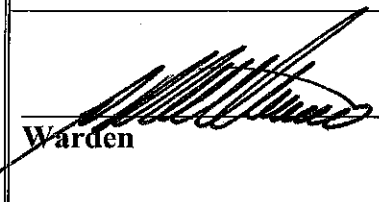
 <p style="text-align: center;"><b>Santa Fe County Adult Detention Facility</b></p>	<p><b>NUMBER: J-B-05      PAGES: 26</b></p> <p><b>ACA EXPECTED PRACTICES:</b> 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8</p> <p><b>NMAC EXPECTED PRACTICES</b> ADM-09, ADM-13, ADM-15, ADM-16, ADM-17, ADM-18, SC-23, SC-58, SC-59, SC-60, SC-61, SC-62, SC-63, SC-64, SC- 65, SC-66, SC-67, MM-33</p>
<p><b>Chapter:</b> Medical</p>	<p><b>Subject:</b> Inmate Protection Against Abuse and Sexual Misconduct Reporting Procedures</p>
<p> Warden</p> <p style="text-align: right;"><u>9/22/22</u> Date</p>	<p><b>Effective Date:</b> January 11, 2013 <b>Revision Date:</b> May 8, 2019 September 22, 2022</p>

**AUTHORITY**

This policy is issued by the Warden, who is ultimately responsible for the safety and security of the facility.

**REFERENCE**

**ACA Standards for Adult Correctional Institutions 4th Edition.**

4-ALDF-4D-22, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4-ALDF-4D-22-3, 4-ALDF-4D-22-4, 4-ALDF-4D-22-5, 4-ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8

**NMAC Adult Detention Professional Standards – 2010**

ADM-09, ADM-13, ADM-15, ADM-16, ADM-17, ADM-18, SC-23, SC-58, SC-59, SC-60, SC-61, SC-62, SC-63, SC-64, SC-65, SC-66, SC-67, MM-33

**Prison Rape Elimination Act of 2003; National PREA Standard:**

28 C. F. R. part 115

**NCCHC Standards:**

J-B-05, J-G-08, J-I-03

**NMSA:**

1978 § 30-9-11

## **PURPOSE**

### **To ensure:**

The safety and well-being of inmates to the extent reasonably possible and protect inmates from abuse and sexual misconduct while under Santa Fe County Adult Detention Facility supervision.

All actions in response to an incident of sexual assault are coordinated among staff first responders, medical and mental health practitioners, investigators, and facility leadership.

Victims receive all necessary immediate and ongoing medical, mental health, and support services.

Investigators can obtain usable evidence to substantiate allegations and hold perpetrators accountable.

## **APPLICABILITY**

All employees, contractors, volunteers, and representatives to all persons committed to or under the supervision of the Santa Fe County Adult Detention Facility.

## **FORMS**

Facility Response to Sexual Assault Checklist Form

Staff Retaliation Monitoring Form

Sexual Abuse or Assault Incident Review Team Form

PREA Sexual Abuse Response Team Committee Confidentiality Agreement Form

Prison Rape Elimination Act Questionnaire for Prior Institutional Employee Form

## **DEFINITIONS**

Abuse: The unlawful or justified use of force or other actions that jeopardize the physical or mental well-being of an inmate

Advocate: A qualified community-based individual or rape crisis organization designated by the Warden who has been specially trained to support a victim during the investigation of alleged sexual abuse. Who is available to accompany and help the victim through forensic medical examinations and investigatory interviews, and who shall provide emotional support, crisis intervention, information, and referrals.

Aggressor: Any person committing sexual misconduct against another. The aggressor may be the same or different gender as the victim.

Alleged Aggressor: A person accused of any act of sexual abuse, sexual harassment, or retaliation.

Alleged Victim - An inmate alleged to have been harmed or adversely affected by, tricked, or exploited into participating in sexual abuse or sexual harassment.

*Criminal Sexual Penetration:* The unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio, or anal intercourse or the causing of penetration, to any extent and with any object, of the genitalia or anal openings of another, whether or not there is any emission.

*Criminal Sexual Contact:* The unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached their eighteenth birthday or intentionally causing another who has reached their eighteenth birthday to touch one's intimate parts.

*Consent* – Words or overt actions indicate a freely given agreement to the sexual act or contact in question. Lack of verbal or physical resistance or submission by the complainant resulting from the respondent's use of force, threats, or coercion shall not constitute consent.

*False Allegations:* Any false report or falsification during an investigation of sexual assault, sexual contact, sexual harassment, or sexual misconduct. Knowingly making a false statement or intentionally wearing or affirming the truth of a false statement previously made.

*Indecent Exposure* - The display by an employee, contractor, volunteer, or inmate of their uncovered genitalia, buttocks, or breast in the presence of another inmate.

*Inmate:* An individual who is in the custody of Santa Fe County Adult Detention Facility.

*Intersex:* A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.

*Investigation:* The process of gathering, obtaining, collecting, compiling, and reporting all evidence surrounding an alleged incident of sexual misconduct.

*UNFOUNDED:* Having no foundation or basis of fact. (Note: This is where we have identified 100% truth)

*SUBSTANTIATED:* Evidence was identified that validated truth

*UNSUBSTANTIATED:* Not supported by evidence

*NPSAMFE:* National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent.

*Non-Employee:* Any volunteer, contractor, therapist, parole/probation officer, officers of the court, or other non-employee individuals who interact with inmates who are in the custody of the facility.

*PREA Allegation* – An allegation of sexual abuse, sexual harassment, or retaliation.

*Predatory Inmate* - An inmate whose past behavior indicates they are prone to victimize other inmates, especially regarding sexual behavior.

**Retaliation:** Any act of vengeance, covert or overt actions, or threat of action taken against an individual in response to their claim of sexual misconduct, sexual contact or sexual abuse, or cooperation in the reporting or investigation of sexual misconduct, regardless of the disposition of the complaint. Examples of retaliation include:

- Unnecessary discipline
- Verbal or physical intimidation or threats
- Unnecessary changes in housing classification
- Unnecessary changes in work or program assignments
- Unjustified denials of privileges or services
- Any action compromising the victim or witness's safety, including refusal or failure to protect.

**Sexual Abuse:** Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or facility representative and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact (under NM Law; subjecting another person who is incapable of giving consent because of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution or other forms of sexual exploitation).

**Sexual Assault:** Includes but is not limited to subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or facility representative and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact (under NM Law; subjecting another person who is incapable of giving consent because of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution, or other forms of sexual exploitation).

**Sexual Coercion:** Compelling or inducing another person to engage in sexual activity by deceit, threats, force, or intimidation or for personal favors.

