

# **Information for PREA Auditors: Clements Unit**

**Data Provided by Trans Pride Initiative**

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## **PREA Auditor General Information**

Under PREA Standard 115.401(o), “Auditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility.” Since 2013, TPI has been contacted by less than five auditors, representing a gross failure of PREA auditors to comply with this standard.

TPI does not have data concerning all prisons and prison systems, but we do have significant data for a number of units in the Texas prison system.

Because the National PREA Resource Center provides oversight and quality control, this also constitutes a gross failure by NPRC to comply with their own requirement that “auditors must demonstrate that they attempted to communicate with a community-based or victim advocate to gather information about relevant conditions in the facility.”

TPI will be increasing our monitoring of PREA reports and filing complaints both with and against the NPRC for each unit audited where TPI has "insight into relevant conditions in the facility" yet we were not contacted.

## **Overall Data, System and Clements Unit**

### **For the current system**

- Total incidents documented for system: 12909
- Incidents from the last 12 months: 1239
- PREA incidents documented in system: 3142
- PREA incidents from the last 12 months: 408

### **For the current unit**

- Total incidents documented at unit: 513
- Incidents from the last 12 months at unit: 117
- Incidents from the last 36 months at unit: 446
- PREA incidents documented at unit: 92
- PREA incidents from the last 12 months at unit: 19
- PREA incidents from the last 36 months at unit: 75

## PREA Incidents Reported for Clements Unit

For reference, here are lists of PREA incidents documented at the unit.

<b>PREA incidents last 12 months</b>				
<b>PREA Issue</b>	<b>All</b>	<b>Staff</b>	<b>Prisoner</b>	<b>Other</b>
115.11 - Sexual abuse	4	0	1	3
115.11 - Sexual harassment	5	0	5	0
115.15(a) - Cross-gender strip or body cavity search	1	1	0	0
115.31(a) - Training not implemented, lack of understanding of PREA	1	1	0	0
115.31(a)(9) - Training not implemented, unprofessional or abusive communication	2	2	0	0
115.34,115.71(a) - Investigation not done properly	1	1	0	0
115.41(g) - Screening, failure to reassess due to additional information	1	1	0	0
115.61(a) - Response, ignore reports of sexual violence or retaliation	1	1	0	0
115.67(a) - Retaliation, fail to protect	3	2	1	0

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**PREA incidents last 36 months**


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<b>PREA Issue</b>	<b>All</b>	<b>Staff</b>	<b>Prisoner</b>	<b>Other</b>
115.11 - Sexual abuse	7	1	3	3
115.11 - Sexual harassment	25	4	21	0
115.15(a) - Cross-gender strip or body cavity search	12	12	0	0
115.31(a) - Training not implemented, lack of understanding of PREA	2	2	0	0
115.31(a)(9) - Training not implemented, unprofessional or abusive communication	13	13	0	0
115.34,115.71(a) - Investigation not done properly	1	1	0	0
115.41(g) - Screening, failure to reassess due to additional information	1	1	0	0
115.51(c) - Reporting, interference reporting to internal staff	3	3	0	0
115.61(a) - Response, ignore reports of sexual violence or retaliation	6	6	0	0
115.67(a) - Retaliation, fail to protect	4	3	1	0
115.78(f) - Discipline for good faith report	1	1	0	0

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<b>PREA incidents, all documented</b>				
<b>PREA Issue</b>	<b>All</b>	<b>Staff</b>	<b>Prisoner</b>	<b>Other</b>
115.11 - Sexual harassment	28	4	24	0
115.11 - Sexual abuse	12	1	7	4
115.15(a) - Cross-gender strip or body cavity search	12	12	0	0
115.15(d) - Cross-gender viewing during showering, bodily functions, changing clothing	1	1	0	0
115.31(a) - Training not implemented, lack of understanding of PREA	2	2	0	0
115.31(a)(9) - Training not implemented, unprofessional or abusive communication	15	15	0	0
115.34,115.71(a) - Investigation not done properly	4	4	0	0
115.41(g) - Screening, failure to reassess due to additional information	1	1	0	0
115.51(c) - Reporting, interference reporting to internal staff	3	3	0	0
115.61(a) - Response, ignore reports of sexual violence or retaliation	6	6	0	0
115.67(a) - Retaliation, fail to protect	6	4	2	0
115.78(f) - Discipline for good faith report	2	2	0	0

## TPI Information for Auditor

One of the few auditors who have contacted us submitted a list of questions concerning our activities and involvement with the unit being audited. This section is based on those questions.

### *Basic auditor questions and responses*

**1. Does your organization currently have a relationship with the Clements Unit?**

*Response:* TPI has no formal relationship with any prison system or any institution within a prison system, but we will respond to all communications received from incarcerated persons at prison units.

**2. Does your organization have an MOU or other agreement for provision of services?**

*Response:* No.

**3. Describe any past interactions with the Clements Unit.**

*Response:* We have exchanged 711 letters with and on behalf of 88 persons between the dates of May 12, 2015, and March 09, 2023.

**4. At any time, has the prison staff invited your organization to the facility for a tour, meetings, training, or other collaboration?**

*Response:* No, we have never been invited or offered a tour, meeting, training, or other collaboration with any prison unit or agency.

Most of our contact is with the Texas Department of Criminal Justice, and we have found staff to be very antagonistic to our work. One client reported that our reference to PREA 115.31 and proper use of pronouns for trans persons as per PREA training materials was "bullshit," several clients have reported being told not to contact us (a violation of PREA Standard § 115.52(e) concerning third-party assistance in reporting sexual violence), and some years ago it appears that one unit PREA manager tried to accuse us of sending in unidentified contraband.

We would expect that most prison systems are equally antagonistic to our work. The Bureau of Prisons has never even responded to a concern or complaint submitted.

**5. If no MOU exists, describe whether or how you came to an agreement about the provision of services.**

*Response:* Our mission is to support and advocate for trans and gender non-conforming persons in areas that include housing and healthcare access, including general issues of violence that impact housing and healthcare access, whether in the free world or in prison. The mission also covers broad anti-violence work concerning safety from sexual misconduct and other forms of violence. We do not require permission from any operator of an institution or system of incarceration to do our work.

**6. Describe relevant conditions at the prison based on your organization's experience with the facility related to sexual abuse or sexual harassment.**

*Response:* Please see the specific data in the detail sections below. If no detailed data is provided, we do not have a specific response.

However, conditions for trans persons across jail and prison systems are generally abysmal. Based on our experience related to interactions with survivors of sexual abuse and sexual harassment, particularly against trans and queer persons (and all LGBTQI+ persons), such misconduct is sometimes committed by staff, and where committed by other incarcerated persons, is often abetted by staff from guards to wardens telling trans and queer persons they must “fight or fuck” to stay safe, sexual misconduct reports are commonly manipulated to result in disciplinary cases against the survivors by claiming rape or other sexual violence was “consensual,” persons reporting sexual misconduct are commonly coerced under threat of disciplinary cases or other retaliation into making statements denying vulnerability by staff (including, in Texas, TDCJ safe prisons department staff), and persons reporting sexual misconduct are often placed in greater danger by being exposed as “snitches” in the way reports are processed and investigations handled.

**7. What other local / regional / national organizations should be contacted about relevant conditions at the prison?**

*Response:* We are only familiar with Texas organizations and a few regional and national organizations:

- Organizations listed in the TAASA Resource Directory
- TAASA's prison support section
- Transgender Gender-Variant & Intersex Justice Project
- Disability Rights Washington, Trans In Prison Justice Project
- Transgender Law Center, Detention Program
- American University Washington College of Law, Center for Human Rights and Humanitarian Law
- Just Detention International

**8. Questions about Specific PREA survivor services standards**

- **Does the facility transport people to a community site for forensic exams?**

*Response:* We will have no knowledge of the actual actions undertaken by any facility related to transport to a community site.

- **If yes, what hospital or medical site does it use to provide SANE / SAFE exams for incarcerated persons?**

*Response:* We have no knowledge of which facilities they may use to provide medical services to survivors of sexual violence.

- **If no, please describe how the facility provides incarcerated and detained persons access to a qualified SANE / SAFE for a forensic medical exams, including if a SANE / SAFE is on staff and/or comes into the facility.**

*Response:* We have no knowledge of if or how the facility provides access to qualified SANE / SAFE forensic exams.

- **Does your organization provide services to incarcerated survivors of sexual abuse from the prison?**

*Response:* Yes, on request, we provide support and advocacy as best we can for any person requesting such services.

- **Are these services part of an MOU or other formal agreement?**

*Response:* No, we have no MOU in place.

- **Which of the following types of support services does your organization provide to incarcerated and detained survivors from the prison?**

- **Accompaniment during forensic medical exam:**

*Response:* No.

- **Accompaniment during investigatory interviews and court proceedings:**

*Response:* No.

- **Emotional support services:**

*Response:* Yes.

- **Crisis intervention:**

*Response:* Yes.

- **Information:**

*Response:* Yes.

- **Relevant referrals:**

*Response:* Yes.

- **Other:**

*Response:* Trans and queer community specific understanding and support.

- **How are these services provided?**

- **Over the phone:**

*Response:* Not generally, but sometimes.

- **Via mail:**

*Response:* Yes.

- **Onsite at the prison:**

*Response:* No.

- **Onsite at the hospital:**

*Response:* No.

- **For services provided over the phone, describe your organization's understanding of how incarcerated and detained persons access the phone for this purpose:**

*Response:* We generally do not provide services over the phone.

- **Describe any time the phone is not available (example: no one to answer the phone, or the facility does not allow access).**



*Response:* We generally do not provide services over the phone.

- **How are services provided to non-English speaking incarcerated persons?**

*Response:* We try to get a native speaker come in and write to the incarcerated person.

- 9. If you do not provide services to the facility, can you share why you do not?**

*Response:* Not applicable.

- 10. Can you identify a locally-based organization which might be able to provide such services?**

*Response:* For Texas, the main clearinghouse for this information would be the Texas Association Against Sexual Assault.

- 11. Answer the following only if your organization provides services to incarcerated persons at the facility.**

- **Describe how your organization is contacted to provide advocacy services when an incarcerated or detained person reports sexual abuse.**

*Response:* Generally by mail. Sometimes we receive a phone call from a relative or friend to contact the person, in which case we may initiate contact. We must hear from the person before undertaking any advocacy actions.

- **In the past year, how many times has your organization been contacted to provide advocacy services to incarcerated or detained persons from the facility?**

*Response:* We have received 165 letters from 34 persons in the past 12 months from Clements Unit. These letters have resulted in the documentation of 117 incidents of violence, 19 of which included enough information about sexual harassment or sexual abuse to document PREA-related abuses. Please see the detailed information below for more specifics.

- **Following a report of sexual abuse?**

*Response:* Please see the detailed information below.

- **During a forensic exam?**

*Response:* We are not generally contacted during a forensic exam, and it is highly unlikely that such contact would be allowed.

- **During an investigatory interview or other law enforcement contact?**

*Response:* We have never been contacted during an investigatory interview or other law enforcement contact.

- **Does the prison use facility staff to provide advocacy services?**

*Response:* The only agency for which we have any knowledge or experience is TDCJ, and based on our experience, it is highly unlikely any units in the TDCJ system provide anything that could be called advocacy services.

- **If “yes,” who is this person?**

*Response:* Not applicable.

- **If you know, please describe how this person was selected.**

*Response:* Not applicable.

- **If you know, please describe the training this person received:**

*Response:* Not applicable.

- **Has your organization received reports of sexual abuse and sexual harassment from incarcerated persons at this facility?**

*Response:* In total, we have received reports of 92 counts of sexual abuse or sexual harassment from Clements Unit.

- **If yes, is this reporting responsibility part of the MOU or other formal agreement?**

*Response:* We do not have an MOU or other formal agreement with Clements Unit.

- **If no, please explain how your program came to provide these services.**

*Response:* TPI will respond to anyone who contacts us. Each prison has a responsibility to make third-party contact information available to incarcerated persons in order to be PREA compliant.

- **To your knowledge, can incarcerated or detained persons remain anonymous, upon request, when making a report?**

*Response:* In our experience, no. Persons reporting sexual violence are nearly always outed for their reporting in some manner, either by direct or indirect disclosure.

- **Who do you notify at the facility or the prison system about the report?**

*Response:* If the endangerment is immediate, we attempt to notify the building supervisor, safe prisons staff, or someone in upper administration. We have been told we cannot directly contact staff even in an emergency at TDCJ Hughes Unit, so we expect that other units could also refuse to take direct reports from us. In cases that are less time sensitive, we contact the PREA Ombudsman Office, Office of the Ombudsman, sometimes the Office of the Inspector General, and other offices.

- **How many reports has your organization received for the facility in the past 12 months?**

*Response:* For Clements Unit, we have received reports of 117 incidents of violence occurring during the last 12 months. Of that total, 19 included a PREA violation. Note that not all PREA violations are related to sexual harassment or sexual abuse. Evidence of ineffective training and improper search practices can be examples.

- **What kinds of reports did your organization receive?**

*Response:*

- All violence reported for the last 12 months: 117
- All sexual violence: 9
- Sexual harassment: 5
- Sexual abuse: 4
  
- Sexual harassment by staff: 0
- Sexual harassment by incarcerated persons: 5
- Other sexual harassment: 0
  
- Sexual abuse by staff: 0
- Sexual abuse by other incarcerated persons: 1
- Other sexual abuse: 3
  
- Other reported violence by staff: 83
- Other violence by incarcerated persons: 15
- Other violence by unknown persons: 10

- **How many unique individual incarcerated persons made the reports?**

*Response:* The number of individuals reporting these incidents was 15.

- **Please describe any trends of abusive conduct in the reports:**

*Response:* The trends we have noticed across our work include the following. To discuss current trends at any specific unit, please contact TPI.

- Claims that rape is consensual.
- Claims that sex is consensual if the rape survivor did not fight back.
- Use of DNA evidence as “proof” of consensual sex.
- Retaliation against those reporting by increased cell searches, failure to secure property before segregation, allowing property to be stolen or “lost,” solitary confinement instead of less abusive alternatives when the survivor requests not to be placed in solitary.
- Treatment of survivors in ways that out them as the person reporting, which increases the danger of retaliation by the accused and their affiliates.
- Forced statements to retract reports in exchange for removing a threat or to gain some benefit such as safer housing.

- **Please explain what happens when your organization receives a report.**

*Response:* We will assess the information, determine priority, and decide next steps based on what the client or survivor has indicated they want us to do. If we are dealing with sexual assault or threat of sexual assault and the person wants us to advocate for them and has provided sufficient information, we contact the Office of the Ombudsman, PREA Ombudsman Office, and possibly other offices. In emergency situations, we may try to contact the facility. We also contact the client with a copy of our communication so they know what we said (after receiving the copy we have sent, some clients have reported prison staff have lied about what we reported). We may take other steps depending on specific circumstances.

- **Can incarcerated and detained persons remain anonymous, upon request, when making a report?**

*Response:* Yes, but we note that we cannot do much to advocate for them if they remain anonymous. However, we will record anonymous incidents of violence.

- **Who (if anyone) do you notify at the facility or the prison system about the report?**

*Response:* This depends on what is being reported, but it can be a building manager, PREA manager, or others that we might determine appropriate.

- **Does your organization provide confidential emotional support services to any incarcerated person at the facility?**

*Response:* Yes, we would provide confidential emotional support services as our capacity and experience allows at the facility.

- **Has this been discussed as something that your organization could provide?**

*Response:* Not applicable.

## 12. Describe what you tell incarcerated persons about limits to confidentiality.

*Response:* Most of our experience is with TDCJ, and we will tell them that TDCJ will do nothing to address an issue if the survivor or victim remains confidential. We expect this is true of most prison systems, that they use non-disclosure as an excuse to quote policy and fail to address systemic problems and failures to follow policy. We also let persons know that in most cases, we will not be able to effectively advocate for them or their situation if they wish to remain confidential. There are, however, some exceptions.

## 13. Please describe how incarcerated persons learn about the following:

- **The services your organization provides.**

*Response:* Most is by word of mouth and sharing our letters and information. We are listed in some resource directories as well.

- **How to contact your organization.**

*Response:* Generally by the address on letters, the listing in a resource directory, or by word of mouth.

- **Limits to confidentiality.**

*Response:* Generally by direct communication with us by letter.

**14. Are the services provided by your organization available to all incarcerated persons regardless of whether they have reported sexual abuse or sexual harassment?**

*Response:* We respond to all letters and requests to communicate with us.

**15. What do you do if an incarcerated person discloses sexual abuse that they have not previously reported?**

*Response:* We follow their lead and wishes on disclosure and advocacy. We will not report or otherwise advocate for a person if they do not wish. We will document all instances of sexual abuse, and the person reporting remains anonymous.

**16. Please describe the response based on where the sexual abuse occurred:**

- **Current facility.**

*Response:* Generally receives high priority. We may contact administration at the unit, email the PREA Ombudsman Office, send letters to PREA Ombudsman and the Office of the Ombudsman, possibly to other offices as well.

- **Previous facility.**

*Response:* Reports of sexual violence at a previous facility are documented in our data and may be used to support a request for safekeeping or other safety advocacy. Our experience with TDCJ is that a report of sexual violence at a previous facility will be ignored, and the only response will be to claim the survivor is appropriately housed.

- **In route to the facility.**

*Response:* We only have experience with TDCJ in transportation issues related to sexual violence. Our experience with TDCJ is that they claim their transportation department is not covered by PREA. We know that is absolutely untrue, so we generally report to the Office of the Ombudsman and the PREA Ombudsman Office.

- **In the community.**

*Response:* We would discuss options with the client and determine a plan of action based on how they wish to proceed and address issues, contingent also on our capacity to assist them.

**17. Is there any other information you can provide to assist my audit of this facility?**

*Response:* Please contact us at P.O. Box 3982, Dallas, Texas 75224, or by phone at 214-

449-1439 or by email at [info@tpride.org](mailto:info@tpride.org) to discuss whether we have additional information about a specific unit.

## Audit Information for Clements Unit

This section provides responses to each PREA standard and draws from the items in the pre-audit questionnaire and the audit compliance tool. Some items, like employment and contract date, we have omitted. We do not collect data on all items at this time, but we may add items in the future.

Where we have data and present individual incident information, we provide data for the past three years from the current date; the calendar year of the incident is indicated by the first four digits of the incident number, shown in the left column.

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### **§115.11 — Zero tolerance of sexual abuse and sexual harassment; PREA coordinator.**

**115.11 (a)** The agency shall have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment and outlining the agency's approach to preventing, detecting, and responding to such conduct.

Although policy is a start, written policy is often used as an excuse to ignore and cover up abuses: “We don't do that, we have policy that says so!” TPI is interested in actual outcomes.

