

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE**  
**CORRECTIONAL INSTITUTIONS DIVISION**



***SAFE PRISONS PLAN***  
(rev. 2)

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# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## SAFE PRISONS PLAN

### FOREWORD

The Texas Department of Criminal Justice (TDCJ) has a zero tolerance for all forms of sexual abuse of offenders. TDCJ shall take a proactive approach concerning the detection, prevention, and punishment of sexual abuse, to include consensual sexual contact while in TDCJ custody. The TDCJ shall be vigilant in establishing a safe environment for staff and offenders at all secure correctional facilities. Every attempt shall be made to reduce incidents of extortion, protect offenders with an increased risk of harm by others, prevent sexual abuse of offenders, and address the needs of offenders who have been sexually abused. ED-03.03, "Safe Prisons Program," directs the TDCJ to develop and implement a Safe Prisons Plan to govern the operation of the Safe Prisons Program.

As the Director of the Correctional Institutions Division, and the appointed Safe Prisons Coordinator, I hereby establish the TDCJ *Safe Prisons Plan* to ensure every effort is made to maintain a safe and secure environment for staff and offenders, and adopt the attached *Safe Prisons Plan* for use in the operation of the TDCJ Safe Prisons Program. This *Plan* is in compliance with §§ 411.148, 492.013, 493.006(b), 494.002, 501.002, 501.011, 501.014, 501.173, and 501.174; Texas Government Code; §§ 1.07, 22.011, 22.021, 31.01(2), 31.03, 37.10, and 39.04; Texas Penal Code of Criminal Procedure; Articles 42.19, 56.02 thru 56.04, 56.07, 56.11, and 56.045, Texas Family Code; Chapter 261, Subchapter E; §§ 153.1 153.7, 37 *General Appropriations Act*, HB1, Rider 42, 82<sup>nd</sup> Legislature; and 42 USC, §§ 1983 and 15601, *et seq.*

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Rick Thaler, Director  
Correctional Institutions Division

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Date

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# TEXAS DEPARTMENT OF CRIMINAL JUSTICE

## *SAFE PRISONS PLAN*

### INTRODUCTION

The Texas Department of Criminal Justice (TDCJ) *Safe Prisons Plan* outlines the process of identifying and tracking victims and predators, and reporting, preventing, and detecting incidents related to sexual abuse, extortion, and other acts of offender aggression. The TDCJ *Safe Prisons Plan* is intended to ensure consistency in the screening, identification, investigation, reporting, and response processes, to include maintaining adequate tracking methods, documentation, data collection, and records related to Safe Prisons investigations.

TDCJ employees play an invaluable role in the Safe Prisons Program. Staff participation in the program is essential in identifying aggressive behavior and taking the necessary steps to ensure the safety and security of Texas correctional institutions.

## DEFINITIONS

“Allegation” is a report made due to a physical threat to an offender’s safety from another offender or staff member.

“Appropriate” is to transfer or attempt to transfer entitlement, ownership, or other interest in property, or to acquire or otherwise exercise control over property other than real estate. Property is unlawfully appropriated if:

- The property is obtained by using deception or coercion; or
- An offender obtains property knowing another stole it.

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

“Consent” is an agreement or approval of what is done or proposed by another without duress, force, threat, or a perceived threat.

“Deprive” is to withhold property from the owner permanently or for an extended period of time so a major portion of the value or enjoyment of the property is lost to the owner; to restore property only upon payment of reward or other compensation, or to dispose of property in a manner that makes recovery of the property by the owner unlikely.

“Employee” is any person employed by the TDCJ on a full-time, part-time, contract or temporary basis.

“Extortion” is when an individual:

- Appropriates currency or property by coercion, violence, or the threat of violence with intent to deprive the owner of the currency or property; or
- Demands the performance of an action by coercion, violence, or the threat of violence.

“Forensic Medical Examination,” 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, an examination, coordinating treatment of injuries, documentation of biological and physical findings, collection of 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 STIs, assessing pregnancy risk and discussing treatment options, and providing instructions and referrals for follow-up medical care.

