Impact Justice, PREA Resource Center
1342 Florida Avenue NW
Washington, DC 20009

December 5, 2023

re: auditor non-compliance with audit requirements, TDCJ Holliday Unit

To the PREA Resource Center:

Trans Pride Initiative (TPI) is filing an objection to the acceptance of the audit report for the Texas Department of Criminal Justice (TDCJ) Holliday Unit conducted by auditor Lynni O'Haver and PREA Auditors of America, now Corrections Consulting Services, LLC. We believe that for a number of reasons this audit fails to meet the spirit or letter of audit requirements. The onsite audit was conducted October 23 through 25, 2023, so where specific data are given in the audit report, these reflect the auditor's report of "facts" at that time. The final audit report was submitted on November 15, 2023.

Specific Egregious PREA Violation at Holliday Unit

TPI has limited information about Holliday Unit, and we would not have submitted this complaint except for a very specific and egregious violation of the PREA standards that occurred just two months prior to the PREA audit, an incident which the auditor should have identified in research. This incident illustrates not only a failure to comply with PREA standards at the unit level, but also failure at the agency level in how the issue was addressed.

On August 23, 2023, a TPI client who is a transgender woman reports that she was boarding a bus at Holliday Unit. Our client was first strip searched by men, which constituted a cross-gender strip search in violation of PREA § 115.15(a). As the auditor noted there were "no cross-gender strips searches . . . conducted during the last 12 months," that indicates a violation PREA § 115.15(c) as well in that the unit failed to identify and document the cross-gender strip search.

Following the strip search, the client reports she was then told to go to an area where she would be placed in hand restraints. In that area, a male guard pulled her out of line and "asked me if I still have my penis, if I've had 'the surgery.' I told him that I've already been strip searched and begged him not to ask me that. The man explained that he was told that I'm a woman . . . and said that he must verify before I am put on the bus."

The subject states that she was then taken to a shower area and forced to reach inside the front of her pants and expose her genitals in direct violation of PREA § 115.15(e). This interaction is also noncompliant with PREA § 115.31(a)(9) concerning "[h]ow to communicate effectively and professionally with [incarcerated persons], including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming" persons. This incident should probably be considered sexual harassment as well since there was not penological purpose for the genital search, so it cannot be claimed that this was done as part of the person's assigned duties.

In their response, the PREA Ombudsman simply stated that "[a]ll staff present on the date of incident and multiple inmates were interviewed. All denied the allegation." TPI notes that we have covered MANY incidents where investigation questions are asked in a manner that is manipulated to get a desired response. We do not know what questions were asked, how the "allegation" was worded or described, nor what answers were provided. We do know that the "investigation" as described was not adequate because, as stated in our complaint, no other staff or incarcerated persons would have observed the incident except the two or possibly three persons in the shower area where the incident occurred. We believe, based on past responses from the PREA Ombudsman, that this "investigation" would have been conducted by Holliday Unit staff and reported to the PREA Ombudsman, meaning both were responsible.

The PREA Ombudsman continued by stating that the client was "searched in accordance with agency policy and the inmate's gender identity," indicating that any questions posed by the PREA Ombudsman may have been related to the initial strip search, not the specific search of the client's genitals, which again according to the report to TPI, would not have been seen by most of those being interviewed. A more appropriate investigation would have at least reviewed camera feeds to see if the client was led out of the waiting area for hand restraints and toward a restroom, where the alleged incident occurred. The PREA Ombudsman "determined there was no evidence to support the allegation," which indicates they are claiming it was unfounded; TPI strongly asserts that at most the incident would be unsubstantiated, but we feel even that would entail a manipulation of the evidence available. TPI determined this response to constitute a failure to investigate. This is an agency-level issue, beyond the scope of this document.

These issues indicate a failure to comply with PREA §§ 115.34, 115.71, and 115.72 related to appropriate investigative practices. Such a blatant and egregious violation of the PREA standards should have been identified and addressed during a competent PREA audit.

Summary of Audit Report Deficiencies

Although TPI does not have as much data for Holliday Unit because few of our correspondents are housed there, we feel that with the above incident, there is sufficient data available to question compliance in some areas and to indicate the most recent PREA audit is deficient.

Significant problems with the general audit information include:

- As per audit entry 10, the auditor failed to contact at least one significant community-based organization with significant information about the facility, failing to comply with PREA § 115.401(o). This omission brings up the question of what other entities should have been contacted but were not.
- As per audit entry 45, the auditor reports not one person out of 1941 persons housed at the unit during the on-site visit had reported sexual abuse at the unit. This indicates either or both that the unit transfers persons reporting sexual abuse, possibly to manipulate PREA audit data, or the unit is interfering with the reporting of sexual abuse.
- As per audit entry 46, the auditor reports only two persons out 1941 persons housed at the unit during the on-site visit reported prior sexual victimization. This indicates a reporting problem, but from this it is impossible to tell whether it is systemwide or unit specific.
- As per audit entry 47, the auditor reports not one person at the unit had ever been placed in segregated housing or isolation for risk of sexual victimization. This is definitively false, as will be shown throughout this document of audit deficiencies.
- Audit entry 69 continues the problematic assertion of audit entry 47.
- As per audit entry 95, the auditor accepts that not one allegation of sexual abuse was substantiated by unit investigations. Such claims indicate problematic reporting, investigation procedures, and evidentiary standards.
- As per audit entry 97, the auditor accepts that not one allegation of sexual harassment was substantiated by unit investigations, and that not even one incident of of staff sexual harassment was reported in 12 months. Such claims indicate staff refusal to respond to reports of sexual harassment, manipulation of reports of sexual harassment, and problematic investigations procedures and evidentiary standards.

Significant problems with the assessment of compliance with PREA standards include:

- PREA § 115.15: Due to the auditor misidentifying the population at Holliday Unit as "males" only, the assessment of PREA § 115.15 is deficient.
- PREA §§ 115.31 and 115.34: The especially egregious incident regarding an absolute failure to comply with one of the most basic elements of the PREA standards where transgender persons are concerned, a violation that was carried out with willful and deliberate intent to harm a transgender woman, indicates Holliday Unit cannot be compliant with PREA § 115.31. Additionally, the data provided in audit entries 92 through 97 indicate issues with investigations (or possibly interference with reporting, PREA § 115.51) as well as the evidentiary standards applied. These are evidence of issues related to training per PREA §§ 115.31 and 115.34.