**Sexual Contact:** Behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching, or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, thigh, or buttocks, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person. Sexual contact does not include searches of the person, including strip searches.

**Sexual Harassment:** Includes, but is not limited to, all of the following, whether by staff, volunteers, contractors, other facility representatives, or inmates; sexual advances; sexually offensive language, comments, or gestures; influencing, promising, or threatening any inmates (or staff) safety, custody status, privacy, housing privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

**Sexual Misconduct:** Any behavior or act of a sexual nature directed towards an inmate by another inmate, a department employee, contractor, volunteer, visitor, or department representative. This includes acts or attempts to commit acts including, but not limited to: criminal sexual penetration, sexual abuse, sexual harassment, sexual contact, the conduct of a sexual nature or implication, kissing, hugging, sexual gratification of any party, obscenity or

unreasonable invasion of privacy by the act of observing, attempting to observe, or interfering in an inmates personal, intimate routines unrelated to the necessary performance of required job duties. Sexual misconduct includes, but is not limited to: conversations or correspondence of a romantic or sexual nature between an inmate and any department employee, contractor, volunteer, visitor, or department representative.

Transgender: A person whose gender identity (i.e., internal sense of feeling male or female) differs from the person's assigned sex at birth.

Victim - An inmate harmed or adversely affected by, tricked, or exploited into participating in sexual abuse or sexual harassment.

Vulnerable Inmate - An inmate at high risk of becoming a victim of sexual abuse by another inmate due to characteristics related to age, physical stature, criminal history, physical or mental disabilities, or history of being victimized.

## **POLICY**

The Santa Fe County Adult Detention Facility's annual policy is to conduct a comprehensive staffing analysis. The staffing analysis is used to determine staffing needs and plans. Relief factors are calculated for each classification of staff assigned to relieved posts or positions. Essential posts and positions, as determined in the staffing plan, are consistently filled with qualified personnel. **(ADM-09)**

Each new employee is provided with an orientation before assuming duties. At a minimum, the orientation includes:

- working conditions
- employee code of ethics
- county personnel policy manual
- facility policy and procedures
- employee rights and responsibilities
- overview of the criminal justice system
- tour of the facility
- facility goals and objectives
- facility organization
- staff rule and regulations
- program overview
- sexual misconduct prevention

Part-time staff and contract personnel receive formal orientation appropriate to their assignments and additional training as needed. **(ADM-13)**

New clerical employees with minimal detainee contact receive at least 16 hours of training during their first year of employment. All persons in this category are given an additional 16 hours of training each subsequent year of employment, including training on the facility's sexual misconduct policy. **(ADM-15)**

All new professional and support employees, including contractors, who have regular or daily detainee contact receive 40 hours of training before being independently assigned to a particular

job. An additional 24 hours of training is provided each subsequent year of employment. At a minimum, the initial training covers the following areas:

- Security procedures and regulations
- supervision of inmates
- signs of suicide risk
- suicide precautions
- report writing
- detainee rules and regulations
- key control;
- right and responsibilities of inmates
- safety procedures
- all emergency plans and procedures
- communication skills
- CPR/First Aid
- Sexual harassment/sexual misconduct awareness, including policy regarding prevention, detection, and response to sexual misconduct.

In addition, full-time health care staff will receive the following training: **(SC-16)**

- the purpose, goals, policies, and procedures for the facility; security and contraband policies
- appropriate conduct with detainees
- responsibilities and rights of employees
- Universal precautions
- occupational exposure
- personal ADM equipment
- bio-hazardous waste disposal
- an overview of the detention field

Facility management and supervisory staff receive at least 40 hours of management and supervision training during their first year and at least 16 hours of management training each year. That includes a review of the facility's sexual misconduct policy. **(ADM-18)**

The Santa Fe County Adult Detention Facility policy provides that a strip search of an arrestee at intake is only conducted when there is reasonable belief or suspicion that they may be in possession of an item of contraband. Reasonable suspicion may be based on:

- current charges or previous convictions for escape, possession of drugs or weapons, or crime of violence or
- current or historical institutional behaviors of contraband possession or refusals to be searched
- finding contraband during a pat or clothing search

Strip searches must be conducted with dignity and respect, privately, and completed by an officer of the same gender absent exigent circumstances. All strip searches must be documented on a form that includes justification for the search. **(SC-23)**

The facility provides information to detainees about sexual abuse/assault, including:

- the facility's zero-tolerance policy regarding sexual abuse

- the inmate's right to be free from sexual abuse during confinement
- prevention/intervention
- self-protection
- reporting sexual abuse/assault
- protection from retaliation for reporting sexual abuse
- Treatment and counseling.

Information is communicated orally and in writing, in a language clearly understood by the inmate, upon arrival at the facility. **(SC-58)**

The facility shall provide inmate education in formats accessible to all inmates, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to inmates who limited reading skills. **[\$115.33]**

Inmates are screened during the intake process to assess their risk of being sexually abused by other inmates or sexually abusive to other detainees. Housing assignments are made accordingly. **(SC-59) (4-ALDF-4D-22-1)**

The Santa Fe County Adult Detention Facility's policy requires a criminal and administrative investigation to be conducted and documented whenever a sexual assault or threat is reported. The facility has a designated senior-level employee responsible for developing, implementing, and overseeing compliance with the facility's sexual misconduct policy and coordinating the facility's response to sexual misconduct. **(SC-60) (4-ALDF-4D-22-2)**

The Santa Fe County Adult Detention Facility's policy is to identify and monitor inmates with a history of sexually assaultive behavior. **(SC-61)**

Provide that inmates who have been or are alleged to have been sexually abused while in custody are identified, assessed by mental health or other qualified professionals, monitored, and counseled. **(SC-62) (4-ALDF-4D-22-3)**

Mental health or other qualified professional assesses inmates at risk for sexual victimization. Inmates at risk for sexual victimization are identified, monitored, and counseled. **(4-ALDF-4D-22-4)**

It is the policy of the Santa Fe County Adult Detention Facility to provide sexual conduct between staff and detainees, volunteers or contract personnel, and inmates, regardless of consensual status, is prohibited and subject to administrative and disciplinary sanctions as well as criminal prosecution. **(SC-63) (4-ALDF-4D-22-5)**

It is the policy of the Santa Fe County Adult Detention Facility to provide the victims of sexual assault are taken to the ER or other community facility for treatment and gathering of evidence. However, if these procedures are performed in-house, the following guidelines are used:

- A history is taken by health care professionals who examine the extent of physical injury and determine if referral to another medical facility is indicated. With the victim's consent, the examination includes a collection of evidence from the victim.
- Provision is made for testing for sexually transmitted diseases (for example, HIV, gonorrhea, Hepatitis, and other diseases) and counseling as appropriate.
- Prophylactic treatment and follow-up for the sexually transmitted disease are offered to all victims, as appropriate.

