

# Texas

WOMEN IN PRISON: 13,487 (12/03)<sup>1</sup>

## Custodial Sexual Misconduct

### *Custodial Sexual Misconduct – Statute*

**Penal §39.04<sup>i</sup>** – *Violations of Civil Rights of Person in Custody; Improper Sexual Activity with Person in Custody<sup>ii</sup>*

Texas covers custodial sexual misconduct under its Penal code – Title 8 – Offenses Against Public Administrations – Abuse of office.

Does the law impose a criminal penalty on the inmate?	<b>No</b>	The law does not penalize the inmate.
Does the statute cover all relevant forms of sexual abuse?	<b>Yes</b>	The law prohibits "sexual contact, sexual intercourse, or deviate sexual intercourse."
Does the law allow an officer to claim an inmate consented to the sexual act(s) to avoid prosecution?	<b>No</b>	The law does not allow an officer to claim the inmate's consent as a defense.
Does the statute cover all custodians and staff in contact with inmates?	<b>No</b>	The law covers officials of correctional facilities, employees of correctional facilities, persons other than employees who work for compensation at correctional facilities and peace officers. However, it appears not to apply to parole officers or others not employed at a correctional facility.
Does the statute cover all places where an inmate might be abused?	<b>No</b>	The law applies where the victim is "in custody" defined as detention, arrest or confinement. It does not appear to apply to those on parole or probation.
Is the penalty a felony?	<b>Yes</b>	Violation is a state jail felony.

### *Custodial Sexual Misconduct – Allegations and Incidents*

Indictments/Convictions (answer to AI letter requesting information) <sup>2</sup>	In 2005 the Texas Office of the Attorney General (OAG), informed Amnesty International the OAG was unable to locate documents "responsive" to AI's request. <sup>3</sup>
Incidents reported in select media since January 2000	- Guadalupe County Jail: On March 16, corrections officer Albert Deleon was charged with having sex with a female prisoner in the medical unit of the jail. He was fired and faces state felonies for violating the civil rights of and improper sexual activity with a person in custody. He was indicted by a grand jury and faces up to two years in prison. ( <i>AP State &amp; Local Wire, 03/16/05; Prison Legal News, 04/2005</i> )

<sup>i</sup> §39.04 was amended by the 2001 enactment of Tex. Ch 1070 (HB 2097), which extended the range of persons covered by the prohibition to include officials of correctional facilities, persons other than employees who work for compensation at a correctional facility, and volunteers at a correctional facility.

<sup>ii</sup> The text of Texas's statute is reprinted at the end of this section

	<p>- Bexar County: A federal jury awarded over \$3 million in damages to a woman who was allegedly touched in a sexual manner and propositioned by a sheriff's deputy after being arrested for DUI in 2001. Allegedly, the woman was sexually massaged by the sheriff's deputy, who also offered her freedom in exchange for a sexual favor. The deputy was indicted on charges of soliciting sexual contact in exchange for leniency, engaging in sexual contact with a person in custody, and official oppression. (<i>Prison Legal News, 04/2005</i>)</p>
	<p>- Reportedly, state records indicate that since 2000, at least 129 Texas prisoners have alleged that they were raped or had had sexual contact with corrections officers. According to lawyer Margaret Winter, Texas, has become "prison-rape capital of the country." (<i>Dallas Morning News, 01/24/05</i>)</p>
	<p>- McClennan County jail: A corrections officer was indicted in July 2004 on improper sexual activity charges based on claims that he had sex with a female prisoner. (<i>Prison Legal News, 11/2004</i>)</p>
	<p>- Haltom City Jail: A federal appeals court has reinstated five lawsuits against the city that were filed by women who allege they were sexually abused in the jail. The three-judge panel also upheld the dismissal of six similar lawsuits against the city. A complaint by a female inmate against jailer Clint Wade Weaver in 2001 led to the investigation of abuse in the jail. Weaver pleaded guilty to official oppression and was sentenced to two years probation. Haltom City was then sued by 13 other women who said they had been sexually abused while in custody. Weaver was sentenced to five years in prison, and 10 years of probation upon release, for sexually abusing three female inmates. (<i>Star Telegram, 08/13/04</i>)</p>
	<p>- Lubbock County Jail: Jailer Yolanda Barron faces felony charges and termination because of an alleged sexual relationship with a female inmate. The inmate was paroled to Barron's home, which is a violation of county's policy. (<i>AP State &amp; Local Wire, 06/11/03</i>)</p>
	<p>- Harris County Jail: A former sheriff's deputy, Randy Reed, was indicted by a grand jury on allegations of having sex with a female inmate at the county jail. Reed was charged with one count of deviant sexual intercourse or oral sex. Reed pleaded guilty under the terms of adjudication probation. There will be no conviction on his record if he successfully completes the probation in three years. (<i>The Houston Chronicle, 09/24/02, 01/30/03</i>)</p>
	<p>- Kerr County Jail: Guard Moses Marrero was arrested after a female inmate accused him of inappropriate sexual contact. Marrero was fired after an investigation and charged with a state felony. (<i>San Antonio Express News, 08/01/02</i>)</p>
	<p>- Kleberg County Jail: Investigator Robert Barbour was arrested on charges including sexual assault. He allegedly forced a woman in his custody to perform oral sex and demanded she strip. (<i>Corpus Christi Caller-Times, 11/08/01</i>)</p>
	<p>- Kleberg County: Former jailer Jesus Rosales was charged with violating the civil rights of a jailed woman by having sex with her. (<i>Corpus Christi Caller-Times, 11/08/01</i>)</p>
	<p>- Harris County Jail: The second of two former drivers for a company which transports jail inmates was sentenced for his part in the sexual assault of a female inmate in 1999. (<i>The Houston Chronicle, 11/03/01</i>)</p>
	<p>- Mansfield Boot Camp, Tarrant County Community Corrections Center: Guard Joseph Fonville, accused of sexually abusing a female inmate, was released on \$2,500 bail. He was fired, indicted in December 2000, and charged with official oppression. (<i>The Fort Worth Star Telegram, 12/21/00; Fort Worth Star-Telegram 03/06/01</i>)</p>

