview with agency PREA Coordinator / Ombudsman Findings by Provision: 115.89 (a) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states All data collected pursuant to Section VII.A shall be securely maintained. The Texas Department of Criminal Justice Executive Directive ED-02.29 Records Management states the TDCJ develops, implements, and monitors an agency-wide records management program that complies with all state and federal laws while safeguarding all state records, both paper and electronic, through effective records management, retention, storage, protection, and disposition. The TDCJ continually addresses the use of new technologies for records management while ensuring transparency by open and verifiable documentation of the processes and activities carried out in the management of all state records. During the onsite audit, the auditor conducted an interview with the agency's PREA coordinator and ombudsman. The auditor inquired about the agency's data collection and aggregation practices for assessing and improving the effectiveness of its sexual abuse prevention, detection, and response policies. The coordinator reported that the agency diligently collects sexual abuse and sexual harassment data from all its facilities, which is securely retained in a specific agency database accessible only to authorized staff. This data is aggregated, and patterns and problem areas are identified through this process. The coordinator also mentioned that PREA audit reports are reviewed to identify any deficiencies. All this information is utilized to determine if there is a need to modify or update policies and procedures to enhance sexual safety in the facilities. Additionally, the coordinator indicated that her office is responsible for the PREA portion of the annual report, which is highly comprehensive. 115.89 (b) The Texas Department of Criminal Justice Safe Prisons / PREA Plan states aggregated sexual abuse data, from all TDCJ operated facilities, including privately contracted facilities, shall be readily available to the public at least annually, through a website or other means. The auditor reviewed the agency's external website and verified that the most recent

	edition of the agency’s annual report was posted and readily available to the public. 115.89 (c) (d) The Texas Department of Criminal Justice Records Retention Schedule illustrates that the agency maintains sexual abuse data collected pursuant to §115.87 for at least 10 years after the date of initial collection, unless federal, state, or local law requires otherwise. The Texas Department of Criminal Justice reported in the PAQ that they do not put personally identifiable information in the annual report, therefore there is nothing to redact. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard.

115.401	**Frequency and scope of audits**
	Auditor Overall Determination:
	Auditor Discussion
	115.401 Document Review: · The Texas Department of Criminal Justice Agency External Website Findings by Provision: 115.401 (a) The Texas Department of Criminal Justice ensured that during the three-year period starting on August 20, 2013, and during each three-year period thereafter, the agency mandated that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once. The auditor reviewed agency records which illustrated the agency met this standard requirement during the prior three-year audit cycle. 115.401 (b) The Texas Department of Criminal Justice ensured that during each one-year period starting on August 20, 2013, the agency shall completed audits of at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency. The auditor reviewed agency records which illustrated the agency met this standard requirement during the prior year.

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

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	115.403 Document Review: · The Texas Department of Criminal Justice Agency External Website Findings by Provision: 115.403 (a) The Texas Department of Criminal Justice ensures that auditor’s final reports are published to the agency’s external website and therefore readily available for public review. The auditor verified the public availability of all final audit reports through a review of the agency’s external website. Each report was accompanied by a web link, serving as evidence of their official release. Based upon information contained in the PAQ, policies, procedures, site review and interviews conducted, the agency is substantially compliant with this standard

Appendix: Provision Findings		
115.11 (b)	**Zero tolerance of sexual abuse and sexual harassment; PREA coordinator**	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
115.12 (a)	**Contracting with other entities for the confinement of inmates**	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes
115.12 (b)	**Contracting with other entities for the confinement of inmates**	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	yes
115.17 (a)	**Hiring and promotion decisions**	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity	yes

	described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	**Hiring and promotion decisions**	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	**Hiring and promotion decisions**	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	**Hiring and promotion decisions**	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes
115.17 (e)	**Hiring and promotion decisions**	

	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	**Hiring and promotion decisions**	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	**Hiring and promotion decisions**	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	**Hiring and promotion decisions**	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	**Upgrades to facilities and technologies**	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	**Upgrades to facilities and technologies**	
	If the agency installed or updated a video monitoring system,	yes

	electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	
115.42 (c)	**Use of screening information**	
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems?	yes
115.66 (a)	**Preservation of ability to protect inmates from contact with abusers**	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.87 (a)	**Data collection**	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	**Data collection**	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	**Data collection**	

	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	**Data collection**	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	**Data collection**	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	yes
115.87 (f)	**Data collection**	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	na
115.88 (a)	**Data review for corrective action**	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	yes
115.88 (b)	**Data review for corrective action**	
	Does the agency’s annual report include a comparison of the current year’s data and corrective actions with those from prior years and provide an assessment of the agency’s progress in addressing sexual abuse?	yes

115.88 (c)	**Data review for corrective action**	
	Is the agency’s annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	**Data review for corrective action**	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	**Data storage, publication, and destruction**	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	**Data storage, publication, and destruction**	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	**Data storage, publication, and destruction**	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	**Data storage, publication, and destruction**	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	**Frequency and scope of audits**	
	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	**Frequency and scope of audits**	
	Is this the first year of the current audit cycle? (Note: a “no” response does not impact overall compliance with this standard.)	yes

	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	na
115.403 (f)	**Audit contents and findings**	
	The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)	yes