- Following the physical examination, there is an evaluation by a mental health professional to assess the need for crisis intervention counseling and long-term follow-up.
- A report is made to the Warden or designee to assure separation of the victim from their assailant. (SC-64) (4-ALDF-4D-22-6)

The Santa Fe County Adult Detention Facility provides inmates who are victims of sexual abuse the option to report the incident to a staff member or other than an immediate point-of-contact line officer or a third party. (SC-65) (4-ALDF-4D-22-7)

All records associated with claims of sexual abuse, including incident reports, investigative reports, offender's information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and counseling, are retained in accordance with an established schedule. (SC-66) (4-ALDF-4D-22-8)

The Santa Fe County Adult Detention Facility policy states that inmates are not subjected to personal abuse, corporal punishment, injury, disease, property damage, or harassment and that detainee property is protected. (SC-67)

All inmates receive an initial mental health screening within two hours of arrival at the facility by health-trained personnel or qualified mental health personnel. The mental health screening includes:

Inquire into whether the detainee:

- has a present suicidal ideation
- has a history of violent behavior
- has a history of suicidal behavior
- has a history of sexual abuse-victimization and predatory behavior
- is presently prescribed psychotropic medication
- has a current mental health complaint
- is being treated for mental health problems
- has a history of inpatient and outpatient psychiatric treatment
- is oriented to person, place, and time
- has a history of treatment for substance abuse
- has a history of cerebral trauma or seizures

Observation of:

- general appearance and behavior
- evidence of abuse and trauma
- current symptoms of psychosis, depression, anxiety, and aggression

Disposition of inmate:

- cleared for general population
- cleared for general population with appropriate referral to mental health care service
- referral to appropriate mental health care service services for emergency treatment



Inmates are screened within 24 hours of arrival at the facility for potential vulnerabilities or tendencies to act out with sexually aggressive behavior. Housing assignments are made accordingly. (4-ALDF-4D-22-1)

The Santa Fe County Adult Detention Facility has a "zero tolerance" policy regarding abuse, sexual misconduct, and sexual harassment directed toward inmates. [§115.11]

If an inmate reports any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in another facility, that Warden of the facility must immediately (no later than 72 hours) report it to the Warden of the facility where it is alleged to have occurred. The facility must maintain documentation of notifications to other facilities; the PREA Coordinator will maintain documentation of all external notifications. [§115.61]  
[§115.62]

Inmates must be screened within 24 hours of arrival at the facility by the case manager assigned to the booking department. Inmates must be re-screened within 30 days after the inmate's arrival by the respective case manager assigned to the inmate's units for potential vulnerabilities or tendencies to act out sexually aggressive behavior. In the event of an incident, the inmate perpetrator and victim will be re-screened within 14 days (conducted by the unit's assigned case manager). Inmates will also be re-screened due to a referral, request, incident of sexual abuse, or receipt of additional information that bears upon an inmate's risk of sexual victimization or abusiveness. Housing and program assignments will be made accordingly. Transgender and Intersex inmates shall be screened every six months. [§115.41]

The placement of inmates at high risk of sexual victimization into Special Management shall cite the basis for the facility's concern for the inmate's safety and why no alternative placements are appropriate and consistent with policy. Inmates shall not be disciplined for refusing to participate in the screening process. [§115.43]

Transgender and intersex inmates shall not be searched or examined by non-medical staff for the sole purpose of determining the inmate's genital status. Genital status shall be determined by interviews or medical records reviews. A transgender or intersex inmate's views concerning safety shall be considered seriously. [§115.15] [§115.42]

Inmates under eighteen (18) years old will not be assigned to housing in the same housing unit as adult inmates.

Inmates with disabilities and inmates who are limited English proficient shall have access to all aspects of the Department's effort to prevent, detect and respond to sexual abuse and sexual harassment. [§115.16]

Using inmate interpreters to assist disabled or limited English proficient inmates in participating in efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Except in limited circumstances where an extended delay in obtaining an influential interpreter could compromise the inmate's safety, the performance of first responders, or investigation of the inmate's allegations, is prohibited. [§115.16]

The facility shall train security staff to conduct cross-gender pat-down searches and searches of transgender and intersex inmates professionally, respectfully, and in the least intrusive manner possible, consistent with security needs. [§115.15]

Staff members of the opposite sex of the inmate population in their facility must announce their presence when entering an inmate housing unit. These announcements must be logged into the housing unit daily log for that unit. [§115.15]

When designing or planning any substantial expansion or modification of the facility, the facility shall consider the effects of the design, acquisition, expansion, or modification upon the facility's ability to protect the inmates from sexual abuse. When installing or updating a video monitoring system, electronic surveillance system, or other monitoring technology, the facility shall consider how such technology may enhance the facility's ability to protect inmates from sexual abuse. [§115.18]

## **PROCEDURE**

In terms of authority, the PREA Coordinator will have at a minimum:

- Direct access to the facility's most senior leader (Warden, Deputy Warden, or Chief of Security)
- Direct access to the facility's senior leadership team and
- The influence is necessary to create and implement facility policies, procedures, and practices, without any interference from other levels of bureaucracy or supervision, in accordance with the PREA standards.
- To maximize the effectiveness and influence of agency-level PREA Coordinator. The PREA Coordinator is the facility's most senior leader and is a member of the facility's executive or senior leadership team.

## **PREA Compliant Staffing Plan Requirements [§115.13]**

Santa Fe County Adult Detention Facility shall develop, document, and do its best to comply regularly with a staffing plan that provides adequate staffing levels and, where applicable, video monitoring to protect inmates against sexual abuse.

Santa Fe County Adult Detention Facility shall use the below considerations when calculating adequate staffing levels and determining the need for video monitoring:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
  - a) Generally accepted detention and correctional practices;
  - b) Any judicial results of inadequacy
  - c) Any findings of inadequacy from Federal investigative agencies;
  - d) Any findings of inadequacy from internal or external oversight bodies;
  - e) All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated);
  - f) The composition of the inmate population;
  - g) The number and placement of supervisor staff;
  - h) Institution programs occurring on a particular shift;
  - i) Any applicable State or local laws, regulations, or standards;
  - j) The prevalence of substantiated and unsubstantiated incidents of sexual abuse;
  - and
  - k) Any other relevant factors
- If the staffing plan is not complied with, SFCADF shall document and justify all deviations from the plan.

- Whenever necessary, but no less frequently than once each year, SFCADF shall consult with the PREA Coordinator to assess, determine, and document whether adjustments are needed to:
  - a) The staffing plan is established according to paragraph (2) of this section;
  - b) Deployment of video monitoring systems and other monitoring technologies; and
  - c) The resources are available to commit to ensuring and adhering to the staffing plan.

