

# Investigation of Sexual Assault Inside TDCJ Facilities

## What to Expect as a Survivor



### Step 1: Assault takes place.

Report the abuse immediately (*see #2*) and seek medical attention before you shower, use the restroom, eat, drink, change clothing, or brush your teeth.

### Step 2: Abuse is reported.

Reports can be made to any staff member or volunteer, by grievance or sick call, reported to the unit PREA compliance manager, the PREA Ombudsman office, the Office of Inspector General, or a third party outside of TDCJ. All reports must be taken seriously, be documented, and investigated within a timely manner.

### Step 3: Staff acts.

Security staff must separate you and your abuser and preserve and protect any crime scene until appropriate steps can be taken to collect any evidence.

*\* Staff should allow access to outside support services for survivors, including providing mailing addresses and phone numbers for emotional support services, and hotline numbers.*

### Step 4: Investigation is conducted.

An internal investigation is conducted by staff members with specific training in investigating sexual abuse crimes (usually either Safe Prisons or PREA staff member).

#### External Investigation:

After an internal investigation, an external investigation will be conducted by the Office of Inspector General. **OIG** will:

- (1) Conduct interviews with all relevant parties
- (2) Ensure that you are being protected and have been removed from any contact with the offender
- (3) Examine the preserved evidence and site of the incident
- (4) Investigate whether the staff failed to act or contributed to the abuse in any way
- (5) Create a written report that includes a description of the physical and testimonial evidence, credibility assessments, facts and findings

#### Internal Investigation:

Staff preserves and collects evidence, which may include DNA evidence, electronic monitoring data, interviewing victims/alleged perpetrator/witnesses, examining prior complaints or reports involving this perpetrator, etc. You may be placed in another location on the facility until the investigation is complete.

#### During an investigation, you have the right to:

- a forensic exam to be performed by qualified hospital staff & have a victim advocate with you during the process
- to be tested for sexually transmitted infections
- to safely report retaliation - have access to ongoing medical and mental health services at no charge

### Step 5: Investigation concludes.

You will be informed of the outcome of the investigation within 90 days; the investigation is either substantiated, unsubstantiated, or unfounded.\*

### Step 6: Incident found to be a criminal offense.

If an offense is determined "legitimate" the OIG will forward the file to be considered for criminal prosecution. If probable cause is established, the case is referred to the local district attorney for possible prosecution.

### Step 7: Formal prosecution takes place.

If a formal prosecution takes place, and the perpetrator is found guilty, punitive measures will take place at the facility, plus any legal punishments recommended by the court.

### Step 8: Investigation closes.

A facility must conduct a sexual abuse incident review. This review must happen within 30 days of investigation conclusion. This report shall be submitted to head of facility, who in turn must submit it to the PREA compliance manager. Reports involved in sexual assault allegation are stored for 10 years.

\* Substantiated: evidence provided proves allegations to be true; Unsubstantiated: evidence or lack of evidence does not support allegations made; or Unfounded: allegations have no grounds or basis of facts.