

The Prison Rape Elimination Act (PREA) is a Federal Law established to address the elimination and prevention of sexual assault and rape in correctional facilities. PREA applies to all federal, state, and local prisons, jails, police lock-ups, private facilities, and community settings such as residential facilities.

It is the policy of Lubbock County CRTC to comply with all standards set by PREA to prevent, respond, educate, screen and report sexual harassment or sexual abuse in all of its facilities.

The Lubbock County CRTC will demonstrate compliance not merely by words and written policy, but through a zero tolerance approach demonstrated through our actions to prevent, and the Department's response to outcries of sexual assault.

In response to PREA, the Lubbock County CRTC has a zero-tolerance policy relating to any sexual misconduct between staff, volunteers, contractors, and residents or their family members. Moreover, all forms of forced, coercive, or consensual sexual misconduct occurring among residents will be fully investigated, sanctioned (if authority to do so exists), and referred for prosecution if the prohibited conduct violates state criminal laws.

Facility Director and PREA Coordinator – Val Monteilh
PREA Lead Investigator – Emily Carter

The Lubbock County CRTC offers multiple ways to report sexual abuse and sexual harassment.

Reports can be made anonymously.

Reports can be made to any staff, volunteer, contractor, or medical or mental health staff.

Reports can be made directly to the Director or Assistant Director of the Lubbock CRTC at 806-775-5600.

Call the Lubbock Police Department at 806-775-1400.

Write or call the TDCJ Ombudsman at (936) 437-5570, PO Box 99, Huntsville, TX 77342.

Lubbock County is completed a PREA audit in November 2019 and the audit report can be found on the website. The next scheduled audit is for October 2022.

The Lubbock County CRTC policy regarding PREA is listed below.

20. PREA POLICY

Introduction

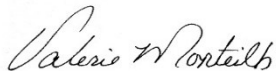
The Lubbock County Court Residential Treatment Center (CRTC) has a **zero-tolerance** policy for all forms of sexual abuse and sexual harassment of residents. The Lubbock County CRTC shall take a proactive approach concerning the detection, prevention, response and punishment of sexual abuse, including consensual sexual contact while in CRTC custody. Further, the CRTC prohibits residents and staff who report sexual abuse or sexual harassment or those who cooperate with sexual abuse or sexual harassment investigations from any form of retaliation by other residents or staff.

Lubbock County CRTC shall be vigilant in establishing a safe environment for staff and residents and take immediate action to address the safety needs of residents who are at imminent risk of sexual abuse or who have been victimized. Every attempt shall be made to prevent the sexual abuse and sexual harassment of residents in accordance with the requirements outlined within this policy.

28 CFR Part 115, National Standards to Prevent, Detect, and Respond to Prison Rape, Subpart C – Standards for Community Confinement Facilities and Texas Department of Criminal Justice - /Community Justice Assistance Division's (CJAD) Standards directs the CRTC to institute a policy that outlines the operation of the CRTC's Prison Rape Elimination Act (PREA) program. The CRTC PREA Policy is applicable to all individuals, including visitors and volunteers, employed by, under contract with, or supervised by the CRTC, including professional staff and any person who is involved, directly or indirectly, with the care and custody of residents.

As the Director of the CRTC and the designated PREA coordinator, I hereby establish the CRTC PREA Policy to ensure every effort is made to maintain a safe and secure environment for staff and residents and incorporate the National PREA standards into CRTC policies and procedures, as well as daily practice.

I hereby implement the attached CRTC PREA Policy for use in the CRTC's approach to preventing, detecting, and responding to sexual abuse and sexual harassment of residents.



Valerie Monteilh, Director Lubbock County CRTC

January 24, 2020

21. PREA DEFINITIONS

ALLEGATION is an unconfirmed report or claim made by any person regarding a potential risk to a resident's safety.

ABUSIVE SEXUAL CONTACTS ONLY is unwanted contact with another inmate or any contact with staff that involved touching of the resident buttocks, thighs, penis, breasts, or vagina in a sexual way.

CODE OF SILENCE An informal institutional or organizational or organizational culture that says members of the group will not inform on or give evidence or testimony against other members of the group, even though actions of the other members may involve breaches of policy or even the criminal law. Also referred to as the "Code of Blue."

COERCION is the practice of forcing another person to behave in an involuntary manner, whether through action or inaction, by use of threats, rewards, intimidation, or some other form of pressure or force.

COMMUNITY CONFINEMENT FACILITY is a community treatment center, residential re-entry center, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correctional facility (including Alternative to Incarceration Programs), other than a juvenile facility, in which individuals reside as part of a term of imprisonment or as a condition of pre-trial release or post-release supervision, while participating in gainful employment, employment search efforts, community service, vocational training, treatment, educational programs, or similar facility-approved programs during nonresidential hours. In this case it refers to Lubbock County Court Residential Center.

CONSENT is an agreement to or approval of what is done or proposed by another without duress, force, threat, or a perceived threat.

CONTRACTOR is a person who provides services on a recurring basis pursuant to a contractual agreement with the agency. In this case it refers to CRTC.

DIRECT STAFF is security staff who are in the same room with, and within reasonable hearing distance of the resident.

EMPLOYEE is a person who works directly for the CRTC including, full time, maintenance and part time people.

EXIGENT CIRCUMSTANCES are temporary and unforeseen circumstances that require immediate action in order to combat a threat to the security of institutional order of a CRTC.

FORENSIC MEDICAL EXAMINATION (FME) is an examination of a sexual abuse patient by a health care provider related to collection of forensic evidence and treatment of the patient.

The forensic component includes gathering information from the patient for the medical forensic history, SANE examination, coordinating treatment of injuries, documentation of biological and physical findings, collecting evidence using the Sexual Assault Evidence Collection Kit, information, treatment, and referrals for sexually transmitted infections (STIs).

The medical component includes coordinating treatment of injuries, providing care for the STIs, discussing treatment options, and providing instructions and referrals for follow-up medical care.

GENDER IDENTITY refers to an individual's inner sense of being male, female or another gender. Gender identity is not necessarily the same as sex assigned or presumed at birth.

GENDER NONCONFORMING is a person whose appearance or manner does not conform to traditional societal gender expectations.

INTERN is the position of a student or trainee who works in an organization, sometimes without pay, in order to gain work experience or satisfy requirements for a qualification.

INTERSEX is a person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

LGBTQI is an acronym for lesbian, gay, bisexual, transgender, queer and intersex.

MENTAL HEALTH PRACTITIONER is a mental health professional who, by virtue of education, credentials, and experience, is permitted by law to evaluate and care for patients within the scope of his or her professional practice. A "qualified mental health practitioner" refers to such a professional who has also successfully completed specialized training for treating sexual abuse victims.

NONCONSENSUAL SEXUAL ACTS an unwanted contact with another resident or any contact with staff that involve contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vagina opening of another person by a hand; finger or other object; and rubbing of another person's penis or vagina by a hand.

PAT DOWN SEARCH is a running of hands over the clothed body of a resident by an employee to determine whether the individual possesses contraband.

PREA COORDINATOR is a designated upper level CRTC employee, with sufficient time and authority to develop, implement, and oversee CRTC efforts to comply with the PREA standards.

