

**Dr. Raimer's Testimony before the National Prison Rape Elimination Commission
December 5, 2007**

Good morning. My name is Dr. Ben Raimer. I am the Vice President and CEO of UTMB Correctional Managed Health Care. I have been asked to give testimony to the Commission on correctional health care protocols, ethical responsibilities of practitioners working in corrections and federal funding opportunities. Offender health care services in the Texas Department of Criminal Justice (TDCJ) are contracted to two state university medical schools through the provision of Texas Government Code 501.132. Correctional Managed Health Care in Texas is a strategic partnership between the Texas Department of Criminal Justice, the University of Texas Medical Branch at Galveston (UTMB), and the Texas Tech University Health Science Center (TTUHSC). The Correctional Managed Health Care Program is focused on a shared mission which is to develop a statewide health care network that provides TDCJ offenders with timely access to a constitutional level of health care while also controlling costs. UTMB provides medical, dental and mental health services to 126,117 offenders in TDCJ. TTUHSC provides health services to the remaining 32,449 offenders.

The unit-based medical staff works hand in hand with custody and Office of Inspector General (OIG) staff in addressing allegations of sexual assault. When a sexual assault occurs, the offender is immediately taken to the medical department for evaluation and examination. The Commission has been provided a copy of the Correctional Managed Health Care policy G-57.1 "Sexual Assault." The salient highlights of the policy are as follows:

- A brief history is obtained by nursing staff
- The facility physician/mid-level practitioner conducts a physical examination
- If requested by the TDCJ Office of Inspector General, and if the offender victim consents to a sexual assault examination, a chain of custody examination (i.e., forensic exam) is performed
- In Texas the law allows the offender victim to have an approved representative present during the forensic exam
- The representative must be approved by the warden and must be a psychologist, sociologist, social worker, chaplain or case manager
- The psychologists and social workers are always health services employees
- All offender victims of sexual assault are referred to mental health services for required additional services (i.e., comprehensive evaluation and counseling services)

Sexual assault is a crime. In TDCJ, health care staff is obligated to report it as a crime. Health care staff report any and all offender allegations of sexual assault to the warden and/or the OIG in accordance with Executive Directive 03.03 "Safe Prisons Program." In TDCJ, the OIG reports directly to the Board of Criminal Justice. OIG does not report to the Executive Director (i.e., agency head). OIG investigators are all certified peace officers. This office investigates allegations of criminal activity and abuse within TDCJ. Confidentiality is not an issue because sexual assault is a crime and must be reported. Correctional health care providers are obligated to put their offender patient's health and safety first. Moreover, they are obliged to follow the ethical guidelines of their respective professional licensing boards in providing patient care.

Finally, I would like to close with some suggestions for federal funding of correctional health sexual assault initiatives. I have identified the following as areas requiring federal funding:

- Funding is needed for medical and mental health staff training. There is some confusion in the field about what constitutes sexual assault. There is a need for a universal definition of sexual assault as the definition changes from jurisdiction to jurisdiction.
- Correctional medical staff needs more training in sexual assault evidence collection in performing forensic exams.
- Funding for multiple S.A.N.E. (Sexual Assault Nurse Examiner) nurse positions (TDCJ currently has only one position).
- Mental health staff requires specialized training to stay abreast of new developments in treating victims of sexual assault.
- Funding is needed to develop a national peer-reviewed and evidence-based journal for correctional medicine that is dedicated to research regarding prevention and management of sexual assault.
- Funding is needed for multiple peer education coordinator positions (TDCJ currently has one position).
- Funding is needed to develop, reproduce and distribute educational and informational brochure.
- Funding is needed to support offender peer education conferences and educational activities.

***“I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON THIS DAY OF NOVEMBER, 2007.”***

Dr. Ben Raimer