- PREA § 115.43: The clear failure of the auditor to adequately understand the ways that protective custody is used and misused in TDCJ, and the failure to identify and adequately assess the deliberate and intentional manipulation of terms and custody levels related to protective custody by Holliday Unit staff indicate the audit of Holliday Unit for compliance with PREA § 115.43 is deficient.
- PREA § 115.68: The deficiency with the audit with regard to PREA § 115.43 also applies to PREA § 115.68.
- PREA §§ 115.71 and 115.72: The unbelievably low number of sexual abuse and sexual harassment allegations, as well as the finding that not one allegation was substantiated, indicates a failure to adequately audit the Holliday Unit for investigative practices and evidentiary standards. Such low numbers, without further justification, indicate this audit is deficient in it's assessment of both PREA §§ 115.71 and 115.72.

The auditor found that two standards were exceeded and 39 as being met. One standard identified as being met was PREA § 115.11, zero tolerance of sexual abuse and sexual harassment. However, the auditor noted that out of 10 investigations of sexual abuse and sexual harassment—a questionably low number in itself—not one was substantiated. This in itself should call into question the validity of the audit in its entirety. To find zero out of 10 instances of sexual abuse and sexual harassment substantiated, then to claim that the unit has zero tolerance of sexual abuse and sexual harassment is a contradiction. This instead indicates the unit is tolerating, and arguably encouraging, sexual abuse and sexual harassment.

Request for Action

We are requesting that:

- Holliday Unit be required to conduct a subsequent audit to address deficiencies in the audit discussed in this letter;
- Holliday Unit and the auditor be required to correctly identify the genders of persons housed at Holliday Unit, and to conduct gender-based searches as required under PREA standards and document noncompliance with those standards;
- Staff at Holliday Unit undergo additional PREA training in the appropriate way to conduct strip searches and pat searches of transgender persons, as well as the prohibition against searching transgender persons in order to determine genital status.
- Holliday Unit be appropriately assessed for it's actual use of protective custody, and the auditor receive additional training related to what constitute protective custody under PREA.
- The auditor provide supporting evidence for the claim that not one person out of the entire population at Holliday Unit at the time of the survey had alleged sexual abuse. Other data that defy credibility and require supporting evidence include the claims that there were only eight allegations of sexual abuse in 12 months, and that there were only

two allegations of sexual harassment (and not one allegation of sexual harassment by staff against an incarcerated person) during the preceding 12 months. This begs the question of staff interfering with reporting such allegations and manipulating attempts to report such allegations.

- The auditor be required to follow PREA § 115.401(o) and contact each entity that may have significant information about Holliday Unit, including TPI's publicly available documentation of PREA compliance issues at Holliday Unit;
- Holliday Unit be required to address corrective actions for any issues determined to be non-complaint.

Details of Audit Report Deficiencies

The audit report states that the auditor reports no conflict of interest, however, the auditor has a long history of involvement in the Florida jail system in an administrative capacity through November 2021. TPI believes any current or recent connection with a prison system in the past three years to be a conflict of interest. PREA §§ 115.401(c) and (d) prohibit an auditor from receiving financial compensation from the agency being audited within three years prior to and after the audit, which is warranted but not sufficient. Due to the "we protect our own" mentality common among persons affiliated with prison operations, TPI believes that auditors should be barred from receiving any financial compensation directly or indirectly from any prison operator or associated agency, past or present, due to conflict of interest. Additionally, audit funding must be separate from the system being audited to avoid this conflict of interest.

The audit report states that the population at the Holliday Unit consists of "males," when in fact this is false. The Holliday Unit houses cisgender males, transgender females, and other persons who may not belong to either of those two populations. The Holliday Unit may abusively classify transgender women and other non-male persons as "male," but that is not an accurate description of the populations housed at the unit for PREA assessment purposes. This not only erases the existence of trans persons, this type of misclassification and erasure of transgender persons encourages violence against trans persons, including sexual abuse and sexual harassment. Refusal to affirm a person's gender dehumanizes the person, and dehumanization is a significant step in excusing and justifying institutional harm and violence. Further, this misapplication of the PREA standards allows the auditor to ignore violations under 115.15, cross-gender pat-down searches of female persons, as well as other PREA standards. To identify transgender females as "males"—or to identify transgender males as "females"—is an act of violence that not only denies the identity of transgender women and transgender men and nonbinary persons, but also encourages violence, sexual harassment, and sexual abuse of transgender persons by dismissing our core identity.

General Audit Information

Audit entry 10 states that the auditor contacted five community-based organizations, which were:

- Montgomery County Women's Center
- SAAFE House of Huntsville
- Family Ties
- Family Resource Center
- Just Detention International

PREA § 115.401(o) clearly states that "[a]uditors shall attempt to communicate with community-based or victim advocates who may have insight into relevant conditions in the facility." This does not limit that contact to any number of advocates, nor does it limit contacts to entities that are party to an MOU. Research into these organizations indicates little likelihood that any would have significant information about the facility. TPI was not contacted concerning the information we have about Halliday Unit, and no reference to our data freely available online was made. For auditor convenience, that information can even be easily viewed and downloaded at our web page for auditors: https://tpride.org/projects_prisondata/prea.php.

Audit entry 45 states that the auditor noted 0 incarcerated persons at the unit "who reported sexual abuse that occurred in the facility." That is, 0 out of 1941 at the unit during the audit supposedly had reported sexual abuse at the unit.

Audit entry 46 states that the auditor noted 2 incarcerated persons at the unit "who reported prior sexual victimization during risk screening."

Concerning both **audit entries 45 and 46,** these reported numbers appear low. The first number could be manipulated in a number of ways. All persons reporting sexual abuse may be transferred, thus keeping that number at 0. But the second number is not subject to such manipulation. Based on data from the Bureau of Justice Statistics (BJS), it would not be unreasonable to see somewhere around 20 incarcerated persons who had experienced prior sexual abuse in a population of about 2000.[1] Even estimates using the lower numbers in PREA documentation for Texas statewide between 2012 and 2018, we would expect to see about 4 to 12 allegations[2] Such a low number can indicate staff either discourage reporting or fail to respond to reports of sexual abuse, or staff failure to adequately document persons reporting prior sexual abuse.