REPORTING an agency shall provide multiple internal ways for a resident to privately report sexual abuse and sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

RESIDENT is a person residing in the CRTC.

RETALIATION Occurs when a resident or staff injures, hams or intimidates a person who has reported sexual abuse and assault – or attempts to do - in response to the report.

SEXUAL ABUSE any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Sexual Contact
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument; and
- Any other intentional touching
- Any attempt, threat, or request to engage in sexual activities
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer

SEXUAL ABUSE OF A RESIDENT BY ANOTHER RESIDENT includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.

SEXUAL ABUSE OF A RESIDENT BY A STAFF MEMBER, CONTRACTOR, OR VOLUNTEER includes any of the following acts, with or without consent of the resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in the above paragraphs of this section;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of a resident and,
- Voyeurism by a staff member, contractor, or volunteer.

SEXUAL HARASSMENT is:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to a resident by a staff member, contractor, or volunteer including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

SEXUAL VICTIMIZATION all types of nonconsensual sexual activity with other inmates (that involves contact with the penis and the vagina and anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand), abusive sexual contacts with other inmates, and both willing and unwilling sexual activity with staff.

STRIP SEARCH is a search that requires a person to remove or arrange some or all clothing so as to permit a visual inspection of the person's buttocks or genitals.

STAFF SEXUAL MISCONDUCT all incidents of willing and unwilling sexual contact with facility staff, and all incidents of sexual activity that involved oral, anal or vaginal penetration.

SUBSTANTIATED ALLEGATION an allegation that was investigated and determined to have occurred.

TRANSGENDER a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.

TRAUMA as defined by the National Association of State Mental Health Program Directors, is the experience of violence and victimization including sexual abuse, physical abuse, severe neglect, loss, domestic violence and/or the witnessing of violence, terrorism or disasters.

UNFOUNDED ALLEGATION an allegation that was investigated and determined not to have occurred.

UNSUBSTANTIATED ALLEGATION an allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

VICTIM ADVOCATE is a qualified staff member from a rape crisis center or community-based organization who accompanies and supports residents who were victims of sexual assault through the forensic medical examination process and investigatory interviews and provides emotional support, crisis intervention, information, and referrals. This individual shall have completed a sexual assault training program certified by the Texas Attorney General's Office and be employed by a sexual assault program or provide services through a sexual assault program as a volunteer under the supervision of an advocate.

VOLUNTEER is an individual who donates time and effort on a recurring basis to enhance the activities and programs of the agency.

VOYEURISM by a staff member, volunteer, visitor or contractor means an invasion of privacy of a resident by staff or reasons unrelated to official duties, such as peering at a resident who is showering or using a toilet to perform bodily functions; requiring a resident to expose his or her buttocks, genitals, or breasts; or taking images of all or part of a resident's naked body or of a resident performing bodily functions.

22. PREA PREVENTIONS

22.01 PREA COORDINATOR (115.221B)

The Director serves as the PREA coordinator and is responsible for the oversight and implementation of all PREA related activities at the CRTC to ensure compliance with the PREA standards. The PREA coordinator reports directly to the Lubbock County CSCD Director. (115.211b)

The PREA coordinator shall have sufficient time and authority to develop, implement, and oversee the CRTC efforts to comply with the PREA standards.(115.211b)

The PREA coordinator shall be responsible for ensuring all supporting policies and procedures, documentation, statistical data, reports, and other documents are retained to demonstrate support the PREA standards for Community Confinement Facilities.

The PREA coordinator shall:

- Coordinate and develop procedures to identify, monitor, and track Sexual Abuse and/or Sexual Harassment incidents occurring at the CRTC;
- Maintain related statistics of incidents of sexually abusive behavior (see Data Collection section);
- Coordinate with the PREA investigator;
- Conduct audits to ensure compliance with CRTC policy and the Prison Rape Elimination Act of 2003;
- Ensure CRTC compliance with training requirements;
- Coordinate training activities;
- Report to the Director of another facility when a resident reports Sexual Abuse and Sexual Harassment that reportedly occurred at his/her facility (115.263 a);
- Request the Director of the other facility to report any finding of Sexual Abuse and Sexual Harassment;
- Make notification within 72 hours from the time the resident reports the incident (115.263 b);
- Document all incidents related to PREA (115.263 c);
- Ensure that allegation is investigated following receipt (115.263 d);
- Develop, implement and oversee the CRTC compliance with PREA;
- Track and report PREA statistical data to the PREA Coordinator; and
- Coordinate the actions taken between the first responder, medical health provider, the internal investigator, and the Lubbock Police Department (115.265).

22.02 PREA COMPLIANCE MANAGER (115.212)

The Assistant Director of Operations will serve as the PREA Compliance Manager and is responsible for:

- Reporting all PREA related incidents to the PREA Coordinator (115.212a);
- Monitoring the programs to reduce and prevent PREA violations; and
- Conducting frequent walk-throughs to show a presence mostly in the blind spot areas.

23. CONTRACTING WITH ENTITIES FOR THE CONFINEMENT OF RESIDENTS

Currently the CRTC does not contract with another entity. If the CRTC needs to contract with another entity, the Director or designee shall follow the procedure below.

- Any new contract or renewal with entities, including other government agencies, shall include in any new contract or contract renewal the entity's obligation to adopt and comply with the PREA standards. (115.212a)
- Any new contract or contract renewal shall provide for agency contract monitoring to ensure that the contractor is complying with the PREA standards. (115.212b)
- Only in emergency circumstances in which all reasonable attempts to find a private agency or other entity in compliance with the PREA standards have failed, may the CRTC enter into a contract with an entity that fails to comply with these standards. In such a case, the Director or designee shall document its unsuccessful attempts to find an entity in compliance with the standards.

23.01 SUPERVISION AND MONITORING

The Director or designee shall develop and document a staffing plan that provides for adequate levels of staff, and, where applicable, video monitoring, to protect residents against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, the Operations Manager shall take into consideration: (115.213a)

- The physical layout of the CRTC
- The composition of the resident population
- The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.

If the Shift Supervisor knows the staffing level (per staffing plan) is not being met, the Shift Supervisor shall contact the following staff in this order to ensure compliance:

- Another Residential Monitor
- Another Shift Supervisor
- The Operations Manager
- An Assistant Director
- The Director

In circumstances where the staffing plan is not complied with, the appropriate Shift Supervisor shall document and justify all deviations from the plan in the following manner.

- Write a justification under the Staff Deviation subject in the Log, who was called and the reason for the deviation. (115.213b)

Whenever necessary, but no less frequently than once each year, no later than December 15 of each year, the management team shall assess, determine, and document whether adjustments are needed to: (1115.213c)

- The staffing plan established pursuant to first paragraph of this section;
- Prevailing staffing patterns;
- The CRTC deployment of video monitoring systems and other monitoring technologies; and

- The resources the CRTC has available to commit to ensure adequate staffing levels.

The following management staff shall participate in the Staffing Plan review:

- CRTC Director
- Assistant Director of Operations (ADO)
- Assistant Director of Programming (ADP)
- Operations Manager
- Probation Supervisor
- Medical Supervisor

The staffing plan review shall be documented in the management team meeting minutes and presented to the CSCD Director by the CRTC Director no later than January 31 of each year. The management team meetings minutes shall be stored on the share drive under the management team folder.