Totals for sexual harassment documented at the facility are:

- Past 12 months: 5
- Past 36 months: 25
- All reports: 28

Totals for sexual abuse documented at the facility are:

- Past 12 months: 4
- Past 36 months: 7
- All reports: 12

The following are details about the sexual harassment and sexual abuse documented for the past three years:

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**Incident Details From Prior Three Years**


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Incident	Quantity	Identity	Description
2020-00347: Sexual Misconduct -- Harassment; PREA: 115.11	2	Black, Transgender woman, Bisexual	Abuser: Corrections Officer Green; Description: Subject notes that when she received her commissary that was being distributed by Green, eight stamps were missing, and when she tried to tell him he said "all you can get is to suck this dick." The following day, he was working in the picket on her pod and stood on something in the picket, then opened his pants to show red boxer shorts and grabbed his groin. Whether this was targeting her or not, it constitutes harassment of the prisoners and she was one who observed the incident. According to a Step 2 grievance response, the actions were substantiated and some sort of "corrective action" was taken.
2020-00370: Sexual Misconduct -- Harassment; PREA: 115.11	15	Black, Transgender woman, Unknown sexual orientation	Description: Subject reports that for two weeks her cellmate, who is Tango Blast, has been masturbating in front of her. She has tried to notify an Assistant Warden Tovar, the unit safe prisons department, and unit classification (see also incident 2020-00371). In their response, the PREA Ombudsman Office stated no action was taken, and TPI objected that no action if the subject was still housed with the person she had reported was very much an action that endangered the subject (see incident 2020-00423). TPI was later informed that instead of no action, the abusive person was moved and a not for same housing restriction provided for both.
2021-00027: Sexual Assault -- Not further specified; PREA: 115.11	2	White, Transgender woman, Unknown sexual orientation	Description: The subject reports that a person in a cell where she was temporarily placed sexually assaulted over a period of about 12 hours. She also reports that she tried three times to request an OPI and was refused until presumably the fourth request (see also incident 2021-00028).
2021-00322: Sexual Misconduct -- Harassment; PREA: 115.11	1	White, Transgender woman, Queer	Abuser: Corrections Officer V Wise; Description: The subject states that about 8am, Wise came toward the subject and another person in the cell next to the subject, exposing himself. The subject states that this should be visible on camera. The subject reports that Wise stood up from the staff table at High Security B Pod, took his



			<p>security vest off, unbuckled his belt and unzipped his pants, and said "You want some meat, punks?" In reporting dissatisfaction with the result, the subject indicates what actually happened was that Wise unbuckled his belt and unzipped his pants then tucked his shirt in. It likely was meant as a harassing gesture, but seems it was excused as just tucking his shirt in.</p>
<p>2021-00469: Assault - - Unnecessary/excessive use of force; PREA: 115.11</p>	<p>1</p>	<p>Black, Transgender woman, Heterosexual</p>	<p>Abuser: Corrections Officer V King; Description: The subject reports that King, about whom the subject had filed a sexual assault report, along with two other guards whose names the subject does not know (in a later letter, one is identified as Sergeant Flanagan), dragged her into a cell while cuffed, pulled her boxers off, did an anal cavity search, then uncuffed her and left her in the cell, taking her boxers as well. This appears to be an improper cavity search (policy states medical performs cavity searches). TPI filed a complaint about staff abuse that never mentioned sexual abuse or sexual assault, only improper search practices that resulted in assault. The Ombudsman and PREA Ombudsman deliberately misrepresented the complaint as sexual abuse in order to dismiss the complaint.</p>
<p>2021-00473: Sexual Misconduct -- Harassment; PREA: 115.11</p>	<p>1</p>	<p>Black, Transgender woman, Unknown sexual orientation</p>	<p>Abuser: Sergeant Duran; Description: The subject reports that the same Duran that refused to allow her to file an OPI earlier the same day (see incident 2021-00472) approached the subject and said that "if I show him my ass and tits then he'd file an OPI for me, that is the only way and if I try to tell anybody he would only deny it . . . and if I tryed to report it, he'd put a rumor out on me so bad through the inmates that it would get me hurt really bad and/or potentially killed" (see also incident 2021-00474).</p>
<p>2021-00637: Sexual Misconduct -- Harassment; PREA: 115.11</p>	<p>1</p>	<p>White, Gender diverse, Unknown sexual orientation</p>	<p>Description: The subject states that they were placed in a cell with a person who told the subject they would provide sexual favors or be raped. The subject was able to get removed from the cell within a few hours, before any incident beyond sexual harassment occurred.</p>

2022-00264: Sexual Assault -- Not further specified; PREA: 115.11	3	White, Cisgender man, Heterosexual	Description: The subject states that one of the persons in the cell next to him raped his cellmate May 23, and that makes at least three sexual assaults in the last 40 days. The subject notes that all involved persons on the mental health case load with serious mental health conditions, and two alleged assailants are "back on the line, as if nothing has happened."
2022-00399: Sexual Misconduct -- Harassment; PREA: 115.11	5	Black, Transgender unspecified, Unknown sexual orientation	Description: The subject states that the person across from her stands in his cell nude and fondles himself or masturbates while looking at her, especially if she is changing or using the toilet or has her top off, presumably due to the heat (incident 2022-00399). The subject indicates guards know this is going on but do nothing to stop or address it, as required by PREA 115.61 (incident 2022-00400). The subject does not state whether or not she has tried to file a complaint on the issue.
2022-00759: Sexual Assault -- Forced by Weapon; PREA: 115.11	1	Black, Transgender unspecified, Queer	Description: The subject reports that an unidentified guard allowed another person to come into the subject's cell even though the subject is supposed to be single celled. The subject reports the person had a knife and fan motor. This appears to be the same description of a report of sexual assault, where in a prior letter the subject reported, without providing any indication of when this happened, being forced to provide oral sex by someone allowed into her cell with a knife and fan motor (see sexual assault incident 2022-00759). The endangerment by the guard is documented as incident 2022-00760. In their response, the PREA ombudsman reports that the only investigation was to ask person identified as witnesses if they saw anything (they refused to comment, most likely because TDCJ does these investigations in a manner that endangers witnesses who provide information) and took the word of a staff member who claims to have seen nothing (this would have been admitting misconduct by the staff member). No camera review was noted. This is an inappropriate investigation.

### **§115.13 — Supervision and monitoring.**

**115.13 (a)** The agency shall ensure that each facility it operates shall develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides for adequate levels of staffing, and, where applicable, video monitoring, to protect incarcerated persons against sexual abuse. In calculating adequate staffing levels and determining the need for video monitoring, facilities shall take into consideration: (1) Generally accepted detention and correctional practices; (2) Any judicial findings of inadequacy; (3) Any findings of inadequacy from Federal investigative agencies; (4) Any findings of inadequacy from internal or external oversight bodies; (5) All components of the facility's physical plant (including “blind-spots” or areas where staff or incarcerated persons may be isolated); (6) The composition of the incarcerated population; (7) The number and placement of supervisory staff; (8) Institution programs occurring on a particular shift; (9) Any applicable State or local laws, regulations, or standards; (10) The prevalence of substantiated and unsubstantiated incidents of sexual abuse; and (11) Any other relevant factors.

Due to the persistent problems with staff shortages within TDCJ and the agency's consistent failure to adequately address the problem, TPI has been documenting problems reported as directly attributable to staff shortages.

For this unit, we have documented:

<b>Incident Type</b>	<b>Prior 12 months</b>	<b>Prior 36 months</b>	<b>All reports</b>
Healthcare Abuse	0	5	5
Misconduct	27	40	40
Operations Misconduct	1	2	2

**115.13 (b)** In circumstances where the staffing plan is not complied with, the facility documents and justifies all deviations from the plan.

**115.13 (c)** Whenever necessary, but no less frequently than once each year, for each facility the agency operates, in consultation with the PREA coordinator required by § 115.11, the agency shall assess, determine, and document whether adjustments are needed to: (1) The staffing plan established pursuant to paragraph (a) of this section; (2) The facility's deployment of video monitoring systems and other monitoring technologies; and (3) The resources the facility has available to commit to ensure adherence to the staffing plan.

**115.13 (d)** Each agency operating a facility shall implement a policy and practice of having intermediate-level or higher level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Such policy and practice shall be implemented for night shifts as well as day shifts. Each agency shall have a policy to prohibit staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility.

TPI does not currently track these issues.

### **§115.14 — Youthful incarcerated persons.**

**115.14 (a)** A youthful incarcerated person shall not be placed in a housing unit in which the youthful incarcerated person will have sight, sound, or physical contact with any adult incarcerated person through use of a shared day room or other common space, shower area, or sleeping quarters.

**115.14 (b)** In areas outside of housing units, agencies shall either: (1) maintain sight and sound separation between youthful incarcerated persons and adult incarcerated persons, or (2) provide direct staff supervision when youthful incarcerated persons and adult incarcerated persons have sight, sound, or physical contact.

**115.14 (c)** Agencies shall make its best efforts to avoid placing youthful incarcerated persons in isolation to comply with this provision. Absent exigent circumstances, agencies shall not deny youthful incarcerated persons daily large-muscle exercise and any legally required special education services to comply with this provision. Youthful incarcerated persons shall also have access to other programs and work opportunities to the extent possible.

TPI does not currently track these issues.

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### **§115.15 — Limits to cross-gender viewing and searches.**

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

Regardless of whether a person is assigned to a facility designated as “male” or “female,” if that person is identified as transgender in the prison system or facility, then searches by persons of a gender different from the incarcerated person's self-identified gender are cross-gender searches unless a waiver documenting search preference has been signed. Failure to respond accordingly in an audit is a failure to properly assess whether or not cross-gender searches are conducted at a facility.

TPI does not record cross-gender visual body cavity searches in exigent circumstances or performed by medical staff as incidents of violence, so all documented cross-gender strip and cross-gender visual body cavity searches recorded were reported to have not involved exigent circumstances, and all were performed by non-medical staff.

Totals for violations of this standard reported to TPI are:

- Past 12 months: 1
- Past 36 months: 12
- All reports: 12

The following are details about the cross-gender strip and body cavity searches documented at the facility:

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**Incident Details From Prior Three Years**


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<b>Incident</b>	<b>Quantity</b>	<b>Identity</b>	<b>Description</b>
2020-00142: Operations Misconduct -- Aggressive or improper search practices; PREA: 115.15(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer D. Smalley; Description: Subject notes that she was told to strip for a search, the subject stated to Smalley (spelling of the name not certain) that she is transgender, after which Smalley made her squat, spread, and cough repeatedly. The subject requested a ranking officer, who came and ended the repeated squatting.
2021-00577: Misconduct -- Negligence; PREA: 115.15(a)	10	Latinx, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject, a transgender woman, states that male guards pat and strip search her "all the time over here." Because the subject has been incarcerated for some time and indicates she has breast development, she has probably identified as a transgender woman and been on hormones for some time and been housed at multiple units, so her statement indicates the treatment at Clements Unit may be to a greater degree or more aggressive or targeted at Clements Unit. The subject stated that one male guard told her that he could not search her because she is a transgender female, but others "say they can and threaten disciplinary action if I refuse."
2022-00513: Operations Misconduct -- Cross-gender search; PREA: 115.15(a)	1	Black, Transgender unspecified, Unknown sexual orientation	Abuser: Sergeant Busby; Description: The subject notes that all on her pod were strip searched during a shakedown of everyone. She objected to the strip search by a cisgender male because she is a transgender female, and she made that clear to the sergeant, but he forced her to strip under threat of use of force (spraying with chemical agent and running a crisis team). Apparently she had to strip in front of everyone in her section or pod; JLH ordered Aug 20, 2022

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**115.15 (b)** The facility shall not permit cross-gender pat-down searches of female incarcerated persons, absent exigent circumstances. Facilities shall not restrict female incarcerated person's access to regularly available programming or other out-of-cell opportunities in order to comply with this provision.

If the facility allows cisgender males and transgender males to conduct pat-down searches of transgender females, then the facility permits cross-gender pat-down searches of female incarcerated persons unless the incarcerated transgender female has completed a waiver allowing such searches. Cisgender males and transgender males are not the same gender as cisgender females and transgender females.

All pat-down searches of incarcerated cisgender females and transgender females by cisgender males or transgender males constitute pat-down searches of female incarcerated persons conducted by male staff.

TPI does not currently document this issue because we know that any reporting would constitute an extreme undercount on units where transgender females are housed, and such an undercount would constitute a gross misrepresentation of actual conditions and practice.

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**115.15 (c)** The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches, and shall document all cross-gender pat-down searches of female incarcerated persons.

It is highly likely that if a facility houses incarcerated transgender females in units designated for incarcerated male persons, or if a facility houses incarcerated transgender males in units designated for incarcerated female persons, then these are not appropriately documented.

Regardless of whether a facility is designated as “male” or “female,” if the facility allows persons of a gender different from an incarcerated persons self-identified gender to conduct strip searches and visual body cavity searches, then these are cross-gender searches except in cases where the incarcerated person has completed a waiver allowing such searches. If the facility does not document all these as cross-gender strip searches and cross-gender visual body cavity searches, then any policy requiring such documentation is not being followed.

TPI does not currently document this issue because we know that any reporting would constitute an extreme undercount on units where transgender persons are housed, and such an undercount would constitute a gross misrepresentation of actual conditions and practice.

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**115.15 (d)** The facility shall implement policies and procedures that enable incarcerated persons to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Such policies and procedures shall require staff of the opposite gender to announce their presence when entering an incarcerated persons housing unit.

This policy is discriminatory toward non-binary gender persons as it only addresses “male” and “female” genders as “opposite” genders, thus erasing non-binary identities.

Regardless of whether a facility is designated as “male” or “female,” this policy covers “opposite” genders of “male” and “female,” including cisgender and transgender males as opposite to cisgender and transgender females. If the facility does not have policies and procedures that enable incarcerated persons to shower, perform bodily functions, and change clothing without non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia except in exigent circumstances — including cisgender and transgender males viewing transgender females, and cisgender and transgender females viewing transgender males, except in cases where a waiver has been completed by the incarcerated person — the facility is not compliant with this policy.

Total violations of this standard reported to TPI for this facility are:

- Past 12 months: none
- Past 36 months: none
- All reports: 1

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**115.15 (e)** The facility shall not search or physically examine a transgender or intersex incarcerated person for the sole purpose of determining the incarcerated person's genital status. If the incarcerated person's genital status is unknown, it may be determined during conversations with the incarcerated person, 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.

Total violations of this standard reported to TPI for this facility are:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.15 (f)** The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex incarcerated persons, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

We note that the National PREA Resource Center has **stated** (<https://www.prearesourcecenter.org/sites/default/files/library/115.15.pdf>) that when conducting pat-down searches of transgender persons, “[a] case-by-case determination of the most appropriate staff member to conduct the search is necessary and should take into consideration the gender expression of the inmate.” In addition, four options are in current practice for searches of incarcerated transgender and intersex persons: “1) searches conducted only by medical staff; 2) pat searches of adult inmates conducted by female staff only, especially given there is no prohibition on the pat searches female staff can perform (except in juvenile facilities); 3) asking inmates/residents/detainees to identify the gender of staff with whom they would feel most comfortable conducting the search; and 4) searches conducted in accordance with the inmate's gender identity.” This means that a blanket rule that a person is searched or pat-searched by the gender of the unit to which they are assigned is not appropriate.

We also note that training never equates practice or compliance. The total violations of this standard have been reported to TPI for this facility are:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**§115.16 — Incarcerated persons with disabilities and incarcerated persons who are limited English proficient.**

**115.16 (a)** The agency shall take appropriate steps to ensure that incarcerated persons with disabilities (including, for example, incarcerated persons who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities) have an equal opportunity to

participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Total violations of these standards — where persons were denied opportunities to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment due to their disabilities — reported to TPI for this facility:

- Past 12 months: none
- Past 36 months: none
- All reports: none

**115.16 (b)** The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to incarcerated persons 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.

Total violations of this standard reported to TPI for this facility:

- Past 12 months: none
- Past 36 months: none
- All reports: none

**115.16 (c)** The agency shall not rely on incarcerated persons as interpreters, incarcerated persons as readers, or other types of incarcerated person assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the incarcerated persons's safety, the performance of first-response duties under § 115.64, or the investigation of the incarcerated person's allegations.

TPI does not currently track this issue.

### **§115.17 — Hiring and promotion decisions.**

TPI does not currently track issues under this section.

### **§115.18 — Upgrades to facilities and technology.**

TPI does not currently track issues under this section.

### **§115.21 — Evidence protocol and forensic medical examinations.**

**§115.21 (a)** To the extent the agency is responsible for investigating allegations of sexual abuse, the agency shall follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.



**§115.21 (b)** 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, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011.

TPI does not currently track these issues.

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**§115.21 (c)** The agency shall offer all survivors of sexual abuse access to forensic medical examinations, whether on-site or 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 SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The agency shall document its efforts to provide SAFEs or SANEs.

Total reports of incarcerated persons who have been denied by this facility from accessing appropriate forensic medical examinations:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**§115.21 (d)** The agency shall attempt to make available to the survivor a survivor advocate from a rape crisis center. If a rape crisis center is not available to provide survivor advocate services, the agency makes available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member.

**§115.21 (e)** As requested by the survivor, the survivor advocate, qualified agency staff member, or qualified community-based organization staff member shall accompany and support the survivor through the forensic medical examination process and investigatory interviews and shall provide emotional support, crisis intervention, information, and referrals.

Total violations of this policy, either making an advocate available in general or making an advocate available during the forensic medical examination, have been reported to TPI concerning this facility:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**§115.21 (f)** To the extent the agency itself is not responsible for investigating allegations of sexual abuse, the agency shall request that the investigating agency follow the requirements of paragraphs (a) through (e) of this section.

**115.21 (g)** The requirements of paragraphs (a) through (f) of this section shall also apply to: (1) Any State entity outside of the agency that is responsible for investigating allegations of sexual abuse in prisons or

jails; and (2) Any Department of Justice component that is responsible for investigating allegations of sexual abuse in prisons or jails.

**115.21 (h)** For the purposes of this section, 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.

TPI does not currently track these issues.

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### **§115.22 — Policies to ensure referrals of allegations for investigations.**

**§115.22 (a)** The agency shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment.

**§115.22 (b)** The agency shall have in place a policy to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The agency publishes such policy on its website or, if it does not have one, makes the policy available through other means. The agency documents all such referrals.

**§115.22 (c)** If a separate entity is responsible for conducting criminal investigations, such publication shall describe the responsibilities of both the agency and the investigating entity.

**§115.22 (d)** Any State entity responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

**§115.22 (e)** Any Department of Justice component responsible for conducting administrative or criminal investigations of sexual abuse or sexual harassment in prisons or jails shall have in place a policy governing the conduct of such investigations.

TPI cannot track these data. We reiterate that policy does not equate practice. We provide below the total numbers of sexual violence reports to TPI for this facility.

Total incidents of sexual harassment reported to TPI for this facility:

- Past 12 months: 5
- Past 36 months: 25
- All reports: 28

Total incidents of sexual abuse reported to TPI for this facility:

- Past 12 months: 4
  - Past 36 months: 7
  - All reports: 12
-

**§115.31 — Employee training.**

**§115.31 (a)** The agency shall train all employees who may have contact with incarcerated persons on: (1) Its zero-tolerance policy for sexual abuse and sexual harassment; (2) How to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; (3) Incarcerated person's rights to be free from sexual abuse and sexual harassment; (4) The right of incarcerated persons and employees to be free from retaliation for reporting sexual abuse and sexual harassment; (5) The dynamics of sexual abuse and sexual harassment in confinement; (6) The common reactions of sexual abuse and sexual harassment survivors; (7) How to detect and respond to signs of threatened and actual sexual abuse; (8) How to avoid inappropriate relationships with incarcerated persons; (9) How to communicate effectively and professionally with incarcerated persons, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming incarcerated persons; and (10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

TPI documents general failure to implement training due to an apparent lack of understanding of PREA standards, and specific failure to communicate effectively and professionally with LGBTQ+ incarcerated persons.