“Intake Facility” is a TDCJ reception and diagnostic center where newly received offenders are processed for determination of the offender’s needs and requirements relative to security, supervision, and treatment. For the purpose of this *Plan*, this shall include state jail facilities receiving offenders directly from the county.

“Offender” is an individual under the supervision, custody or incarceration of the TDCJ, including a TDCJ offender housed in privately-operated facility.

“Offender Protection Investigation” (OPI) is a formal administrative investigative report documenting facts and findings associated with offender allegations of sexual abuse, threats of sexual abuse, extortion, violence, and threats of violence by another offender.

“Offender Victim Representative” is an individual approved by the warden who is a psychologist, sociologist, chaplain, social worker, or case manager, who provides support services to an offender during a forensic medical examination, and has completed the TDCJ Sexual Assault Offender Victim Representative Training.

“Prison Rape Elimination Act (PREA) Ombudsman” is the official appointed by the Texas Board of Criminal Justice to respond to PREA complaints or PREA inquiries.

“Property” is an offender’s personal items that have or represent value, as defined in AD-03.72, “Offender Property.”

“Protective Custody” is an administrative segregation custody and applies to offenders who require maximum supervision at all times and the highest degree of protection due to threats of harm by others or the high likelihood of victimization. These offenders require a higher degree of safety and security in a more controlled environment than general population offenders in order to provide for their protection. The conditions of confinement for protective custody offenders are addressed in the TDCJ *Administrative Segregation Plan*.

“Safe Prisons Operations Manual” (SPOM) is a departmental manual that provides specific details, including responsibilities, roles, and procedures, for all departments and staff directly involved in the development, operation, and implementation of the Safe Prisons Program.

“Safe Prisons Program” is the TDCJ program established to prevent and limit the number of offender-on-offender sexual assaults. The Safe Prisons Program has developed various strategies to educate offenders and correctional staff concerning the importance of preventing sexual abuse, extortion, and other acts of offender aggression. The Safe Prisons Program is responsible for database management regarding offender-on-offender sexual abuse.

“Safekeeping” is a status assigned to general population offenders who require separate housing due to physical or psychological characteristics, which could cause the offender to appear weak

or vulnerable, or other factors in which the offender may be a potential target for victimization. Prison offenders are also assigned a principal custody designation, such as Safekeeping Level II-P2, Safekeeping Level III-P3, Safekeeping Level IV-P4, and Safekeeping Level V-P5. State jail offenders in safekeeping status are assigned to PJ custody.

“Sexual Abuse” is forcing another person, by violence, threats of violence, or coercion, to perform a sexual act (a sexual act is any intentional contact between the genitals of one person and the genitals, mouth, anus, or hands of another person), sexual fondling, or sexual assault with an object, without the effective consent of that person. For the purpose of this *Plan* the term “sexual abuse” shall also include.

- Improper Sexual Activity with a Person in Custody: the act constituting improper sexual activity by a public servant with a person in custody as described in Texas Penal Code §39.04.
- Sexual Assault: the contact of any person without consent, or of a person who is unable to consent or refuse, as described in the Texas Penal Code §§ 22.011 and 22.021.
- Sexual Fondling: the intentional touching either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person, or of a person who is unable to consent or refuse, for the purpose of sexual gratification.

Sexual abuse does *not* include the following:

- Custodial or medical staff gathering physical evidence, or engaging in other legitimate medical treatment, in the course of investigating prison rape.
- The use of a health care provider's hands or fingers or the use of medical devices in the course of appropriate medical treatment unrelated to prison rape.
- The use of a health care provider's hands or fingers and the use of instruments to perform body cavity searches in order to maintain security and safety within the prison or detention facility, provided the search is conducted in a manner consistent with constitutional requirements.
- The use of a correctional officer's hands or fingers for the purposes of legitimate searches.

“Unit Investigative Team” (UIT) is a group of employees assigned to specific departments within the unit, designated by the warden to provide professional assistance in conducting Safe Prisons investigations and analyzing trends related to Safe Prisons activity.