**Interference with PREA [§115.51, §115.61]**

Interference by any staff member, contractor, volunteer, or inmate in reporting or investigating an allegation or incident of sexual abuse, sexual harassment, or retaliation is prohibited.

Interference with official process includes, but is not limited to:

- a) Any failure to report an incident of sexual abuse or sexual harassment, whether directly involved or not.
- b) Any attempt to "cover-up" or otherwise hide an incident of sexual abuse or sexual harassment.
- c) Any failure to cooperate fully with an investigation or inquiry
- d) The making of a false statement or allegation

All suspected or alleged interference shall be reported, and an incident report shall be created and referred for an investigation.

**Inmate Privacy [§115.15, §115.13, §115.42]**

Shall enable inmates to shower, perform bodily functions, and change clothing without a non-medical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

1. Staff, contractors, or volunteers of the opposite gender must announce their presence when entering a pod.
2. Transgender and intersex inmates shall be allowed to shower separately from other inmates.

**Protection Against retaliation [§115.67]**

For at least 90 days, shall monitor all staff and inmates who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other staff, contractors, volunteers, or inmates. Shall continue monitoring beyond 90 days if the initial monitoring indicates a continuing need.

Prohibition of Retaliation:

- a) Retaliation against any inmate in response to their claim of sexual abuse or sexual harassment or in response to their cooperation in reporting or investigating such incidents is prohibited.
- b) Retaliation against any inmate, staff member, contractor, or volunteer in response to their cooperation in reporting or investigating such incidents is prohibited.

The items the Retaliation Monitor shall include but are not limited to:

- a) Inmate discipline reports
- b) Housing or program changes
- c) Negative performance reviews or reassignments of staff

Retaliation monitoring shall include periodic status checks

If any other individual who cooperates with an investigation expresses a fear of retaliation, the agency shall take appropriate measures to protect that individual against retaliation.

SFCADF's obligation to monitor shall terminate if it determines that the allegation unfounded

If the Retaliation Monitor detects any retaliation, an incident report shall be created and referred for an investigation.

If an allegation of retaliation is reported independent of retaliation monitoring, an incident report shall be created and referred for an investigation.

### **Staff Training [§115.31] [§115.35]**

All staff who have contact with inmates shall be trained on the following topics:

- a) Zero tolerance policy for sexual abuse and sexual harassment;
- b) How to fulfill requirements for preventing, detecting, reporting, and responding to sexual abuse and sexual harassment as a mandatory reporter;
- c) Inmates' right to be free from sexual abuse and harassment by both inmates and staff members, contractors, and volunteers;
- d) Inmates' right to be free from sexual abuse and harassment;
- e) The right of inmates and employees to be free from retaliation for reporting sexual abuse or harassment;
- f) The dynamic of sexual abuse and sexual harassment in confinement;
- g) The typical reaction of sexual abuse and sexual harassment victims;
- h) How to detect and respond to signs of threatened and actual sexual abuse;
- i) How to avoid inappropriate relationships with inmates;
- j) How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- k) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Because SFCADF houses both male and female inmates, the above-listed training shall include considerations relevant to both genders.

We will provide all staff with refresher training annually to ensure continued education on current sexual abuse and sexual harassment policies and procedures. When an employee does not receive refresher training, trainers will provide updated notifications on present sexual abuse and sexual harassment policies.

Through staff signature or electronic verification, that staff understands the training they have received.

## **Volunteer & Contractor Training [§115.32]**

At a minimum, all contractors and volunteers who have contact with inmates shall be trained on the following topics:

- a) Their responsibilities under the sexual abuse and sexual harassment prevention, detection, and response policies and procedures; and
- b) Zero tolerance policy regarding sexual abuse and sexual harassment and inform to report such incidents.

PREA training provided to volunteers and contractors shall be based on their services and the level of contact they have with inmates.

Documentation confirming that contractors and volunteers understand the respective staff point of contact shall maintain the training they have received.

## **Inmate Education [§115.33]**

During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment through the following mechanisms:

- a) Informational Posters
- b) Inmate Handbook

The Case Managers are responsible for completing the 30-day PREA assessment for each inmate.

Appropriate steps to ensure that inmates who are limited in English proficiency, deaf or hard of hearing, visually impaired, who have limited reading skills, or who are otherwise disabled have equal opportunity to participate in or benefit from all aspects and efforts to prevent, detect, and respond to sexual abuse and sexual harassment.

Written materials are provided in formats or methods that ensure effective communication with all inmates with disabilities.

## **Reporting Procedures for Inmates**

Inmate (s) who are a witness to or the victim of abuse or sexual misconduct, humiliation, personal injury, disease, property damage, harassment, or punitive interference with daily functions are encouraged to report the incident: immediately

- Reporting the incident to any staff member or employee, detention officer, contract staff, or volunteer.
- Filing a grievance [§115.52]
- Placing a note or memo in any drop box located throughout the facility for classification, medical or mental health staff, or even mailboxes (please be as specific as possible when submitting information in writing)
- Providing the information either verbally or in writing by any means and to any person with whom the inmate is comfortable making the report.
- Sending information directly to the Warden, Deputy Warden, PREA Coordinator, or Shift Commander

- Reporting through the facility mail system to:
  - Attention: PREA Coordinator
  - Valencia County Detention Center
  - 436 Los Lentos Rd. SE
  - Los Lunas, NM 87031
- Per Intergovernmental Agreement No. 2019-0309-CORR/TVR
- Inmates will be reimbursed for the envelope and postage for such correspondence [**§115.51, 115.53, and 115.54**]

All such reports shall be handled in a confidential manner

Failure to report or knowingly submitting a false report may result in disciplinary action.

### **Reporting Procedures for Staff**

Any employee who witnesses or receives information regarding the physical, mental, or sexual misconduct directed towards an inmate shall immediately report the abuse to their immediate supervisor, who shall forward the report to the PREA Coordinator.

Failure to report or knowingly submitting a false report may result in disciplinary action, including dismissal.

Employees are encouraged to report misconduct to a higher authority if their direct supervisor may be involved or if the report has not been given the appropriate attention at the reported level. Multiple channels will be made available for reporting, including, but not limited to, other disciplinary authorities (Warden, Deputy Warden, PREA Coordinator, etc.,)

Where abuse is found to have occurred, appropriate administrative action against the offending party will be initiated, including dismissal.

### **Mandatory Reporter**

All staff, contractors, and volunteers must immediately report any knowledge, suspicion, or information regarding an allegation of sexual abuse, sexual harassment, or retaliation within the facility.