Total incidents related to general failures to implement PREA training reported to TPI for this facility:

- Past 12 months: 1
- Past 36 months: 2
- All reports: 2

Total incidents related to unprofessional, ineffective, or abusive communication reported to TPI for this facility:

- Past 12 months: 2
- Past 36 months: 13
- All reports: 15

The following are individual incidents reports related to these two standards as reported to TPI over the last three years:

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**Incident Details From Prior Three Years**


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<b>Incident</b>	<b>Quantity</b>	<b>Identity</b>	<b>Description</b>
2020-00513: Misconduct -- Negligence; PREA: 115.31(a) (9)	4	Black, Transgender woman, Queer	Abuser: Corrections Officer III Tafa; Description: The subject notes that Tafa has let several other prisoners out to get cool water (required during summer months) and to use the phone, but has denied the subject, and at least once has stated his reason as "I don't need a reason and besides you are a queer guy with tits."
2021-00346: Misconduct -- Negligence; PREA: 115.31(a) (9)	1	Latinx, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer IV Recio; Description: The subject states that about 4:30pm, she asked Recio if it was ok to put a screen up and clean herself at the sink (visible to an SSI working the are and the picket), and Recio said ok. About 5pm, the subject reports that Recio came and removed the screen (a towel), and when she objected verbally Recio responded "Show me your tits, bitch, yu don't look like a transgender to me. You look like a faggot." The subject reports she started crying, stated she was transgender and said to stop harassing her, but Recio responded "There is no privacy in prison bitch."
2021-00347: Misconduct -- Negligence; PREA: 115.31(a) (9)	6	Latinx, Transgender woman, Unknown sexual orientation	Abuser: Captain Miller; Description: The subject states that during the investigation into the incident with Regio (see incident 2021-00346), Miller told the subject that Regio should have written the subject a major case (even though Regio had given the subject permission to temporarily cover her door) without any attempt at an informal resolution. Miller then tried to intimidate the subject by alleging the subject regularly files PREA complaints (the subject reports the last time was about 2015) and by saying the subject was lying. Miller is also reported to have told the subject she has no rights in prison and that the subject was lying about being transgender. Miller was also reported to have threatened to write a major case, take all the subject's property, move the subject to ECB, and remove the subject from the PAMIO program. The subject reported that after making these statements, Miller asked if she was sure she wanted to file the report and strongly advised her not to, showing the threats were meant as an effort to intimidate the subject enough to cause

			her to drop her complaint. The subject states that Miller then shouted "Do you want to sign this or not," but Miller refused to answer when the subject asked what it was. Miller then called for a guard to take her back to her cell, emphasizing male references. The subject was then taken to the infirmary for the PREA report procedure. The subject does not know what she was being asked to sign.
2021-00474: Threat -- Harm; PREA: 115.31(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Duran; Description: The subject reports that the same Duran that refused to allow her to file an OPI earlier the same day (see incident 2021-00472) approached the subject and said that "if I show him my ass and tits then he'd file an OPI for me, that is the only way and if I try to tell anybody he would only deny it . . . and if I tried to report it, he'd put a rumor out on me so bad through the inmates that it would get me hurt really bad and/or potentially killed" (see also incident 2021-00473).
2022-00117: Misconduct -- Forced gender conformity; PREA: 115.31(a) (9)	1	Black, Transgender woman, Heterosexual	Abuser: PREA Ombudsman Manager I Teresa Gardner; Description: In response to our complaint that never mentioned sexual abuse, Gardner misgendered the subject by using her deadname.
2022-00760: Misconduct -- Place or leave in danger; PREA: 115.31(a)	1	Black, Transgender unspecified, Queer	Abuser: Corrections Officer ; Description: The subject reports that an unidentified guard allowed another person to come into the subject's cell even though the subject is supposed to be single celled. The subject reports the person had a knife and fan motor. This appears to be the same description of a report of sexual assault, where in a prior letter the subject reported, without providing any indication of when this happened, being forced to provide oral sex by someone allowed into her cell with a knife and fan motor (see sexual assault incident 2022-00759). The endangerment by the guard is documented as incident 2022-00760. In their response, the PREA ombudsman refused to respond to the alleged staff misconduct other than to ask the guard who was responsible and just accept their word that they saw nothing. No camera review was noted.
2022-00810: Misconduct -- Negligence;	1	Black, Transgender unspecified, Queer	Abuser: Sergeant ; Description: The subject states that a sergeant came to escort her to a UCC meeting and strip searched her, then she

PREA: 115.31(a)  
(9)

said she was going to put her hair back in a ponytail. The subject reports the sergeant responded by telling her to "take that shit out" and "you can't do that" even though policy specifically allows it. The sergeant then gave her clothing back and walked off, denying her escort to the UCC meeting. In a subsequent letter, the subject states she went to UCC on November 29.

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**§115.31 (b)** Such training shall be tailored to the gender of the incarcerated persons at the employee's facility. The employee shall receive additional training if the employee is reassigned from a facility that houses only female incarcerated persons, or vice versa.

TPI notes that if training does not include use of preferred names and pronouns of transgender persons, then training is not tailored to the gender of the persons incarcerated at the facility.

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**§115.31 (c)** 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.

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

TPI does not currently track these issues.

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### **§115.32 — Volunteer and contractor training.**

TPI does not currently track issues under this section.

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### **§115.33 — Incarcerated person education.**

**§115.33 (a)** During the intake process, incarcerated persons shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment.

**§115.33 (b)** Within 30 days of intake, the agency shall provide comprehensive education to incarcerated persons either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

**§115.33 (c)** Current incarcerated persons who have not received such education shall be educated within one year of the effective date of the PREA standards, and shall receive education upon transfer to a different facility to the extent that the policies and procedures of the incarcerated person's new facility differ from those of the previous facility.

TPI does not currently track these issues.

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**§115.33 (d)** The agency shall provide incarcerated person education in formats accessible to all incarcerated persons, including those who are limited English proficient, deaf, visually impaired, otherwise disabled, as well as to incarcerated persons who have limited reading skills.

TPI does not track this issue separate from other failures to provide appropriate assistance to incarcerated persons with disabilities or limited English proficiencies.

Total incidents reported concerning persons being denied appropriate considerations due to disabilities:

- Past 12 months: none
- Past 36 months: none
- All reports: none

Total incidents reported concerning persons being denied appropriate considerations due to limited English proficiency:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**§115.33 (e)** The agency shall maintain documentation of inmate participation in these education sessions.

TPI does not currently track this issue.

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**§115.33 (f)** In addition to providing such education, the agency shall ensure that key information is continuously and readily available or visible to incarcerated persons through posters, handbooks for incarcerated persons, or other written formats.

Total reports of failures to make information continuously and readily available at this facility:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
-

### **§115.34 — Specialized training: Investigations.**

§115.34 (a) In addition to the general training provided to all employees pursuant to §115.31, the agency shall ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators have received training in conducting such investigations in confinement settings.

Total incidents concerning improper investigations by staff reported to TPI for this facility:

- Past 12 months: 1
- Past 36 months: 1
- All reports: 4

TPI also tracks separately investigations of sexual violence that are misclassified by staff for an unjust purpose. This includes, for example, identifying an issue of sexual harassment as sexual abuse so that it can be determined unsubstantiated or unfounded. Misclassification can also be used to identify a non-PREA incident as PREA-related so that it can be found to not fit PREA definitions of sexual harassment or sexual abuse, resulting in an unsubstantiated or unfounded finding. This category of improper investigation also includes misclassification of sexual abuse as consensual sex and vice versa.

- Past 12 months: none
- Past 36 months: none
- All reports: none

Another separate issue we document concerns improper requirements that sexual harassment must be repeated. This is a misapplication of the PREA standards. The Department of Justice noted in the PREA Final Rule that “Various standards require remedial action in response to sexual harassment; while correctional agencies may take appropriate action in response to a single comment, a concern for efficient resource allocation suggests that it is best to mandate such action only where comments of a sexual nature are repeated” (page 37116).

The National PREA Resource Center also comments that “‘Repeated,’ in the context of this provision, means more than one incident. Please note that the seriousness of the conduct should be taken into account in determining the appropriate commensurate response by the agency or facility. Serious misconduct along these lines, even if committed once, should still be addressed by the agency or facility” (emphasis added).

Thus blanket dismissals of allegations of serious misconduct because they are not repeated are not PREA compliant. Total dismissals due to lack of repetition reported to TPI for this facility:

- Past 12 months: none
- Past 36 months: none
- All reports: none

The following are details about all of these issues that TPI has documented:



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### Incident Details From Prior Three Years

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Incident	Quantity	Identity	Description
2022-00118: Misconduct -- Manipulate report of issue; PREA: 115.34,115.71(a)	1	Black, Transgender woman, Heterosexual	Abuser: PREA Ombudsman Manager I Teresa Gardner; Description: TPI filed a complaint about staff abuse that never mentioned sexual abuse or sexual assault, only improper search practices that resulted in assault. The Ombudsman and PREA Ombudsman deliberately misrepresented the complaint as sexual abuse in order to dismiss the complaint.

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**§115.34 (b)** Specialized training shall include techniques for interviewing sexual abuse survivors, proper use of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

**§115.34 (c)** The agency shall maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations.

**§115.34 (d)** Any State 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.

TPI does not currently track these issues; however, we refer to the totals under §115.34(a) as possible indication that training is insufficient.

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### **§115.35 — Specialized training: Medical and mental health care.**

**§115.35 (a)** The agency ensures that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in: (1) How to detect and assess signs of sexual abuse and sexual harassment; (2) How to preserve physical evidence of sexual abuse; (3) How to respond effectively and professionally to survivors of sexual abuse and sexual harassment; and (4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment.

**§115.35 (b)** If medical staff employed by the agency conduct forensic examinations, such medical staff shall receive the appropriate training to conduct such examinations.

**§115.35 (c)** The agency shall maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere.

**§115.35 (d)** Medical and mental health care practitioners shall also receive the training mandated for employees under § 115.31 or for contractors and volunteers under § 115.32, depending upon the

practitioner's status at the agency.

TPI does not currently track these issues.

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**§115.41 — Screening for risk of victimization and abusiveness.**

**115.41 (a)** All incarcerated persons shall be assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other incarcerated persons or sexually abusive toward other incarcerated persons.

**115.41 (b)** Intake screening shall ordinarily take place within 72 hours of arrival at the facility.

Total reports made to TPI where screening was not completed within 72 hours of intake or transfer:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.41 (c)** Such assessments shall be conducted using an objective screening instrument.

TPI does not currently track this issue.

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**115.41 (d)** The intake screening shall consider, at a minimum, the following criteria to assess incarcerated persons for risk of sexual victimization: (1) Whether the incarcerated person has a mental, physical, or developmental disability; (2) The age of the incarcerated person; (3) The physical build of the incarcerated person; (4) Whether the incarcerated person has previously been incarcerated; (5) Whether the incarcerated person's criminal history is exclusively nonviolent; (6) Whether the incarcerated person has prior convictions for sex offenses against an adult or child; (7) Whether the incarcerated person is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming; (8) Whether the incarcerated person has previously experienced sexual victimization; (9) The incarcerated person's own perception of vulnerability; and (10) Whether the incarcerated person is detained solely for civil immigration purposes.

Total reports to TPI that indicate the facility or agency did not properly consider the required criteria:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.41 (e)** The initial screening shall consider prior acts of sexual abuse, prior convictions for violent offenses, and history of prior institutional violence or sexual abuse, as known to the agency, in assessing incarcerated persons for risk of being sexually abusive.

TPI does not specifically track this issue, but we believe that many facilities and agencies abuse this

requirement by giving such acts greater weight in order to deny safer housing or to place trans and queer persons in danger by applying stereotypes and bias claiming trans and queer persons are more likely to be sexually abusive.

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**115.41 (f)** Within a set time period, not to exceed 30 days from the incarcerated person's arrival at the facility, the facility will reassess the incarcerated person's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening.

TPI does not currently track this issue specifically, but violations of 115.41(g) and 115.42(a) may also include noncompliance with 115.41(f).

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**115.41 (g)** An incarcerated person's risk level shall be reassessed when warranted due to a referral, request, incident of sexual abuse, or receipt of additional information that bears on the incarcerated person's risk of sexual victimization or abusiveness.

Total incidents reported to TPI concerning failure to reassess an incarcerated person when warranted:

- Past 12 months: 1
- Past 36 months: 1
- All reports: 1

The following are details about failures to reassess properly:

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#### Incident Details From Prior Three Years

Incident	Quantity	Identity	Description
2022-00422: Misconduct -- Negligence; PREA: 115.41(g)	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject states that she has identified as trans all her life, but the Clements Unit safe prisons and classification staff are refusing to assign the TRGEN marker.

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**115.41 (h)** incarcerated persons may not be disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section.

**115.41 (i)** The agency shall implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive information is not exploited to the incarcerated person's detriment by staff or other incarcerated persons.

TPI does not currently track these issues.

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### **§115.42 — Use of screening information.**

**115.42 (a)** The agency shall use information from the risk screening required by § 115.41 to inform housing, bed, work, education, and program assignments with the goal of keeping separate those incarcerated person at high risk of being sexually victimized from those at high risk of being sexually abusive.

**115.42 (b)** The agency shall make individualized determinations about how to ensure the safety of each incarcerated person.

Total incidents reported to TPI concerning the facility not appropriately using screening information for housing, bed, work, education, and program assignments in a manner to ensure the safety of incarcerated persons.

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.42 (c)** In deciding whether to assign a transgender or intersex incarcerated person to a facility for male or female incarcerated person, and in making other housing and programming assignments, the agency shall consider on a case-by-case basis whether a placement would ensure the incarcerated person's health and safety, and whether the placement would present management or security problems.

As this facility is a TDCJ facility, TPI notes that based on reporting to us, we only have heard of a single transgender or intersex incarcerated person *NOT* housed according to their gender assigned at birth, and our information indicates that person has had genital surgery. Thus TDCJ appears to have, in practice, a blanket rule of making housing assignments for transgender and intersex persons based on genital configuration, not on a case-by-case basis.

Total incidents reported to TPI where decisions about housing and programming assignments were not made to ensure the health and safety of the incarcerated transgender or intersex person:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.42 (d)** Placement and programming assignments for each transgender or intersex incarcerated person shall be reassessed at least twice each year to review any threats to safety experienced by the incarcerated person.

Total incidents reported to TPI indicating biannual reassessments are not being done or not being done properly:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.42 (e)** A transgender or intersex incarcerated person's own views with respect to his or her own safety shall be given serious consideration.

Total incidents reported to TPI that reflect a failure to give serious consideration to incarcerated transgender or intersex person's own views about their safety:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.42 (f)** Transgender and intersex incarcerated persons shall be given the opportunity to shower separately from other incarcerated persons.

TPI notes that for two-person cells where the shower is in the cell, if one of the persons is transgender or intersex and one is not, that housing is not in compliance with 115.42(f). If both persons are transgender or intersex, such housing may comply with this standard if both persons housed in the cell agree that the housing arrangement is acceptable, but only for as long as both persons housed in the cell agree that the arrangement is acceptable.

Total reports to TPI where incarcerated transgender or intersex persons were not allowed separate showers:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.42 (g)** The agency shall not place lesbian, gay, bisexual, transgender, or intersex incarcerated persons in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such incarcerated persons.

Total incidents reported to TPI where trans and queer persons have been housed in dedicated areas:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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### **§115.43 — Protective custody.**

**115.43 (a)** Incarcerated persons at high risk for sexual victimization shall not be placed in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the incarcerated person in involuntary segregated housing for less than 24 hours while completing the assessment.

TPI documents the number of reports of incarcerated persons being held in protective custody (generally some sort of lockup or other restrictive housing) over their objections and statements that they are not in danger. In these cases, protective custody often appears to be used as punishment for reporting sexual violence:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.43 (b)** Incarcerated persons placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document: (1) The opportunities that have been limited; (2) The duration of the limitation; and (3) The reasons for such limitations.

TPI also documents reports of persons being held in involuntary protective custody over the long term, often meaning they are denied benefits, programs, and privileges allowed persons of the same custody level not in protective custody.

As this is a TDCJ facility, it must be noted that TDCJ does not seem to consider safekeeping designation as involuntary protective custody for the purposes of 115.43. Although safekeeping is in some cases “voluntary” in the sense that one must request (and sometimes even beg for) safekeeping designation, that is not always the case. Some persons in TDCJ custody are placed in safekeeping designation over their objections, and some are coerced into accepting safekeeping. There are also instances where TDCJ has refused to accept requests to remove an incarcerated person from safekeeping, even when the reason is because the person denies endangerment and is being denied some benefit, privilege, or opportunity because of the safekeeping designation. For these reasons, persons in safekeeping cannot be assumed to be there voluntarily, and safekeeping placements must be considered by auditors for compliance with documentation requirements under section 115.43.

These totals reflect reports of incarcerated persons held in involuntary protective custody, many of whom are being denied programs, privileges, education, or work opportunities:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.43 (c)** The facility shall assign such incarcerated persons to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment shall not ordinarily exceed a period of 30 days.

As noted under 115.43(b), TPI has found that in many cases, TDCJ's safekeeping designation is not voluntary, lasts well over 30 days, and should be considered involuntary protective custody for the purposes of requiring alternate means of separation from likely abusers under 115.43(c). TDCJ appears to only consider placements in restrictive housing as involuntary protective custody. That is not the case.

Failure to consider safekeeping designations as voluntary or involuntary for the purpose of the requirements under 115.43(c) constitutes an improper audit.

TPI documents the number of reports that persons are being held in involuntary protective custody for more than 30 days when there are alternative means of separation.

- Past 12 months: none
- Past 36 months: none
- All reports: none

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115.43 (d) If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, the facility shall clearly document: (1) The basis for the facility's concern for the incarcerated person's safety; and (2) The reason why no alternative means of separation can be arranged.

TPI does not currently track this issue, although we would if we had the means.

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**115.43 (e)** Every 30 days, the facility shall afford each such incarcerated person a review to determine whether there is a continuing need for separation from the general population.

As noted under 115.43(b), TPI has found that in many cases, TDCJ's safekeeping designation is not voluntary, lasts well over 30 days, and should be considered involuntary protective custody for the purposes of reviews required under 115.43(e). TDCJ appears to only consider placements in restrictive housing as involuntary protective custody. That is not the case. Failure to consider safekeeping designations as voluntary or involuntary for the purpose of 30-day review requirements under 115.43(e) constitutes an improper audit. TPI documents the number of reports of persons received concerning persons being denied reviews every 30 if designated for involuntary protective custody:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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### **§115.51 — Incarcerated person reporting.**

**115.51 (a)** The agency shall provide multiple internal ways for incarcerated persons to privately report sexual abuse and sexual harassment, retaliation by other incarcerated persons or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents.

Total reports to TPI of staff revealing private information pertaining to reports of sexual harassment and sexual abuse:

- Past 12 months: none
- Past 36 months: none

- All reports: none

**115.51 (b)** The agency shall also provide at least one way for incarcerated persons to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward reports by incarcerated persons of sexual abuse and sexual harassment to agency officials, allowing the incarcerated person to remain anonymous upon request.

TPI does not currently track this issue.

**115.51 (c)** Staff shall accept reports made verbally, in writing, anonymously, and from third parties and shall promptly document any verbal reports.

Total reports to TPI of staff interfering with the making of a report and staff failing to accept reports of sexual assault and sexual harassment:

- Past 12 months: none
- Past 36 months: 3
- All reports: 3

The following are details about staff interference with reporting sexual violence:

Incident Details From Prior Three Years			
Incident	Quantity	Identity	Description
2021-00078: Threat -- Physical harm; PREA: 115.51(c)	1	White, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer III Thomas; Description: After being sexually assaulted (see incident 2021-00027), the subject requested an OPI, and Thomas threatened the subject, telling her if she did not go to her cell he would have her assaulted.
2021-00080: Misconduct -- Failure to investigate or respond; PREA: 115.51(c)	2	White, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Cantu; Description: The subject states that she requested three times to file an OPI about the sexual assault (see incident 2021-00027). One request was made to Corrections Officer III Thomas, who threatened her in response (see incident 2021-00078), and at least one request was made to Sergeant Cantu, who the subject reports responded "this is prison and faggots get what they deserve."

**115.51 (d)** The agency shall provide a method for staff to privately report sexual abuse and sexual harassment of incarcerated persons.

TPI does not currently track this issue.



**§115.52 — Exhaustion of administrative remedies.**

**115.52 (a)** An agency shall be exempt from this standard if it does not have administrative procedures to address incarcerated person grievances regarding sexual abuse.

**115.52 (b)** (1) The agency shall not impose a time limit on when an incarcerated person may submit a grievance regarding an allegation of sexual abuse. (2) The agency may apply otherwise applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse. (3) The agency shall not require an incarcerated person to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse. (4) Nothing in this section shall restrict the agency's ability to defend against a lawsuit by an incarcerated person on the ground that the applicable statute of limitations has expired.

Total reports to TPI concerning incarcerated persons denied the ability to file a grievance concerning sexual abuse due to a time limit:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.52 (c)** The agency shall ensure that — (1) An incarcerated person who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint, and (2) Such grievance is not referred to a staff member who is the subject of the complaint.

TPI does not currently track this issue.

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**115.52 (d)** (1) The agency issues a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance. (2) Computation of the 90-day time period does not include time consumed by incarcerated persons in preparing any administrative appeal. (3) 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 agency shall notify the incarcerated person in writing of any such extension and provide a date by which a decision will be made. (4) At any level of the administrative process, including the final level, if the incarcerated person does not receive a response within the time allotted for reply, including any properly noticed extension, the incarcerated person may consider the absence of a response to be a denial at that level.

TPI does not currently track this issue.