1. Beck, A. J., Berzofsky, M., Caspar, R. and Krebs, C. U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (May 2013). *Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12: National Inmate Survey, 2011-12.* Bureau of Justice Statistics. Available online: https://bjs.ojp.gov/content/pub/pdf/svpjri1112.pdf.
2. Maruschak, L. M., and Buehler, E. D. U. S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (June 2021). *Survey of Sexual Victimization in Adult Correctional Facilities, 2012-2018 – Statistical Tables.* Bureau of Justice Statistics. Available online: https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/ssvacf1218st.pdf. Between 2012 and 2018, allegations of nonconsensual sexual acts between incarcerated persons in Texas prisons averaged 0.23%, abusive sexual contact between incarcerated person averaged 0.29%, and abusive sexual misconduct by staff averaged 0.42%.

This appears to indicate a failure to accurately identify and confirm unit data collection on target populations, and thus casts doubt on claims or acceptance of counts provided by the unit administrative staff for all target populations.

Audit entry 47 states that 0 persons housed at the unit had ever been placed in segregated housing or isolation for risk of sexual victimization. This represents a major failure to document and audit segregated housing, or protective custody under PREA. This also indicates a failure to investigate and understand how segregated housing is defined confusingly (and appears to be purposefully manipulated by TDCJ to cause confusion) and a failure to perform due diligence in confirming such a claim that no person housed at Holliday Unit had ever been placed in segregated housing or isolation for risk of sexual victimization. This will be discussed further under PREA § 115.43.

Audit entry 67 notes that 0 persons who reported sexual abuse in this facility were interviewed. As per our comments for **audit entry 45,** this data is questionable, we also note that transferring persons who report sexual abuse can be a means of manipulating this data.

Audit entry 68 notes that 2 persons who disclosed prior sexual victimization were interviewed. As per our comments for **audit entry 46,** this data is questionable.

Audit entry 69 states that the total number of interviews with person "who are or were ever placed in segregated housing/isolation for risk of sexual victimization per the risk protocol was 0.[3] As with **audit entry 47,** this indicates a failure to investigate and understand how segregated housing is manipulated by TDCJ to cause confusion; this will be discussed further under PREA § 115.43. The auditor asserts that "no [incarcerated persons] were placed in segregated housing/isolation for risk of sexual victimization or who alleged to have suffered sexual abuse," but TPI questions this. Holliday Unit administration stated that there had been allegations of sexual abuse in the last 12 months. In TPI's experience, anyone alleging to have experienced sexual abuse is placed in restrictive housing for investigation, and that constitutes segregated housing for risk of sexual victimization.[4]

Audit entry 95 provides the outcomes of administrative investigation of sexual abuse allegations during the previous 12 months. **Audit entry 92** shows incarcerated persons reported 8 allegations of sexual abuse by staff and other incarcerated persons, and 2 were investigated criminally. The administrative investigations found 0 substantiated, 6 unsubstantiated, and 2 unfounded. That is, 100% of the allegations were found to have less than a 51% chance of having occurred. According to PREA § 115.72, 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," yet not one allegation was found substantiated. This indicates a failure of the administrative investigations to adequately assess evidence in

3. Note that the protocol mentioned in the instructions is the additional questions to be asked, not how to select these persons.
4. See the TDCJ Estelle Unit PREA audit report for 2023, where the auditor rightly identified that segregation as involuntary protective custody.

allegations of sexual abuse, and a failure of the auditor to identify this problem and pursue an explanation of what appears to be a failure to properly investigate allegations.

Audit entry 97 provides the outcomes of administrative investigation of sexual harassment allegations during the previous 12 months. **Audit entry 93** shows incarcerated persons reported 2 allegations of sexual harassment by other incarcerated persons (none by staff), and 0 were investigated criminally. The administrative investigations found 0 substantiated, 2 unsubstantiated, and 0 unfounded. That is, 100% of the allegations were found to have less than a 51% chance of having occurred. According to PREA § 115.72, 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," yet 0 allegations were found substantiated. This indicates a failure of the administrative investigations to adequately assess evidence in allegations of sexual harassment, and a failure of the auditor to identify this problem and pursue an explanation of what appears to be a failure to properly investigate allegations.

PREA § 115.11 discussion, zero tolerance of sexual abuse and sexual harassment

PREA § 115.11 provides technical requirements that reflect the PREA goal of "zero tolerance of sexual abuse and sexual harassment" at the Holliday Unit and the agency overall through policy implementation and management. Policy is certainly essential to reaching such goals, but policy alone is inadequate, and how policy is implemented may even increase harm.

In TPI's experience, policy concerning protections for marginalized persons, as implemented by governmental agencies concerning law enforcement and the justice system, are commonly implemented in a manner that reinforces existing structural discrimination and harm. One very common example of how this works is when harmful practices are pointed out and the agency or responsible party states something to the effect "that does not happen because we have policy against it" or "because we have training against it." This excuse covers up and may even encourage violence such as sexual abuse and sexual harassment by providing a means of covering up such violence.

Similarly, claims that issues are "investigated," when it is clear the investigations have little or no merit due to the number of instances where allegations are dismissed, also function to cover up and may also encourage violence such as sexual abuse and sexual harassment by providing a means of simply ignoring such violence through improper investigations. The fact that Holliday Unit investigators found 100% of all allegations of sexual abuse and sexual harassment to have had less than a 51% chance of occurring indicates not only a failure by the unit to comply with the "zero tolerance" goal of PREA, but also may encourage sexual abuse and sexual harassment by showing a clear path to dismissal of all allegations.

Due to the aforementioned egregious violation of PREA standards related to transgender persons, TPI has strong doubts that this unit fully complies with PREA § 115.11.

PREA § 115.15 discussion, cross-gender strip and body cavity searches

The PREA standards state that Holliday Unit staff "shall not conduct cross-gender strip searches or cross-gender visual body cavity searches . . . 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 strip and visual body cavity searches by persons of a gender different from the incarcerated person's self-identified gender are cross-gender searches, and are non-compliant with PREA standards unless a waiver documenting search preference allowing a cross-gender search has been signed.