### **Non-Security First Responder Duties**

Sexual assault in progress.

- Upon witnessing a sexual assault in progress, immediately notify a security staff member
- Security will take appropriate actions to end the assault.
- Provide a written statement of what you witnessed to the Shift Commander the same day you witnessed the incident.

Receiving a report of sexual abuse

- Upon receiving a report of sexual abuse from an alleged victim, inform the inmate that you are a mandatory reporter.
- Request the alleged victim not to take any action that could destroy physical evidence.

- Ask the alleged victim for the basics:
  1. When did it happen?
  2. Who was involved?
  3. Where did it happen
- Notify any security staff members
- Provide a written statement to the Shift Commander the same day you received the report.

#### Receiving a report of sexual harassment

- Upon receiving a report of sexual harassment from an alleged victim, inform the inmate that you are a mandatory reporter.
- Ask the alleged victim for the basics:
  1. When did it happen?
  2. Who was involved?
  3. Where did it happen?
- Notify any security staff member
- Provide a written statement to the Shift Commander the same day that you received the report

#### Security First Responder Duties

- Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
  - a) If the abuse is assault in progress, take the appropriate action to end the assault and call a code.
  - b) Ensure the victim's safety by separating the alleged victim from the alleged aggressor;
  - c) If there is a reasonable assumption that evidence may be collected from the scene, preserve and protect that crime scene until appropriate steps can be taken to collect any evidence;
    - Only Law Enforcement can clear the crime scene.
  - d) If the alleged abuse occurred within five (5) days or 120 hours, request that the alleged victim not take any action that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;
  - e) The first responder must immediately report any allegation of sexual abuse to the Shift Commander.

#### Shift Commander Duties

- The Shift Commander shall immediately initiate necessary actions, or verify that steps have been taken, to protect all physical evidence and the safety and welfare of the inmates.
- The Shift Commander shall speak to the alleged victim or reporting party to gather the essential information unless this information was obtained by the first responder, which is listed below:
  1. When did it happen?
  2. Who was involved?
  3. Where did it happen?
- Medical will be responsible for contacting SANE and determining if a SANE exam is needed.

- The PREA Coordinator will advise the alleged victim on contacting an advocate or obtaining advocacy services.
- If the alleged aggressor is an inmate and the allegation of sexual abuse occurred within five (5) days or 120 hours, the inmate shall be placed in SMU.
- If the alleged aggressor is staff, contractor, volunteer, or visitor and the allegation of sexual abuse occurred within five (5) days or 120 hours, that person will be placed in a separate location.
- The alleged victim will only be relocated from their current housing location if there is a creditable concern for the alleged victim's safety.
- The Shift Commander will notify law enforcement when there is an allegation of sexual abuse unless there is no potentially criminal behavior.
- The Shift Commander will initiate an incident report (pack) and conduct the following before the end of the shift
  - Collect written statements from the alleged victim, alleged aggressor, first responder, and witnesses; and
  - Document the response to the allegation and collect any supporting documentation
  - Complete the incident pack before the end of the shift.
  - The Shift Commander will notify the PREA Coordinator via email of the allegation of sexual abuse.

#### **Security's Response to an Allegation of Sexual Harassment**

- Upon the Shift Commander receiving a report of an allegation of sexual harassment, the Shift Commander shall speak to the alleged victim or reporting party to gather the essential information unless this information was obtained by the first responder, which is listed below:
  1. When did it happen?
  2. Who was involved?
  3. Where did it happen?
- The Shift Commander will ensure the victim's safety by separating the alleged victim from the alleged aggressor
- The Shift Commander shall initiate an incident report and notify the PREA Coordinator via email.

#### **Medical & Mental Health Response to any Allegation of Sexual Harassment or Sexual Abuse**

- Medical and mental health staff shall handle any allegation of sexual harassment or sexual abuse as if the allegation is truthful and shall be taken as a serious allegation that requires full compliance with this policy and procedure.
- If a medical or mental staff member receives a report, witnesses, or suspects any sexual harassment that occurred in a correctional setting, they shall follow the procedures outlined in this policy
- Mental health staff shall provide alleged victims of sexual harassment timely, unimpeded access to mental health treatments, the nature and scope of which are determined by mental health practitioners according to their professional judgment and consistent with the community level of care.
  - As appropriate, the evaluation and treatment of such victims shall include follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities



or their release from custody.

- All treatment services shall be provided to the alleged victim without financial cost, regardless of whether the victim names the aggressor or cooperates with an investigation arising out of the incident.

### **Medical & Mental Health Response to an Allegation of Sexual Abuse that Occurred within five (5) days or 120 Hours**

- Request the alleged victim not take any actions that could destroy physical evidence, including washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating until they have been initially evaluated by a SANE provider, unless necessary for treating acute medical injuries.
- Notify the on-call Physician or Responsible Physician.
- Immediately assess the inmate to identify any acute medical or mental health needs.
- Document the general appearance (presence or absence of cuts, scratches, bruises, etc.) and demeanor of the alleged victim, as well as the condition of clothes, i.e., torn or stained.
- Suppose the inmate needs emergent care beyond the capabilities of medical staff on site. In that case, the inmate shall receive the necessary treatment to stabilize to be transferred to a local emergency room for evaluation and treatment.
- The medical staff shall offer timely information about and access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.
- The medical staff shall offer the alleged victim a forensic medical examination. If the alleged victim declines the exam, the decline shall be documented.
- If the alleged victim accepts the offer of a forensic medical examination, the medical staff and the Shift Commander will be responsible for coordinating the forensic medical examination.

### **Forensic Examination**

- The Shift Commander shall ensure that alleged victims are promptly transferred to a community health care facility for treatment and gathering of evidence. It shall be at the discretion of SANE to accept or not to accept the inmate.
- A uniformed evidence protocol shall be followed that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
- The examiner shall establish the medical forensic history, photograph medical evidence, perform the examination and collect medical evidence. In addition, gather toxicology samples for drug testing, perform sexually transmitted infection evaluation and provide treatment, pregnancy risk evaluation, and schedule follow-up care if deemed appropriate.
- A victim advocate, qualified staff member, or qualified community-based organization member shall be offered to accompany and support the victim through any forensic medical examination process and investigatory interviews.
- Upon returning from the forensic medical examination, the medical staff shall:
  - a) Thoroughly review the discharge instructions and carry out orders as appropriate;
  - b) Validate if measures have been taken to prevent sexually transmitted diseases, HIV, and Hepatitis. If preventive measures have not been taken, preventive measures shall be offered; and
  - c) Refer the alleged victim to mental health for counseling.