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**115.52 (e)** (1) Third parties, including fellow incarcerated persons, staff members, family members, attorneys, and outside advocates, shall be permitted to assist incarcerated persons in filing requests for administrative remedies relating to allegations of sexual abuse, and shall also be permitted to file such requests on behalf of incarcerated persons. (2) If a third party files such a request on behalf of an incarcerated person, the facility may require as a condition of processing the request that the alleged survivor agree to have the request filed on his or her behalf, and may also require the alleged survivor to personally pursue any subsequent steps in the administrative remedy process. (3) If the incarcerated

person declines to have the request processed on his or her behalf, the agency shall document the incarcerated person's decision.

Total reports to TPI of interference reporting such issues to third parties:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.52 (f) (1)** The agency shall establish procedures for the filing of an emergency grievance alleging that an incarcerated person is subject to a substantial risk of imminent sexual abuse. **(2)** After receiving an emergency grievance alleging an incarcerated person is subject to a substantial risk of imminent sexual abuse, the agency shall immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken, shall provide an initial response within 48 hours, and shall issue a final agency decision within 5 calendar days. The initial response and final agency decision documents the agency's determination whether the incarcerated person is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance.

TPI does not currently track this specific issue.

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**115.52 (g)** The agency may discipline an incarcerated person for filing a grievance related to alleged sexual abuse only where the agency demonstrates that the incarcerated person filed the grievance in bad faith.

Total incidents reported to TPI where incarcerated persons are disciplined for filing good faith reports of sexual violence:

- Past 12 months: none
- Past 36 months: 1
- All reports: 2

The following are details about disciplinary actions for good faith reports of sexual violence:

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#### Incident Details From Prior Three Years

Incident	Quantity	Identity	Description
2020-00626: Misconduct -- False case; PREA: 115.78(f)	1	White, Transgender unspecified, Unknown sexual orientation	Abuser: Captain Joe Preciado; Description: The subject states that on or about March 10, 2020, Preciado pulled the subject out concerning the threat by Janow, then on about March 12, the subject was served a disciplinary case for lying during an investigation even though the report was made in good faith. The subject states that two grievances on the issue have been "lost," but it is not clear if the grievances are appealing the disciplinary case finding or something else.

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**§115.53 — Incarcerated person access to outside confidential support services.**

**115.53 (a)** The facility shall provide incarcerated persons with access to outside survivor advocates for emotional support services related to sexual abuse by giving incarcerated persons mailing addresses and telephone numbers, including toll-free hotline numbers where available, of local, State, or national survivor advocacy or rape crisis organizations, and, for persons detained solely for civil immigration purposes, immigrant services agencies. The facility shall enable reasonable communication between incarcerated persons and these organizations and agencies in as confidential a manner as possible.

TPI does not currently track this issue.

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**115.53 (b)** The facility shall inform incarcerated persons, 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.

TPI does not currently track this issue.

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**115.53 (c)** The agency shall maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide incarcerated persons with confidential emotional support services related to sexual abuse. The agency shall maintain copies of agreements or documentation showing attempts to enter into such agreements.

TPI does not currently track this issue.

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**§115.54 — Third-party reporting.**

**115.54 (a)** The agency 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 an incarcerated person.

TPI does not currently track this issue.

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**§115.61 — Staff and agency reporting duties.**

**115.61 (a)** The agency shall require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the agency; retaliation against incarcerated persons or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Total reports to TPI of staff failure to report knowledge, suspicion, or information received about sexual abuse or sexual harassment or retaliation:

- Past 12 months: 1
- Past 36 months: 6
- All reports: 6

The following are details about staff failure to report sexual violence:

Incident Details From Prior Three Years			
Incident	Quantity	Identity	Description
2020-00371: Misconduct -- Failure to investigate or respond; PREA: 115.61(a)	4	Black, Transgender woman, Unknown sexual orientation	Abuser: Assistant Warden Joe Tovar; Description: Subject reports that for two weeks her cellmate, who is Tango Blast, has been masturbating in front of her (see incident 2020-00370). She has tried to notify an Assistant Warden Tovar, the unit safe prisons department, and unit classification. The subject specifically notes sending an in-house letter to Tovar on May 18, an I-60 to Tovar on May 19, and unidentified contact (probably I-60) to safe prisons and classification on May 20, 2020, requesting a move or to file an OPI. She has not received a response to any of these.
2021-00028: Misconduct -- Place or leave in danger; PREA: 115.61(a)	1	White, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer III Thomas; Description: The subject reports that she was sexually assaulted when a guard named Thomas placed her in a cell with the assailant; the guard stated the move was by order of administration. The next day, CO Thomas opened the cell door and the subject reports Thomas said the move was a mistake and moved the subject back to her previous cell. The subject requested an OPI, and Thomas threatened the subject, telling her if she did not go to her cell he would have her assaulted (see incident 2021-00078).
2022-00400: Misconduct -- Negligence; PREA: 115.61(a)	1	Black, Transgender unspecified, Unknown sexual orientation	Abuser: name not known; Description: The subject states that the person across from her stands in his cell nude and fondles himself or masturbates while looking at her, especially if she is changing or using the toilet or has her top off, presumably due to the heat (incident 2022-00399). The subject indicates guards know this is going on but do nothing to stop or address it, as required by PREA 115.61 (incident 2022-00400). The subject does not state whether or not she has tried to file a complaint on the issue.

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**115.61 (b)** 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 agency policy, to make treatment, investigation, and other security and management decisions.

TPI documents incidents where staff disclose information about sexual violence to persons other than those with a need to know about the incident:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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

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

**115.61 (e)** The facility shall report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators.

TPI does not currently track these issues.

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### **§115.62 — Agency protection duties.**

**115.62 (a)** When an agency learns that an incarcerated person is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the incarcerated person.

Total incidents reported to TPI where staff ignored reports of substantial risk of imminent sexual violence:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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### **§115.63 — Reporting to other confinement facilities.**

**115.63 (a)** Upon receiving an allegation that an incarcerated person was sexually abused while confined at another facility, the head of the facility that received the allegation shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred.

Total reports to TPI of failures to notify other facilities in such instances:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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

TPI does not currently track this issue.

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**115.63 (c)** The agency shall document that it has provided such notification.

TPI does not currently track this issue.

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**115.63 (d)** The facility head or agency office that receives such notification shall ensure that the allegation is investigated in accordance with these standards.

TPI does not currently track this issue.

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**§115.64 — Staff first responder duties.**

**115.64 (a)** Upon learning of an allegation that an incarcerated person was sexually abused, the first security staff member to respond to the report shall be required to: (1) Separate the alleged survivor and abuser; (2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence; (3) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged survivor not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating; and (4) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.

Total reports to TPI that first responders failed to separate the parties, secure the scene appropriately, or insure evidence preservation and collection:

- Past 12 months: none
- Past 36 months: none
- All reports: none

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**115.64 (b)** If the first staff responder is not a security staff member, the responder shall be required to request that the alleged survivor not take any actions that could destroy physical evidence, and then notify security staff.

TPI does not currently track this issue.

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### **§115.65 — Coordinated response.**

**115.65 (a)** The facility shall develop 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, investigators, and facility leadership.

TPI does not currently track this issue.

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### **§115.66 — Preservation of ability to protect incarcerated persons from contact with abusers.**

**115.66 (a)** Neither the agency nor any other governmental entity responsible for collective bargaining on the agency's behalf shall enter into or renew any collective bargaining agreement or other agreement that limits the agency's ability to remove alleged staff sexual abusers from contact with any incarcerated persons pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted.

**115.66 (b)** Nothing in this standard shall restrict the entering into or renewal of agreements that govern: (1) The conduct of the disciplinary process, as long as such agreements are not inconsistent with the provisions of §§ 115.72 and 115.76; or (2) 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.

TPI does not currently track these issues.

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### **§115.67 — Agency protection against retaliation.**

**115.67 (a)** The agency shall establish a policy to protect all incarcerated persons and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other incarcerated persons or staff, and shall designate which staff members or departments are charged with monitoring retaliation.

TPI documents reports of failures to protect persons reporting or participating in the reporting or investigation of sexual violence from retaliation:

- Past 12 months: 3
- Past 36 months: 4
- All reports: 6

The following are details about staff failures to protect persons from retaliation:

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**Incident Details From Prior Three Years**


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<b>Incident</b>	<b>Quantity</b>	<b>Identity</b>	<b>Description</b>
2020-00423: Misconduct -- Place or leave in danger; PREA: 115.67(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: PREA Ombuds Program Specialist I Marla Norsworthy; Description: Norsworthy, of the TDCJ PREA Ombudsman Office, responded that there was no evidence that the subject was a victim of sexual misconduct, and that the issue was appropriately investigated. However, the subject was not moved, so appears to have been placed in danger by continuing to be celled with a person against whom she filed a sexual misconduct report. In a response, the PREA Ombudsman Office noted that the subject is no longer housed with her abuser, and a not for same housing restriction has been provided for both.
2022-00870: Misconduct -- Negligence; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	Abuser: name not known; Description: The subject states that the person who sexually assaulted her (see incident 2022-00759) came to her cell and banged on her door, threatening her if she did not leave the unit (threat incident 2022-00869). This is also a failure of the unit staff to prevent retaliation for reporting sexual violence (see incident 2022-00870). It is not clear, but apparently staff refused to file an IPI over the incident, and denied the subject their lunch.
2023-00028: Threat -- Harm; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	Description: The subject states that a person who sexually assaulted her came to her cell and told her he knew she reported him for the sexual abuse (see incident 2022-00759) and made a vague threat of harm (threat incident 2023-00028). This also means unit staff failed to protect her from retaliation (leave in danger incident 2023-00029).
2023-00029: Misconduct -- Place or leave in danger; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	Abuser: name not known; Description: The subject states that a person who sexually assaulted her came to her cell and told her he knew she reported him for the sexual abuse (see incident 2022-00759) and made a vague threat of harm (threat incident 2023-00028). This also means unit staff failed to protect her from retaliation (leave in danger incident 2023-00029).

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**115.67 (b)** The agency shall employ multiple protection measures, such as housing changes or transfers for incarcerated survivors or abusers, removal of alleged staff or incarcerated abusers from contact with survivors, and emotional support services for incarcerated persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

TPI does not currently track this issue.

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

Total reports of failures to monitor for retaliation, although TPI feels it is highly likely that violations of this standard are very underreported:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.67 (d)** In the case of incarcerated persons, such monitoring shall also include periodic status checks.

TPI does not specifically track this issue at this time.

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

TPI does not specifically track this issue at this time.

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### **§115.68 — Post-allegation protective custody.**

**115.68 (a)** Any use of segregated housing to protect an incarcerated person who is alleged to have suffered sexual abuse is subject to the requirements of § 115.43.

In our experience, TDCJ automatically places all or most persons who report sexual abuse in involuntary segregated housing (restricted housing for inmate protection investigation, or IPI) regardless of whether there are alternatives to such placement or not.

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**§115.71 — Criminal and administrative agency investigations.**

**115.71 (a)** When the agency 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.

**115.71 (b)** Where sexual abuse is alleged, the agency shall use investigators who have received special training in sexual abuse investigations pursuant to §115.34.

**115.71 (c)** 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 survivors, suspected perpetrators, and witnesses; and shall review prior complaints and reports of sexual abuse involving the suspected perpetrator.

**115.71 (d)** When the quality of evidence appears to support criminal prosecution, the agency shall conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

**115.71 (e)** The credibility of an alleged survivor, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as an incarcerated person or staff. No agency shall require an incarcerated person who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation.

**115.71 (f)** Administrative investigations: (1) Shall include an effort to determine whether staff actions or failures to act contributed to the abuse; and (2) 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 findings.

**115.71 (g)** 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.

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

**115.71 (i)** The agency shall retain all written reports referenced in paragraphs (f) and (g) of this section for as long as the alleged abuser is incarcerated or employed by the agency, plus five years.

**115.71 (j)** The departure of the alleged abuser or survivor from the employment or control of the facility or agency shall not provide a basis for terminating an investigation.

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

**115.71 (l)** When outside agencies investigate sexual abuse, the facility shall cooperate with outside

investigators and shall endeavor to remain informed about the progress of the investigation.

TPI does not currently track these issues.

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### **§115.72 — Evidentiary standards for administrative investigations.**

**115.72 (a)** The agency shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

TPI does not currently track this issue.

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### **§115.73 — Reporting to incarcerated persons.**

**115.73 (a)** Following an investigation into an incarcerated person's allegation that he or she suffered sexual abuse in an agency facility, the agency shall inform the incarcerated person as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded.

TPI documents reports that staff failed to inform an incarcerated person about the outcome of an investigation of sexual abuse:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.73 (b)** If the agency did not conduct the investigation, it shall request the relevant information from the investigative agency in order to inform the incarcerated person. (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)

TPI does not currently track this issue.

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**115.73 (c)** Following an incarcerated person's allegation that a staff member has committed sexual abuse against the incarcerated person, the agency shall subsequently inform the incarcerated person (unless the agency has determined that the allegation is unfounded) whenever: (1) The staff member is no longer posted within the incarcerated person's unit; (2) The staff member is no longer employed at the facility; (3) The agency learns that the staff member has been indicted on a charge related to sexual abuse within the facility; or (4) The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility.

Total reports to TPI that the agency or facility has failed to inform an incarcerated person about the outcomes described under 115.73(c):

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
-

**115.73 (d)** Following an incarcerated person's allegation that he or she has been sexually abused by another incarcerated person, the agency shall subsequently inform the alleged survivor whenever: 1) The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility; or 2) The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility.

**115.73 (e)** All such notifications or attempted notifications are documented.

**115.73 (f)** An agency's obligation to report under this standard shall terminate if the incarcerated person is released from the agency's custody.

TPI does not currently track these issues.

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### **§115.76 — Disciplinary sanctions for staff.**

**115.76 (a)** Staff shall be subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies.

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

Although TPI does not directly collect data on this issue, we do collect data on staff reported to have violated sexual harassment and sexual abuse policy. These are the total incidents involving staff sexual harassment and staff sexual abuse. For additional details, see the incidents list at the end of this report:

- Past 12 months: none
  - Past 36 months: 5
  - All reports: 5
- 

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

TPI does not have a way to track this issue at this time.

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

TPI does not currently track this issue.

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### **§115.77 — Corrective action for contractors and volunteers.**

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

**115.77 (b)** The facility takes appropriate remedial measures, and considers whether to prohibit further contact with incarcerated persons, in the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer.

TPI does not currently track this issue.

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### **§115.78 – Disciplinary sanctions for incarcerated persons.**

**115.78 (a)** incarcerated persons shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the incarcerated person engaged in incarcerated person-on-incarcerated person sexual abuse or following a criminal finding of guilt for incarcerated person-on-incarcerated person sexual abuse.

**115.78 (b)** Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the incarcerated person's disciplinary history, and the sanctions imposed for comparable offenses by other incarcerated persons with similar histories.

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

**115.78 (d)** If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, the facility shall consider whether to require the offending incarcerated person to participate in such interventions as a condition of access to programming or other benefits.

TPI does not currently track these issues.

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**115.78 (e)** The agency may discipline an incarcerated person for sexual contact with staff only upon a finding that the staff member did not consent to such contact.

TPI asserts that due to the vast power imbalance between staff and incarcerated persons, an incarcerated person is not truly able to give consent to relations with staff. Accordingly, the Department of Justice **Final Rule** (<https://www.ojp.gov/sites/g/files/xyckuh186/files/media/document/PREA-Final-Rule.pdf>) states that disciplining an incarcerated person for relations with staff “require[s] the facility to make a finding that the staff member did not consent, rather than merely taking the word of the staff member” (page 37174).

The following totals represent reported incidents of discipline for relations with staff when the staff person consented:

- Past 12 months: none
- Past 36 months: none
- All reports: none

**115.78 (f)** 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.

TPI documents reports of discipline for good faith reports of sexual abuse, which reflect the following totals:

- Past 12 months: none
- Past 36 months: 1
- All reports: 2

The following are details about discipline for good faith reports of sexual abuse:

**Incident Details From Prior Three Years**

Incident	Quantity	Identity	Description
2020-00626: Misconduct -- False case; PREA: 115.78(f)	1	White, Transgender unspecified, Unknown sexual orientation	Abuser: Captain Joe Preciado; Description: The subject states that on or about March 10, 2020, Preciado pulled the subject out concerning the threat by Janow, then on about March 12, the subject was served a disciplinary case for lying during an investigation even though the report was made in good faith. The subject states that two grievances on the issue have been "lost," but it is not clear if the grievances are appealing the disciplinary case finding or something else.

**115.78 (g)** An agency may, in its discretion, prohibit all sexual activity between incarcerated persons and may discipline incarcerated persons for such activity. An agency may not, however, deem such activity to constitute sexual abuse if it determines that the activity is not coerced.

TPI does not currently track this issue separately. However, we have received reports that sexual activities have been deemed sexual abuse when they clearly were not, and that sexual abuse incidents have been deemed consensual when the evidence provided strongly suggests otherwise (included under 115.34 deliberate misclassification of an incident).

### **§115.81 — Medical and mental health screenings; history of sexual abuse.**

**115.81(a) and (c)** If the screening pursuant to § 115.41 indicates that a prison/jail incarcerated person has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, staff shall ensure that the incarcerated person is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening.

**115.81 (b)** If the screening pursuant to § 115.41 indicates that a prison incarcerated person has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, staff shall ensure that the incarcerated person is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening.

TPI does not currently track this issue.

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**115.81(d)** Any information related to sexual victimization or abusiveness that occurred in an institutional setting is strictly limited to medical and mental health practitioners and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law.

TPI documents reports of information related to sexual violence being disclosed to persons beyond those with a need to know:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.81(e)** Medical and mental health practitioners shall obtain informed consent from incarcerated persons before reporting information about prior sexual victimization that did not occur in an institutional setting, unless the incarcerated person is under the age of 18.

TPI does not currently track this issue.

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### **§115.82 — Access to emergency medical and mental health services.**

**115.82 (a)** incarcerated survivors 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.

TPI documents incidents where incarcerated survivors were not provided timely and unimpeded access to emergency medical treatment and crisis intervention services, the totals of which for the facility are:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
-

**115.82 (b)** If no qualified medical or mental health practitioners are on duty at the time a report of recent abuse is made, security staff first responders shall take preliminary steps to protect the survivor pursuant to §115.62 and shall immediately notify the appropriate medical and mental health practitioners.

**115.82 (c)** incarcerated survivors 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 professionally accepted standards of care, where medically appropriate.

**115.82 (d)** Treatment services shall be provided to the survivor without financial cost and regardless of whether the survivor names the abuser or cooperates with any investigation arising out of the incident.

TPI does not currently track these issues.

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### **§115.83 — Ongoing medical and mental health care for sexual abuse survivors and abusers.**

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

TPI documents reports of failures to provide appropriate ongoing medical and mental health care for survivors and abusers:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.83 (b)** The evaluation and treatment of such survivors 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.

TPI does not currently track this specific issue.

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**115.83 (c)** The facility shall provide such survivors with medical and mental health services consistent with the community level of care.

TPI documents reports of failures to provide survivors of sexual abuse with mental health services consistent with community levels of care:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.83 (d)** incarcerated survivors of sexually abusive vaginal penetration while incarcerated shall be offered pregnancy tests.



**115.83 (e)** If pregnancy results from the conduct described in paragraph (d) of this section, such survivors shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.

TPI does not currently track these specific issues.

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**115.83 (f)** incarcerated survivors of sexual abuse while incarcerated shall be offered tests for sexually transmitted infections as medically appropriate.

Total reports to TPI of failures to provide appropriate STI tests:

- Past 12 months: none
  - Past 36 months: none
  - All reports: none
- 

**115.83 (g)** Treatment services shall be provided to the survivor without financial cost and regardless of whether the survivor names the abuser or cooperates with any investigation arising out of the incident.

TPI does not currently track this issue.

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**115.83 (h)** All prisons attempt to conduct a mental health evaluation of all known incarcerated person-on-incarcerated person abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

TPI does not currently track this issue.

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### **§115.86 — Sexual abuse incident reviews.**

**115.86 (a)** The facility 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.

**115.86 (b)** Such review shall ordinarily occur within 30 days of the conclusion of the investigation.

**115.86 (c)** The review team shall include upper level management officials, with input from line supervisors, investigators, and medical or mental health practitioners.

**115.86 (d)** The review team shall: (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse; (2) 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 facility; (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse; (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and (6) Prepare a report

of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

**115.86 (e)** The facility shall implement the recommendations for improvement, or shall document its reasons for not doing so.