- Mansfield Boot Camp: Maintenance worker Michael Zahn pleaded guilty to two counts of official oppression. He was accused of sexual harassment and pleaded guilty to two charges of official oppression. He was sentenced to two years' probation (*The Dallas Morning News*, 12/14/00; *Fort Worth Star-Telegram* 03/06/01)
- Wackenhut Corrections: Reportedly, Sara Lowe, a 14 year-old girl in a juvenile detention center, was repeatedly raped by male staff. Lowe's family filed a suit against the prison, which was eventually joined by eleven other inmates. Two employees pleaded guilty to criminal charges of sexual assault, and the prison settled Lowe's suit. The day after the settlement, Lowe committed suicide, allegedly because the prison and its founder refused to admit responsibility. (*Briarpatch*, 11/00; *CBS News* 05/00)
- Hale County Jail: Three jailers were arrested and charged with having sexual relations with female inmates. Each was released on \$5,000 bail and faced up to two years in prison. (*AP*, 10/26/00)
- Parker County Jail: Officer Corral resigned and faces felony charges for twice having sex with a female inmate in the prison library with other inmates acting as lookout. (*Fort Worth Star Telegram*, 10/20/00)
- McLennan County Jail: Two jailers have resigned after a female inmate complained that they watched as she was being strip-searched and while she was changing clothes. (*The Houston Chronicle*, 09/20/00)
- Travis County Jail (Wackenhut): Eleven former guards and a case manager were indicted for sexual assault and harassment. One of these, Tyrone Means, was found guilty of improper sexual activity with an inmate and served nine months in jail. 20 more persons are under investigation for sexual misconduct. 16 female inmates have reportedly been victimized. (*APBnews.com*, 12/17/99 and 09/00)
- Hutchinson County Jail: Former jailer Shane Toney pleaded guilty to having sex with female inmates. He agreed to a plea bargain in exchange for a 15-day jail sentence, four years of probation and a \$3,000 fine. Charges against him will be dismissed upon end of his sentence (*The Houston Chronicle*, 04/01/00)
- Rockwall County Jail: Officer Matthew Schlotman was accused of bringing vodka to a female inmate in exchange for sex. He was charged with violation of civil rights of person in custody and improper sexual activity with person in custody. The inmate was given six years for possession of a controlled substance in a correctional facility. (*The Fort Worth Star Telegram*, 03/16/00; *Texas Commission on Law Enforcement* 05/01)
- Lamb County Sheriff's Office: Allegations that three jailers and a sheriff's deputy had sexual relations with female inmates. (*The Houston Chronicle*, 02/10/00)
- Caldwell County Jail: Two officers were fired for having sexual relations with female inmates. Case will be referred to the DA for criminal prosecution. (*Austin American Statesman*, 01/28/00)