24. LIMITS TO CROSS-GENDER VIEWING AND SEARCHING

The female staff shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) of a resident except in exigent circumstances or when performed by medical practitioners.

The shift supervisor shall document all cross-gender strip searches and cross-gender body cavity searches of residents in the following manner:

- In the event of an exigent circumstance and time doesn't allow for a same gender staff, authorization to conduct the search must be granted by the Director or designee and documented in the com-log under the PREA subject, which includes justification for the search, the gender of the individual conducting the search, and the gender of the resident. The individual granting approval shall sign the paper log located at Central indicating the search was approved. (115.215a)
- Cross-gender search approval documents shall be provided to the PREA coordinator for review. (115.215c)
- The PREA coordinator or designee shall maintain a log of all cross-gender strip and body cavity searches, including where a medical practitioner conducted the search that includes the information provided in first bullet paragraph of this section.

The residents shall 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 checks. (115.215d)

All female staff, shall announce their presence when entering the housing area and areas where residents are likely to be showering, performing bodily functions, or changing clothing. An alternative announcement, such as use a buzzer or flickering the lights shall be considered for residents who are hard of hearing; however, shall not be used as the main source of the announcement in general (115.215d).

The CRTC staff shall not search or physically examine a transgender or intersex resident for the sole purpose of determining the resident's genital status. If the resident's genital status is unknown, it may be

determined during conversations with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner. The PREA coordinator or designee shall be notified immediately if the genital status of a resident cannot be determined (115.215e).

Staff shall be trained in how to conduct cross-gender pat down searches, and searches of transgender and intersex residents, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs of the CRTC. Staff shall sign an acknowledgement that they were trained and understand the training they received. The link is to the NIC Web Site Cross Gender Pat Searches: (115.215f)

25. RESIDENTS WITH DISABILITIES AND RESIDENTS WHO ARE LIMITED ENGLISH PROFICIENT

The Lubbock County CRTC requires that all residents must be physically, mentally, emotionally and cognitively able to participate in all components. The program requires that potential residents are able to read at the minimum of a fifth-grade level. The potential resident must be able to read and speak English. This is determined prior to admitting a resident.

If a resident is admitted with disabilities, such as residents who are deaf or hard of hearing, 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 aspects of the facilities efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include (115.216a):

- within 10 business days of admission, discharge the resident as an inappropriate placement;
- effective communication with residents who are deaf or hard of hearing;
- providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary; and
- providing written materials in formats or through methods that ensure effective communication with residents with disabilities, including residents who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

The CRTC is not required to take the actions specified above if it can demonstrate the actions would result in a fundamental alteration in the nature of a service, program, or activity, or in due financial and administrative burdens, as those terms are used in regulations promulgated under title II of the Americans with Disabilities Act, 28 CFR 35.164.

The PREA Coordinator or designee shall ensure meaningful access to all aspects of the CRTC PREA Program to residents who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. (115.216b)

The following steps shall be taken when an interpreter is required.

- Contact a Spanish speaking staff member who will interpret the information given in classes.

- If a person speaks a language other than English or Spanish, the Assistant Director of Programming or designee shall contact *InWhatLanguage* at 1-385-425-0783 use pin 80432531 to employ services for the resident.

CRTC staff are prohibited from using resident interpreters, resident readers, or other type of resident assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the resident's safety, the performance of first-response duties, or the investigation of the resident's allegations. The use of a resident shall be documented in the com-log. (115.216c)

The PREA coordinator or designee shall be informed of all limited circumstances where a resident interpreter was used. Circumstances shall be documented on the Interpreter Log Sheet in the PREA log book located at Central.

Upon receiving notification that a new resident has arrived at the CRTC, the Shift Supervisor or designee shall ensure the following tasks are performed:

- ensure residents are fully aware of the CRTC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment;
- have resident read the PREA poster and the grievance poster, or if the resident cannot read then read these items to the resident;
- provide the resident the PREA pamphlet located in the intake folder. If the resident's primary language is Spanish, offer the resident the Spanish pamphlet (115.233 a1) (115.216ab); and
- if the resident speaks Spanish, request one of the Spanish speaking staff to assist in reading the poster and handbook to the resident and notify the Assistant Director of Programming for assessment of ability to complete the program.

The resident shall attend a New Resident Orientation with the Director or designee at which time the resident will view the video "PREA: What you need to know" located on the share drive under the PREA folder. During this orientation, the Director or designee shall explain to the residents what is expected of them that they should do if a PREA incident occurs.

The resident shall attend the Resident Handbook Orientation at which time the entire resident handbook is read to the resident at which time anything that needs to be clarified for the resident is discussed.

All CRTC staff shall be educated on the practices for residents with disabilities and residents who are limited English proficient.

September of each year the Director or designee shall make it mandatory for all staff to review the PREA policies and procedures will be reviewed.

26. DECISIONS IN PERSONNEL ISSUES PER PREA

The CRTC shall not hire or promote anyone who has contact with residents, and shall not enlist the services of any contractor who may have contact with residents, who: (115.217a)

- 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); (115.217a1)

- 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; or (115.217a2)
- Has been civilly or administratively adjudicated to have engaged in the activity described in the above paragraph. (115.217a3)

Best efforts are made to contact all prior institutional employers for information on the substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse in consistent with federal, state and local laws.

The agency shall consider any incident of sexual harassment in determining whether to hire or promote anyone, or to enlist the services of nay contractor, who may have contact with residents. (115.217b)

The following will occur upon hiring a new employee, or enlisting the service of any contractors or volunteers that may have contact with residents: (115.217d)

- the Assistant Director of Programming shall perform a criminal background check; (115.217c1)
- consistent with Federal, State, and local law, the Assistant Director of Programming will make the best possible effort 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; (115.217c2)
- the Assistant Director of Programming will maintain documentation in the employee's file of the criminal background check, interview questions and answers regarding past conduct questions listed in the first section of this subject 1; and (115.217d)
- new hires will sign a consent for release of information.

The Director also imposes upon all employees a continuing affirmative duty to disclose any such misconduct. Failure to disclose is grounds for dismissal.

Criminal background checks shall be conducted yearly on current employees and contractors who may have contact with residents or have in place a system for otherwise capturing such information for current employees. (115.217e)

All employees shall be asked directly about previous misconduct described in the first section of this subject, annually and for all promotion considerations. Documentation will be retained in the employee file. (115.217f)

Material omissions regarding such misconduct, or the provision of materially false information, shall be grounds for termination. (115.217g)

Unless prohibited by law, the CRTC shall provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work. (115.217h)

27. UPGRADES TO FACILITIES AND TECHNOLOGIES

When designing or acquiring any new facility and in planning any substantial expansion or modification of the existing CRTC, the Director or designee shall consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect residents from sexual abuse. (115.218a)

When installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, the Director/PREA Coordinator shall consider how such technology may enhance the CRTC's ability to protect residents from sexual abuse. (115.218b)

The PREA coordinator shall ensure documentation, which supports the consideration to protect residents from sexual abuse is included in the scope of expansion or modification design and project planning.