TPI does not currently track this issue.

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### **§115.87 — Data collection.**

**115.87 (a) and (c)** The agency shall collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.

As noted above, TDCJ uses various means of misclassifying data to manipulate what is collected about sexual violence in the agency. These are documented under our discussion of 115.34, and additional details can be seen in the detailed list of incidents at the end of this report.

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**115.87 (b)** The agency shall aggregate the incident-based sexual abuse data at least annually.

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

**115.87 (e)** The agency also shall obtain incident based and aggregated data from every private facility with which it contracts for the confinement of its incarcerated persons.

**115.87 (f)** Upon request, the agency shall provide all such data from the previous calendar year to the Department of Justice no later than June 30.

TPI does not currently track these issues.

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### **§115.88 — Data review for corrective action.**

**115.88 (a)** The agency shall review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: (1) Identifying problem areas; (2) Taking corrective action on an ongoing basis; and (3) Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole.

**115.88 (b)** Such 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 agency's progress in addressing sexual abuse.

**115.88 (c)** The agency's report shall be approved by the agency head and made readily available to the

public through its website or, if it does not have one, through other means.

**115.88 (d)** The agency may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted.

TPI does not currently track these issues.

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**§115.89 — Data storage, publication, and destruction.**

**115.89 (a)** The agency shall ensure that data collected pursuant to §115.87 are securely retained.

**115.89 (b)** The agency shall make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means.

**115.89 (c)** Before making aggregated sexual abuse data publicly available, the agency shall remove all personal identifiers.

**115.89 (d)** The agency shall maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection unless federal, state, or local law requires otherwise.

TPI does not currently track these issues.

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## Incident List for Clements Unit

### All Incident Details From Prior Three Years

Incident	Quantity	Identity	Description
2020-00142: Operations Misconduct -- Aggressive or improper search practices; PREA: 115.15(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer D. Smalley; Description: Subject notes that she was told to strip for a search, the subject stated to Smalley (spelling of the name not certain) that she is transgender, after which Smalley made her squat, spread, and cough repeatedly. The subject requested a ranking officer, who came and ended the repeated squatting.
2020-00208: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Corrections Officer Bassey; Description: COVID-19: Subject reports Bassey and another guard with the last name Rolling were brought into the facility due to staff shortages. They both initially refused to provide names, but eventually someone was able to get the last names of both. Rolling removed her face mask endangering prisoners throughout the day, and Bassey denied access to disinfectants that are meant for the prisoners. When making a verbal complaint about the denial of disinfectants, Bassey is reported to have stated "That's the name of the game. It's prison." Bassey also said that any grievances filed would be torn up by the warden.
2020-00209: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Corrections Officer Deana McBroom; Description: COVID-19: Subject notes that while performing duties in the Law Library, McBroom refused to properly wear her face mask, pulling it below her chin, intentionally exposing prisoners to possible infection. Ms. McBroom has also refused to wear her face mask properly while performing security duties at 10 Building Infirmary, where transmission and exposure risks are higher and there is a greater chance of infecting persons with compromised immune systems.
2020-00210: Operations Misconduct -- Problems with food or	10	White, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: Subject notes that medical staff are routinely observed distributing insulin and other medications at 19 Building Y pod housing area with their face mask pulled

environment; PREA: None			below their chin, exposing vulnerable prisoners to possible infection.
2020-00211: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Sergeant Jaramillo; Description: COVID-19: Subject notes that in his housing area on 19 Building Y pod, 125 prisoners are forced to use 20 sinks, many with no water, which creates difficulties with washing properly. Building supervisor Sergeant Jaramillo has been notified and taken no corrective action. The vague response simply stated non-working sinks are reported, but did not state whether any repairs are done.
2020-00215: Operations Misconduct -- Problems with food or environment; PREA: None	3	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: Subject notes that they have been locked in their cells with no heat while the low temperature outside has been in the twenties.
2020-00216: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: Subject reports that they are not being provided with sufficient cleaning of cell areas in their housing area.
2020-00277: Healthcare Abuse -- Misconduct; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Medical Department employee Burch; Description: Subject notes that he has seizures, and they have repeatedly let his seizure medication lapse.
2020-00278: Operations Misconduct -- Problems with food or environment; PREA: None	8	White, Cisgender man, Gay	Abuser: name not known; Description: COVID-19: Subject notes a number of ways that unit staff are not in compliance with TDCJ policy and public statements. The guards are not changing gloves when they do cell searches, distribute meals, and do other activities; they are wearing the same gloves all day long. They are no longer receiving bleach-water towels for disinfecting their cells. The prisoners have been denied Step 1 grievance forms on their building (probably 4 Building) for over a month, which is an access to courts issue.
2020-00293: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Cisgender man, Gay	Abuser: Corrections Officer Yates; Description: COVID-19: The subject reports that Yates became upset because the subject was trying to talk to the sergeant walking rounds. Yates then intentionally pulled his mask down and leaned forward to the subject's cell door, potentially spreading coronavirus infection. When the subject

			noted he would need a Step 1 form to file a grievance about the violation of TDCJ policy, Yates threatened a disciplinary case and took the subject's information from his ID to emphasize the threat. We do not know if the threat was carried out. Yates later lowered his mask while talking to the sergeant and claimed he did not have to wear a mask.
2020-00294: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Cisgender man, Gay	Abuser: name not known; Description: COVID-19: TDCJ has promised to improve the meals, and one thing they are doing is providing real milk. However, the subject reports that the milk provided in the morning of May 3 made everyone in their area ill for a day.
2020-00295: Healthcare Abuse -- Denial of trans- specific healthcare; PREA: None	2	Black, Transgender woman, Queer	Abuser: name not known; Description: Subject reports that they have not been given their last two estradiol shots. The last shot she had was April 4, 2020. When the subject asked one nurse doing insulin shots about when she would be getting her shot, the response was "you are not fucking special. They will get to you when they get to you." She refused to provide her name.
2020-00314: Misconduct -- Negligence; PREA: None	3	Black, Transgender woman, Queer	Abuser: name not known; Description: COVID-19: Subject notes that administration is telling them they can make phone calls, and commissary is selling phone minutes, but they are not being allowed to make phone calls.
2020-00345: Misconduct -- False case; PREA: None	1	Black, Transgender woman, Bisexual	Abuser: name not known; Description: Subject notes that she was on the phone while other prisoners were smoking and playing dice nearby. The guards locked her up even though she was just on the phone and not involved in the disallowed activities.
2020-00346: Misconduct -- Interference with access to courts, due process; PREA: None	1	Black, Transgender woman, Bisexual	Abuser: name not known; Description: Subject notes that the cases related to incident 2020-00345 were not run properly in court. Video evidence was not properly reviewed, she was not given a chance to speak with the counsel substitute, she was not properly notified and served with the charges.
2020-00347: Sexual Misconduct -- Harassment; PREA: 115.11	2	Black, Transgender woman, Bisexual	Abuser: Corrections Officer Green; Description: Subject notes that when she received her commissary that was being distributed by Green, eight stamps were

			<p>missing, and when she tried to tell him he said "all you can get is to suck this dick." The following day, he was working in the picket on her pod and stood on something in the picket, then opened his pants to show red boxer shorts and grabbed his groin. Whether this was targeting her or not, it constitutes harassment of the prisoners and she was one who observed the incident. According to a Step 2 grievance response, the actions were substantiated and some sort of "corrective action" was taken.</p>
<p>2020-00348: Threat -- Physical harm; PREA: None</p>	<p>2</p>	<p>Black, Transgender woman, Bisexual</p>	<p>Abuser: Corrections Officer IV J. Young; Description: The subject notes that while helping the nurse distribute medication, Young stopped near the subject's door, held up the "bean slot tool" and said "if it was not cameras I would bust your health with this." At 1:30pm, Young stopped at the subject's door and held up her fist and said she would see that the subject got an "ass whooping" after they came off lockdown for the coronavirus. The subject thinks these may be related to the officer named Green being fired after she filed a grievance against him (see incident 2020-00347).</p>
<p>2020-00370: Sexual Misconduct -- Harassment; PREA: 115.11</p>	<p>15</p>	<p>Black, Transgender woman, Unknown sexual orientation</p>	<p>Description: Subject reports that for two weeks her cellmate, who is Tango Blast, has been masturbating in front of her. She has tried to notify an Assistant Warden Tovar, the unit safe prisons department, and unit classification (see also incident 2020-00371). In their response, the PREA Ombudsman Office stated no action was taken, and TPI objected that no action if the subject was still housed with the person she had reported was very much an action that endangered the subject (see incident 2020-00423). TPI was later informed that instead of no action, the abusive person was moved and a not for same housing restriction provided for both.</p>
<p>2020-00371: Misconduct -- Failure to investigate or respond; PREA: 115.61(a)</p>	<p>4</p>	<p>Black, Transgender woman, Unknown sexual orientation</p>	<p>Abuser: Assistant Warden Joe Tovar; Description: Subject reports that for two weeks her cellmate, who is Tango Blast, has been masturbating in front of her (see incident 2020-00370). She has tried to notify an Assistant Warden Tovar, the unit safe prisons department, and unit classification. The subject specifically notes sending an in-house letter to Tovar on May 18, an I-60 to</p>

			Tovar on May 19, and unidentified contact (probably I-60) to safe prisons and classification on May 20, 2020, requesting a move or to file an OPI. She has not received a response to any of these.
2020-00379: Operations Misconduct -- Problems with food or environment; PREA: None	5	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: The subject, who resides in 4 Building D pod, notes that they are not being given any extra soap other than the standard issue. They are also not adequately sanitizing the cells, door knobs, hand rails, shower areas. The food is also still inadequate, although they now have had coffee once and milk about 10 times. The subject also noted that the phones were turned off from April 9 through May 18, 2020.
2020-00423: Misconduct -- Place or leave in danger; PREA: 115.67(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: PREA Ombuds Program Specialist I Marla Norsworthy; Description: Norsworthy, of the TDCJ PREA Ombudsman Office, responded that there was no evidence that the subject was a victim of sexual misconduct, and that the issue was appropriately investigated. However, the subject was not moved, so appears to have been placed in danger by continuing to be celled with a person against whom she filed a sexual misconduct report. In a response, the PREA Ombudsman Office noted that the subject is no longer housed with her abuser, and a not for same housing restriction has been provided for both.
2020-00513: Misconduct -- Negligence; PREA: 115.31(a)(9)	4	Black, Transgender woman, Queer	Abuser: Corrections Officer III Tafa; Description: The subject notes that Tafa has let several other prisoners out to get cool water (required during summer months) and to use the phone, but has denied the subject, and at least once has stated his reason as "I don't need a reason and besides you are a queer guy with tits."
2020-00521: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Cisgender man, Gay	Abuser: name not known; Description: The subject reports that in his housing area, the 2 Row cells have no electrical outlets to plug fans into, thus making the extremely hot conditions not even alleviated by a fan in the cell. He noted the cell also has no light, and has not had a light since May 28, 2020. Shortly after TPI wrote our complaint, the subject was transferred to a different unit.



2020-00549: Misconduct -- Failure to investigate or respond; PREA: None	1	White, Cisgender man, Gay	Abuser: Ombudsman Audrey Trout; Description: COVID-19: In response to our complaint of May 16, 2020, the Trout simply repeated TDCJ policy and denied that grievance forms are not available.
2020-00613: Threat -- Physical harm; PREA: None	1	White, Cisgender man, Gay	Description: The subject reports overhearing another prisoner stating that he had a kite noting a specific prisoner was going to stab the subject because he reported information about an STG on Stiles Unit.
2020-00626: Misconduct -- False case; PREA: 115.78(f)	1	White, Transgender unspecified, Unknown sexual orientation	Abuser: Captain Joe Preciado; Description: The subject states that on or about March 10, 2020, Preciado pulled the subject out concerning the threat by Janow, then on about March 12, the subject was served a disciplinary case for lying during an investigation even though the report was made in good faith. The subject states that two grievances on the issue have been "lost," but it is not clear if the grievances are appealing the disciplinary case finding or something else.
2020-00761: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender unspecified, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that the mail room did not deliver our letter dated August 22, 2020, until September 24, 2020.
2020-00781: Misconduct -- Negligence; PREA: None	1	White, Transgender unspecified, Unknown sexual orientation	Abuser: Sergeant Jimenez; Description: The subject notes that between about 6 and 8pm, Jimenez came to his cell and did a Hitler salute in front of the cell twice. The act should be visible on camera. A prisoner across from him saw Jimenez make the gesture and repeated it. It is unclear this was done, perhaps as a threat. The subject is an ex member of a white supremacist group.
2020-00789: Misconduct -- Negligence; PREA: None	1	Black, Cisgender man, Heterosexual	Description: The subject notes that he was given food that was on his allergy restrictions, and the guard who delivered the food reported the issue to the kitchen manager. The guard then reported back to the subject that he could eat the food or deny it, but he would not fix it.
2020-00814: Assault - - With hospitalization; PREA: None	1	White, Transgender woman, Queer	Description: The subject notes that she was assaulted by a prisoner with a razor-like weapon, resulting in six stitches in her left hand and 27 staples in her left thigh.
2020-00815: Misconduct -- Place or	1	White, Transgender	Abuser: Corrections Officer Edward P. Blackie; Description: The subject notes that

<p>leave in danger; PREA: None</p>	<p>woman, Queer</p>	<p>against TDCJ policy, Blackie allowed numerous food tray slots in the G5 section where the subject is housed to remain open while the subject was told to change cells. The negligence resulted in a prisoner being able to grab and assault the subject with a razor blade weapon (see incident 2020-00814).</p>
<p>2020-00816: Misconduct -- Negligence; PREA: None</p>	<p>1 White, Transgender woman, Queer</p>	<p>Abuser: Corrections Officer Edward P. Blackie; Description: The subject notes that according to the G5 Plan, she is supposed to be accompanied by two guards at all times. On August 31, she was told by Blackie that she was to be moved and to pack her things and move. Instead of escorting her, the guard went back to his desk to do paperwork. This resulted in the subject being assaulted (see incident 2020-00814) because the Blackie put her safety in danger by leaving food tray slots open (see incident 2020-00815). Blackie was also negligent in failing to escort her, and did not even know the incident occurred until he found her in her original cell in a puddle of blood.</p>
<p>2020-00892: Misconduct -- Correspondence Interference; PREA: None</p>	<p>1 Black, Transgender woman, Queer</p>	<p>Abuser: mail room staff ; Description: COVID-19: The subject notes that the unit is not allowing them to receive the EIP 1040 forms for the stimulus application. Note that they destroyed not just the tax form (the only item listed as contained in the envelop), but also the instructions and the example form, and the subject received nothing.</p>
<p>2020-00899: Misconduct -- Correspondence Interference; PREA: None</p>	<p>2 Latinx, Cisgender man, Gay</p>	<p>Abuser: mail room staff ; Description: COVID-19: The subject notes that the unit is not allowing them to receive the EIP 1040 forms for the stimulus application. Note that they destroyed not just the tax form, but also the example form. Additionally, the mail room held onto this letter and the denial until October 31, which was the deadline noted on the information included.</p>
<p>2020-00900: Operations Misconduct -- Problems with food or environment; PREA: None</p>	<p>8 Latinx, Cisgender man, Gay</p>	<p>Abuser: name not known; Description: COVID-19: Complaint pertains to HS housing, F Pod. They are provided no cleaning or disinfecting supplies. Indigent prisoners are only provided the standard seven small bars of soap per week. They are being denied access to clean clothes except once a week. They are being fed peanut</p>

2020-00901: Misconduct -- Discrimination; PREA: None	2	Latinx, Cisgender man, Gay	butter sandwiches three meals a day, but sometimes only receive two meals a day. They are also not getting any extra items as promised, nor are they getting drinks.
2020-00943: Operations Misconduct -- Problems with food or environment; PREA: None	15	White, Transgender woman, Unknown sexual orientation	<p>Abuser: Lieutenant White; Description: The subject notes that they have been in a cold cell since at least September 25 that apparently is cold due to being exposed to outside air. The subject reports having no heat or hot water since September 25. On that day, White contacted a plumber named Mr. Kargar, who while in the subject's cell, saw the subject was in possession of a prayer rug. Kargar is reported to have asked if the subject was Muslim and indicated he felt the subject should not be Muslim if the subject were in Kargar's words "a punk." The subject reports that Kargar threatened to assault the subject, took the prayer rug (we do not know if confiscation paperwork was provided), and apparently disconnected the hot water from the cell, leaving the subject with only cold water supply. The subject notes that White and a guard named Cruz are aware of the problems and the subject's discomfort, but the lack of heat and hot water has not been addressed. The response from the Ombudsman indicates either the subject provided a very untrue story, or that the subject was coerced into making a false statement to dismiss the issue.</p> <p>Abuser: name not known; Description: COVID-19: The subject notes that they went on the most recent lockdown after staff and trusty prisoners went to Neal unit to help with making johnny sacks after that unit had an outbreak of COVID-19. Two weeks later several of those persons tested positive, and then in turn others tested positive. A move like this has the appearance of a deliberate attempt to spread infections. The subject notes that they have received bleach water for disinfecting their cells only once, on November 8. The subject notes that 7 Building G pod is not being "constantly" sanitized nor are the common areas or door handles being sanitized. The subject notes that SSIs who have tested positive for COVID-19 are being allowed to work on sections where there are no positive cases.</p>

			The subject notes that they are not being provided I-60s or grievance forms to report problems or issues, and no I-60 or grievance forms have been provided to anyone on their pod since October 22, 2020.
2020-00945: Misconduct -- Correspondence Interference; PREA: None	2	White, Unknown gender, Unknown sexual orientation	Abuser: mail room staff ; Description: COVID-19: The subject notes that the CARES Act information send and postmarked October 13, which most units received by about October 19, was not provided to the subject until November 9, after the deadline had passed. The denial form also notes that the example form was destroyed as well as the blank form.
2020-00956: Misconduct -- Correspondence Interference; PREA: None	2	Latinx, Transgender woman, Unknown sexual orientation	Abuser: mail room staff ; Description: COVID-19: The unit denied the EIP 1040 form for the stimulus application. The subject returned the denial form, which indicated that both the blank and example forms were denied, and only the instructions provided. The denial form was also not provided to the subject until November 10, after the deadline for paper submissions, so that is a second act of correspondence interference.
2020-00961: Operations Misconduct -- Problems with food or environment; PREA: None	8	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: The subject reports that staff are not properly wearing face masks (or goggles, gown, and gloves where required).
2020-00964: Misconduct -- Abusive misconduct; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: Captain Pacheco; Description: The subject reports that she had cut her arm, and in response, after she was handcuffed and laying on the ground, Pacheco kicked her in the head and said "get up you faggot." When she got up, Pacheco or a Sergeant Brown sprayed her in the face with chemical agent.
2020-00995: Threat -- Physical harm; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Description: The subject notes that in September 2020, a high-ranking member of a prison organization told her that if she did not stop walking to her door with a bra on, he would get into her cell and stab her. The subject filed an OPI, but the unit refused to recommend a transfer, but it is not clear if anything else was done to address the situation.
2020-00996: Threat -- Death threat; PREA:	1	White, Transgender	Description: The subject notes that the same person who had threatened her previously

None		woman, Unknown sexual orientation	(see incident 2020-00995) sent her a kite stating that if she did not pay his organization \$70 per month for protection, the subject would die.
2020-00997: Misconduct -- Place or leave in danger; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Jimenez; Description: The subject notes that she gave the kite threatening her life (see incident 2020-00996) to a Sergeant Jimenez and a Lieutenant Off at 4:20 in the morning. Jimenez refused to let the subject file an OPI because they were about to go home. Instead, Jimenez moved her to another pod and gave the kite back to the person that sent it to her, further increasing her endangerment.
2020-00998: Threat -- Physical harm; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Description: The subject notes that after they moved her because of the threatening kite (see incident 2020-00996 and 2020-00997), another ranking member of the organization that was threatening and trying to extort the subject told her that as soon as she came out of her cell he would attack her with a weapon (a spear), and admitted that Sergeant Jimenez gave the kite with the death threat back to the person who made the threat.
2020-00999: Misconduct -- Failure to investigate or respond; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that she filed another OPI due to the more recent threat against her (see incident 2020-00998), and the unit did not recommend a transfer. It is not clear if they did anything to address the threats.
2020-01021: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender woman, Queer	Abuser: mail room staff ; Description: COVID-19: The unit denied the EIP 1040 form for the stimulus application. The Director's Review Committee falsely claims that these items are in violation of BP-03.91, while Lumpkin claims the forms were removed due to IRS recommendation, neither of which is substantiated. The subject did not say if they denied just the blank form or other items in the letter.
2020-01047: Misconduct -- Manipulate report of issue; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The OIG responded to our complaint about staff misconduct, staff abuse, and possible violation of state law due to deliberate tampering with evidence by claiming our complaint only dealt with a use of force incident and using that to dismiss the complaint.