<p>Other Reported Incidents</p>	<p><u><i>Dickson v. State, 144 S.W.3d 61 (Tex. App. 2004), petition for review denied, 2004 Tex. Crim. App. LEXIS 2104 (Tex. Crim. App., 2004)</i></u>  Jeffery Andrew Dickson, a former police officer with the Trophy Club Police Department, was charged with sexual assault (count 1) and violation of civil rights (count 2) after allegedly having sex while on duty with a woman who was in his custody. The sexual act between Dickson and the woman reportedly occurred after he initiated a traffic stop and told her that he would place her under arrest for driving while intoxicated if she was not more cooperative. Dickson testified that he decided to drive her to her home. Without handcuffing her, Dickson escorted her out of her car and placed her in the back seat of his patrol car. After driving past her house, Dickson drove her to a remote location where they performed oral sex on each other and engaged in sexual intercourse.</p> <p>A jury found Dickson guilty of count two, but could not reach a verdict as to count one. On appeal, Dickson argued that the evidence was insufficient to establish that the victim had been in his custody, as required for a finding of guilt by §39.04(a)(2), Texas’s CSM statute. The Court of Appeals upheld his conviction, noting that the victim had been placed in the back of Dickson’s squad car at the scene of a traffic stop, and that such detention continued to the location where Dickson engaged in prohibited sexual activity with her. The Court noted that it was undisputed that Dickson was an on-duty, uniformed police officer, that he carried a gun, and that he had instructed the complainant to get out to her car and into his squad care. The Court held that under the facts of this case, a reasonable person in the complainant’s position would have not felt that she was free to leave.</p>
	<p><u><i>Hilstock v. Texas, 2003 Tex. App. LEXIS 3268</i></u>  Norwood Lee Hilstock was convicted of the offense of improper sexual activity with a person in custody. Evidence indicated that on four occasions in 1998 through January 1999, Hilstock engaged in sexual intercourse at the Travis County Community Justice Center with an inmate.</p> <p>Because he was an employee of the Wackenhut Corporation, Hilstock urged on appeal that the evidence was insufficient to demonstrate that he was a correctional facility employee as was required by the Texas’s CSM statute, §39.04 at the time the crime was committed, prior to the 2001 amendment of the statute. The Court disagreed and upheld his conviction. In doing so, it noted that although the county owned the facility, it was operated by Wackenhut, and that, although the statute, as it existed in 1999, did not define the term <i>employee</i>, “[t]he language of the statute does not distinguish between private and public employment”, and the term was not to be construed narrowly. The fact that Hilstock received his paycheck from Wackenhut rather than the state or county did not mean that he was not an employee of the correctional facility.</p>

	<p><u><i>Edwards v. State, 97 S.W.3d 279 (2003)</i></u>  A female inmate was found to have been sexually assaulted after her arrest and while in transport from Corpus Christi to Houston by the driver of a van operated by TransCor America. At trial, the inmate testified that Michael Edwards had raped her while David Jackson drove. According to her and Jackson’s testimony, shortly before arriving at the Harris County Jail in Houston, Edwards got behind the driver’s seat, reached through the food porthole into the female prisoners’ compartment, pulled the inmate by her chains and hair to the porthole, and forced her to perform oral sex on him. Edwards ejaculated into her mouth and on her shirt. At trial, the female inmate testified that he had also used sexually explicit terms, fondled female prisoners, terrorized her by forcing her to raise her shirt and bra to expose herself to other passengers and himself, and that he had reached into the female prisoners’ compartment and penetrated her vagina with his fingers, a flashlight and handgun.</p> <p>Following a jury trial, Michael Edwards was convicted of two crimes: improper sexual activity with a person in custody and sexual assault. On appeal, his conviction was affirmed.</p>
	<p>Harris County Jail: Frederick O. Wier, a Baptist minister, was charged with having illegal sexual contact with female inmate, including penetrating her with his finger, performing oral sex on her, and touching her breasts. He was subsequently acquitted of charges (<i>Houston Chronicle, 03/25/00, Houston Chronicle, 7/13/00</i>)</p> <p><u><i>Paz v. Weir, 137 F.Supp. 2d 782 (2001)</i></u>  Olga Lydia Paz alleged that Chaplain Weir committed several acts of sexual misconduct against her during her incarceration in Harris County Jail. She filed charges against Weir, Chaplain Cheryl Archer, the Jail Chaplaincy Ministry and Harris County. Harris County moved for summary judgment. A federal district court dismissed several of Paz’s claims, but held that her claims under the Civil Rights Act regarding alleged constitutional invasions of her right to bodily integrity and retaliation for the exercise of her right to free speech could go forward. The case background included Paz’s claims of sexual abuse by Weir, as well as evidence regarding sworn statements by three former inmates who also claimed to have suffered sexual misconduct by Weir.</p>
	<p><u><i>Burns v Goodman U.S. Dist. LEXIS 6015 (2001)</i></u>  Burns sought compensation for her rape and sexual assault by detention officer Goodman while being held in the Garland Jail. She sued Goodman, other officers, and the city. The District Court dismissed the suit against the City on the basis that Burns could not establish actual or constructive knowledge on the part of the City of a pervasive, widespread practice of leaving a single officer on duty at night at the city jail.</p>
	<p><u><i>General Accounting Office (June 1999)</i></u>  During calendar years 1995-1998, female inmates made 153 allegations of custodial sexual misconduct, of which 48 were sustained. Most of the allegations sustained resulted in employee resignations or terminations. At the time of the GAO’s review, local district attorney’s offices in Texas were considering three cases for possible prosecution.<sup>4</sup></p> <p><u><i>General Accounting Office (June 1999)</i></u>  Since 1995, the Texas Department of Criminal Justice has been involved in four civil lawsuits related to sexual assault claims by female inmates against male correctional staff.<sup>5</sup></p>