- Documentation shall include meeting minutes with CRTC staff, designers, engineers, etc., that demonstrates the considerations to protect residents from sexual abuse was included in the planning process.
- Document and retain information from internal audits, sexual abuse incident reviews, annual staffing plan meetings or CRTC observations, i.e., blind spots when making decisions to install or enhance video monitoring systems.

28. RESPONSIVE PLANNING

28.01 EVIDENCE PROTOCOL AND FORENSIC MEDICAL EXAMS

The Assistant Director of Operations or trained CRTC investigator is responsible for conducting *administrative* investigating allegations of sexual abuse. A uniform evidence protocol shall be followed that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The facility shall employ Lubbock Police Department for conducting *criminal* sexual abuse investigations. (115.221a)

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's Office on Violence Against Women publication, "A National Protocol for Sexual Assault medical Forensic Examinations, Adult/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. (115.221b)

The CRTC offers all victims of sexual abuse with access to Forensic Medical Examinations (FME) at an outside facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners. The medical staff shall maintain documentation of its efforts to provide SAFEs or SANEs. Documentation shall be retained by the PREA coordinator or designee. (115.221c)

All medical examinations shall take place at University Medical Center (UMC) where there are SANE nurses are located. The first responding employee shall call 9-911 to employ an ambulance to transport the victim to UMC.

The Assistant Director or designee shall attempt to make available to the victim a victim advocate from a rape crisis center. When a rape crisis center is not available to provide victim advocate services, the CRTC shall make available to provide these services a qualified staff member from a community-based organization or a qualified CRTC staff member. A qualified counselor staff or a qualified community-based staff member is an individual who has been screened for appropriateness to serve the role of advocate and has received education concerning sexual assault and forensic examination issues in general. The CRTC shall document efforts to secure services from rape crisis centers. (115.221d)

As requested by the victim, the victim advocate, qualified CRTC staff, or qualified community-based organization staff member shall accompany and support the victim through the FME process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals. (115.221e)

The CRTC is not responsible for conducting criminal investigations. The CRTC shall request that the investigating agency follow the requirements in the above paragraph of this subject. (115.221f)

The PREA coordinator or designee shall retain the following documentation, as applicable:

- information corroborating that all victims of sexual abuse have access to Forensic Medical Exams;
- any emails, letters, meeting minutes or memorandum of understanding (MOUs) documenting the CRTC's attempts to secure advocacy services;
- information that describes the responsibilities of outside medical and mental health practitioners, i.e. agreements or MOUs with hospitals or clinics;
- CRTC staff qualifications, if staff is used to provide victim advocate services;
- relevant information that a qualified CRTC staff or qualified community-based organization staff member accompanied an supported the victim pursuant to paragraph 6; and
- MOUs or agreements with outside investigating agencies.

28.02 REFERRALS OF ALLEGATIONS FOR INVESTIGATIONS

It is the policy of the CRTC that all allegations of sexual abuse and sexual harassment shall be administratively investigated and criminally investigated when warranted. (115.222b)

All CRTC allegations of sexual abuse and sexual harassment shall be referred for investigation to the Lubbock Police Department, who has the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The Assistant Director of Programming shall publish such policy on its website or, if it doesn't have one, make the policy available through other means. All referrals for investigations shall be documented. The PREA Coordinator or designee shall maintain all documentation for a minimum of five years. (115.22 a & b) (115.221 b1&2)

For the purposes of this standard, a qualified agency staff member or a qualified community-based staff member shall be an individual who has been screened for appropriateness to serve in this role and has received education concerning sexual assault and forensic examination issues in general. (115.221h)

The CRTC System Administrator shall publish a description of the responsibilities of both the CRTC and the investigating agency on the CRTC website.

The PREA coordinator shall ensure all reports of sexual abuse and harassment and documentation of investigations, including full investigative report(s) with findings are retained in a secure area.

28.03 SEXUAL ABUSE AND SEXUAL HARASSMENT GRIEVANCE PROCESS

There is no time limit on when a resident may submit a grievance regarding an allegation of Sexual Abuse and Sexual Harassment or risk of imminent Sexual Abuse and Sexual Harassment. (115.252 b1)

No formal grievance process is required nor is the resident required to attempt to resolve the incident with staff regarding an allegation of Sexual Abuse and Sexual Harassment.

Nothing in this policy shall restrict the CRTC's ability to defend against a lawsuit filed by a resident on the grounds that the application statute of limitations has expired. (115.252 b4)

The agency shall ensure:

- a resident who alleges Sexual Abuse and Sexual Harassment may submit a grievance without submitting it to a staff member who is the subject of the complaint;
- such grievance is not referred to a staff member who is the subject of the complaint;
- the CRTC shall issue a final decision on the merits of any portion of a grievance alleging Sexual Abuse and Sexual Harassment within 90 days of the initial filing of the grievance; (115.252 d1)
- computation of the 90-day time period shall not include time consumed by the residents in preparing any appeal; (115.252 d2)
- the agency may claim an extension of time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The CRTC shall notify the resident in writing of any such extension and provide a date by which a decision will be made; (115.353 d3)
- at any level of the grievance process, including any properly noticed extension, the resident may consider the absence of a response to be a denial at any level; (115.252 d4)
- third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for a grievance relating to allegations of Sexual Abuse and Sexual Harassment, and shall also be permitted to file such requests on behalf of residents; (115.252 e1)
- if a third-party file such a request on behalf of a resident, the CRTC 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 grievance process; (115.252 e2) and
- if the resident declines to have the request processed on his or her behalf, the agency shall document the resident's decision. (115.252 e3)
- Any grievance received alleging a resident is at risk of imminent sexual abuse, the staff shall take immediate action to protect the resident and to contact the Director or designee immediately. The final agency shall document whether the resident is in imminent risk within 5 calendar days. (115.252 f2)
- The resident may receive discipline actions for filing a grievance related to alleged sexual abuse if the resident filed the grievance in bad faith. (115.525 g)

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the head of the facility that received the allegation shall document and notify the head of the facility or appropriate office of the agency within seventy-two hours where the alleged abuse occurred. (115.263 a-c)

29. TRAINING AND EDUCATION

29.01 EMPLOYEE TRAINING

Every September all current staff shall receive PREA training to ensure they know the facilities current sexual abuse and sexual harassment policies and procedures.

The Director or designee shall train all new employees and all current employees on the following topics: (115.231a 1-9)

- the zero-tolerance policy on sexual abuse and sexual harassment;
- how to fulfill their responsibilities under the CRTC sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
- residents' right to be free from sexual abuse and sexual harassment;
- the right of residents and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
- the dynamics of sexual abuse and sexual harassment in confinement;
- the common reactions of sexual abuse and sexual harassment victims
- how to detect and respond to signs of threatened and actual sexual abuse
- how to avoid inappropriate relationships with residents
- how to communicate effectively and professionally with residents, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming residents; and
- how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Employee training shall be tailored to the gender of the residents at the CRTC. The CRTC is an all-male CRTC. (115.231 1b)

- Employees shall receive additional training if the employee is reassigned from a CRTC that houses only male residents to a CRTC that houses only female residents, or vice versa.

Each September the employee shall sign the Training Acknowledgment Form stating that the employees understand the training they have received.