### **Ongoing care**

- Medical and mental health staff shall develop a treatment plan for all victims of sexual abuse as deemed necessary.
- Victims shall be provided medical and mental health services consistent with the community level of care.
- Victims of sexually abusive vaginal penetration shall be offered pregnancy tests.
  - a) If pregnancy tests result in a positive pregnancy, the inmate shall receive timely and comprehensive information about and access to all lawful pregnancy-related medical services.
- Victims of sexual abuse shall be offered tests for sexually transmitted infections as medically appropriate.
- All treatment services related to sexual abuse shall be provided at no cost to the inmate.

### **Continuous Quality Improvement**

- The Health Services Administrator shall work with the PREA Coordinator to regularly assess compliance with PREA standards and to address any deficiencies
- The Health Services Administrator shall attend all Sexual Abuse Incident Review meetings.

### **Medical Records**

- The medical records of the alleged victim shall include documentation of:
  - a) The inmate's name and D #
  - b) A statement by the inmate indicating the date and time of the alleged incident;
  - c) Type or description of abuse (i.e., oral, anal, vaginal);
  - d) The presence of all cuts, scratches, bruises, and any trauma;
  - e) Any results of the mental health assessment, including a detailed risk assessment to aid in suicide prevention;
  - f) Any counseling provided; and
  - g) It will not reflect any conclusions as to whether a crime occurred.

### **Designation of Authority**

- The PREA Investigators have the authority to conduct PREA-related administrative investigations and interviews and make determinations based upon the preponderance of the evidence within the provisions of this policy and PREA Standards.

### **Investigator Training**

- PREA investigators shall be specially trained in sexual abuse and sexual harassment investigations in addition to general PREA training to include:
  - a) Conducting sexual abuse investigation in confinement settings;
  - b) Appropriate and effective interviewing techniques;
  - c) The proper use of Miranda and Garrity's warnings;
  - d) Sexual abuse evidence collection and preservation in confinement settings; and
  - e) The criteria and quality of evidence required to substantiate a case for administrative action and referral to Law Enforcement for a criminal investigation.
- All specialized investigators' training, including all contract investigators' training, shall be documented and maintained and be the responsibility of the PREA Captain to conform with PREA Standard requirements.

- All PREA investigators shall participate in specialized PREA investigations-related training every two (2) years.

### **Evidentiary Standard**

- PREA investigations shall impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse, sexual harassment, or retaliation are substantiated, unsubstantiated, or unfounded.

### **Preliminary Investigation**

- Once the PREA Coordinator is made aware of any allegation of sexual abuse, sexual harassment, or retaliation by any means or method, the PREA Coordinator will initiate a preliminary investigation.
- The PREA Coordinator will follow the following steps while conducting a preliminary investigation:
  - a) Review all actions taken by the first responder, front line staff, and security supervisors in response to receiving and responding to the allegation to ensure policy and procedures were followed and take appropriate action to address any failure to follow policy and procedures
  - b) Review and collect all preliminary evidence (preliminary inquiry report, video footage, written statements, etc.) to determine if the allegation meets the sexual abuse, sexual harassment, or retaliation outlined in policy J-B-05.
- If the allegation does not meet the definition of sexual abuse, sexual harassment, or retaliation, the PREA Investigator will provide a cover letter outlining their reasoning.
  - a) The alleged victim and reporting party shall be notified of this decision if still employed or in custody at the facility.
- If it is determined the allegation does meet the definition of sexual abuse, sexual harassment, or retaliation, the PREA Coordinator will:
  - a) Ensure appropriate actions are taken to separate the alleged aggressor from the alleged victim. For example, the alleged aggressor shall be moved and not the alleged victim unless the move is the only way to ensure the alleged victim's safety.
  - b) The PREA Coordinator shall assign a PREA investigator to the allegation.
  - c) The PREA Coordinator shall notify the Major (Chief of Security) or designee of serious allegations.
  - d) At the direction of the Major or designee, the PREA investigator shall be responsible for informing law enforcement of the potential for criminal activity.

### **PREA Investigation**

- The PREA investigator shall conduct a thorough, prompt, and objective investigation into sexual abuse, sexual harassment, and retaliation allegations.
- For allegations involving a contractor, the managing entity shall be notified by the PREA investigator.
- For allegations involving a volunteer, the Volunteer Coordinator shall be notified by the PREA investigator.
- Investigations involving employees shall be conducted in accordance with applicable provisions of the Collective Bargaining Agreement (CBA).
- During the investigation, the alleged aggressor shall be provided the name of the reporting party unless the investigation requires it.
- The PREA investigator shall assess the credibility of the victim, suspect, and witness

individually rather than relying on an individual's status as an inmate or staff member. Documentation of the credibility assessment in the investigative report is required.

- The PREA investigator shall document any findings related to staff actions or failures to act that may have contributed to the alleged allegation or if there was a failure to follow policy and procedures, or if policy or procedures need to be changed.
- The PREA investigator shall review all prior PREA allegations involving the alleged aggressor. Documentation of this review shall be required.
- Suppose preliminary information supports potential criminal charges against an employee, staff, contractor, volunteer, or inmate. In that case, the PREA Investigator shall immediately notify the Major or designee, so prompt coordination between the PREA investigator and the appropriate law enforcement entity conducting the criminal investigation is achieved.
- PREA investigator shall continue to work closely with the law enforcement entity while conducting the administrative investigation unless it is determined that the continuation of the administrative investigation seriously jeopardizes the criminal investigation.
- In no case shall a PREA investigator furnish criminal investigators with statements or information that would violate the Garrity rights of employees.
- PREA investigator shall document the rationale for postponement of any PREA administrative investigation at any time.

#### **PREA Investigation Interviews**

- The PREA investigator shall interview alleged victims, alleged aggressors, and witnesses and review prior complaints and reports of sexual abuse, sexual harassment, or retaliation involving the alleged aggressor.
- Interviews shall be conducted in a thorough, professional, and non-threatening manner consistent with acceptable practices for potentially traumatized victims.
- Interviews shall be conducted in a private location, as determined by the PREA investigator. If a private location is not feasible, the PREA investigator shall document the circumstances and all efforts made to interview in a private location.
- Alleged victims may request a victim advocate to provide emotional support, crisis intervention, or other assistance during an interview. The PREA Investigator is obligated to inform the alleged victim of this requirement. If the alleged victim requests a victim advocate, the interview shall cease until the requested victim advocate is present.
- An inmate alleging sexual harassment or sexual abuse shall not be required to submit to a polygraph examination or other truth-telling device to proceed with the investigation.