2020-01054: Healthcare Abuse -- Obstruction; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: In their response to our complain, which took almost five full months to provide, the patient liaison failed to address the time of the blood draw and how that affects the serum levels of gabapentin, which has a five to seven hour half-life in most people. Instead, the patient liaison simply referred to the single problematic lab result from the late blood draw to justify denying the medication.
2020-01085: Misconduct -- Manipulate report of issue; PREA: None	1	Latinx, Cisgender man, Gay	Abuser: Ombudsman Dale Sanchez; Description: In response to our complaint concerning incident 2020-00901, Sanchez reports that the subject "gave [her] old one [prayer rug] to a Muslim brother." The subject notes that is not true, and Sanchez either failed to investigate or deliberately misrepresented the fact that Kagar (or possibly Kargar) threatened to assault the subject and threatened to steal the prayer rug while calling her a "punk" and saying she could not be a Muslim. For that reason, the subject gave the prayer rug to someone else to hold. The subject also said that she refused to move because she was harassed in other cells, including having feces thrown at her, but the cell she was in at that time was at the end of the row, where she was harassed less by other prisoners.
2020-01086: Assault - - Attempted; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject reports that another prisoner threw a homemade bomb into her cell through the food slot, but she was able to throw it back out. The food tray slot is not supposed to be locked, but the other person appears to have been an SSI so had access to unlock the slot.
2020-01107: Self- Inflicted -- Self-harm for safety; PREA: None	1	Black, Cisgender man, Heterosexual	Description: The subject reports that the high security cell they were placed in had feces on the vents, lockers, walls, bunk, shelf, and the toilet was full of feces (would not flush for several days), and the floor was flooded. For this reason, they cut their arm to be removed from the cell.
2020-01116: Healthcare Abuse -- Misconduct; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: In their letter dated December 31, 2020, the Patient Liaison Program stated that the subject had been given Motrin 600mg, prescribed November 19, 2020, for pain as

			part of their justification for refusing gabapentin. However, the subject states he has never been given Motrin, and he only saw a provider once in November, on the ninth. This indicates either negligence in recordkeeping or falsification of the medical record for some reason.
2020-01136: Healthcare Abuse -- Misconduct; PREA: None	2	White, Gender diverse, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: The subject notes that he developed Covid-19 symptoms in about November 2020 after being placed in 11 Building in a cell where he was told someone positive for Covid-19 had been housed before him and no sanitization was done between cell changes. The subject asked every nurse he could and wrote to medical to try to get a Covid-19 test, but was refused. The subject reports being moved several times while symptomatic.
2020-01170: Self- Inflicted -- Deliberate case; PREA: None	1	Latinx, Transgender woman, Unknown sexual orientation	Description: The subject reports that because of the threat to her safety (see incident 2020-01169), she intentionally got a case for opening her cell door so she would be locked up and safer.
2020-01205: Healthcare Abuse -- Misconduct; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: COVID-19: The subject states that apparently some time in early November 2020, his housing area was placed on medical restriction due to persons testing positive for COVID-19, but he was told he did not need to be tested because he had tested positive in May 2020. That is contrary to CDC guidelines and is an effort to manipulate COVID-19 data.
2020-01251: Assault - - With serious injuries; PREA: None	1	White, Gender diverse, Unknown sexual orientation	Description: The subject reports that they were celled with someone who was suffering from severe mental health crisis and self-harm issues in early October 2020, and the subject reported for two weeks to multiple persons that they felt in danger from the person. Nothing was done to address the endangerment, and on October 16, the subject was assaulted. A subsequent letter and narrative in a law suit states the assault took place on October 30 instead of October 16, and states the assailant hit the subject in the face with a shoe and punched the subject several times in the ribs. The assault was intended to get the subject to request

			removal from the cell. The subject also states that requests for medical attention were ignored.
2020-01260: Assault - - With no serious injuries; PREA: None	1	White, Gender diverse, Unknown sexual orientation	Description: The subject appears to say there were death threats and attempts at extortion prior to the September 14 assault, but has not provided sufficient detail to document. The subject reports being assaulted by a cellmate on September 14, 2020. The subject states that the assailant placed a full water bottle in a sock and struck the subject eight or nine times in the head, hand, and elsewhere on the subject's body. The subject described a "gash" on the subject's forehead and cuts and bruises elsewhere on the subject's body (assault incident 2020-01260). The subject states that Sergeant Corbin Hart removed the subject from the cell to a holding cell, but left the cellmate there with the subject's property, providing an opportunity for the assailant to take the subject's property (negligence incident 2020-01261). The subject noted property was missing, but did not provide details (theft incident 2020-01262). The subject reports not being allowed to see medical about the injuries until the following day, and that the injuries were severe enough that a hand required an x-ray due to the swelling and bruising (healthcare incident 2020-01263).
2020-01261: Misconduct -- Negligence; PREA: None	1	White, Gender diverse, Unknown sexual orientation	Abuser: Sergeant Corbin Hart; Description: The subject appears to say there were death threats and attempts at extortion prior to the September 14 assault, but has not provided sufficient detail to document. The subject reports being assaulted by a cellmate on September 14, 2020. The subject states that the assailant placed a full water bottle in a sock and struck the subject eight or nine times in the head, hand, and elsewhere on the subject's body. The subject described a "gash" on the subject's forehead and cuts and bruises elsewhere on the subject's body (assault incident 2020-01260). The subject states that Sergeant Corbin Hart removed the subject from the cell to a holding cell, but left the cellmate there with the subject's property, providing an opportunity for the assailant to take the subject's property (negligence incident 2020-01261). The



			<p>subject noted property was missing, but did not provide details (theft incident 2020-01262). The subject reports not being allowed to see medical about the injuries until the following day, and that the injuries were severe enough that a hand required an x-ray due to the swelling and bruising (healthcare incident 2020-01263).</p>
<p>2020-01262: Theft -- Theft, not as contraband; PREA: None</p>	<p>1</p>	<p>White, Gender diverse, Unknown sexual orientation</p>	<p>Description: The subject appears to say there were death threats and attempts at extortion prior to the September 14 assault, but has not provided sufficient detail to document. The subject reports being assaulted by a cellmate on September 14, 2020. The subject states that the assailant placed a full water bottle in a sock and struck the subject eight or nine times in the head, hand, and elsewhere on the subject's body. The subject described a "gash" on the subject's forehead and cuts and bruises elsewhere on the subject's body (assault incident 2020-01260). The subject states that Sergeant Corbin Hart removed the subject from the cell to a holding cell, but left the cellmate there with the subject's property, providing an opportunity for the assailant to take the subject's property (negligence incident 2020-01261). The subject noted property was missing, but did not provide details (theft incident 2020-01262). The subject reports not being allowed to see medical about the injuries until the following day, and that the injuries were severe enough that a hand required an x-ray due to the swelling and bruising (healthcare incident 2020-01263).</p>
<p>2020-01263: Healthcare Abuse -- Obstruction; PREA: None</p>	<p>1</p>	<p>White, Gender diverse, Unknown sexual orientation</p>	<p>Description: The subject appears to say there were death threats and attempts at extortion prior to the September 14 assault, but has not provided sufficient detail to document. The subject reports being assaulted by a cellmate on September 14, 2020. The subject states that the assailant placed a full water bottle in a sock and struck the subject eight or nine times in the head, hand, and elsewhere on the subject's body. The subject described a "gash" on the subject's forehead and cuts and bruises elsewhere on the subject's body (assault incident 2020-01260). The subject states that Sergeant Corbin Hart removed the subject from the cell to a holding cell, but</p>

			left the cellmate there with the subject's property, providing an opportunity for the assailant to take the subject's property (negligence incident 2020-01261). The subject noted property was missing, but did not provide details (theft incident 2020-01262). The subject reports not being allowed to see medical about the injuries until the following day, and that the injuries were severe enough that a hand required an x-ray due to the swelling and bruising (healthcare incident 2020-01263).
2020-01264: Misconduct -- Place or leave in danger; PREA: None	1	White, Gender diverse, Unknown sexual orientation	Abuser: name not known; Description: The subject states that they wrote to the warden, classification, and mental health that their cellmate had threatened to kill them and they needed to be separated from the person. Both were classification level G5, so were in the cell approximately 24 hours a day.
2020-01265: Misconduct -- Manipulate report of issue; PREA: None	1	White, Gender diverse, Unknown sexual orientation	Abuser: Assistant Warden Floyd Keese; Description: In response to a grievance in part about property not being secured after the subject was assaulted, the assistant warden falsely stated that the subject packed their own property and moved it.
2021-00026: Threat -- Death threat; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject provided a kite that said "Look hoe ass Cuba you got my homeboy fuck up he lost his job and got his cell search. I gonna kill you you gay hoe!"
2021-00027: Sexual Assault -- Not further specified; PREA: 115.11	2	White, Transgender woman, Unknown sexual orientation	Description: The subject reports that a person in a cell where she was temporarily placed sexually assaulted over a period of about 12 hours. She also reports that she tried three times to request an OPI and was refused until presumably the fourth request (see also incident 2021-00028).
2021-00028: Misconduct -- Place or leave in danger; PREA: 115.61(a)	1	White, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer III Thomas; Description: The subject reports that she was sexually assaulted when a guard named Thomas placed her in a cell with the assailant; the guard stated the move was by order of administration. The next day, CO Thomas opened the cell door and the subject reports Thomas said the move was a mistake and moved the subject back to her previous cell. The subject requested an OPI, and Thomas threatened the subject, telling her if she did not go to her cell he would have her assaulted (see incident 2021-00078).

2021-00029: Threat -- Harm; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject reports that the other prisoner, an SSI on the pod, initially wanted to give her some K2 in exchange for oral sex, and when she declined and threatened to report him, he threatened to hurt her when she comes out for medical or recreation.
2021-00063: Threat -- Physical harm; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject notes that after learning that the subject have filed a grievance concerning the other prisoner's threats (see incident 2021-00029), the other prisoner came to the subject cell and threatened to harm them if they came out of their cell. The subject reports this person has also prompted others who are associates in the prison organization he is a member of threaten or abuse the subject.
2021-00064: Assault - - Attempted; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject states that associates in the same prison organization as the person threatening the subject (see incidents 2021-00029 and 2021-00063) threw feces at the subject's cell. The subject also reports unspecified "verbal abuse or harassment."
2021-00065: Assault - - Attempted; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject reports that the pipe chase connected to their cell was set on fire in an attempt to harm the subject.
2021-00078: Threat -- Physical harm; PREA: 115.51(c)	1	White, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer III Thomas; Description: After being sexually assaulted (see incident 2021-00027), the subject requested an OPI, and Thomas threatened the subject, telling her if she did not go to her cell he would have her assaulted.
2021-00079: Misconduct -- Abusive misconduct; PREA: None	2	White, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer III Thomas; Description: The subject states that after attempting to report the sexual assault (see incidents 2021-00027, 2021-00028, and 2021-00078), Thomas refused to allow the subject to eat or get their medications for two days.
2021-00080: Misconduct -- Failure to investigate or respond; PREA: 115.51(c)	2	White, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Cantu; Description: The subject states that she requested three times to file an OPI about the sexual assault (see incident 2021-00027). One request was made to Corrections Officer III Thomas, who threatened her in response (see incident 2021-00078), and at least one request was made to Sergeant Cantu, who the subject

			reports responded "this is prison and faggots get what they deserve."
2021-00089: Assault - - Unnecessary/excessive use of force; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: Corrections Officer? A. Scotti; Description: The subject notes that on about January 12, he apparently grabbed an officer through the food slot. Although use of defensive action was warranted, the use of force seems to have been excessive, with injuries including severe damage to the subject's left hand. Surgery on February included the insertion of two pins in the middle finger. The subject also notes the guard called him a "faggot."
2021-00090: Misconduct -- Negligence; PREA: None	5	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that he is hearing impaired, and that he has put a sign on his door noting such. However, when laundry staff exchange clothing, they do not do what is needed to notify him to exchange clothing, so he does not get clean clothing.
2021-00156: Misconduct -- Discrimination; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject reports that during Ramadan, two incarcerated Muslim persons were passing out Ramadan food trays and when they identified the subject as either gay or trans, they refused to give her a food tray and made unspecified derogatory statements.
2021-00157: Operations Misconduct -- Contraband trafficking; PREA: None	6	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that guards are bringing in cell phones and K2, and that it is often brought in through the mail room. The subject reports that they can observe the items being brought in daily. Mentions liquid K2 being sprayed on paper, but indicates this is something the guards are doing, not coming in through the mail. The subject continues to comment on guards bringing in contraband for several letters.
2021-00169: Misconduct -- False case; PREA: None	1	Black, Transgender woman, Queer	Abuser: name not known; Description: The subject notes that the searched her cell and found two cell phones that belonged to her cellmate. They gave her a case along with her cellmate.
2021-00170: Extortion -- Attempted; PREA: None	1	Black, Transgender woman, Queer	Description: The subject notes that her cellmate tried to pay her \$2000 to take the cell phone case (see incident 2021-00169), and also threatened to send someone to the subject's family's house, presumably to harm them, if the subject provided information about the cellmate's contraband operations.

			The subject still refused to take the case for cell phones that did not belong to her.
2021-00196: Operations Misconduct -- Problems with food or environment; PREA: None	1	Black, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that on arrival at Clements, she was housed in a cell with feces on the walls, floor, in the locker. She was not given any cleaning supplies and had to get state issue soap from another person in prison to try to clean the area.
2021-00266: Misconduct -- False case; PREA: None	1	White, Transgender woman, Queer	Abuser: name not known; Description: The subject states that she was given a case for having two sheets of typing paper purchased in the commissary that TDCJ says tested positive for cocaine. She denies that she had anything to do with putting cocaine on the paper, if the tests were accurate.
2021-00267: Assault - - Unnecessary/excessive use of force; PREA: None	1	White, Transgender woman, Queer	Abuser: name not known; Description: The subject notes that during a use of force, she was struck twice in the face with a closed fist and a severe injury to her right knee.
2021-00270: Misconduct -- Negligence; PREA: None	1	Black, Cisgender man, Bisexual	Abuser: name not known; Description: The subject states that they are only allowed showers maybe twice a month. It is unclear how long they have been denied showers.
2021-00278: Healthcare Abuse -- Denial of trans- specific healthcare; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that at McConnell Unit an appointment had been scheduled for the gender clinic, and this was done at some point before January 25, 2021. However, the appointment was cancelled either when or after being transferred to Clements Unit, and has not been rescheduled in the nearly six months since the transfer.
2021-00294: Operations Misconduct -- Problems with food or environment; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject was placed in a crisis cell (probably referring to constant direct observation, or CDO) for a reason not provided, and the cell had semen and feces on the water supply, walls, floor, and bunk. She requested that the cell be cleaned, but the guard escorting her said she would have to just deal with it.
2021-00310: Assault - - With no serious injuries; PREA: None	1	Latinx, Cisgender man, Gay	Description: The subject states that someone threw a soda can with burning or melted plastic in it, and it injured their right arm. The subject does not provide further description of the injury, and said the guards did not take them to medical.

2021-00322: Sexual Misconduct -- Harassment; PREA: 115.11	1	White, Transgender woman, Queer	Abuser: Corrections Officer V Wise; Description: The subject states that about 8am, Wise came toward the subject and another person in the cell next to the subject, exposing himself. The subject states that this should be visible on camera. The subject reports that Wise stood up from the staff table at High Security B Pod, took his security vest off, unbuckled his belt and unzipped his pants, and said "You want some meat, punks?" In reporting dissatisfaction with the result, the subject indicates what actually happened was that Wise unbuckled his belt and unzipped his pants then tucked his shirt in. It likely was meant as a harassing gesture, but seems it was excused as just tucking his shirt in.
2021-00329: Misconduct -- Harassment; PREA: None	1	Latinx, Cisgender man, Gay	Abuser: name not known; Description: Very vague, but apparently the shower in the subject's cell on 2 row overflows and a small amount of water runs down to 1 row, and someone used that to claim she was flooding her cell. The guards reportedly cut off her water, seemingly for at least two days.
2021-00340: Misconduct -- Harassment; PREA: None	1	Latinx, Cisgender man, Gay	Abuser: Corrections Officer Riveras; Description: The subject reports that Riveras refused to feed her lunch when it was passed out between 9:12 and 10:38am. The subject reports that at about 4:10pm, Riveras brought her food loaf, but she says she is not on food loaf punishment.
2021-00346: Misconduct -- Negligence; PREA: 115.31(a)(9)	1	Latinx, Transgender woman, Unknown sexual orientation	Abuser: Corrections Officer IV Recio; Description: The subject states that about 4:30pm, she asked Recio if it was ok to put a screen up and clean herself at the sink (visible to an SSI working the are and the picket), and Recio said ok. About 5pm, the subject reports that Recio came and removed the screen (a towel), and when she objected verbally Recio responded "Show me your tits, bitch, yu don't look like a transgender to me. You look like a faggot." The subject reports she started crying, stated she was transgender and said to stop harassing her, but Recio responded "There is no privacy in prison bitch."
2021-00347: Misconduct --	6	Latinx, Transgender	Abuser: Captain Miller; Description: The subject states that during the investigation into the incident with Regio (see incident