## ***Custodial Sexual Misconduct – Policies, Procedures and Practices of Guarding Specific to Women***

The following is based on data provided by the Texas Department of Criminal Justice in response to AI’s survey in 2000, 2002 and 2005. Additional information from other sources is included where available.

Is the current Department of Corrections policy on custodial sexual misconduct language-explicit?	<b>Yes</b>	Policy includes direct and specific language about the sexual nature of the behaviors prohibited. <sup>6</sup> Conduct prohibited by the policy includes any sexual contact, sexual gestures, and communications of a sexual nature. <sup>7</sup>
Allow cross-gender pat-down searches?	<b>Yes</b>	According to the Texas Department of Criminal Justice (TDCJ), female inmates are pat-searched by female officers. If circumstances dictate that the search must be conducted by a male officer, such searches are authorized only in extraordinary circumstances and when approved by the warden. <sup>8</sup>
What is the percentage of female officers in relation to male officers?		According to the TDCJ, the percentage of security staff at female units is 73.2% and 26.8% male as of July 31, 2005. <sup>9</sup>
Restrictions on the duties of male guards?	<b>Yes</b>	According to the TDCJ, female inmates are not to be strip-searched by or in the visual presence of male officers. <sup>10</sup>
Staff training on sexual misconduct?	<b>Yes</b>	According to the TDCJ, both pre-service and in-service training programs utilize specific curriculum and a video on inappropriate staff/offender relations. In addition, a course on offender protection, which is taught during pre-service and in-service, instructs security staff on what to do if an offender reports an incident as well as techniques for spotting an offender having difficulties. Supervisors also participate in training on how to conduct a “Safe Prison Program,” a program mandated by the Texas Legislature to prevent “offender-on-offender” sexual assaults. <sup>11</sup>
Inform inmates of agency policies and reporting procedures on sexual misconduct?	<b>Yes</b>	According to the TDCJ, notices to inmates are placed in dayrooms and common areas. Information on requesting a representative during a forensic examination has also been provided. Information regarding who to contact for assistance and information on sexual misconduct is included in the inmate orientation handbook. <sup>12</sup> However, copies of orientation materials provided by the TDCJ to Amnesty International refer only to inmate on inmate sexual assault – they do not mention inmates’ rights to be free of sexual misconduct by custodial staff. <sup>13</sup>

## ***Custodial Sexual Misconduct - Policies and Procedures Guiding Official Response***

The following is based on the Texas Department of Criminal Justice response to AI’s surveys, please see above.

Is medical help available for the victim of alleged sexual abuse?	<b>Yes</b>	According to the TDCJ, a medical exam is conducted whenever an inmate reports an alleged sexual assault. <sup>14</sup>
Are immediate mental health services available for the victim of alleged sexual abuse?	<b>Yes</b>	According to the TDCJ, if a qualified mental health professional is not immediately available, staff will follow standard after-hours procedures for assessing the offender’s mental health status and will consult with the on-call psychiatrist as needed. <sup>15</sup>
Is counseling available for the victim of alleged sexual abuse?	<b>Yes</b>	According to the TDCJ, the Texas Code of Criminal Procedure provides that a sexual assault victim may request and receive a “victim representative” who may provide counseling and support services. The victim representative is a psychologist, sociologist, chaplain or case manager. Training of victim representatives includes instruction related to the sexual assault exam kit and “critical incident stress management.” Procedures for provision of the victim representative are spelled out in the TDCJ’s <i>Safe Prisons Plan</i> . <sup>16</sup>