#### **Evidence Collection**

- An evidence collection professional (i.e., a SANE) or Special Victim's Unit (SVU) will collect and preserve any forensic evidence (e.g., DNA evidence when available).
- To ensure the integrity of the evidence and chain of custody, investigators will collaborate with the agency to collect and preserve evidence, including any available DNA evidence and electronic monitoring data.
- If not otherwise conducted by an evidence collection professional or SVU, the PREA investigators shall collect and preserve any direct and circumstantial evidence (including physical and DNA evidence when available)

## **Report Format**

- The final investigative report shall include, at a minimum, the following:
  - a) The alleged victim and aggressor's name, inmate identification number, or employee identification number;
  - b) A statement from the alleged victim and alleged aggressor indicates the date, time, location, and circumstances surrounding the alleged incident and documents of any refusal to provide a statement.
  - c) A detailed summary of the alleged incident;
  - d) A credibility assessment regarding the truthfulness of the alleged victim(s), the alleged aggressor(s), and any witness;
  - e) Any discrepancies between accounts of the incident;
  - f) A description of any injuries sustained and any medical attention given;
  - g) A summary of all evidence collected, including any corroborating evidence such as telephone records, gifts, letters, and similar items;
  - h) The results of any forensic examinations, including whether any DNA evidence was yielded. As a result, any treatment provided and plans for follow-up services;
  - i) Any supporting or media obtained or created documentation as part of the investigation, including witness statements and transcripts of any interviews conducted;
  - j) A determination as to whether any staff actions or failures to act may have contributed to the abuse; and
  - k) A summary of prior complaints of sexual harassment, retaliation, and disciplinary findings pertaining to the alleged aggressor.

## **Findings**

After the investigation, the PREA investigator shall recommend the allegation is: [PREA §115.5]

- Substantiated: The allegation was investigated and determined to have occurred by a preponderance of the evidence,
- Unsubstantiated: The allegations were investigated, and the evidence was insufficient to determine that the allegation occurred.
- Unfounded: The allegation was investigated and determined not to have occurred.

## **Post Investigation Procedures**

- The PREA Investigator shall submit the final written report to the PREA Coordinator within thirty (30) business days (i.e., excluding weekends and legal holidays) of the incident being received by the PREA Coordinator.
- The PREA Coordinator will review the Investigation Report to ensure it meets all aspects of this policy.
- Suppose potential misconduct is discovered that does not fall under any PREA policy. In that case, the PREA Coordinator will immediately inform the Deputy Warden or Designee of the Department the potential misconduct falls under to be addressed.
- The Investigative Report shall be forwarded to the PREA Coordinator for a final compliance review and approval signature and subsequently sent to the Deputy Warden.
- Upon completing the final compliance review, the case in its entirety shall be forwarded to Warden for review within ten (10) business days.
- The PREA Investigator shall issue a final finding on every case.

- If discipline is warranted for anyone involved in the PREA investigations, refer to the procedures outlined in PREA policy.
- The PREA Investigator shall notify the alleged aggressor if a staff member is in writing of the final disposition within ten (10) days after the final decision is made.
- Suppose the findings conclude that the allegation of sexual abuse, sexual harassment, or retaliation is substantiated. In that case, the PREA Investigator shall forward a copy of the report to the Warden for further action.
- All original PREA investigation material shall be sent to the PREA Coordinator to be kept. In addition, the PREA Coordinator shall provide a copy of all disciplinary action taken against a staff member to the HR department.
- No one shall be permitted to review any PREA investigation material without authorization from the PREA Coordinator, Warden, or Deputy Warden or pursuant to a court order.

### **Inmate Notification**

- Following an investigation into an inmate's allegation that they suffered sexual abuse or sexual harassment, the PREA Investigator shall inform the inmate whether the allegation has been substantiated, unsubstantiated, or unfounded.
- Following an inmate's allegation that a staff member, volunteer, or contractor has committed sexual abuse or sexual harassment against the inmate, the PREA Investigator shall subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever:
  - a) The staff member, contractor, or volunteer is no longer employed at the facility;
  - b) If a staff member, contractor, or volunteer has been indicted on a charge related to sexual abuse; or
  - c) A staff member, contractor, or volunteer has been convicted on a charge related to sexual abuse.
- Following an inmate's allegation that another inmate has sexually abused them, the PREA Administrator or Designee shall subsequently inform the alleged victim whenever:
  - a) The alleged abuser has been indicted on a charge related to sexual abuse within the facility; or
  - b) The alleged abuser has been convicted on a charge related to sexual abuse within the facility
- All such notifications or attempted notifications shall be documented.
- Obligation to report to the inmate shall terminate if the inmate is released from custody.

### **Confidentiality**

- Information related to sexual abuse, sexual harassment, and retaliation investigations is confidential and shall be disclosed only when necessary for related treatment, security, audits, and management reviews.
- Strict confidentiality shall be maintained throughout all phases of the investigation
- Any staff member violating confidentiality can be subject to corrective and disciplinary action.
- Only the Warden, County Manager, or designee is empowered to publicly release the details of a PREA investigation or disciplinary actions.

### **PREA Investigations Records Maintenance**

- All case records associated with allegations of sexual abuse, sexual harassment, or retaliation, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment or counseling, shall be retained by the Warden for as long as the accused staff member is employed, a contractor providing a service, a volunteer is volunteering, or inmate is in custody, plus a minimum of five (5) years.
- Tracking of PREA investigation shall follow the tracking procedure outlined in this policy.

### **Disciplinary Sanctions for Staff**

- All discipline for staff resulting from a PREA investigation shall follow the procedures outlined in this policy. Special consideration for discipline for staff resulting from a PREA investigation shall include the following:
  - a) Staff shall be subject to disciplinary sanctions, including termination for violating the PREA policy.
  - b) Termination shall be the presumptive disciplinary sanction for staff who have engaged in sexual abuse.
  - c) The disciplinary sanction for violations of PREA policy relating to sexual abuse and sexual harassment (other than actually engaging in sexual abuse) shall be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories.
  - d) All termination for violation of the PREA policy or resignation by staff who would have terminated is not for their resignation. However, it shall be reported to law enforcement, unless the activity was not criminal, and to any relevant licensing bodies.

### **Corrective Action for Contractors and Volunteers.**

- Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and shall be reported to law enforcement, unless the activity was not criminal, and to relevant licensing bodies.
- We will take appropriate remedial measures and shall consider whether to prohibit further contact with inmates in the case of any other violation of PREA policy by a contractor or volunteer.

### **Disciplinary Sanctions for Inmates**

- All discipline for inmates resulting from a PREA investigation shall follow the procedures outlined in the policy. Special consideration for disciplining inmates resulting from a PREA investigation shall include the following:
  - a) Inmates shall be subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse/sexual harassment or following a criminal finding of guilt for inmate-on-inmate sexual abuse/sexual harassment.
  - b) Sanctions shall be commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories.