Failure to recognize this fact in an audit is a failure to properly assess whether or not cross-gender searches are conducted at a facility. As discussed above, misclassifying transgender females as "males" is inappropriate, is non-complaint with PREA § 115.15(a), and furthermore may constitute participation by the auditor in violence against transgender persons. Acceptance of that misclassification by the PREA Resource Center is encouraging and abetting violence against transgender persons, and that too should not be considered compliant with PREA standards. In the audit report, the auditor wrongly identifies Holliday unit as having only "males" in the population when elsewhere admitting that there are transgender individuals housed at Holliday Unit. The auditor further applies faulty logic in the discussion of this standard by only stating "the number of male staff members is more than adequate and covers all shifts," erasing the needs—and the existence—of the transgender persons housed at the unit.

Concerning PREA § 115.15(b), if the facility allows cisgender males and transgender males to conduct pat-down searches of transgender females and non-binary persons, 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 by male staff. The auditor, by refusing to identify transgender females among the transgender persons housed at the unit, is participating in violence against transgender women, and failing to adequately assess compliance with PREA § 115.15(b).

The failure by the auditor to document that the unit houses transgender females and nonbinary transgender persons also results in deficient assessment of PREA § 115.15(c), requiring that the facility 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.

Concerning PREA § 115.15(d), which provides that incarcerated persons be allowed "to shower, perform bodily functions, and change clothing without staff of the opposite [*sic*] gender viewing

their breasts, buttocks, or genitalia,"[5] the refusal to acknowledge the gender of transgender persons also results in a failure to meet this standard.

PREA § 115.15(e) covers examining a transgender person for the specific purpose of determining genital status. This is such a blatant violation of PREA that TPI typically does not even include it in these discussions because staff are taught to at least avoid blatant violations of this standard. We refer to our discussion of the examination at the beginning of the letter, and state that with such an egregious violation, no audit can be considered competent without identifying and assessing what was done to assure that this issue is not repeated. As such, with the excuses by unit staff and the PREA Ombudsman and the complete failure of the auditor to identify this issue, this practice is not only not condoned, it is encouraged.

PREA § 115.15(f) covers training in the conduct of cross-gender pat-down searches and searches of transgender and intersex incarcerated persons in a professional and respectful manner. Keeping in mind the prior discussions of search practices with transgender persons, it is highly unlike that Holliday Unit should be considered compliant with this standard simply because the auditor asserts the existence of training records and affirmation of staff. We will also note that the auditor does not mention asking transgender interviewees about professional and respectful pat-down searches.

It should be clear from this discussion that TPI asserts that Holliday Unit does not meet the PREA § 115.15 standard.

PREA § 115.31 discussion, employee training

PREA § 115.31 concerns training related to zero tolerance for sexual abuse and sexual harassment, the rights of incarcerated persons to be free from sexual abuse and sexual harassment, appropriate responses to indications and reports of sexual abuse and sexual harassment, and professional communication.

Regardless of the auditor's claims that employee training at Holliday Unit is adequate, it is obvious from the issue provided at the beginning of this letter that at least in some cases training is lacking. Had the auditor noted the very obvious and egregious incident and addressed how this person was provided additional training, then that could have indicated

5. TPI notes that this standard is discriminatory toward nonbinary gender persons as it only addresses "male" and "female" genders as "opposite" genders, thus erasing nonbinary identities. Such erasure is another means of dehumanization, again, an important step in excusing and justifying institutional harm and violence.

   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, and cisgender and transgender females as "opposite" to cisgender and transgender males. 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.

greater compliance with this standard. Without that, TPI finds it highly unlikely Holliday Unit meets the PREA § 115.31 standard.

PREA § 115.42 discussion, use of screening information

PREA § 115.42 concerns how sexual abuse risk screening information is used to help ensure safety.

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, in violation of PREA § 115.42(c).

TPI has often heard from incarcerated transgender persons throughout TDCJ that the twice yearly assessments by UCC are cursory and ineffective. Reports generally convey that staff make it clear that they are simply there to check off the items they are required to ask, and many persons note that if they report issues, those are either dismissed or ignored, or addressed by locking the person in restrictive housing, likely with little or no property, for a week or more while an "investigation" is conducted then found unsubstantiated at best (we point out that 100% of Holliday Unit allegations of sexual abuse and sexual harassment during the audit period were found unsubstantiated or unfounded). The process appears seldom conducive to meeting the spirit of the PREA standard, and instead may offer staff opportunities to discourage reports of sexual victimization risks. TPI feels it is inadequate to simply parrot policy in support of meeting this standard, as is done by this auditor, and it must be supported by genuine questions about the efficacy of the process to incarcerated persons. TPI feels it is unlikely Holliday Unit meets the PREA § 115.42(d) standard.

PREA § 115.43 discussion, protective custody

PREA § 115.43 concerns segregation practices for persons at high risk of sexual victimization.

There are a number of problematic statements by the auditor that indicate a complete lack of understanding of how protective custody is implemented within TDCJ.

In relation to PREA § 115.43(a), the auditor states that incarcerated persons "at high risk for sexual victimization shall not be placed in **protective safekeeping** unless an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers" (emphasis added). True enough at face value, but "protective safekeeping" is not the only form of protective custody used in TDCJ. Blind acceptance of TDCJ's manipulation of "protective safekeeping" as the only form of protective custody is a failure to provide a proper assessment of PREA compliance with protective custody standards.

The auditor continues that "If the assessment [above described] cannot be completed immediately, the unit may hold the [incarcerated person] in involuntary segregated housing

while completing the assessment, for no longer than 24 hours." This implies that investigations into allegations of sexual abuse are completed within 24 hours, a speed that is almost non-existent in TDCJ. The auditor does not state whether or not the documentation at the unit indicated the persons placed in involuntary segregated housing in such cases have been held more than 24 hours. In addition, we would point to the 2023 PREA audit for Estelle Unit, where a waiver was established so that incarcerated persons could decline such segregation.