All current employees who have not received such training shall be trained within one year of the effective date of the PREA standards, and the agency shall 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. In years in which an employee does not receive refresher training, the agency shall provide refresher information on current sexual abuse and sexual harassment policies. (115.231c)

The agency shall document, through employee signature or electronic verification, that employees understand the training they have received. (115.231d)

29.02 VOLUNTEER AND CONTRACTOR TRAINING

All volunteers and contractors who have contact with residents shall be trained on their responsibilities under the CRTC sexual abuse and sexual harassment prevention, detection and response policies and procedures. (115.232a)

The level and type of training received by volunteers and contractors shall be based on the services they provide and level of contact they have with residents, but all volunteers and contractors who have contact with residents shall be notified of the CRTC zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents to Director or any employee. (115.232b)

The Assistant Director of Operations or designee shall maintain documentation confirming that volunteers and contractors understand the training they have received. (115.232c)

29.03 RESIDENT EDUCATION

During the intake process, residents shall receive information explaining the following: (115.233a)

- A zero-tolerance policy regarding sexual abuse and sexual harassment;
- How to report incidents or suspicions of sexual abuse and sexual harassment;
- Their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents;
- Policies and procedures for responding to such incidents; and
- consequences of false allegations

The Director or designee shall provide PREA training whenever a resident is transferred to the CRTC. (115.233b)

Residents shall be provided with education in formats accessible to all residents, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as residents who have limited reading skills. (115.233c)

- The residents shall view the video “PREA: What You Need to Know” which is in both English and Spanish and closed-caption can be used if needed.
- The residents receive pamphlets available in both English and Spanish.

The CRTC shall maintain documentation of resident participation in these education sessions. The resident shall sign the PREA Acknowledgement form which will be scanned into the facilities system. (115.233d)

In addition to providing such education, the CRTC shall ensure that key information is continuously and readily available or visible to residents through posters, resident handbooks, or other written formats. See Appendix A for example. (115.233e)

29.04 SPECIALIZED TRAINING: INVESTIGATIONS

In addition to the employee training described in section in the training section of this policy., all employees designated as sexual abuse investigators shall receive training in conducting such investigations in confinement settings.

- The Assistant Director of Operations or designee shall train as the lead internal investigator. The investigators shall train using the curriculum from PREA and National Institute of Corrections website websites. (115.234a)
- All CRTC investigations shall train using the curriculum from the PREA and National Institute of Corrections website websites.

Specialized training shall include the following topics: (115.234b)

- proper use of Miranda and Garrity warnings;
- sexual abuse evidence collection in confinement settings; and
- criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Director or designee shall maintain documentation that all designated CRTC investigators have completed the required specialized training in conducting sexual abuse investigations. (115.234c)

The facility in not an entity or Department of Justice component that investigates sexual abuse in confinement settings shall provide such training to its agents and investigators who conduct such investigations. (115.234d)

29.05 SPECIALIZED TRAINING: MEDICAL AND MENTAL HEALTH

All full and part-time medical and mental health care practitioners who work regularly in the CRTC shall be trained in (see curriculum located on the CRTC share drive): (115.235a1)

- how to detect and assess signs of sexual abuse and sexual harassment;
- how to preserve physical evidence of sexual abuse; (115.235a2)
- how to respond effectively and professionally to victims of sexual abuse and sexual harassment; and (115.235a3)
- how and to whom to report allegations or suspicions of sexual abuse and sexual harassment. (115.235a4)

If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations. Forensic examination should be conduct by UMC SANE or other medical staff. (115.234b)

The Facility Nurse shall maintain documentation supporting that all mental health practitioner have received the training referenced either from the CRTC and/or the National Institute of Corrections website and PREA website. The topic of training: Screening for risk of sexual victimization and abusiveness. (115.235c)

Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.231 or for contractors and volunteers under § 115.232, depending upon the practitioner's status at the agency. (115.235d)

30. SCREENING FOR RISK OF SEXUAL VICTIMIZATION AND ABUSIVENESS

30.01 SCREENING FOR RISK OF VICTIMIZATION AND ABUSIVENESS

All residents shall be assessed during the intake screening and upon transfer to another facility for their risk of being sexually abused by other residents or sexually abusive toward other residents. (115.241a)

Intake screening shall ordinarily take place within 72 hours of arrival at the CRTC and is conducted by the medical personnel or the probation officer if the medical personnel is not available. (115.241b)

Such assessments shall be conducted using the established objective screening instrument required by the CRTC. This assessment instrument may be found in the CRTC software Sentry Soft. (115.241d)

The intake screening shall consider, at a minimum, the following criteria to assess residents for risk of sexual victimization: (115.241c)

- whether the resident has a mental, physical, or developmental disability;
- the age of the resident;
- the physical build of the resident;
- whether the resident has previously been incarcerated;
- whether the resident's criminal history is exclusively nonviolent;
- whether the resident has prior convictions for sex offenses against an adult or child;
- whether the resident is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
- whether the resident has previously experienced sexual victimization; and
- the resident's own perception of vulnerability.

The CRTC intake 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 CRTC, in assessing residents for risk of being sexually abusive. (115.241e)

Between the 20th day and no later than the 30th day of arrival at the CRTC, the residents shall be reassessed for risk or abusiveness based upon any additional, relevant information received by the medical staff, since the initial intake screening. (115.241f).

A resident's risk level shall also be reassessed when warranted due to: (115.241g)

- a referral;
- request;
- reported incident of sexual abuse, or
- any relevant information received by the CRTC medical staff since the initial intake screening.

Residents shall not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs 4.a., g., h., or i. (115.241h)

The medical staff shall ensure appropriate controls on the dissemination within the CRTC of responses to questions asked pursuant to this section in order to ensure that sensitive information is not exploited to the resident's detriment by staff or other residents. This information is kept in the resident's file in Sentry. Sentry has control over who will see this information. (115.241i)

All staff designated to conduct resident assessment screenings shall be trained to ensure the assessment is completed accurately and they are familiar with determining the risks of sexual victimization and abusiveness. In addition, staff shall understand the control procedures for restricting dissemination of a resident's screening information only to those who make decisions regarding the resident's bed, housing, education, program, and work assignments.

30.02 USE OF SCREENING INFORMATION

The Director or designee shall use information from the risk screening to inform housing, bed, work, education, and program assignments with the goal of keeping separate those residents at high risk of being sexually victimized from those at high risk of being sexually abusive. (115.242a)

The Director or designee shall make individualized determinations about how to ensure the safety of each resident. (115.242b)

When deciding whether to assign a transgender or intersex resident to a CRTC for male or female residents, and in making other housing a programming assignment, the Director or designee shall consider on a case-by-case basis whether a placement would ensure the resident's health and safety, and whether the placement would present management or security problems. (115.242c)

The CRTC staff shall consider a transgender or intersex resident's own view with respect to his or her own safety. (115.242d)

All residents including transgender and intersex residents shall be given the opportunity to shower separately from other residents. (115.242e)

The Director or designee shall not place lesbian, gay, bisexual, transgender, or intersex residents in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated CRTC, unit, or wing established in connection with a consent decree, legal settlement, or legal judgement for the purpose of protecting such residents. (115.242f)

31. REPORTING

31.01 RESIDENT REPORTING

The CRTC provides multiple internal ways for residents to privately report sexual abuse and sexual harassment, retaliation by other residents or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents. Residents may report in any of the following ways. (115.251a)

- Report to any staff, volunteer, contractor, or medical and mental health staff.
- Submit a grievance, or Inter-Office Communication (IOC) to any CRTC employee or volunteer.
- Tell a family member, friend, legal counsel, or anyone else outside the CRTC. They can report on the resident's behalf by calling the Director or Assistant Director.