## I. ADMINISTRATION AND DESIGNATED STAFF

All employees shall make every attempt to reduce incidents of extortion, protect offenders with an increased risk of harm by others, prevent sexual abuse of offenders, and address the needs of offenders who have been sexually abused.

### A. Safe Prisons Program Management Office (SPPMO)

The SPPMO monitors the incidence of alleged sexual abuse and provides statistical analyses regarding the frequency of reports. The SPPMO also monitors and provides statistical analyses regarding the frequency of alleged sexual abuse not meeting the elements of the Penal Code definition. The duties of the SPPMO shall be performed in accordance with the Safe Prisons Operations Manual (SPOM).

### B. Safe Prisons Program Manager (SPPM)

The CID director shall select a SPPM to direct the SPPMO. The SPPM conducts statistical analyses of alleged sexual abuse, monitors each alleged sexual abuse incident to ensure compliance with current policy and, identifies issues for further policy development. The SPPM shall be responsible for facilitating Safe Prisons Program training and awareness programs for staff and offenders. The duties of the SPPM or designee shall be performed in accordance with the SPOM.

### C. Regional Safe Prisons Program Coordinator (RSPPC)

The SPPMO and the Regional Director's Office in each region shall select an RSPPC to assist with the implementation and monitoring of the Safe Prisons Program within a region. The RSPPC performs region-based initiatives identified by the CID director, SPPMO and regional director. The duties of the RSPPC shall be performed in accordance with the SPOM.

### D. Unit Safe Prisons Program Coordinator (USPPC)

The warden shall designate a security staff member as the USPPC. The USPPC assists with the implementation and monitoring of the Safe Prisons Program on the unit. The duties of the USPPC shall be performed in accordance with PO-07.150 (rev.1), "Unit Safe Prisons Program Coordinator," and the SPOM.

### E. Unit Investigative Team (UIT)

The UIT shall monitor all Safe Prisons related incidents on the unit for any impact on safety and security. The UIT shall be comprised of members from the following list and designated by the warden.

1. Major/Captain
2. Chief of Unit Classification

3. Unit Safe Prisons Program Coordinator
4. Security Threat Group (STG) Officer
5. Security Supervisor
6. Mailroom Supervisor
7. Unit Risk Manager
8. Additional staff, such as department heads, or those persons trained to complete Offender Protection Investigations (OPIs) and other similarly qualified persons, as designated by the warden.

The duties of the UIT members shall be performed in accordance with the SPOM.

F. Offender Victim Representative (OVR)

1. Offenders alleging to have sustained injuries as the victim of a sexual assault, shall be informed of the availability of an OVR to be present with the offender at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault.
2. OVR's shall only provide the offender victim with counseling and other support services, and shall not delay or otherwise impede the screening or stabilization of an emergency medical condition.
3. The warden shall designate at least two OVR's. An OVR shall be a psychologist, sociologist, chaplain, social worker, or case manager who has completed the TDCJ Sexual Assault Offender Victim Representative training.

II. PREVENTION

A. Training and Education

All Safe Prisons related training and education shall be performed in accordance with the SPOM.

1. Staff

All unit staff members shall be educated on the Safe Prisons Program and the agency's zero tolerance policy on sexual abuse. In addition to the Correctional Training and Staff Development programs, unit

administration shall be responsible for maintaining awareness of the unit's victim and predator population with respect to identifying the characteristics of victims and predators (red flags), prevention strategies, detection, and reporting procedures.

2. Volunteer Training

All volunteers who have contact with offenders shall be trained regarding their responsibilities in the area of sexual abuse prevention, detection, and response in accordance with the *TDCJ Volunteer Services Plan*.

3. Offender Training

- a. During orientation all offenders shall be provided with educational information related to prevention, self-protection, reporting, and treatment and counseling for sexual abuse in accordance with the *TDCJ Classification Plan* and Unit Classification Procedures Manual.
- b. Offenders who do not receiving training during intake orientation shall receive the training at their unit of assignment.
- c. Educational posters and brochures regarding sexual abuse prevention and reporting shall be displayed or made available to offenders in accordance with SPOM.