Negligence; PREA: 115.31(a)(9)	woman, Unknown sexual orientation	2021-00346), Miller told the subject that Regio should have written the subject a major case (even though Regio had given the subject permission to temporarily cover her door) without any attempt at an informal resolution. Miller then tried to intimidate the subject by alleging the subject regularly files PREA complaints (the subject reports the last time was about 2015) and by saying the subject was lying. Miller is also reported to have told the subject she has no rights in prison and that the subject was lying about being transgender. Miller was also reported to have threatened to write a major case, take all the subject's property, move the subject to ECB, and remove the subject from the PAMIO program. The subject reported that after making these statements, Miller asked if she was sure she wanted to file the report and strongly advised her not to, showing the threats were meant as an effort to intimidate the subject enough to cause her to drop her complaint. The subject states that Miller then shouted "Do you want to sign this or not," but Miller refused to answer when the subject asked what it was. Miller then called for a guard to take her back to her cell, emphasizing male references. The subject was then taken to the infirmary for the PREA report procedure. The subject does not know what she was being asked to sign.
2021-00348: Theft -- Theft, not as contraband; PREA: None	1 White, Transgender woman, Unknown sexual orientation	Description: The subject reports that they were placed in a holding cell, apparently for OPI, and the assigned cell was left open and property was stolen. The subject mentions shoes, boots, and clothing. It's indicated that this is at the Clements Unit, but not stated specifically.
2021-00350: Misconduct -- False case; PREA: None	1 Latinx, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject states that a disciplinary case was written to carry out the threat documented in incident 2021-00347, but does not state what the case was for or describe any events that might have resulted in the case.
2021-00352: Misconduct -- Forced gender conformity; PREA: None	1 White, Transgender woman, Unknown sexual orientation	Abuser: Patient Liaison Office Myra Walker; Description: A person identifying as Myra Walker of the Patient Liaison Program identified the subject, clearly identified as transgender and with an affirming name, by the subject's dead name. Walker also initially

			used male pronouns. On notifying Walker that we were recording these as incidents of violence, Walker corrected the language being used.
2021-00354: Operations Misconduct -- Problems with food or environment; PREA: None	20	Black, Unknown gender, Unknown sexual orientation	Abuser: Unit Food Service Manager Fernando Martinez; Description: The subject reports that since their lockdowns, they have not once received their proper Diet For Health meals.
2021-00363: Operations Misconduct -- Problems with food or environment; PREA: None	11	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that "half the lights in the cells do not work" at Clements, they do not adhere to the diet for healthy menu, they do not have diet sack meals, and they get sack meals at least half the time even when not on lockdown. The unit claims they cannot provide adequately due to shortage of staff. The subject states has been the case since arriving at Clements in late August 2021, so the minimum number of incidents is assigned as one per week.
2021-00364: Misconduct -- Negligence; PREA: None	10	White, Cisgender man, Gay	Abuser: name not known; Description: Very broad negligence complaint with very few details and no information about attempts to solve problems. The subject states that the building is excessively cod, they are denied outside recreation as well as access to phones and recreation, the guards verbally insult them often, and the food provided on unsanitary carts.
2021-00390: Misconduct -- Correspondence Interference; PREA: None	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that TPI's letter dated September 26, 2021, was postmarked September 30, but not delivered to the subject until October 26, indicating the mail room probably held the letter for at least two weeks.
2021-00391: Operations Misconduct -- Problems with food or environment; PREA: None	10	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that he has been on the Diet for Health menu since 2009, and since arriving at Clements Unit on July 30, 2021, has not received any Diet for Health meals.
2021-00392: Healthcare Abuse -- Misconduct; PREA: None	1	White, Cisgender man, Gay	Abuser: name not known; Description: The subject states that from about October 21 though 28 at Clements Unit he was sick but reports that he "can't get medical to do



			anything." Not clear whether the subject has been able to see anyone in medical or not.
2021-00424: Misconduct -- Negligence; PREA: None	2	Black, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject reports it has been three weeks since she has been able to take a shower. They are also not allowing them to go to commissary, so she had to use trash to write on because she can't get any paper.
2021-00425: Extortion -- For property; PREA: None	1	Black, Transgender woman, Unknown sexual orientation	Description: The subject reports someone took her family's contact information and has been contacting them asking for money.
2021-00428: Threat -- Physical harm; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Description: The subject states that several members of a prison association threatened to harm him at school on December 13. The subject states that the threats were made by persons coming to his cell door between 12 and 3am. This threats appear to be related to information the subject provided to administration in April 2021. In their response, the Ombudsman stated that the unit told the Ombudsman that the subject denied endangerment, but the subject reported later how Clements Unit staff manipulated a coerced statement that his life was not in danger (see incident 2022-00129).
2021-00429: Misconduct -- Negligence; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject states that in retaliation for filing a complaint about the threat to his safety (see incident 2021-00428), he was placed in a cell with no blanket, hygiene supplies, or other property, and where the toilet was full and did not flush.
2021-00430: Assault - - With no serious injuries; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: Jonas; Description: The subject states that she was assaulted by two ranking officers, Jonas and Barris, and a guard named Riviera, but no further information is provided.
2021-00469: Assault - - Unnecessary/excessive use of force; PREA: 115.11	1	Black, Transgender woman, Heterosexual	Abuser: Corrections Officer V King; Description: The subject reports that King, about whom the subject had filed a sexual assault report, along with two other guards whose names the subject does not know (in a later letter, one is identified as Sergeant Flanagan), dragged her into a cell while cuffed, pulled her boxers off, did an anal cavity search, then uncuffed her and left her in the cell, taking her boxers as well. This appears to be an improper cavity search

			(policy states medical performs cavity searches). TPI filed a complaint about staff abuse that never mentioned sexual abuse or sexual assault, only improper search practices that resulted in assault. The Ombudsman and PREA Ombudsman deliberately misrepresented the complaint as sexual abuse in order to dismiss the complaint.
2021-00472: Misconduct -- Negligence; PREA: None	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Duran; Description: The subject states that at about 8:15am, she tried to file an OPI on 3 Building, but reports that Duran refused to allow it, stating that the subject could not file an OPI unless he personally saw she was assaulted. Although the subject did not state what endangerment prompted the OPI request (in a subsequent letter, the subject later said she filed the OPI because she was uncomfortable showering in the ECB cell with her cellmate present), it is not a requirement that someone be assaulted before requesting an OPI, and denying the opportunity to request an OPI is a violation of policy and possibly leaving someone in danger.
2021-00473: Sexual Misconduct -- Harassment; PREA: 115.11	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Duran; Description: The subject reports that the same Duran that refused to allow her to file an OPI earlier the same day (see incident 2021-00472) approached the subject and said that "if I show him my ass and tits then he'd file an OPI for me, that is the only way and if I try to tell anybody he would only deny it . . . and if I tried to report it, he'd put a rumor out on me so bad through the inmates that it would get me hurt really bad and/or potentially killed" (see also incident 2021-00474).
2021-00474: Threat -- Harm; PREA: 115.31(a)	1	Black, Transgender woman, Unknown sexual orientation	Abuser: Sergeant Duran; Description: The subject reports that the same Duran that refused to allow her to file an OPI earlier the same day (see incident 2021-00472) approached the subject and said that "if I show him my ass and tits then he'd file an OPI for me, that is the only way and if I try to tell anybody he would only deny it . . . and if I tried to report it, he'd put a rumor out on me so bad through the inmates that it would get me hurt really bad and/or

			potentially killed" (see also incident 2021-00473).
2021-00495: Self-Inflicted -- Suicide attempt; PREA: None	1	Black, Transgender woman, Heterosexual	Description: The subject notes that she tried to hang herself in her cell.
2021-00503: Misconduct -- Negligence; PREA: None	1	White, Cisgender man, Heterosexual	Abuser: name not known; Description: Staffing issues: The subject reports that in the ECB area on December 31, there were only six persons on staff during night shift for approximately 900 incarcerated person in ECB, which is technically a maximum security area, but were many custody levels are housed. The six staff were one guard in the picket, two sergeants in the sergeants' office, and three rover guards covering all the wings and 900 persons.
2021-00522: Threat -- Physical harm; PREA: None	1	Black, Transgender woman, Heterosexual	Abuser: Sergeant Flanagan; Description: The subject states that after performing a cavity search against policy, the three staff members (Sergeant Flanagan, CO V King, and a guard whose name is not known) threatened the physically assault her if she got off the bed.
2021-00524: Assault - - With no serious injuries; PREA: None	1	White, Transgender woman, Queer	Description: The subject states she was assaulted with a weapon, but provides no further details except that she was then transferred within about two weeks.
2021-00538: Misconduct -- Negligence; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject reports that he was placed in G5 housing on transfer from Skyview to Clements, although he was G4 custody class. Units can reclassify a person on transfer, so it may be that the subject was reclassified, but this is documented as mishousing since the subject does not mention UCC telling them anything. It would have been negligence to not tell the subject what was going on if he had been reclassified.
2021-00562: Assault - - Unnecessary/excessive use of force; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject seems to say there was a second use of force later the same day as incident 2021-00089, but it is unclear what initiated it, and other documents indicate this may have been on a different day. During this use of force, it appears chemical agents were sprayed in the subject's cell, the subject agreed to come out of the cell, but the guards refused and assaulted him inside the cell. The subject

			<p>reports lacerations to fingers, being kicked repeatedly in the ribs, and use of his leg braces as weapons against him. This comes from documents submitted in a court case, referenced in a letter of June 5, 2022.</p>
<p>2021-00577: Misconduct -- Negligence; PREA: 115.15(a)</p>	<p>10</p>	<p>Latinx, Transgender woman, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: The subject, a transgender woman, states that male guards pat and strip search her "all the time over here." Because the subject has been incarcerated for some time and indicates she has breast development, she has probably identified as a transgender woman and been on hormones for some time and been housed at multiple units, so her statement indicates the treatment at Clements Unit may be to a greater degree or more aggressive or targeted at Clements Unit. The subject stated that one male guard told her that he could not search her because she is a transgender female, but others "say they can and threaten disciplinary action if I refuse."</p>
<p>2021-00578: Operations Misconduct -- Inappropriate restrictive housing; PREA: None</p>	<p>1</p>	<p>Latinx, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: Staffing issues: The subject states that due to staff shortages they are kept in their cells all day on most days. The subject did not say when excessive lockups or staff shortages started. The subject states they did go to recreation on October 2, 2021, but that it was a rare event due to staff shortages.</p>
<p>2021-00583: Misconduct -- Interference with access to courts, due process; PREA: None</p>	<p>1</p>	<p>Black, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: Unit Grievance investigator A. Turner; Description: The subject submitted a grievance about a refusal to process a request for a check to be sent out. The issue was ongoing, but UGI Turner improperly screened it as beyond the grievable time period. A UGI Patton also failed to screened it properly as an ongoing issue.</p>
<p>2021-00601: Assault - - With no serious injuries; PREA: None</p>	<p>1</p>	<p>Black, Unknown gender, Unknown sexual orientation</p>	<p>Description: The subject reports being stabbed, but the report is vague. In a subsequent letter, the subject states that the wounds were superficial, but bled some, and that guards escorting the person who stabbed them refused to take the knife that the subject was stabbed with, and refused to take picture of the injury. It appears the assailant had defeated hand restraints and gotten away from escorting guards, then attacked the subject, and was subdued during a use of force. The subject states a nurse came to</p>

			<p>their cell rather than having the subject go to the infirmary.</p>
<p>2021-00627: Misconduct -- Negligence; PREA: None</p>	<p>5</p>	<p>Latinx, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: Staffing issues: The subject notes that during June and July, when he was transferred to Clements for the PAMIO program for mentally disabled persons, "recreation and shower services were rarely ever conducted due to limit of correctional care security staff." In a grievance Step 1 submitted November 15, 2021, the subject notes discrimination against persons with mental disabilities continued, with them being provided recreation and shower opportunities only three to five days per month. The subject reports being told that they were on restriction, but the subject and others were not on restriction, they were simply housed in an area that also housed persons with restrictions. The response to the Step 1 was that showers were run daily "as staff allows," which does not address the problem of abuse of and discrimination against persons with mental disabilities. The Step 2 response provided the same excuse, failing to address the discrimination.</p>
<p>2021-00628: Healthcare Abuse -- Mental health abuse; PREA: None</p>	<p>5</p>	<p>Latinx, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: Staffing issues: The subject notes that, when first arriving at Clements Unit for the PAMIO program, mental health only checked on him "once every blue moon . . . MHC [probably mental health clinician] lady will come once every week for some inmates with disabilities while others once every two weeks or a month, if possible."</p>
<p>2021-00629: Misconduct -- Abusive misconduct; PREA: None</p>	<p>10</p>	<p>Latinx, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: The subject notes that TDCJ staff on Clements Unit were broadly abusing persons with mental health issues. He notes in general "inmates with disabilities were being mentally and physically disciplined [illegible] punished for their mental related unhealthiness, or for their unstable mental health, often through the unique cahooting and cooperation of both unit level health and security administrators. . . . Inmates with disabilities were being gassed with chemical agents, stripped from their personal property by utilizing tools of technique to justify health and security personnel moves when</p>

they 'feel' that particular inmate with disabilities disruptive behaviors is being [illegible]/disrespectful: so out of revenge security personnel will either discard, damage, or lose portion of inmates with disabilities' personal property of theirs, but overall majority of these TDCJ mentally ill inmates do not know how to defend themselves through the complaint process."

<p>2021-00635: Assault - - Unnecessary/excessive use of force; PREA: None</p>	<p>1</p>	<p>White, Cisgender man, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: The subject states that he was assaulted by guards, resulting in an injury to the fingers of his left hand and broken ribs.</p>
<p>2021-00636: Misconduct -- Negligence; PREA: None</p>	<p>1</p>	<p>Latinx, Unknown gender, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: The subject notes that persons in the 12 Building mental health programs were only allowed to go to showers five times during the month. The subject feels this is discriminatory because staff are made available for other buildings to run daily or near daily recreation and showers, while the persons in the mental health programs are denied.</p>
<p>2021-00637: Sexual Misconduct -- Harassment; PREA: 115.11</p>	<p>1</p>	<p>White, Gender diverse, Unknown sexual orientation</p>	<p>Description: The subject states that they were placed in a cell with a person who told the subject they would provide sexual favors or be raped. The subject was able to get removed from the cell within a few hours, before any incident beyond sexual harassment occurred.</p>
<p>2022-00032: Misconduct -- Place or leave in danger; PREA: None</p>	<p>2</p>	<p>Black, Transgender woman, Unknown sexual orientation</p>	<p>Abuser: name not known; Description: Staffing issues: The subject states that on 12 Building at Clements, during day and night shifts, there is often only once guard and one picket officer working the section floor for two pods, and that sometimes there are no officers on a pod for hours at a time because they will be on a different pod. The subject also states that they are not being afforded phone calls due to staff shortages.</p>
<p>2022-00033: Threat -- Harm; PREA: None</p>	<p>1</p>	<p>Black, Transgender woman, Unknown sexual orientation</p>	<p>Description: The subject reports that another incarcerated person tried to manipulate a guard to get into the subject's cell. The subject notes that this person had threatened her, complaining that she was a snitch and harassing her about her gender identity. The subject reports that the guard knew of the threats and did not let the other person into the subject's cell.</p>

2022-00083: Misconduct -- Negligence; PREA: None	5	Native American, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: Staffing issues: The subject notes that they have only been allowing them to go to shower once or twice a month, and the same for recreation. The subject also says that they are only running commissary once a month. The subject also notes that they are not making grievance and I-60 forms available, and they are not picking up grievances in a timely manner.
2022-00084: Misconduct -- Discrimination; PREA: None	1	White, Cisgender man, Heterosexual	Abuser: name not known; Description: The subject stated that on January 25, he was asked to sign off on a Native American assessment (the subject states that he has been listed as Native American since January 16, 2020). Then on February 8, the subject was notified that he no longer qualifies "for a Native American unit."
2022-00085: Operations Misconduct -- Inappropriate restrictive housing; PREA: None	7	White, Cisgender man, Heterosexual	Abuser: name not known; Description: The subject reports that he is being repeatedly moved on the unit, possibly to rotate persons with bed or cell restrictions, and is routinely place in disciplinary housing not appropriate to his disciplinary status (all J Line housing is restrictive housing). The subject provided the following timeline: October 13 - November 4, J Line (22 days) November 4 - 18, A Line (14 days) November 18 - December 6, A Line (18 days) December 6 - 20, A Line (14 days) December 20 - January 19, J Line (29 days) January 19 - February 9, A Line (21 days) February 9 - present, J Line (8+ days)
2022-00099: Misconduct -- Manipulate report of issue; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Ombudsman Supervisor Amanda Louie; Description: In a response to a complaint, Louie manipulated our complaint that the subject of the complaint was put in a holding cell for a few hours with a non- working toilet full of urine and feces by contacting the unit and asking about officially recorded cell changes only and stating that neither of those cells had a non- working toilet.
2022-00117: Misconduct -- Forced gender conformity; PREA: 115.31(a)(9)	1	Black, Transgender woman, Heterosexual	Abuser: PREA Ombudsman Manager I Teresa Gardner; Description: In response to our complaint that never mentioned sexual abuse, Gardner misgendered the subject by using her deadname.

2022-00118: Misconduct -- Manipulate report of issue; PREA: 115.34,115.71(a)	1	Black, Transgender woman, Heterosexual	Abuser: PREA Ombudsman Manager I Teresa Gardner; Description: TPI filed a complaint about staff abuse that never mentioned sexual abuse or sexual assault, only improper search practices that resulted in assault. The Ombudsman and PREA Ombudsman deliberately misrepresented the complaint as sexual abuse in order to dismiss the complaint.
2022-00128: Misconduct -- Forced statement to end investigation; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: OIG staff ; Description: The subject states that he was pulled out in front of several incarcerated persons for an interview, and the subject was "forced to state in front of other inmates, nothing was wrong, which is what they have pasted on, making me contradict myself." The subject states that if he had confirmed the problems in front of those watching, it would have placed his life in greater danger.
2022-00129: Misconduct -- Place or leave in danger; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Ombudsman Supervisor Amanda Loud; Description: In their response, the Office of the Ombudsman stated that the unit told the Ombudsman that the subject denied endangerment, but the subject reported later how Clements Unit staff manipulated a coerced statement that his life was not in danger. This negligence on the part of the Ombudsman shows complicity in continuing to leave the subject in danger.
2022-00130: Theft -- Theft, not as contraband; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Sergeant Durant; Description: The subject notes that he was taken to crisis on February 10, 2022, and at that time was required to relinquish his medical shoes and glasses for inventory and storage until released from crisis. When his property was returned several weeks later, the shoes and glasses were missing. The subject has tried to file a grievance on the issue, but the grievance appears to have been improperly screened as past the grievable period (see also incident 2022-00131).
2022-00131: Misconduct -- Interference with access to courts, due process; PREA: None	1	White, Unknown gender, Unknown sexual orientation	Abuser: Unit Grievance Investigator S. Harp; Description: The subject notes that he was taken to crisis on February 10, 2022, and at that time was required to relinquish his medical shoes and glasses for inventory and storage until released from crisis. When his property was returned several weeks later, the shoes and glasses were missing.



			<p>The subject has tried to file a grievance on the issue, but the grievance appears to have been improperly screened as past the grievable period. This can be inferred because the subject states he received his property back several weeks after February 10, and submitted I-60s until some time in March, meaning the grievance was likely submitted before 15 days had passed since the subject had knowledge of the incident being a problem.</p>
2022-00134: Assault - - With no serious injuries; PREA: None	2	Latinx, Cisgender man, Gay	<p>Description: The subject reports that she used a razor to assault two persons who she says grabbed at her, and the guard just stood back and let her do it (see also incident 2022-00135).</p>
2022-00135: Misconduct -- Failure to investigate or respond; PREA: None	1	Latinx, Cisgender man, Gay	<p>Abuser: Corrections Officer Trevino; Description: The subject reports that she used a razor to assault two persons who she says grabbed at her (see also incident 2022-00134), and the guard just stood back and let her do it.</p>
2022-00163: Misconduct -- Negligence; PREA: None	5	White, Transgender woman, Unknown sexual orientation	<p>Abuser: name not known; Description: Staffing issues: the subject reports between February 26 and the date of the letter, April 1, she and her housing area have only been allowed to go to recreation and showers about three times. The subject alleges that staff are falsifying documents to claim they are getting recreation when they are not.</p>
2022-00172: Misconduct -- Discrimination; PREA: None	20	White, Cisgender man, Unknown sexual orientation	<p>Abuser: name not known; Description: Staffing issues: The subject, who is housed in the Chronic Mentally Ill (CMI) program housing, reports that they have been denied appropriate recreation. The subject states that since being transferred to Clements, they have maybe been able to go to outside recreation 20 times, and only four or five times in the last six months. A subsequent letter notes recreation was provided in 2022 only on February 6; March 19; May 7, 14, 25, and 29; and June 1. Instead, the subject reports the CMI residents are being kept in solitary confinement conditions, stating that they are isolated 24/7. The subject also states they are being denied razors, hair cuts, and clipper shaves (the razors may be a condition of the CMI program), and the administration has specifically cited staff shortages for this</p>

			denial. The subject has noted the section is treated different because many are trans or gay, or they have sex offense convictions.
2022-00179: Misconduct -- Negligence; PREA: None	1	Latinx, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: Staffing issues: The subject states that it has been 21 or more days since she has been able to take a shower. She says they are blaming it on staff shortages.
2022-00211: Misconduct -- Place or leave in danger; PREA: None	1	White, Cisgender man, Heterosexual	Abuser: name not known; Description: Staffing issues: The subject states that only three officers showed up for work on April 24, one seemingly working overtime after regular shift in property office.
2022-00229: Healthcare Abuse -- Denial of trans- specific healthcare; PREA: None	8	White, Transgender woman, Unknown sexual orientation	Description: The subject states that since December 17, 2021, she has only received three of her hormone injections, so has not received eight through May 2, 2022. It is not clear whether guards do not come get her, or whether she is scheduled or not scheduled (notes sometimes gets a response to an I-60 that she is scheduled but does not get a layin for an appointment). An outside loved one was told she should use a sick call request form instead of an I-60 to make a request, but the subject states that unit medical does not use SCR forms.
2022-00230: Misconduct -- Negligence; PREA: None	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that they are feeding tray meals using the tray lids because the guards are not picking up the trays. The trays are not designed to hold serving sizes required of the meals.
2022-00254: Operations Misconduct -- Problems with food or environment; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject notes that there is a severe rodent and insect problem at the unit.
2022-00255: Operations Misconduct -- Extended solitary confinement; PREA: None	1	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: Staffing issues: The subject notes that persons with disabilities are kept in their cells 20 hours a day in solitary conditions. The subject says they are routinely given excuses related to inadequate staff.
2022-00259: Operations Misconduct -- Problems with food or	1	White, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject states that every cellmate he gets smokes K2, which leaves him gasping for breath, having chest pains, and in fear of another heart attack.