The CRTC ensures all residents are informed of at least one way to report abuse or harassment to public or private entity or office that is not part of the CRTC and that is able to receive and immediately forward resident reports of sexual abuse and sexual harassment to CRTC officials, allowing the resident to remain anonymous upon request. The resident can write the PREA Ombudsman at P.O. Box 99, Huntsville, Tx 77340 (115.251b)

All CRTC staff shall accept reports made verbally, in writing, anonymously, and from third parties (family, friends, etc.) and shall promptly document any verbal reports using the PREA Outcry Form located in the share drive in the PREA Folder. (115.251c)

The Director provides staff with a method to privately report sexual abuse and sexual harassment of residents. The staff member may report to: (115.251d)

- any supervisor in their office or either Assistant Director or Director in their individual office;
- telephone the Director, either Assistant Directors or any supervisor; or
- write the Ombudsman at PREA Ombudsman P.O. Box 99 Huntsville, Tx 77340.
- telephone the Lubbock Police Department at 806-775-2865.

31.02 EXHAUSTION OF ADMINISTRATIVE REMEDIES

The Director, designee or any staff member shall not impose a time limit on when a resident may submit a grievance regarding an allegation of sexual abuse. However, may apply otherwise-applicable time limits on any portion of a grievance that does not allege an incident of sexual abuse. (115.252b 1&2)

The staff shall not require a resident to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (115.252b3)

Nothing in this section shall restrict the facilities ability to defend against a lawsuit filed by a resident on the ground that the applicable statute of limitations has expired. (115.252c1)

The Director or designee shall ensure that:

- a resident who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and (115.252c1)
- such grievance is not referred to a staff member who is the subject of the complaint. (115.252c2)

The Director or designee shall issue a final decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. (115.252d1)

- Computation of the 90-day time period shall not include time consumed by resident in preparing any administrative appeal. (115.252d2)
- The Director or designee may claim an extension of the time to respond, of up to 70 days, if the normal time period for response is insufficient to make an appropriate decision. The Director or designee shall notify the resident in writing of any such extension and provide a date by which a decision will be made. (115.252d3)
- At any level of the administrative process, including the final level, if the resident does not receive a response within the time allotted for reply, including any properly noticed extension, the resident may consider the absence of a response to be a denial at that level. (115.252d4)

Third parties, including fellow residents, staff members, family members, attorneys, and outside advocates, shall be permitted to assist residents in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of residents. (115.252e1)

- If a third-party file such a request on behalf of a resident, the Director or designee may require as a condition of processing the request that the alleged victim sign an agreement 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. This agreement shall be scanned into the resident's file located in Sentry. (115.252e2)
- If the resident declines to have the request processed on his or her behalf, the Director or designee shall document the resident's decision. The resident shall be required to complete a wavier form and the form will be scanned and placed in the resident's file located in Sentry. (115.252e3)

The Director or designee shall establish procedures for the filing of an emergency grievance alleging that resident is subject to a substantial risk of imminent sexual abuse. (115.252f1)

After receiving an emergency grievance alleging a resident is subject to a substantial risk of imminent sexual abuse, the Director or designee shall immediately forward the grievance (or any portion of the grievance that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final decision within 5 calendar days. The initial response and final decision shall document the determination whether the resident is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. (115.252f2)

The Director or designee may discipline a resident for filing a grievance related to alleged sexual abuse only where it demonstrates that the resident filed the grievance in bad faith or lied. (115.252g)

31.03 RESIDENT ACCESS TO OUTSIDE CONFIDENTIAL SUPPORT SERVICES

The Director or designee shall provide residents with access to outside victim advocates for emotional support services related to sexual abuse by giving residents mailing addresses and telephone numbers, including toll-free hotline number where available, of local, State, or national victim advocacy or rape crisis organizations, and by enabling reasonable communication between residents and these organizations, in as confidential manner as possible. (115.253a)

The residents shall receive information during New Resident Orientation 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. (115.253b)

The Director or designee shall maintain or attempt to enter into memoranda of understanding or other agreements with community services providers what are able to provide residents with confidential emotional support services related to sexual abuse. The Director or designee shall maintain copies of agreements or documentation showing attempts to enter into such agreements. (115.25c)

31.04 THIRD-PARTY REPORTING (115.254)

The Director or designee shall establish a method to receive third-party reports of sexual abuse and sexual harassment and shall distribute publicly information on how to report sexual abuse and sexual harassment on behalf of a resident.

CRTC staff shall ensure the following guidelines for receiving and processing reports of sexual abuse and sexual harassment of residents from third-party individuals.

- Upon receiving a phone call or letter, the CRTC staff member shall complete the outcry form and submit it to the Director who will contact the lead investigator.
- The investigator shall conduct an investigation into the allegations using the steps listed in the investigations section of the PREA policy.

32. OFFICIAL RESPONSE FOLLOWING A RESIDENT REPORT

32.01 STAFF AND AGENCY REPORTING DUTIES

All staff members shall report immediately and according to the CRTC policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a CRTC, whether or not it is part of the CRTC; retaliation against residents or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to any incident or retaliation. (115.261a)

Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in CRTC policy, to make treatment, investigation, and other security and management decisions. (115.261b)

Unless otherwise precluded by Federal, State, or local law, medical and mental health practitioners shall be required to report sexual abuse pursuant to paragraph 1 of this section and to inform residents of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services. (115.261c)

If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, the Director or designee shall report the allegation to the designated State or local services agency under applicable mandatory reporting laws. (115.261d)

The staff member shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the CRTC designated investigators. A list of the investigators is provided in the CRTC Sexual Abuse Coordinated Response Plan. (115.261e)

32.02 AGENCY PROTECTION DUTIES

When an employee learns that a resident is subject to a substantial risk of imminent sexual abuse, staff shall immediately remove the resident to protect the resident from harm. (115.262)

The employee can take the resident to Medical, place him in a crisis room or take him into the control area for safety reasons. A staff member shall stay with the resident until the Director or designee gives different instructions.