B. Screening and Assessment

1. Screening Process

Within 24 hours after initial intake in the TDCJ and assignment to any other TDCJ operated or contract unit, each offender shall be screened to assess the risk of being victimized by, or being abusive towards other offenders.

2. Classification Screening Review

The Unit Classification Committee (UCC) shall review the screening document of each offender for potential vulnerabilities, history of victimization or aggressiveness, and history of predatory or aggressive behavior to ensure the following:

- a. Appropriate offender housing and job placement; and
- b. Completion of a mental health services referral for offenders with a history of sexual victimization.

### III. INTERVENTION

It is the responsibility of all TDCJ employees to ensure the safety and security of offenders. An offender does not have to prove his life is in danger to be considered for intervention options. The following intervention methods shall be used to create a safer and more secure environment for offenders and staff. These methods of intervention shall be performed in accordance with the procedures outlined in the SPOM.

#### A. Verbal Intervention

Staff shall use verbal intervention methods, such as observation and listening skills to identify problems and ask questions to gain a better understanding of the issues surrounding an offender's situation. Staff shall be aware of offenders verbal and non-verbal signs of anxiety, as these signs may be an indicator of an underlying problem.

#### B. Changes in Housing Assignments, Work Assignments, or Work Shift Hours

To alleviate tension between offenders, changes may be made to an offender's housing assignment, work assignment, or work shift hours. This option is effective for offenders having specific problems with another offender in the same housing or work area.

#### C. Custody Changes/Administrative Segregation

Placement of an aggressive or assaultive offender in a more restrictive custody limits an offender's opportunity to victimize other offenders. These options require committee review in accordance with the TDCJ *Disciplinary Rules and Procedures for Offenders*, the TDCJ *Classification Plan*, and the TDCJ *Administrative Segregation Plan*.

#### D. Transfer to a New Unit of Assignment

Transferring an offender to a new unit of assignment requires a committee decision in accordance with the TDCJ *Classification Plan* and objective evidence substantiating the need for protection.

#### E. Safekeeping Status

An offender assigned to safekeeping status requires committee review in accordance with the TDCJ *Classification Plan*.

F. Administrative Segregation Protective Custody

Protective Custody provides offenders maximum supervision and the highest degree of protection due to threats of harm by others. This is the most restrictive option available to offenders and limits the offender's ability to participate in work, education, and other privileges. Placement in Protective Custody shall be in accordance with the TDCJ *Administrative Segregation Plan*.

G. Interstate Corrections Compact (ICC) Transfer

This option is considered when an offender's need for protection cannot be met in any situation regarding housing the offender in the TDCJ. A request for an ICC transfer shall be in accordance with the TDCJ *Classification Plan*.

IV. REPORTING AND RESPONSE

A. Reporting

An OPI can be requested by anyone who has knowledge that an offender may be in need of protection, or has been sexually abused. Such knowledge can come from the offender having the problem, other offenders, the offender's family, TDCJ staff, or others. An OPI shall be conducted in accordance with the procedures outlined in the SPOM.

1. Offender Reporting

a. Reporting Allegations of Sexual Abuse

- i.) Allegations of sexual abuse may be made verbally, in writing, and anonymously to any staff member. Staff shall promptly document any verbal reports. Written allegations may be provided in the form of a letter, Inmate Request to Official (I-60), sick call forms, or through the offender grievance process.
- ii.) Offenders may report allegations directly to the unit major, the Office of Inspector General (OIG), the SPPMO, or the Prison Rape Elimination Act (PREA) Ombudsman office.

b. Reporting Protection Issues (Non-Sexual Abuse)

An offender may report an allegation of extortion or other acts of aggression verbally or in writing to any staff member. Written requests may be reported in accordance with this *Plan*.

c. Youthful Offenders

Offenders younger than 18 are considered children or minors for the purpose of reporting and investigating child abuse. An offender in the Challenge Opportunity Understanding Respect Acceptance Growth Education (COURAGE) program who require protection shall be handled in accordance with the Youthful Offender Program (YOP)/COURAGE Program Operations Manual (YOP/CPOM).

2. Staff Reporting

All staff members shall immediately report any knowledge, suspicion or information received regarding an incident of sexual abuse of an offender, including any knowledge of staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse.