environment; PREA:

None

2022-00260: Healthcare Abuse -- Misconduct; PREA: None	1	White, Cisgender man, Heterosexual	Abuser: name not known; Description: The subject states he has been on the dental treatment plan for 12 years, and is supposed to have his teeth cleaned and checked every three months, but has not seen dental in the last seven months, since being transferred to Clements.
2022-00264: Sexual Assault -- Not further specified; PREA: 115.11	3	White, Cisgender man, Heterosexual	Description: The subject states that one of the persons in the cell next to him raped his cellmate May 23, and that makes at least three sexual assaults in the last 40 days. The subject notes that all involved persons on the mental health case load with serious mental health conditions, and two alleged assailants are "back on the line, as if nothing has happened."
2022-00265: Misconduct -- Negligence; PREA: None	1	White, Cisgender man, Heterosexual	Abuser: name not known; Description: The subject states that all the G5s on ECB high security were let out by mistake at the same time, and guards gassed them three times to get them back in their cells, resulting in the persons on ECB for heat scores (not G5 and not there for security reasons) also being gassed three times. The exhaust system was also not working properly, making it worse. The subject also reports that medical was not properly notified before the use of force, and that chemical agents are use on average three times a day in the G5 area. This is harmful to the persons with medical conditions housed in the building as cool bed priorities.
2022-00292: Misconduct -- Interference with access to courts, due process; PREA: None	7	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject notes grievances are not being returned in a timely manner. Grievance 2022056459, Step 2 filed March 9, 2022, no response received Grievance 2022060087, Step 2 filed March 17, 2022, no response received Grievance 2022069961, Step 2 filed April 14, 2022, no response received Grievance 2022076088, Step 2 filed March 24, 2022, no response received Grievance 2022079228, Step 2 filed April 27, 2022, no response received Grievance 2022084812, Step 1 filed April 6 (refiled April 17), 2022, no response received Grievance number unknown, Step 1, filed April 8, 2022, no response received

2022-00293: Misconduct -- Negligence; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject states that the unit is refusing to provide hair cuts, razors, soap, and toilet paper as necessary, and on June 1 the subject was for the first time in six months able to get a razor to shave his beard. If razors are not allowed in CMI, then TDCJ should be providing clipper shaves.
2022-00294: Assault - - With no serious injuries; PREA: None	2	White, Cisgender man, Unknown sexual orientation	Description: The subject states that an SSI assaulted him twice, squirting feces and urine in his cell and getting it on his property and the subject.
2022-00295: Misconduct -- Interference with access to courts, due process; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Description: The subject reports that law library staff opened his 1983 petition and read it, an action not allowed for legal mail (they can only inspect for contraband).
2022-00322: Operations Misconduct -- Problems with food or environment; PREA: None	5	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject reports that he is not getting proper gluten-free meals. Some of the meals appear to be lacking in calories, some have gluten products. This seems to have begun about June 1 and is continuing as of June 17.
2022-00330: Misconduct -- Harassment; PREA: None	7	Black, Unknown gender, Unknown sexual orientation	Abuser: Sergeant Jane L. Torres; Description: The subject states that there are count lights in the cells for night counts that should be used instead of the panel lights. However, the night shift routinely turn on the panel lights to harass prisoners and interrupt their sleep. They are awoken for mail 12:30 and 1:30am. This was mentioned in an early May 2022 letter. In June 2022, the subject states that staff who turn on lights are Mayosore O. Olagoike, Chelsea L. Mursk, Phillip J. Mendez, and Teara N. Devers. A Samantha Vargas keeps the panel lights on her entire shift. The subject notes that panel lights were turned on March 18 at around 2:45am; March 19 at 1:16am; March 24, lights on all day; April 10, on at 1:51am; April 18 about 2:20am; April 23 at 2am; and June 8 at 12:20am. The response from the ombudsman office indicates an insufficient "investigation" of "several days" that were not identified.
2022-00331: Misconduct -- Negligence; PREA: None	2	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject states that at least some guards are refusing to distribute cool water during the

			heat. They also have not provided toilet paper in over a week.
2022-00396: Operations Misconduct -- Problems with food or environment; PREA: None	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: In a continuing problem with food, especially the Diet for Health meals the subject is prescribed, the subject states that they are on lockdown and fed sack meals which have DFH written on them, but do not contain the required DFH menu items. The subject states that the were fed disciplinary food loaf on June 18 and 19. They are also placing cured meat like hot dogs and salami in the sack meals, which are not to be in DFH sacks. They are also not receiving milk as they are supposed to.
2022-00399: Sexual Misconduct -- Harassment; PREA: 115.11	5	Black, Transgender unspecified, Unknown sexual orientation	Description: The subject states that the person across from her stands in his cell nude and fondles himself or masturbates while looking at her, especially if she is changing or using the toilet or has her top off, presumably due to the heat (incident 2022-00399). The subject indicates guards know this is going on but do nothing to stop or address it, as required by PREA 115.61 (incident 2022-00400). The subject does not state whether or not she has tried to file a complaint on the issue.
2022-00400: Misconduct -- Negligence; PREA: 115.61(a)	1	Black, Transgender unspecified, Unknown sexual orientation	Abuser: name not known; Description: The subject states that the person across from her stands in his cell nude and fondles himself or masturbates while looking at her, especially if she is changing or using the toilet or has her top off, presumably due to the heat (incident 2022-00399). The subject indicates guards know this is going on but do nothing to stop or address it, as required by PREA 115.61 (incident 2022-00400). The subject does not state whether or not she has tried to file a complaint on the issue.
2022-00422: Misconduct -- Negligence; PREA: 115.41(g)	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The subject states that she has identified as trans all her life, but the Clements Unit safe prisons and classification staff are refusing to assign the TRGEN marker.
2022-00459: Misconduct -- Interference with access to courts, due process; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject states that grievances were picked up June 1, and they had not been picked up again by June 8.

2022-00470: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: A letter to the subject was returned marked "RTS, Discharged," but the person is still at the same unit and is not discharged. Two letters from the same day were marked the same, and the handwriting is the same for both. See also incident 2022-00471.
2022-00471: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: A letter to the subject was returned marked "RTS, Discharged," but the person is still at the same unit and is not discharged. Two letters from the same day were marked the same, and the handwriting is the same for both. See also incident 2022-00470.
2022-00511: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The TDCJ mail system coordinator reports that handwriting on two envelopes did not match any staff handwriting (see incidents 2022-00470 and 2022-00471), which means Clements Unit staff are allowing incarcerated persons to process mail, which not only is against policy it endangers other incarcerated persons and violates privacy rights.
2022-00512: Misconduct -- Correspondence Interference; PREA: None	1	White, Transgender woman, Unknown sexual orientation	Abuser: name not known; Description: The TDCJ mail system coordinator reports that handwriting on two envelopes did not match any staff handwriting (see incidents 2022-00470 and 2022-00471), which means Clements Unit staff are allowing incarcerated persons to process mail, which not only is against policy it endangers other incarcerated persons and violates privacy rights.
2022-00513: Operations Misconduct -- Cross- gender search; PREA: 115.15(a)	1	Black, Transgender unspecified, Unknown sexual orientation	Abuser: Sergeant Busby; Description: The subject notes that all on her pod were strip searched during a shakedown of everyone. She objected to the strip search by a cisgender male because she is a transgender female, and she made that clear to the sergeant, but he forced her to strip under threat of use of force (spraying with chemical agent and running a crisis team). Apparently she had to strip in front of everyone in her section or pod; JLH ordered Aug 20, 2022
2022-00514: Extortion -- For property; PREA: None	1	Black, Transgender unspecified,	Description: The subject states that the person across the hall from her who was masturbating while looking at her is now

		Unknown sexual orientation	extorting her. He told her that if she gave him \$25 in commissary, he would leave her alone, so at some point during the week of August 10, 2022, she gave him that amount. Apparently the next day he started throwing feces at her cell door.
2022-00537: Operations Misconduct -- Problems with food or environment; PREA: None	3	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject reports that the televisions are left on and turned up loud 24 hours a day, interfering with sleep. The subject also reports the are awoken between 12am and 3:30am for mail call, and that cell lights are often turned on around 2:30am, all of which interferes with their sleep. In addition, the subject reports being fed pancakes six days a week, which does not meet the policy mandated meal variety. The subject states that when family members call to complain, they are fed sack meals with one boiled egg.
2022-00705: Assault - - With hospitalization; PREA: None	1	Black, Transgender woman, Bisexual	Description: The subject stated in an earlier letter from December 2021 that she had been assaulted badly with a fan motor, but provided no details. In October 2022, the subject clarified the date and that the assault resulted in severe brain injury and a loss of some short- and long-term memory. It is not clear what unit the assault occurred on, but it probably occurred where she had been housed, on Clements Unit.
2022-00735: Assault - - Attempted; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Description: The subject states that another incarcerated person tried to assault him with a "spear" (attempted assault incident 2022-00735). The subject reports that he kicked a food slot, apparently in the door of the person trying to injure him in self-defense, and a Sergeant A. Beil in response initiated a use of force while the subject was in hand restraints and "repeatedly punched me in my head" (excessive use of force incident 2022-00136).
2022-00736: Assault - - Unnecessary/excessive use of force; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: Sergeant A. Beil; Description: The subject states that another incarcerated person tried to assault him with a "spear" (attempted assault incident 2022-00735). The subject reports that he kicked a food slot, apparently in the door of the person trying to injure him in self-defense, and a Sergeant A. Beil in response initiated a use of force while the subject was in hand

			restraints and "repeatedly punched me in my head" (excessive use of force incident 2022-00136).
2022-00737: Misconduct -- Abusive misconduct; PREA: None	1	White, Cisgender man, Unknown sexual orientation	Abuser: name not known; Description: The subject reports he was sprayed with chemical agent, and refused to let him clean the chemical agent off, against policy. The reason for the use of force is not clear, but regardless of the reason, it is abusive misconduct to refuse to allow a person to remove chemical agent after the use of force.
2022-00759: Sexual Assault -- Forced by Weapon; PREA: 115.11	1	Black, Transgender unspecified, Queer	Description: The subject reports that an unidentified guard allowed another person to come into the subject's cell even though the subject is supposed to be single celled. The subject reports the person had a knife and fan motor. This appears to be the same description of a report of sexual assault, where in a prior letter the subject reported, without providing any indication of when this happened, being forced to provide oral sex by someone allowed into her cell with a knife and fan motor (see sexual assault incident 2022-00759). The endangerment by the guard is documented as incident 2022-00760. In their response, the PREA ombudsman reports that the only investigation was to ask person identified as witnesses if they saw anything (they refused to comment, most likely because TDCJ does these investigations in a manner that endangers witnesses who provide information) and took the word of a staff member who claims to have seen nothing (this would have been admitting misconduct by the staff member). No camera review was noted. This is an inappropriate investigation.
2022-00760: Misconduct -- Place or leave in danger; PREA: 115.31(a)	1	Black, Transgender unspecified, Queer	Abuser: Corrections Officer ; Description: The subject reports that an unidentified guard allowed another person to come into the subject's cell even though the subject is supposed to be single celled. The subject reports the person had a knife and fan motor. This appears to be the same description of a report of sexual assault, where in a prior letter the subject reported, without providing any indication of when this happened, being forced to provide oral sex by someone allowed into her cell with a knife and fan motor (see sexual assault incident 2022-



			00759). The endangerment by the guard is documented as incident 2022-00760. In their response, the PREA ombudsman refused to respond to the alleged staff misconduct other than to ask the guard who was responsible and just accept their word that they saw nothing. No camera review was noted.
2022-00761: Threat -- Death threat; PREA: None	2	Black, Transgender unspecified, Queer	Description: The subject reports receiving kites with death threats from a member of a prison association. Others are also saying there is a "hit" on the subject.
2022-00762: Assault - - With no serious injuries; PREA: None	1	Black, Transgender unspecified, Queer	Description: The subject reports that while in the day room, she tried to use the toilet and was told by a member of a prison association that she would have to pay or fight to use the toilet. The subject stated the person then began to assault her, and she defended herself (assault incident 2022-00762). The subject reports that she tried all night to report that she was in danger and request an inmate protection investigation, but was refused (failure to investigate incident 2022-00763).
2022-00763: Misconduct -- Failure to investigate or respond; PREA: None	2	Black, Transgender unspecified, Queer	Abuser: name not known; Description: The subject reports that while in the day room, she tried to use the toilet and was told by a member of a prison association that she would have to pay or fight to use the toilet. The subject stated the person then began to assault her, and she defended herself (assault incident 2022-00762). The subject reports that she tried all night to report that she was in danger and request an inmate protection investigation, but was refused (failure to investigate incident 2022-00763).
2022-00764: Assault - - With no serious injuries; PREA: None	1	Black, Transgender unspecified, Queer	Description: The subject reports that she went to the day room and was assaulted by several incarcerated persons. She reports another trans woman stopped the assault, but provides no further details.
2022-00801: Operations Misconduct -- Problems with food or environment; PREA: None	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject reports that lights in the cells are still being used inappropriately, interfering with sleep. The subject states lights are turned on in the cells every count (about two hour intervals), and all lights are turned on when about six persons out of 136 in the housing area get insulin about 1:30am

2022-00802: Misconduct -- Negligence; PREA: None	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject states that on November 19, 2022, and the 1:30pm count for ECB D Wing, guards used a previous count sheet to fill out the count log and did not do an actual count.
2022-00810: Misconduct -- Negligence; PREA: 115.31(a)(9)	1	Black, Transgender unspecified, Queer	Abuser: Sergeant ; Description: The subject states that a sergeant came to escort her to a UCC meeting and strip searched her, then she said she was going to put her hair back in a ponytail. The subject reports the sergeant responded by telling her to "take that shit out" and "you can't do that" even though policy specifically allows it. The sergeant then gave her clothing back and walked off, denying her escort to the UCC meeting. In a subsequent letter, the subject states she went to UCC on November 29.
2022-00812: Threat -- Harm; PREA: None	2	Black, Transgender unspecified, Queer	Description: The subject states that she was put in a cell on November 28, 2022, with an individual who dislikes LGBTQ persons, and he told her she had to "be a man." The subject said that a neighbor recognized her as an informant and told the cellmate. The cellmate then "start tripping even more." No specific threats were provided, but the subject was removed from the cell for inmate protection investigation (IPI). However, a sergeant who was involved with the IPI told her she would "have to fight, fuck, or bust a 60," the latter meaning pay for protection (misconduct incident 2022-00813).
2022-00813: Misconduct -- Negligence; PREA: None	1	Black, Transgender unspecified, Queer	Abuser: Sergeant ; Description: The subject states that she was put in a cell on November 28, 2022, with an individual who dislikes LGBTQ persons, and he told her she had to "be a man." The subject said that a neighbor recognized her as an informant and told the cellmate. The cellmate then "start tripping even more." No specific threats were provided, but the subject was removed from the cell for inmate protection investigation (IPI). However, a sergeant who was involved with the IPI told her she would "have to fight, fuck, or bust a 60," the latter meaning pay for protection (misconduct incident 2022-00813).
2022-00816: Operations Misconduct --	1	Black, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject states that the unit has been on lockdown since November 28, 2022, and

Problems with food or environment; PREA: None			they have only gotten milk served twice since then. On December 8, 2022, the subject asked a guard about the milk, and she responded "it's down there but I don't have to pass it out."
2022-00831: Operations Misconduct -- Problems with food or environment; PREA: None	10	Latinx, Unknown gender, Unknown sexual orientation	Abuser: name not known; Description: The subject reports that the cells in 12 Building E Pod, where persons are housed who are taking part in the PAMIO program, are heavily infested with roaches and mice/rats, with droppings contaminating the cells and ventilation system. The response to a grievance claims, a month after the grievance was filed, that 12 Building was treated by pest control on March 21 and that the "pods are being cleaned and sanitized daily." In the Step 2 dated mid April, the subject states that pest control did not spray the cells, walls, or the day room. The subject stated only the food slots was sprayed at the cells. The subject states that he has killed over 100 mice/rats. The response to the Step 2 was a refusal to further investigate.
2022-00865: Assault - - With no serious injuries; PREA: None	1	Black, Transgender unspecified, Queer	Description: The subject states that she was called over to someone's cell on returning from an appointment, and they threw urine on her (assault incident 2022-00865). They then told the subject that she needed to pay money (see extortion incident 2022-00866). The subject tried to report the incident to a guard named Hernandez and file an IPI, but Hernandez said she would get someone, but never did (failure to respond incident 2022-00867). Later, someone handed her a kite with a CashApp name and number and said that was where the subject needed to send \$250 (extortion incident 2022-00868).
2022-00866: Extortion -- Attempted; PREA: None	1	Black, Transgender unspecified, Queer	Description: The subject states that she was called over to someone's cell on returning from an appointment, and they threw urine on her (assault incident 2022-00865). They then told the subject that she needed to pay money (see extortion incident 2022-00866). The subject tried to report the incident to a guard named Hernandez and file an IPI, but Hernandez said she would get someone, but never did (failure to respond incident 2022-00867). Later, someone handed her a kite with a CashApp name and number and said

2022-00867: Misconduct -- Failure to investigate or respond; PREA: None	1	Black, Transgender unspecified, Queer	<p>that was where the subject needed to send \$250 (extortion incident 2022-00868).</p> <hr/> <p>Abuser: Corrections Officer Hernandez; Description: The subject states that she was called over to someone's cell on returning from an appointment, and they threw urine on her (assault incident 2022-00865). They then told the subject that she needed to pay money (see extortion incident 2022-00866). The subject tried to report the incident to a guard named Hernandez and file an IPI, but Hernandez said she would get someone, but never did (failure to respond incident 2022-00867). Later, someone handed her a kite with a CashApp name and number and said that was where the subject needed to send \$250 (extortion incident 2022-00868).</p>
2022-00868: Extortion -- Attempted; PREA: None	1	Black, Transgender unspecified, Queer	<hr/> <p>Description: The subject states that she was called over to someone's cell on returning from an appointment, and they threw urine on her (assault incident 2022-00865). They then told the subject that she needed to pay money (see extortion incident 2022-00866). The subject tried to report the incident to a guard named Hernandez and file an IPI, but Hernandez said she would get someone, but never did (failure to respond incident 2022-00867). Later, someone handed her a kite with a CashApp name and number and said that was where the subject needed to send \$250 (extortion incident 2022-00868).</p>
2022-00869: Threat -- Harm; PREA: None	1	Black, Transgender unspecified, Queer	<hr/> <p>Description: The subject states that the person who sexually assaulted her (see incident 2022-00759) came to her cell and banged on her door, threatening her if she did not leave the unit (threat incident 2022-00869). This is also a failure of the unit staff to prevent retaliation for reporting sexual violence (see incident 2022-00870). It is not clear, but apparently staff refused to file an IPI over the incident, and denied the subject their lunch, apparently reprisal for requesting to file an IPI.</p>
2022-00870: Misconduct -- Negligence; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	<hr/> <p>Abuser: name not known; Description: The subject states that the person who sexually assaulted her (see incident 2022-00759) came to her cell and banged on her door, threatening her if she did not leave the unit (threat incident 2022-00869). This is also a</p>

2023-00028: Threat -- Harm; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	failure of the unit staff to prevent retaliation for reporting sexual violence (see incident 2022-00870). It is not clear, but apparently staff refused to file an IPI over the incident, and denied the subject their lunch.
2023-00029: Misconduct -- Place or leave in danger; PREA: 115.67(a)	1	Black, Transgender unspecified, Queer	Description: The subject states that a person who sexually assaulted her came to her cell and told her he knew she reported him for the sexual abuse (see incident 2022-00759) and made a vague threat of harm (threat incident 2023-00028). This also means unit staff failed to protect her from retaliation (leave in danger incident 2023-00029). Abuser: name not known; Description: The subject states that a person who sexually assaulted her came to her cell and told her he knew she reported him for the sexual abuse (see incident 2022-00759) and made a vague threat of harm (threat incident 2023-00028). This also means unit staff failed to protect her from retaliation (leave in danger incident 2023-00029).