32.03 REPORTING TO OTHER CONFINEMENT FACILITIES

Upon receiving an allegation that a resident was sexually abused while confined at another facility, the Director or designee shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred (115.263a)

Such notification shall be provided as soon as possible, but no later than 72 hours after receiving the allegation. (115.263b)

The CRTC or designee shall document that it has provided such notification. Notification may be in the form of a letter or email. If notification is provided telephonically, staff shall ensure to follow-up with a letter or email demonstrating the notification is documented. (115.263c)

All such notifications shall be retained by the Director or designee. Any allegation reported to the facility will be investigated following the procedures of these policies and PREA standards. (115.236d)

32.04 STAFF FIRST RESPONDER DUTIES

Upon learning of an allegation that a resident was sexually abused, the direct care staff to respond shall: (115.264a)

- separate the alleged victim and abuser; (115.264a1)
- preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (115.264a2)
- if the abuse occurred within 120 hours, request 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; and (115.264a3)
- if the abuse occurred within 120 hours, ensure that the alleged abuser doesn't not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating. (115.262a4)

If the first staff responder is not a direct care staff member, the responder shall request that the alleged victim not take any actions that could destroy evidence and then notify the Operations Manager or designee. (115.264b)

32.05 COORDINATED RESPONSE PLAN

The Director or designee shall develop and maintain a written institutional plan to coordinate actions taken in response to an incident of sexual abuse, among staff first responders, medical and mental health practitioners, both a CRTC and Criminal investigators, and CRTC leadership. See Appendix B for plan. (115.265a)

32.06 PRESERVATION OF ABILITY TO PROTECT RESIDENTS FROM CONTACT WITH ABUSERS

The CRTC nor any other governmental entity responsible for collective bargaining on behalf of the CRTC shall enter into or renew any collective bargaining agreement or other agreement that limits the facilities ability to remove alleged staff sexual abusers from contact with residents pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted. (115.266a)

Nothing in this section shall restrict the entering into or renewal of agreements that govern:

- the conduct of the disciplinary process, as long as such agreements are not inconsistent with the evidentiary standard for administrative investigations and disciplinary sanctions for staff outlined later in this policy; or (115.266b1)
- whether a no-contact assignment that is imposed pending the outcome of an investigation shall be expunged from or retained in the staff member's personnel file following a determination that the allegation of sexual abuse is not substantiated. (115.266b2)

32.07 AGENCY PROTECTION AGAINST RETALIATION

The CRTC shall protect all residents and staff who report sexual abuse or sexual harassment or cooperated with sexual abuse or sexual harassment investigations from retaliation by other residents or staff. (115.267a)

The following CRTC staff are responsible for monitoring retaliation:

- Operations Manager and
- Assistant Director of Operations or designee.

The CRTC shall employ multiple protection measures, such as housing changes or transfer for resident victims or abusers, removal of alleged staff or resident abusers from contact with victims, and emotional support services for resident or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. These measures include but are not limited to: (115.267b)

- housing changes;
- counseling services;
- Operations Manager talking with the resident;
- medical support and reassessment; and/or
- the perpetrator removal from the CRTC.

For at least 90 days following a report of sexual abuse, the Director or designee shall monitor the conduct and treatment of residents or staff who reported the sexual abuse and of residents who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by residents or staff, and shall act promptly to remedy any such retaliation. Monitoring shall include a review of any resident disciplinary reports, housing, or program changes, or negative performance reviews or reassignments of staff. The Director or designee shall continue monitoring beyond the 90 days if the initial monitoring indicates a continuing need. (115.267c)

In the case of residents, monitoring shall include monthly status checks by the Director or designee. The Director or designee shall meet face-to-face with the resident to discuss whether he or she has experienced retaliation. (115.267d)

If any other individual who cooperates with an investigation expresses a fear of retaliation, the Director or designee shall take appropriate measures to protect that individual against retaliation. (115.267e)

The CRTC's obligation to monitor shall terminate if the allegations were determined to be unfounded. (115.267f)

33. INVESTIGATIONS

33.01 CRIMINAL AND ADMINISTRATIVE AGENCY INVESTIGATIONS

When the CRTC conducts its own investigations into allegations of sexual abuse and sexual harassment, it shall do so promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. (115.271a)

Where sexual abuse is alleged, the CRTC uses investigators who have received special training in sexual abuse investigation pursuant to Chapter 4.D. of this policy. (115.271b)

Investigators shall gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; shall interview alleged victims, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator. CRTC investigators shall cooperate with law enforcement officials while they conduct a criminal investigation, as applicable. 9115.271c)

Law enforcement will act as the PREA criminal investigator and will conduct investigations of all incidents of sexual abuse and sexual harassment.

- The Director or designee shall ensure that the victim has access to services from the crisis center while law enforcement investigates the incident.

When the quality of evidence appears to support criminal prosecution, the investigator shall consult with the Director. The CRTC Director will contact the CSCD Director to provide him/her with the findings of the investigation. The CSCD Director will contact the Lubbock Police Department prior to the CRTC conducting compelled interviews and they may consult with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. (115.271d &h)

The credibility of an alleged victim, suspect or witness shall be assessed on an individual basis and shall not be determined by the person's status as resident or staff. At no time shall a resident be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with a sexual abuse investigation. (115.271e)

Administrative investigations shall: (115.271f)

- include an effort to determine whether staff actions or failures to act contributed to the abuse; and (115.271fa)
- shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and finds. (115.271fb)

Criminal investigations shall be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. 115.271g)

Substantiated allegations of conduct that appears to be criminal shall be referred for prosecution. (115.271h)

The Director or designee shall retain all written reports for as long as the alleged abuser is incarcerated or employed by the CRTC, plus five years. (115.271i)

The departure of the alleged abuser or victim from the employment or control of the CRTC shall not provide a basis for terminating an investigation. (115.271j)

Any state entity or Department of Justice component that conducts such investigations shall do so pursuant to the above requirements. (115.271k)

When an outside agency, such as law enforcement investigates sexual abuse, the CRTC shall cooperate with outside investigators and shall attempt to remain informed about the progress of the investigation. (115.271l)

33.02 EVIDENTIARY STANDARD FOR ADMINISTRATIVE INVESTIGATIONS

The CRTC imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. Under the preponderance standard, the burden of proof is met when the party with the burden convinces the fact finder that there is a greater than 50% chance that the claim is true. (115.272)

33.03 RESPONDING TO RESIDENTS

Following an investigation into a resident's allegation of sexual abuse suffered in the CRTC, the Director or designee shall inform the resident as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. (115.273a)

If the CRTC did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the resident. (115.273b)

Following a resident's allegation that a staff member has committed sexual abuse against the resident, the Director or designee shall subsequently inform the resident (unless the allegation was determined unfounded) whenever: (115.273c)

- The staff member is no longer posted within the resident's unit; (115.273c1)
- The staff member is not employed at the CRTC; (115.273c2)
- The CRTC learns that staff member has been indicted on a charge related to sexual abuse within the CRTC; or (115.273c3)
- the Director or designee learns that the staff member has been convicted on a charge related to sexual abuse within the CRTC. (115.273c4)

Following a resident's allegation that he or she has been sexually abused by another resident, the Director or designee shall subsequently inform the alleged victim whenever: (115.273d)

- The CRTC learns that the alleged abuser has been indicted on a charge related to sexual abuse within the CRTC; or (115.273d1)
- The CRTC learns that the alleged abuser has been convicted on a charge related to sexual abuse within the CRTC. (115.273d2)

All such notifications or attempted notification shall be documented with a copy placed in the Directors or designees corresponding investigative file. (115.273e)

The CRTC obligation to report under this section shall terminate if the resident is released from facilities custody. (115.273f)

34. DISCIPLINE

34.01 DISCIPLINARY SANCTIONS FOR STAFF

Staff shall be subject to disciplinary sanctions up to and including termination for violating facilities sexual abuse and sexual harassment policies. (115.276a) (115.211a)

Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse. (115.276b)

Disciplinary sanctions for violations of facilities policies relating to sexual abuse or sexual harassment (other than engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. (115.276c)

All terminations for violations of the facilities sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignations, shall be reported by the Director or designee to law enforcement, unless the activity was clearly not criminal, and to any relevant licensing bodies. (115.276d)

34.02 CORRECTIVE ACTION FOR CONTRACTORS AND VOLUNTEERS

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with residents and shall be reported to law enforcement, unless the activity was clearly not criminal, and to relevant licensing bodies. (115.277a)

The Director or designee shall take appropriate remedial measures and shall consider whether to prohibit further contact with residents, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer. (115.277b)

34.03 DISCIPLINARY SANCTIONS FOR RESIDENTS

Residents shall be subject to disciplinary sanctions and/or immediate unsuccessful discharge from the program pursuant to a formal disciplinary process following an administrative finding that the resident engaged in resident-on-resident sexual abuse or following a criminal finding of guilt for resident-on-resident sexual abuse. (115.278a)

Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the resident's disciplinary history, and the sanctions imposed for comparable offenses by other residents with similar histories. (115.278b)

The disciplinary process shall consider whether a resident's mental disabilities or mental illness contributed to his or her behavior when determining what type of sanction, if any, should be imposed. (115.278c)

The Director or designee is responsible to require the offending resident to participate in therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse shall be considered as a condition of access to programming or other benefits. (115.278d)

The Director or designee may discipline a resident for sexual contact with staff ONLY upon a finding that the staff member did not consent to such contact. (115.278e)

For the purpose of disciplinary action, a report of sexual abuse made in good faith based upon 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. (115.278f)

The CRTC prohibits all sexual activity between residents and may discipline residents for such activity. However, the Director or designee shall not deem such activity to constitute sexual abuse if it determines that the activity is not coerced. (115.278g)

35. MEDICAL AND MENTAL HEALTH CARE FOR RESIDENTS

35.01 ACCESS TO EMERGENCY MEDICAL AND MENTAL HEALTH SERVICES

Resident 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 judgment. (115.282a)

If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, the first responders shall take preliminary steps to protect the victim and shall immediately notify the appropriate medical and mental health practitioners. (115.282b)

Resident victims of sexual abuse while incarcerated shall be offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with accepted standards of care, where medically appropriate. (115.282c)

Treatment services shall be 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. (115.282d)

35.02 ONGOING MEDICAL AND MENTAL HEALTH CARE FOR SEXUAL ABUSE VICTIMS AND ABUSERS

The Director or designee shall offer medical and mental health evaluation and, as appropriate, treatment to all residents who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility. (115.283a)

The evaluation and treatment of such victims shall 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. (115.283b)

The CRTC shall provide such victims with medical and mental health care services consistent with the community level of care (115.283c).

Resident victims of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests. (115.283d)

If pregnancy results from conduct specified in the above paragraph, such victims shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. (115.283e)

Resident victims of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate. (115.283f)

Consistent with 115.283d of this section, treatment and services shall be provided to the victim without financial cost. (115.283g)

The CRTC mental health staff shall attempt to conduct a mental health evaluation of all known resident-on-resident abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. (115.283h)

36. DATA COLLECTION AND REVIEW

36.01 SEXUAL ABUSE INCIDENT REVIEWS

The management team shall 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. (115.286a)

The management team shall include upper-level management official, with input from line supervisors, investigators, and medical or mental health practitioners. The management team consist of the Director, the Assistant Directors, the Register Nurse medical, the Operations Manager and the Probation Supervisor. The management team must have a quorum of three managers. (115.286c)

The facility ordinarily conducts a sexual abuse incident review within 30 days of the conclusion of the criminal or administrative sexual abuse investigation. (115.286b) The management team shall:

- consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (115.286d1)
- consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the CRTC; (115.286d2)
- examine the area in the CRTC where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (115.286d3)
- assess the adequacy of staffing levels in that area during different shifts; (115.286d4)
- assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (115.286d5)
- prepare a report of its findings, including but not necessarily limited determinations made pursuant to section, and any recommendations for improvement, and submit such report to the Director. (115.286d6)

The CRTC shall implement the recommendations for improvement or shall document its reasons for not doing so. (115.286e)

36.02 DATA COLLECTION

The CRTC shall use a standardized instrument and set of definitions to collect accurate, uniform data for every allegation of sexual abuse at the CRTC and shall aggregate the incident-based sexual abuse data at least annually. (115.287 a, b & c)

The incident-based data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Victimization conducted by the Department of Justice. Survey of Sexual Victimization Incident forms are available at the U.S. Department of Justice - Bureau of Justice Statistics website <https://www.bjs.gov>.

The Director or designee shall maintain, review, and collect data as needed from all available incident-based documents including reports, investigation files, and sexual abuse incident reviews. (115.287d)

Upon request, the Director or designee shall provide all such data from the previous calendar year to the Department of Justice within the specified date. (115.287f)

36.03 DATA REVIEW FOR CORRECTIVE ACTION

The management team shall review data collected and aggregated in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including: (115.2881a)

- identifying problem areas; (115.2881a1)
- taking corrective action on an ongoing basis; and (115.288a2)
- preparing an annual report of its findings and corrective actions. (115.288a3)

The facilities annual report shall include a comparison of the current year's data and corrective actions with those from prior years and shall provide an assessment of the CRTC progress in addressing sexual abuse. (115.288b)

The facilities report shall be approved by the CSCD Director and made readily available to the public through its website or, if it does not have one, through other means. (115.288c)

The Director or designee shall redact specific material from the reports when publication would present a clear and specific threat to the safety and security of the CRTC but must indicate the nature of the material redacted. (115.288d)

36.04 DATA STORAGE, PUBLICATION, AND DESTRUCTION

All data collected pursuant to section 31.01 shall be securely retained in either a password protected electronic data system or locked storage cabinet. (115.289a)

The Director or designee shall make all aggregated sexual abuse data from its CRTC readily available to the public at least annually through its website or, if it does not have one, through other means. (115.289b)

Prior to making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers (115.289c).

The Director or designee shall maintain sexual abuse data collected pursuant to section 31.02 for at least 10 years after the date of initial collection unless Federal, State, or local law requires otherwise. (115.289d)

37. PREA AUDITS

The CRTC shall schedule an audit at least once per Department of Justice Cycle (every three years) consistent with the PREA Audit standards 115.401 - 115.405.

Information, videos, other electronics will be made available to TDCJ-CJAD and PREA as requested for audit purposes. (115.401f, h, j)

Every three years starting from November 2019, at least once every three years, the CRTC shall have an outside PREA auditor conduct a CRTC audit. (115.401a)

The CRTC Director and the Assistant Director of Operations, shall conduct an internal PREA audit each October. The auditors will use the PREA audit form provided on the PREA website to ensure compliance of the PREA standards. (115.401b, c, d, e)

During the internal audit, the Director or designee shall maintain the PREA folders with related documentation and updated policy and procedures. (115.401f, g)

The CRTC shall make available in a private space, residents, staff, supervisors, administrators and any other advocates who may have insight into relevant conditions in the CRTC, for the PREA auditors. (115.401l,m,n,o)