The auditor reports that the Holliday Unit warden stated that persons incarcerated there "who are at a high risk of sexual victimization will be placed in **protective safekeeping** until an assessment of all other available alternatives has been made and it is determined that there are no available alternative means of separation from likely abusers" (emphasis added). This bears no resemblance to the actual use of protective safekeeping in TDCJ and appears to be simply meant to manipulate auditors. TPI has never known any person to be placed in protective safekeeping (custody classification P6 and P7) either on a temporary basis or due to high risk of sexual victimization (see the more detailed discussion of protective safekeeping below).

The auditor continues to report that the warden said "the unit may hold the [incarcerated person] in involuntary safekeeping while completing the assessment, for no longer than 24 hours." Safekeeping designation is never provided on such a short-term basis, nor is it provided for only 24 hours (see the more detailed discussion of safekeeping designation below). A person reporting sexual abuse is almost always locked in what resembles disciplinary solitary confinement for reporting sexual abuse, and is generally kept there for far more than 24 hours.

Regarding the discussion of PREA § 115.43(b), it is unclear whether the auditor was inquiring about protective safekeeping, safekeeping custody, or restrictive housing for an investigation. The auditor claims to have asked a staff person apparently in charge of Holliday Unit restrictive housing "if an [incarcerated person] is placed in segregated housing for protection from sexual abuse or after having alleged sexual abuse, what restrictions are placed on the offender." The auditor then apparently reports that the staff member did not answer that question, but instead answered with a response about *safekeeping* housing, which does not seem to exist at Holliday Unit,[6] stating that incarcerated persons "placed in safekeeping do not have restrictions and retain the same privileges as [incarcerated persons] in general population housing." Setting aside the lack of truth in that statement as per practice in TDCJ, this does not answer the auditor's apparent question about involuntary protective custody following a report of sexual abuse.

The auditor closes the discussion of this provision by stating that in the 12 months prior to the audit, no persons were "assigned to involuntary segregated housing." Yet there were eight persons who reported sexual abuse, and TPI's experience is that nearly all persons reporting

6. Safekeeping housing is is not specified in the unit description by the auditor, and the online unit description does not mention safekeeping housing at Holliday Unit. As far as TPI is aware, safekeeping housing (identified as P2 through P5 classification) is currently only provided at Allred, Estelle, Michael, McConnell, Stiles, Boyd, Hughes, Telford, and Daniel units.

sexual abuse are placed in segregated housing, that it is often involuntary, and that it is often for more than 24 hours. If the auditor reviewed the reports of these eight sexual abuse allegations, as the auditor claims to have done (see the responses to audit entries 100 and 103), but did not identify that as segregated housing, then that is a failure to adequately audit this PREA standard.

The discussion of PREA § 115.43 indicates deliberate efforts by Holliday Unit administration to misrepresent the handling of reports of sexual violence and treatment of incarcerated persons after reporting sexual abuse, and a failure of the auditor to do the necessary investigation required of an audit.

TDCJ Manipulation of "protective custody" designations

PREA § 115.43 covers the separation or segregation of persons at high risk for sexual victimization, and the section uses several terms that provide opportunities for manipulation of the standard. These include "protective custody," "segregated housing," and "involuntary segregated housing." None of these are specifically defined in PREA § 115.5 general definitions, nor are definitions provided in the FAQ available online via the National PREA Resource Center. The PREA Final Rule[7] also does not provide definitions. In discussing this section, the Final Rule appears to use "segregated housing" and "involuntary segregated housing" to refer somewhat more generally to any type of separate housing, and "protective custody" and "involuntary protective custody" as separate housing for the purpose of providing safety.[8] However, the discussion makes it clear that all these terms refer to separating the person from endangerment by placement in separate housing, and that all of these are considered "protective custody." For the sake of consistency, TPI will refer here to all separation for investigations of alleged sexual abuse or due to assessment as being at risk for sexual abuse to be "protective custody." If the person being segregated agrees with the segregation, that segregation will be "voluntary protective custody"; if the person being segregated does not agree with the segregation, that segregation will be "involuntary protective custody." TPI also asserts that due to the requirement at PREA § 115.41(d)(9) that the incarcerated person's own views of vulnerability taken into account, considerations of whether separate housing is "voluntary" or "involuntary" may change over time as the person's views about the need for protective custody changes.

The following discussion provides definitions and descriptions of a number of types of protective custody in use in TDCJ. All of these should be considered "protective custody" for PREA § 115.43 purposes because all can be used to separate persons at risk of sexual victimization.

Protective safekeeping: "Protective safekeeping" is defined in the TDCJ *Classification Plan* as being "for [incarcerated persons] who require the highest level of protection in a more

7. Federal Register (2012): vol. 77 no. 119, Fed. Reg. page 37106-37232 (June 20, 2012).
8. Federal Register (2012): vol. 77 no. 119, Fed. Reg. page 37154-37155 (June 20, 2012).

controlled environment than other general population [persons], due to threats of harm by others or a high likelihood of victimization." This designation is more fully discussed in the *Protective Safekeeping Plan,* a document that is not made public and to which TPI does not have access. Protective safekeeping is also identified as custody levels P6 and P7, with P7 having more restrictions. We should point out that one way TDCJ makes this confusing can be seen in this definition, where they compare persons in protective safekeeping to "other general population" persons. This allows TDCJ to claim even protective safekeeping is not actually "segregation" because it is "general population." However, TDCJ protective safekeeping is very separate, and there are only about three units in the TDCJ system with housing designated for protective safekeeping.

This designation, based on reports from the one person with a P6 designation that we have been in contact with, is mainly used for persons who are politicians and other high-profile figures, persons with law enforcement history, and persons who have testified against powerful syndicates or cartels. This person did not mention anyone being in there due to a risk of sexual victimization, although there certainly could be. TDCJ protective safekeeping is absolutely separate from all other TDCJ populations, with no mixing outside P6 and P7. As far as TPI is aware, protective safekeeping is never recommended for only a risk of sexual victimization. We have never heard of any person being designated as "protective safekeeping" due to sexual violence. This contrasts with TDCJ responses to PREA auditors that tend to indicate this is the only "protective custody" meeting PREA § 115.43 requirements. All TDCJ classification discussions we are aware of related to separation due to the potential for sexual victimization focus on "safekeeping status" (P2 through P5), not "protective safekeeping" (P6 and P7).