Is a rape kit taken?	<b>Yes</b>	According to the TDCJ, the Office of Inspector General (OIG) will request a rape kit if the reporting takes place soon enough after the incident to collect evidence and if the type of assault warrants such evidence collection (noting that assaults involving fondling will usually not yield DNA evidence). Victim consent is required. <sup>17</sup>
Are there special procedures for investigating allegations of sexual misconduct?	<b>Yes</b>	<p>According to the TDCJ, the Office of the Inspector General is responsible for investigating all staff sexual misconduct allegations. The Office of the Inspector General is to refer suspected violations of criminal law to local district attorney's offices for prosecution. In addition, a Safe Prisons Office has been created to monitor the Safe Prisons Program and assist in the investigations of allegations.<sup>18</sup></p> <p>According to the TDCJ, officers are trained to preserve evidence and qualified officers are trained in conducting investigations. An investigation typically involves interviewing staff and inmates as well as searching for physical evidence.<sup>19</sup> TDCJ policy provides that allegations of custodial sexual misconduct be investigated in accordance with Guidelines for Employee Disciplinary Actions in addition to other investigative requirements for sexual assault.<sup>20</sup></p>
Is there a system for reporting allegations of custodial sexual misconduct within the DOC?	<b>Yes</b>	Inmates may report incidents to any staff member, supervisor or Unit Warden.. <sup>21</sup>
Is there a system for reporting allegations of custodial sexual misconduct directly to a body external to the DOC?	<b>Yes</b>	<p>Inmates may also report the incident to the OIG</p> <p>According to the TDCJ, the OIG reports directly to the Texas Board of Criminal Justice (TBCJ). The mission of the OIG is to ensure coordination and effective communication between the TBCJ, executive management, and the primary investigative functions of the TDCJ. The OIG monitors and reports overall compliance with the regulation and policies of the TDCJ and state laws to the TBCJ. The OIG also extensively coordinates with local law enforcement, the Special Prosecutor's Office and federal authorities on allegations of civil rights violations and custodial sexual misconduct.<sup>22</sup></p>
Is the investigation external?	--	According to the TDCJ, an external investigation can take place after an internal investigation. TDCJ's personnel directive on custodial sexual misconduct provides that 'violations of criminal law' will be referred to the appropriate district attorney for criminal prosecution. <sup>23</sup> Amnesty International is concerned that all allegations of custodial sexual misconduct should be investigated by an external agency, and that an independent investigator rather than the OIG should make the determination as to whether criminal law has been violated.
If there is an external investigation, how is it triggered?		According to the TDCJ, an investigation can be triggered in many ways: from a family member who has knowledge of a crime being committed against an offender; from an offender reporting to an outside law enforcement agency; from a staff member noticing that an offender has been injured; from another offender notifying staff that an offender is being sexually assaulted; or from the offender himself or herself. Any TDCJ employee who knows of an allegation of sexual assault is required to notify the custodial Warden immediately so that the victim inmate may be immediately moved to safety. A unit investigation is conducted. If it the investigation validates the allegation, the information is given to the OIG. The OIG then builds on the investigation and coordinates with other law enforcement or prosecutorial entities as necessary. <sup>24</sup>
Are special measures taken to shield alleged victims from retaliation?	<b>Yes</b>	According to the Safe Prisons Plan, protection may be requested by the offender or anyone who has knowledge that the inmate may be in need of protection. The Safe Prisons Plan also sets forth specific

		procedures for protecting inmates from threats of harm by a staff member. <sup>25</sup>
If so, do the measures include solitary confinement or lock-down of the inmate?	<b>Yes</b>	According to the TDCJ, the alleged victim may be placed in administrative segregation during the investigation, not as punishment but in order to ensure separation from the offender. <sup>26</sup>
Is there an independent body, such as a Corrections Ombudsman, with independent oversight of correctional facilities and the DOC?	--	According to the TDCJ, the Department does have an Ombudsman Office for each of its three operational divisions (Correctional Institutions, Parole, and Community Justice (probation)). However, the Ombudsman departments are not independent of the TDCJ. Rather, the offices fall under the umbrella of Administrative Review and Risk Management, a support division that reports directly to the Deputy Executive Director. The Ombudsman Office is required to report bi-monthly to the TDCJ and quarterly to the office of the governor and the Legislative Budget Board. Additionally, the OIG has a role investigations as discussed above. <sup>27</sup>
Is there a system in place to track investigations, indictments and convictions for custodial sexual misconduct?	<b>Yes</b>	According to the TDCJ, the Office of the Inspector General handles the tracking of investigations, indictments and convictions for custodial sexual misconduct. <sup>28</sup>

## ***Custodial Sexual Misconduct – Pending Legislative Proposals***

*None*

## **Pregnancy in Custody**

### ***Pregnancy – Statute***

Legislation banning shackling in the third trimester or during labor	<b>No</b>	Texas has no legislation limiting the use of shackling on pregnant inmates.
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### ***Pregnancy - Policies, Procedures and Practices***

The following is based on the Texas Department of Criminal Justice response to AI's surveys, please see above.

