

Annual PREA Review for Corrective Action pursuant to PREA Standard 115.88

January 1, 2018 - December 31, 2018

The Prison Rape Elimination Act (PREA) of 2012 mandates that correctional facilities and prisons provide a copy of their annual review (PREA Standard 115.88) of all related PREA investigations inclusive of any potential problem areas and any and all corrective actions taken by the respective facility. The annual review considers the investigative reports, review team assessments and any other related information.

Based on the review of reported incidents in this 12 month period, the response to all PREA reported incidences was swift and handled as policy indicates. Staff ensured that appropriate steps were immediately taken to secure all residents involved and provide them with the appropriate services, and when necessary, re-classification. Each report was fully investigated and findings were made within the appropriate time frames.

The PREA Review Team conducted thirty (30) day reviews of all substantiated and unsubstantiated claims. Reviews included examining factors that motivated these incidences including age, issues of power and control, sexual identity, or perceived sexual identity, youthful appearance, atmosphere of the unit, conflicting personalities, and the desire to influence housing. In each case, risk assessments of the residents were conducted as well as mental health referrals when appropriate and residents were re-classified to ensure their safety in the facility. None of the victims were deprived of any rights or privileges as a result of reporting incidents of sexual harassment or sexual abuse.

The PREA Team members conducted a comparative analysis of this 12 month period with the preceding 12 month period of 2017. In 2017 there were a total of 5 PREA incidents; 4 claims of resident-on-resident sexual harassment, three of which were unsubstantiated and the other unfounded. There was one staff-on-resident sexual abuse (voyeurism) and this was found to be substantiated. In 2018, there were three reports of sexual harassment; two of the claims were unfounded and one was substantiated. There were no reports of sexual abuse. The most common form of PREA claim we have investigated thus far is sexual harassment, stemming from name-calling.

The Resident who was accused of sexual harassment in the 2018 matter participated in a lengthy investigation which resulted in a 'substantiated' finding. As a result of the repeated nature of his behavior he was scheduled for a Court Review. The resident was removed from the facility by the Court. The Resident was later sanctioned to another facility. The S.A.T.F. Director notified the Director of the facility where the defendant was sanctioned. The Director was informed that this individual should be considered sexually aggressive.

In each 2018 PREA investigation the PREA review team considered whether any changes to staffing levels or video monitoring were necessary to avoid prohibitive conduct. There were no findings that any physical barriers in the area enabled the abuse.

The PREA Team conducted ninety (90) day reviews of each incident to ensure that no residents or third party reporting sexual harassment or sexual abuse experienced any adverse treatment as a result. These reviews included interviews, examinations of housing assignments, work assignments, educational opportunities, disciplinary records, evaluations, informational reports and transfer records. There were no findings made that residents or third-party reporters were subject to retaliation as a result.

It should be noted that in 2018 the Nueces County C.S.C.D. Substance Abuse Treatment Facility participated in a Mock PREA Audit conducted by the PREA Ombudsman for the Texas Criminal Justice Assistance Division (C.J.A.D.) The audit assisted S.A.T.F. in strengthening its' policies and procedures, staff knowledge, training curriculum and preparation for the upcoming PREA audit cycle.