TPI has seen many audit reports that appear to simply accept TDCJ's implied or stated claims that the only legitimate PREA § 115.43 "protective custody" in the system is TDCJ protective safekeeping. That is far from true. TPI believes that such statements should be considered deliberate and intentional efforts to manipulate PREA data collection and PREA audits.

Safekeeping status: Safekeeping designation or status is defined in the TDCJ Classification Plan as:

> a status assigned to [incarcerated persons] who require separate housing within general population due to threats to their safety, vulnerability, a potential for victimization, or other similar reasons. [Incarcerated persons] in safekeeping are also assigned a principal custody designation, including safekeeping Level 2-P2 [minimum custody], safekeeping Level 3-P3 [minimum custody], safekeeping Level 4 -P4 [medium custody], and safekeeping Level 5-P5 [closed custody].

Safekeeping status is sought by incarcerated persons who experience vulnerabilities, including vulnerabilities related to sexual violence. However, safekeeping status is provided only in relatively few cases, and some people experience sexual violence over and over and are refused safekeeping status because of the length of their incarceration, their body size, or in some cases

being "too intelligent."[9] Once in safekeeping, incarcerated persons see reduced access to job opportunities, educational and training programs, and other benefits that may be offered to persons not in safekeeping status.[10] In one example, TPI advocated for a transgender woman who was denied education opportunities due to her safekeeping status, even though she tried for several years to be released from safekeeping status. When TPI filed a complaint, we were told that her safekeeping status did not prevent her from entering the education program, and that she had been accepted for the program, but could not access it because there was no housing for her on any unit where that program was offered. The more complete explanation was that there was no ***safekeeping*** housing on the units where the program was offered. Perhaps in a warped sense of logic it may be said that safekeeping was not the reason she was denied, but it is entirely disingenuous to claim that safekeeping status did not prevent her from entering the program. Her safekeeping status was finally relinquished after our complaint, and she entered the program. That was the only impediment to her participation in that program.

On paper, safekeeping persons may be able to access all the benefits of general population, but in practice the safekeeping population is often segregated in abusive ways at meals, recreation, and other unit movement and programs; and in some cases they are kept from some or all work assignments, this apparently being unit-level practice at some units, depending on the administration of the moment. These prohibitions are sometimes used to harass persons on safekeeping, who are often identified as "snitches" and "punks" and other derogatory terms. Safekeeping persons are denied access to educational opportunities, training programs, and other benefits, sometimes by claiming the denial is not because of the safekeeping designation but for other reasons such as housing, as noted above. On many units, safekeeping housing is on what is called 12 Building, the old administrative segregation building that has limited recreation and still houses persons on disciplinary restriction, meaning safekeeping persons are often subjected to disciplinary conditions.

TDCJ also seems to claim that safekeeping designation is not "protective custody" under PREA § 115.43, and that only "protective safekeeping" is "protective custody." This claim is absolutely not consistent with practice or even the definition of the housing designation. TPI also knows of persons who were placed in safekeeping over their objections. And some who initially agreed to the designation may later see no need for continued safekeeping designation. Certainly a person's understanding of their own vulnerability and need for safekeeping can change over time. If the person on safekeeping does not agree they have a continuing need for safekeeping

9. Some reports from our correspondents note that they are told they do not qualify for safekeeping because they are "too smart" or similar reasons. Zollicoffer v. Livingston (4:14-cv-03037) also documents the extensive measures TDCJ goes to in avoiding safekeeping designation: https://www.courtlistener.com/docket/4394368/zollicoffer-v-livingston/.
10. Note that just as TDCJ confusingly describes "protective safekeeping" as "general population," safekeeping designation is also considered "general population" even though safekeeping housing is separate from general population because housing sections are designated for safekeeping persons only. It appears that policy only requires the housing to be separate, not education and work assignments and recreation and other activities, but that is not always the case in practice, and it varies from unit to unit and over time.

status, then they are in involuntary protective custody, and the documentation requirements under PREA must be met.

Likewise, TDCJ seems to claim that safekeeping is not "involuntary protective custody," apparently because in most cases, people request or agree to be placed in safekeeping designation—at least initially. However, it is certainly not something a person can request or volunteer for and be assigned, and in many cases requests for removal of the safekeeping designation are denied, sometimes even after outside advocacy for removal of the safekeeping designation.

Thus safekeeping designation is definitely a type of "protective custody" under the PREA standards, and may be considered "involuntary protective custody" requiring documentation and on-going assessments of continuing need for PREA compliance.

Lockup for reporting sexual violence: TDCJ seems to go to some effort to indicate only "protective safekeeping" (custody classification P6 and P7) constitutes "protective custody" or "involuntary protective custody" for PREA purposes. As explained above, "safekeeping designation" is definitely "protective custody" under PREA, and may also constitute "involuntary protective custody." Likewise, lockup for reporting sexual violence is "protective custody" under PREA, and often constitutes "involuntary protective custody" under PREA. In almost every report we have had documenting a TDCJ response to a report of sexual abuse, the person reporting is placed in a separate cell and isolated for an Inmate Protection Investigation (IPI).[11] This probably generates documentation that "all available alternatives" have been reviewed, but in practice it is an automatic action that is done even if the person reporting states definite reasons that they are in no further danger. TPI has even documented this happening when someone reported sexual abuse at a different unit and there was no conceivable danger at the current unit. In these cases, there is certainly no legitimate evaluation of "all available alternatives," regardless of staff claims or policy. IPI lockups also routinely last for more than 24 hours, and are often handled as disciplinary actions, with the person often being strip searched and their property taken (this is often the consequence of being locked up immediately, without being allowed to pack their property, so ostensibly they are not "denied" their property, although that and property loss is the effect of the action). Since IPI lockups are usually in the same areas as restrictive housing, they also routinely entail the same security restrictions that apply to those being held for disciplinary reasons. Clearly such treatment discourages reports of sexual victimization.