Use of restraints in third trimester	<b>Yes</b>	According to the TDCJ, policy is to handcuff inmates in front during transportation, unless medically precluded. <sup>29</sup>
Restraints during transport	<b>Yes</b>	See above.
Restraints during labor	<b>No</b>	According to TDCJ, no restraints are applied during labor. <sup>30</sup>
Officer in delivery room	<b>Yes</b>	According to TDCJ, a female correctional officer is present. <sup>31</sup>

## **Contact information**

### **TEXAS DEPARTMENT OF CRIMINAL JUSTICE**

<b>Interim Executive Director Brad Livingston</b> 209 West 14 <sup>th</sup> Street P. O. Box 13084 Austin, Texas 78711 (512) 475-3250 phone (512) 305-9398 fax	Home page: <a href="http://www.tdcj.state.tx.us">http://www.tdcj.state.tx.us</a>
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## **TEXAS DEPARTMENT OF CORRECTIONS FACILITIES FOR WOMEN**

<p><b>Dawson Unit</b>  <i>Female inmates:</i> 1,102 (05/04)<sup>32</sup>                  Senior Warden: Chuck Keeton                  106 West Commerce Street                  P.O. Box 650675                  Dallas, Texas 75265                  Phone: (214) 744-4422</p>	<p><b>Gatesville Unit</b>  <i>Female inmates:</i> 2,018 (05/04)<sup>33</sup>                  Senior Warden: Rebecca Adams                  1401 State School Road                  Gatesville, TX 76599-2999                  Phone: (254) 865-8431                  Fax: (254) 865-2538</p>	<p><b>Hilltop Unit</b>  <i>Female inmates:</i> 667 (05/04)<sup>34</sup>                  Senior Warden: Dawn Grounds                  1500 State School Road                  Gatesville, TX 76598                  Phone: (254) 865-8901                  Fax: (254) 865-6287</p>
<p><b>Hobby Unit</b>  <i>Female inmates:</i> 1,317 (05/04)<sup>35</sup>                  Senior Warden: Lovetta Knox                  P.O. Box 6000, FM 712                  Marlin, TX 76661                  Phone: (254) 883-5561;                  Fax: (254) 883-3024</p>	<p><b>Mountain View Unit</b>  <i>Female inmates:</i> 604 (05/04)<sup>36</sup>                  Senior Warden: Octavious Black                  2305 Ransom Road                  Gatesville, TX 76528                  Phone: (254) 865-7226;                  Fax: (254) 865-5594</p>	<p><b>Murray Unit</b>  <i>Female inmates:</i> 1,197 (05/04)<sup>37</sup>                  Senior Warden: Wilhemenia Howard                  1916 N. Highway 36 Bypass                  Gatesville, TX 76596                  Phone: (254) 865-2000;                  Fax: (254) 865-4276</p>
<p><b>Carole S. Young Medical Facility Complex</b>  <i>Female inmates:</i> 313 (05/04)<sup>38</sup>                  Senior Warden: Brian Rodeen                  Route 4, P.O. Box 1174                  Dickerson, TX 77539                  Phone: (409) 948-0024                  Fax: (409) 948-0001 x1110</p>	<p><b>Halbert Unit</b>  <i>Female inmates:</i> 606 (05/04)<sup>39</sup>                  Senior Warden: Rita Thomas                  P.O. Box 923                  Burnet, TX 78611                  Phone: (512) 756-6171                  Fax: (512) 715-9200</p>	<p><b>Henley Unit</b> (also see Plane Unit)  <i>Female inmates:</i> 549 (05/04)<sup>40</sup>                  Senior Warden: Freda S. Richie                  7581 Hwy 321                  Dayton, TX 77535                  Phone: (936) 258-2476</p>
<p><b>Hospital Galveston</b>  <i>Female inmates:</i> 23 (05/04)<sup>41</sup>                  Senior Warden: Brian Rodeen                  701 Harborside Drive                  P.O. Box 48, Substation #1                  Galveston, Texas 77555                  Phone: (409) 772-2875</p>	<p><b>Woodman Unit</b>  <i>Female inmates:</i> 883 (05/04)<sup>42</sup>                  Senior Warden: Teresa Moya                  1210 Coryell City Road                  Gatesville, TX 76528                  Phone: (254) 865-9398                  Fax: (254) 865-2940</p>	<p><b>Lockhart Unit</b>  <i>Female inmates:</i> 500 (05/04)<sup>43</sup>                  Senior Warden: Ernest Dixon                  P.O. Box 1170                  Lockhart, TX 78644                  Phone: (512) 398-3480;                  Fax: (512) 498-4551</p>
<p><b>Plane Unit</b> (State Jail)  <i>Female inmates:</i> 2,157 (05/04)<sup>44</sup>                  Senior Warden: Freda S. Richie                  Rt. 3, P.O. Box 7000                  Dayton, TX 77535                  Phone: (409) 258-2476;                  Fax: (409) 257-0270</p>	<p><b>Skyview Unit</b>  <i>Female inmates:</i> 53 (05/04)<sup>45</sup>                  Senior Warden: Todd Foxworth                  FM 2972                  P.O. Box 999                  Rusk, Texas 75785                  Phone: (903) 683-5781</p>	