- a. Suspected or reported offender-on-offender sexual abuse incidents shall be reported to unit administration, and the OIG.
- b. Suspected or reported staff-on-offender sexual abuse, staff neglect or violation of responsibilities, shall be reported in accordance with PD-29, "Sexual Misconduct with Offenders."

3. Third Party Reporting

Family members or other individuals may report verbally or in writing to unit administration, the TDCJ Office of the Ombudsman, OIG, or PREA Ombudsman office any time they have knowledge or suspect an offender has been sexually abused or requires protection.

B. Response and Investigations

1. Sexual Abuse Investigations

- a. Offenders alleging sexual abuse shall be:
  - i.) Physically separated from their alleged aggressor;
  - ii.) Referred to medical and mental health services for examination and evaluation; and
  - iii.) As appropriate, offered an OVR in accordance with this *Plan*.

- b. An OPI and an administrative review shall be completed in accordance with this *Plan*, the SPOM, and AD-02.15, "Operation of the Emergency Action Center and Reporting Procedures for Serious or Unusual Incidents," for each alleged offender-on-offender sexual abuse incident.
- c. Sexual abuse allegations against staff shall be investigated in accordance with PD-29, "Relationships and Sexual Misconduct with Offenders."
- d. All sexual abuse allegations shall be reported to the Emergency Action Center (EAC) and OIG 24 hours a day.

## 2. Extortion Investigations

Offenders shall not receive gifts or fees from other offenders. Common types of extortion include demands for money or commissary, and actions, such as sexual demands. An extortion investigation shall be conducted in accordance with the SPOM.

## C. OPI Review and Committee Action

- 1. A position of a major or above shall review, monitor, and track all OPI's to ensure each investigation is thorough, accurate, and completed in a timely manner.
- 2. Following review, all completed OPI's shall be submitted to the unit chief of classification for committee review in accordance with the TDCJ *Classification Plan* and the Unit Classification Procedures Manual.

## V. DISCIPLINE/PROSECUTION

- A. Disciplinary actions for offenders found to be involved in offender-on-offender sexual abuse or extortion shall be handled in accordance with the TDCJ *Disciplinary Rules and Procedures for Offenders*.
- B. As warranted, the OIG will pursue criminal prosecution in accordance with OIG established policies and procedures.

## VI. Tracking and Reporting

### A. Victims and Predators

In accordance with the SPOM, each USPPC shall maintain a file on each coded victim, predator, and all offenders investigated for extortion and sexual abuse activities on the unit. Safe Prisons files shall transfer to the next unit of assignment as the offender transfers.

### B. Safe Prisons Activity

Each unit shall use a Visual Tracking Grid (VTG) to track and monitor incidents related to Safe Prisons activities, such as, but not limited to sexual abuse and extortion investigations, offender fights, suicides and suicide attempts on the unit. The VTG provides a visual display of incidents involving offender aggression, allegations resulting in investigations, and areas of increased activity for impact on safety and security.

### C. Safe Prisons Program Management Office (SPPMO) Monthly Reporting

The SPPMO shall compile a report using information contained in the unit Monthly Safe Prisons Report and EAC statistics to analyze and evaluate trends in extortion, sexual abuse, and other aggressive offender behavior. Monthly reporting shall be conducted in accordance with the SPOM.

## VII. PERFORMANCE MEASURES AND MONITORING

The SPPMO is responsible for the overall monitoring of the Safe Prisons Program to ensure the program is operating consistently on all units in accordance with this *Plan* and the SPOM. All Safe Prisons related procedures and documentation are subject to review and performance measures, which include, but are not limited to the following:

- A. Review of the OPI logs and investigative documents ensuring accurate completion and review within the time frames according to the SPOM;
- B. Timely screening of offenders during intake and unit assignment;
- C. Proper unit reporting, referral, and investigative processes are performed following an allegation of sexual abuse;
- D. Unit participation in Safe Prisons Program meetings;
- E. Proper display of Safe Prisons Program posters on the unit; and
- F. Review of staff and offender training related to Safe Prisons Program awareness.