This discussion shows that without a doubt, TDCJ "protective safekeeping" is absolutely not the only classification that meets the "protective custody" definition under the PREA standards, nor is it the only classification that can be considered "involuntary protective custody." This discussion should also show the extent of the manipulation that TDCJ administration has engaged in to deliberately misrepresent PREA compliance and mislead PREA auditors. Without

11. This term has varied over time. What is current called an IPI was until recently an OPI for "offender protection investigation," and in the past has been known as an LID, or "life in danger" investigation.

a doubt, protective custody and involuntary protective custody is sometimes necessary and of great benefit to survivors of sexual abuse and those threatened with sexual victimization. But TDCJ manipulates this practice for the benefit of the agency—and without necessary transparency, often causes great harm and compounds the sexual violence a survivor has experienced by adding personal and systemic violence from the staff and the agency.

PREA § 115.68 discussion, post-allegation protective custody

As with the discussion under PREA §§ 115.42 and 115.43, TDCJ manipulates what constitutes "protective custody" by making misleading statements about what "protective safekeeping" and "safekeeping designation" are. Also, in TPI's experience, TDCJ automatically places all or almost all persons who report sexual abuse in involuntary protective custody (restricted housing for inmate protection investigation, or IPI) regardless of whether there are alternatives to such placement or not.

The auditor demonstrates a complete failure to understand the various types of protective custody used in TDCJ, a complete failure to investigate this issue to perform what is necessary in a legitimate PREA audit, and complete willingness to simply parrot TDCJ staff claims regardless of veracity.

The auditor again repeats TDCJ statements that incarcerated persons "at high risk for sexual victimization shall not be placed in protective safekeeping unless an assessment of all other available alternatives has been made" without understanding what "protective safekeeping" entails or why this statement fails to address compliance with PREA § 115.68.

The auditor again repeats TDCJ statements that "if a protective safekeeping housing assignment is made, the unit shall clearly document the basis of the concern for the offender's safety and the reason why no alternative means of separation can be arranged," and completely fails to consider the other forms of protective custody encompassed by this PREA standard.

The auditor again repeats TDCJ assertions that incarcerated persons "placed in protective safekeeping for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible," utterly failing to consider the other forms of protective custody covered by this PREA standard. Likewise, because of the failure to address actual use of protective custody, the auditor fails to consider if Holliday Unit actually does "document the opportunities that have been limited, the duration of the limitations, and the reasons for the limitations" for person housed in protective custody.

The auditor once again allowed Holliday Unit administrative staff to manipulate the audit by accepting an answer that persons placed in restrictive housing do not have "restrictions" unless they are for disciplinary purposes. This fails to fully consider what constitutes a "restriction" under PREA, allows TDCJ to manipulate the PREA audit by claiming that only disciplinary actions constitute "restrictions," and abusively redirects the cause of TDCJ "restrictions" onto the incarcerated person, a form or revictimization.

The auditor very likely failed to do due diligence on assessing post-allegation protective custody by claiming that "during the twelve months prior to the audit . . . [no incarcerated persons were] placed in segregated housing due to risk of sexual victimization." It is almost certain that every one of the eight persons who alleged sexual abuse during the audit period were placed in segregated housing or protective custody, and the same is probably true for the persons alleging sexual harassment. The auditor continues to promote these very likely falsehoods by allowing staff to claim "there were no [incarcerated persons] alleging sexual abuse assigned to involuntary segregated housing allegations [*sic*] and no [incarcerated persons] were placed in segregated housing due to risk of sexual victimization in the twelve months prior to the audit." As noted above, it is almost certain that all of the persons alleging sexual abuse and sexual harassment were placed in post-allegation protective custody."

The auditor continued with more false statements by allowing the warden to claim that incarcerated persons "who have made an allegation of sexual abuse and have stated that they are in fear for their safety will be placed in segregated housing (Safekeeping), either voluntarily or involuntarily, on a temporary basis until a review can be conducted to verify the extent of the danger." That is absolutely false, shows an absolute failure to understand how TDCJ assesses and provides safekeeping designation—and the fact that such a falsehood is given legitimacy and promotion by being allowed in a final PREA report is astounding. Holliday Unit should not have been considered to have met PREA § 115.68 based on the misunderstandings and false assumptions reflected in this discussion.

PREA § 115.71 discussion, administrative agency investigations

Due to the extremely low rates of substantiated allegations, as reported in the most recent PREA Ombudsman report for calendar year 2021, it is highly unlikely that a preponderance of evidence standard is used anywhere in TDCJ. In that report, for allegations against staff, only 3% of 827 sexual abuse allegations were substantiated, 0% of 34 sexual harassment allegations were substantiated, and 0% of 215 voyeurism allegations were substantiated. For allegations against other incarcerated persons, only 2.7% of 411 allegations of "nonconsensual sexual acts" were substantiated, and only 3.8% of 391 reports of "abusive sexual contacts" were substantiated. Regardless of one's concerns about possible false reporting, these extremely low rates of substantiation indicate a preponderance of evidence is not the standard being used.

For Holliday Unit, the auditor noted that for allegations against staff, 0% of 2 sexual abuse allegations were substantiated, no sexual harassment allegations were even reported (an unbelievable claim in itself), and voyeurism allegations were not reported. For allegations against other incarcerated persons, 0% of 6 allegations of sexual abuse were substantiated, and 0% of 2 allegations of sexual harassment were substantiated.

Regardless of one's concerns about possible false reporting, the low number of reports is pretty surprising, and these truly and obviously unbelievable low rates of substantiation indicate a preponderance of evidence is not the standard being used, that it is likely not all allegations are

being appropriately reported or investigated, and that those that are being investigated are being manipulated or badly investigated.

Data like this should be a red flag for an auditor, and that these numbers were just accepted blindly indicates a definite problem with an audit. Due to what can be seen from this report, it appears unlikely that Holliday Unit should have been assessed as being compliant with the PREA § 115.71 standard.

PREA § 115.72 discussion, evidentiary standards

TPI refers to our previous discussions of the low rate of substantiation in support of the assertion that Holliday Unit investigations probably do not adhere to the standard that no higher than a preponderance of evidence be used in the investigation of sexual abuse and sexual harassment.

Conclusion

TPI is filing an objection to the acceptance of the audit report for the TDCJ Holliday Unit conducted by auditor Lynni O'Haver and PREA Auditors of America, now Corrections Consulting Services, LLC. We believe that for a number of reasons this audit fails to meet the spirit or letter of audit requirements. The onsite audit was conducted October 23 through 25, 2023, so where specific data are given in the audit report, these reflect the auditor's report of "facts" at that time. The final audit report was submitted on November 15, 2023.