## **TEXAS EXECUTIVE**

<p><b>Governor Rick Perry [R]</b>                  P.O. Box 12428                  Austin, TX 78711-2428                  Phone: (512) 463-2000; Fax: (512) 463-1849                  E-mail: <a href="http://www.governor.state.tx.us/contact">http://www.governor.state.tx.us/contact</a></p>	<p>Homepage:  <a href="http://www.governor.state.tx.us/">http://www.governor.state.tx.us/</a>                   Elected: 2002</p>
<p><b>Attorney General Greg Abbot [R]</b>                  P.O. Box 12548                  300 W. 15<sup>th</sup> St                  Austin, TX 78711                  Phone: (512) 463-2100                  Email: <a href="mailto:greg.abbott@oag.state.tx.us">greg.abbott@oag.state.tx.us</a></p>	<p>Home page:  <a href="http://www.oag.state.tx.us/">http://www.oag.state.tx.us/</a>                   Elected: 2002</p>

## **TEXAS LEGISLATIVE INFORMATION**

<p><b>Legislative Session:</b> Meets for less than five months, every two years.  <b>Senate:</b> 31 members, 2 year term. Half are elected at alternating years.  <b>House of Representatives:</b> 150 members, 2 year term. Election of entire body every 2<sup>nd</sup> year.</p>	<p>Home page:  <a href="http://www.legis.state.tx.us/">http://www.legis.state.tx.us/</a></p> <p>Bill information phone number:  (512) 463-1252</p>
<p><b>Senate</b>  P.O. Box 12068  Capitol Station  Austin, Texas 78711</p>	<p>Senate Home Page:  <a href="http://www.legis.state.tx.us/">http://www.legis.state.tx.us/</a></p>
<p><b>House of Representatives</b>  P.O. Box 2910  Austin, TX 78768-2910</p>	<p>Home Page: <a href="http://www.legis.state.tx.us/">http://www.legis.state.tx.us/</a></p>

## **WOMEN IN PRISON - NGO RESOURCES**

The organizations listed are not endorsed by or affiliated with Amnesty International

<p>Texas-CURE  P.O. Box 1176  Burlison, TX 76097  Phone: (210) 531-9488  Email: <a href="mailto:txcure@txcure.org">txcure@txcure.org</a>  Web: <a href="http://www.txcure.org">www.txcure.org</a></p>
<p>American Friends Service Committee  1304 E. 6th., Suite 3  Austin, TX 78702  Phone: (512) 474-2394; Fax: (512) 474-6950  Website: <a href="http://www.afsc.org/austin">http://www.afsc.org/austin</a></p>
<p>ACLU of Texas  P.O. Box 12905, Austin, TX 78711-2905  Phone: (512) 478-7300; Fax: (512) 478-7303  Website: <a href="http://www.aclutx.org">www.aclutx.org</a></p>
<p>Parents and Children Together Inc  2836 Hemphill  Fort Worth, Texas 76110  Phone: (817) 924-7776</p>
<p>Texas Inmates Families Association (TIFA)  PO Box 300220  Austin, TX 78703-0004  Phone: (512) 371-0900; Fax: (512) 371-0988  E-mail: <a href="mailto:tifa@tifa.org">tifa@tifa.org</a>  Website: <a href="http://www.tifa.org">www.tifa.org</a>  Services: Advocacy organization for families with incarcerated loved ones. Help families help their incarcerated family members with conditions issues, such as medical care, abuse, and violence. Provide educational and other information. Advocate for legislative and criminal justice reform and public awareness.</p>
<p>Women's Advocacy Project, Inc.  PO Box 833  Austin, TX 78767-0833  Phone: 512-476-5377; Fax: 512-476-5773  Email: <a href="mailto:info@women-law.org">info@women-law.org</a>  Website: <a href="http://www.women-law.org">www.women-law.org</a>  Services: Operate the Battered Women's Criminal Defendants Project. Provide legal counseling and referral services to battered women facing criminal charges.</p>

## Texas's Custodial Sexual Misconduct Statute

### § 39.04. Violations of the Civil Rights of Person in Custody; Improper Sexual Activity With Person in Custody

(a) An official of a correctional facility, an employee of a correctional facility, a person other than an employee who works for compensation at a correctional facility, a volunteer at a correctional facility, or a peace officer commits an offense if the person intentionally:

- (1) denies or impedes a person in custody in the exercise or enjoyment of any right, privilege, or immunity knowing his conduct is unlawful; or
- (2) engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual in custody.

(b) An offense under Subsection (a)(1) is a Class A misdemeanor. An offense under Subsection (a)(2) is a state jail felony.

(c) This section shall not preclude prosecution for any other offense set out in this code.

(d) The Attorney General of Texas shall have concurrent jurisdiction with law enforcement agencies to investigate violations of this statute involving serious bodily injury or death.

(e) In this section:

(1) "Correctional facility" means:

- (A) any place described by Section 1.07(a)(14); or
- (B) a "secure correctional facility" or "secure detention facility" as defined by Section 51.02, Family Code.

(2) "Custody" means the detention, arrest, or confinement of an adult offender or the detention or the commitment of a juvenile offender to a facility operated by or under a contract with the Texas Youth Commission or a facility operated by or under contract with a juvenile board.

(3) "Sexual contact," "sexual intercourse," and "deviate sexual intercourse" have the meanings assigned by Section 21.01.

(f) An employee of the Texas Department of Criminal Justice commits an offense if the employee engages in sexual contact, sexual intercourse, or deviate sexual intercourse with an individual who is not the employee's spouse and who the employee knows is under the supervision of the department but not in the custody of the department.

(g) An offense under Subsection (f) is a state jail felony.

<sup>1</sup> Bureau of Justice Statistics, *Prisoners in 2003*, NCJ205335, November 2004, available at <http://www.ojp.usdoj.gov/bjs/pub/pdf/p03.pdf>, as per 01/27/06.

<sup>2</sup> The information does not reflect prosecutions or convictions under rape statutes.

<sup>3</sup> Letter from Lisa Villareal, Assistant Public Information Coordinator, Texas Office of Attorney General, 08/16/05.

<sup>4</sup> US General Accounting Office, "Women in Prison. Sexual Misconduct by Correctional Staff," 06/1999.

<sup>5</sup> US General Accounting Office, "Women in Prison. Sexual Misconduct by Correctional Staff," 06/1999.

<sup>6</sup> US Department of Justice National Institute of Corrections Information Center, "Sexual Misconduct in Prisons: Law, Remedies, and Incidence," National Institute of Corrections, Colorado, May 2000.

<sup>7</sup> Texas Department of Criminal Justice (TDCJ), Executive Directive Number PD-29 on Relationships and Sexual Misconduct with Offenders, 09/01/99.

<sup>8</sup> TDCJ Administrative Directive Number AD-03.22 (rev.7) on Offender Searches, 10/1/00.

<sup>9</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>10</sup> Letter from Gary L. Johnson, Executive Director, Texas Department of Criminal Justice, 06/18/02.

<sup>11</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05; TDCJ Correctional Institutions Division, "Safe Prisons Plan," 01/2005.

<sup>12</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02.

<sup>13</sup> Texas Department of Criminal Justice, *Offender Orientation Handbook*, pp. 25-26, 11/2004.

<sup>14</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02.

<sup>15</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>16</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>17</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>18</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02; Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>19</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02.

<sup>20</sup> TDCJ Correctional Institutions Division, "Safe Prisons Plan," 01/2005.

<sup>21</sup> TDCJ Correctional Institutions Division, "Safe Prisons Plan," 01/2005.

<sup>22</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>23</sup> Texas Department of Criminal Justice, Executive Directive Number PD-29 on Relationships and Sexual Misconduct with Offenders, 09/01/99.

<sup>24</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>25</sup> TDCJ Correctional Institutions Division, "Safe Prisons Plan," 01/2005.

<sup>26</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>27</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>28</sup> Letter from Texas Department of Criminal Justice, Gary L. Johnson, Executive Director, 06/18/02.

<sup>29</sup> Letter from Brad Livingston, Executive Director, TDCJ, 08/22/05.

<sup>30</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02.

<sup>31</sup> Letter from Gary L. Johnson, Executive Director, TDCJ, 06/18/02.

<sup>32</sup> TDCJ, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>33</sup> TDCJ, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>34</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>35</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>36</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>37</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>38</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>39</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

<sup>40</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.

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<sup>41</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.  
<sup>42</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.  
<sup>43</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.  
<sup>44</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.  
<sup>45</sup> TDJC, *Unit Directory*, 05/2004, available at <http://www.tdcj.state.tx.us/stat/unitdirectory/all.htm>, as per 01/27/06.