TPI has limited information about Holliday Unit, and we would not have submitted this complaint except for a very specific and egregious violation of the PREA standards that occurred just two months prior to the PREA audit, an incident which the auditor should have identified in research. This incident illustrates not only a failure to comply with PREA standards at the unit level, but also failure at the agency level in how the issue was addressed.

Although TPI does not have as much data for Holliday Unit because few of our correspondents are housed there, we feel that with the above incident, there is sufficient data available to question compliance in some areas and to indicate the most recent PREA audit is deficient.

Significant problems with the general audit information include:

- As per audit entry 10, the auditor failed to contact at least one significant community-based organization with significant information about the facility, failing to comply with PREA § 115.401(o). This omission brings up the question of what other entities should have been contacted but were not.
- As per audit entry 45, the auditor reports not one person out of 1941 persons housed at the unit during the on-site visit had reported sexual abuse at the unit. This indicates either or both that the unit transfers persons reporting sexual abuse, possibly to manipulate PREA audit data, or the unit is interfering with the reporting of sexual abuse.

- As per audit entry 46, the auditor reports only two persons out 1941 persons housed at the unit during the on-site visit reported prior sexual victimization. This indicates a reporting problem, but from this it is impossible to tell whether it is systemwide or unit specific.
- As per audit entry 47, the auditor reports not one person at the unit had ever been placed in segregated housing or isolation for risk of sexual victimization. This is definitively false, as will be shown throughout this document of audit deficiencies.
- Audit entry 69 continues the problematic assertion of audit entry 47.
- As per audit entry 95, the auditor accepts that not one allegation of sexual abuse was substantiated by unit investigations. Such claims indicate problematic reporting, investigation procedures, and evidentiary standards.
- As per audit entry 97, the auditor accepts that not one allegation of sexual harassment was substantiated by unit investigations, and that not even one incident of of staff sexual harassment was reported in 12 months. Such claims indicate staff refusal to respond to reports of sexual harassment, manipulation of reports of sexual harassment, and problematic investigations procedures and evidentiary standards.

Significant problems with the assessment of compliance with PREA standards include:

- PREA § 115.15: Due to the auditor misidentifying the population at Holliday Unit as "males" only, the assessment of PREA § 115.15 is deficient.
- PREA §§ 115.31 and 115.34: The especially egregious incident regarding an absolute failure to comply with one of the most basic elements of the PREA standards where transgender persons are concerned, a violation that was carried out with willful and deliberate intent to harm a transgender woman, indicates Holliday Unit cannot be compliant with PREA § 115.31. Additionally, the data provided in audit entries 92 through 97 indicate issues with investigations (or possibly interference with reporting, PREA § 115.51) as well as the evidentiary standards applied. These are evidence of issues related to training per PREA §§ 115.31 and 115.34.
- PREA § 115.43: The clear failure of the auditor to adequately understand the ways that protective custody is used and misused in TDCJ, and the failure to identify and adequately assess the deliberate and intentional manipulation of terms and custody levels related to protective custody by Holliday Unit staff indicate the audit of Holliday Unit for compliance with PREA § 115.43 is deficient.
- PREA § 115.68: The deficiency with the audit with regard to PREA § 115.43 also applies to PREA § 115.68.
- PREA §§ 115.71 and 115.72: The unbelievably low number of sexual abuse and sexual harassment allegations, as well as the finding that not one allegation was substantiated, indicates a failure to adequately audit the Holliday Unit for investigative practices and

evidentiary standards. Such low numbers, without further justification, indicate this audit is deficient in it's assessment of both PREA §§ 115.71 and 115.72.

The auditor found that two standards were exceeded and 39 as being met. One standard identified as being met was PREA § 115.11, zero tolerance of sexual abuse and sexual harassment. However, the auditor noted that out of 10 investigations of sexual abuse and sexual harassment—a questionably low number in itself—not one was substantiated. This in itself should call into question the validity of the audit in its entirety. To find zero out of 10 instances of sexual abuse and sexual harassment substantiated, then to claim that the unit has zero tolerance of sexual abuse and sexual harassment is a contradiction. This instead indicates the unit is tolerating, and arguably encouraging, sexual abuse and sexual harassment.

We are requesting that:

- Holliday Unit be required to conduct a subsequent audit to address deficiencies in the audit discussed in this letter;
- Holliday Unit and the auditor be required to correctly identify the genders of persons housed at Holliday Unit, and to conduct gender-based searches as required under PREA standards and document noncompliance with those standards;
- Staff at Holliday Unit undergo additional PREA training in the appropriate way to conduct strip searches and pat searches of transgender persons, as well as the prohibition against searching transgender persons in order to determine genital status.
- Holliday Unit be appropriately assessed for it's actual use of protective custody, and the auditor receive additional training related to what constitute protective custody under PREA.
- The auditor provide supporting evidence for the claim that not one person out of the entire population at Holliday Unit at the time of the survey had alleged sexual abuse. Other data that defy credibility and require supporting evidence include the claims that there were only eight allegations of sexual abuse in 12 months, and that there were only two allegations of sexual harassment (and not one allegation of sexual harassment by staff against an incarcerated person) during the preceding 12 months. This begs the question of staff interfering with reporting such allegations and manipulating attempts to report such allegations.
- The auditor be required to follow PREA § 115.401(o) and contact each entity that may have significant information about Holliday Unit, including TPI's publicly available documentation of PREA compliance issues at Holliday Unit;

Holliday Unit be required to address corrective actions for any issues determined to be non-complaint.I hope that these issues can be addressed in the interest of increasing the safety of all trans and queer persons, and in the interest of more full compliance with PREA standards

requiring "zero tolerance toward all forms of sexual abuse and sexual harassment" and legitimate instead of specious efforts to prevent, detect, and respond to such conduct.

Sincerely,

Nell Gaither, President
Pronouns: she/her/hers
Trans Pride Initiative

Attachment: Information for PREA Auditors: [name] Unit, by Trans Pride Initiative

cc: Department of Justice, Special Litigation Section
TDCJ CEO Bryan Collier
TDCJ PREA Ombudsman
Holliday Unit Senior Warden Kelly Metz
Holliday Unit PREA manager Angela Wasson