- c) The disciplinary process shall consider whether inmates' mental disabilities or mental illness contributed to their behavior when determining what type of sanctions if any, should be imposed.
- d) May discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact.
- e) For disciplinary action, a report of sexual abuse made in good faith based on a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

### **Sexual Abuse Incident Reviews**

- The PREA Coordinator will conduct a sexual abuse incident review after every sexual abuse investigation, including where the allegation has not been substantiated unless the allegation has been deemed unfounded. (SART)
- Such review will ordinarily occur within 30 days of the conclusion of the investigation.
- The review team will include upper-level management officials and the PREA Coordinator with input from line supervisors, investigators, compliance, and medical or mental health practitioners.
- The review team will:
  - a) Consider whether the allegations or investigation indicates a need to change policy or practice to prevent better, detect, or respond to sexual abuse;
  - b) Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, perceived status, or gang affiliation, or was motivated or otherwise caused by other group dynamics at the facility;
  - c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
  - d) Assess the adequacy of staff levels in the area during different shifts;
  - e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - f) Prepare a report of its finding, including but not necessarily limited to determinations made pursuant to paragraphs (a) through (e) of this section and recommendations for improvement, and submit such report to the Warden.
- Will implement the review team's recommendations for improvement or will document its reasons for not doing so.

### **Data Collection**

- The PREA Coordinator will collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.
- The PREA Coordinator will aggregate the incident-based sexual abuse data at least annually.
- The incident-based data collected will include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice.
- The PREA Coordinator will maintain, review, and collect data from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews.



- The PREA Coordinator will review data collected and aggregated pursuant to this policy to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by:
  - a) Identifying problem areas;
  - b) Taking corrective action on an ongoing basis; and
  - c) Preparing an annual report of its finding and corrective actions.
    - Such a report will include a comparison of the current year's data and corrective action with those from prior years and will assess progress in addressing sexual abuse.
    - The PREA report will be approved by the Warden and made readily available to the public through the SFC website.
    - The PREA Coordinator may redact specific materials from the reports when publication would present a clear and specific threat to the safety and security of a facility but must indicate the nature of the material redacted.
  - d) The PREA Coordinator will ensure that data collected pursuant to this policy is securely retained.
  - e) Before making aggregated sexual abuse data publicly available, the PREA Coordinator will remove all personal identifiers.
  - f) The PREA Coordinator will maintain sexual abuse data collection pursuant to the PREA Standard § 115.87 for at least ten (10) years after the initial collection date unless Federal, State, or local law requires otherwise.

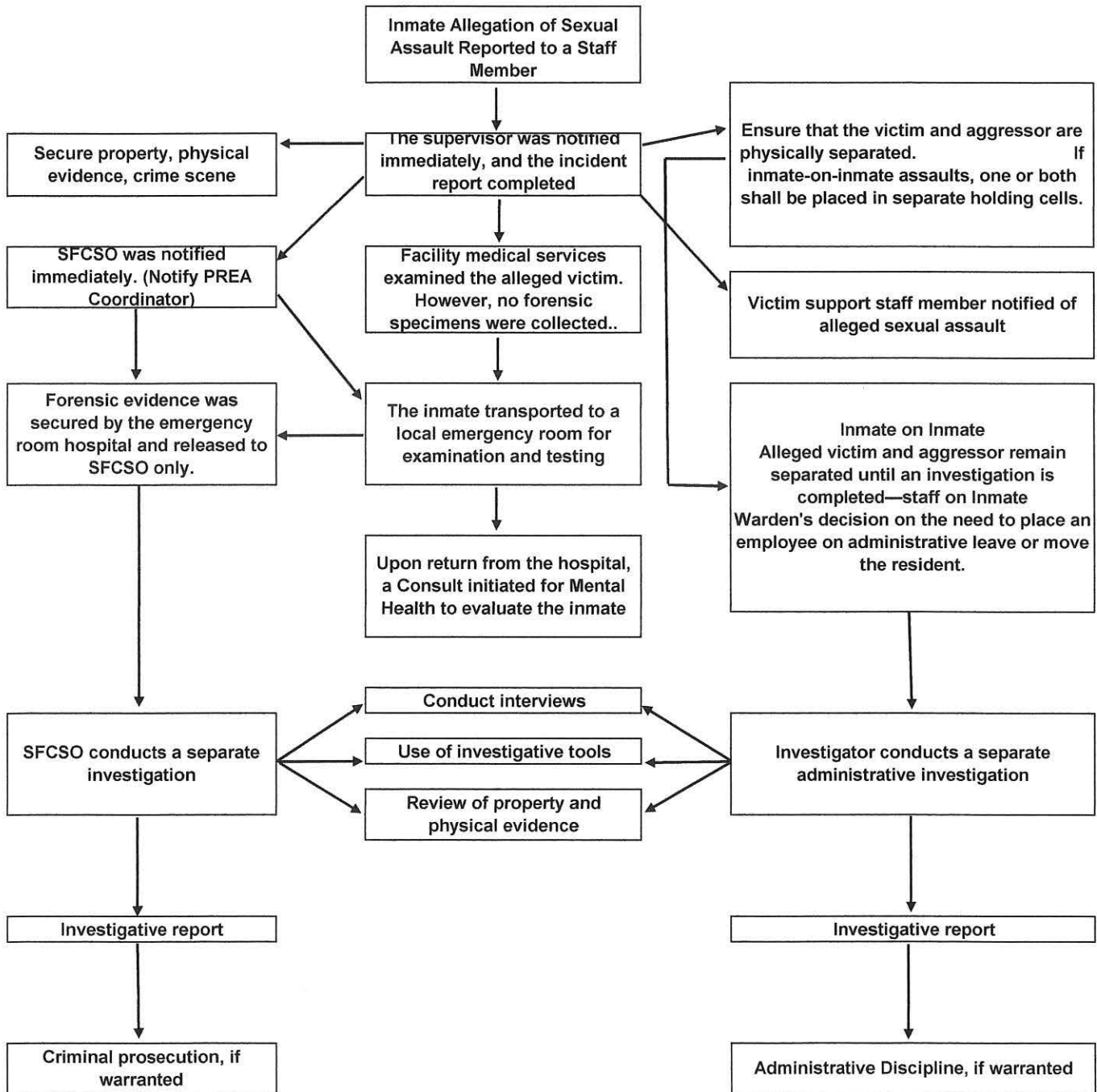
**THIS POLICY WILL BE REVIEWED ANNUALLY AND UPDATED AS NEEDED.**

**POLICY AND PROCEDURE REVIEWS AND APPROVED POLICY AND PROCEDURE REVISIONS:**

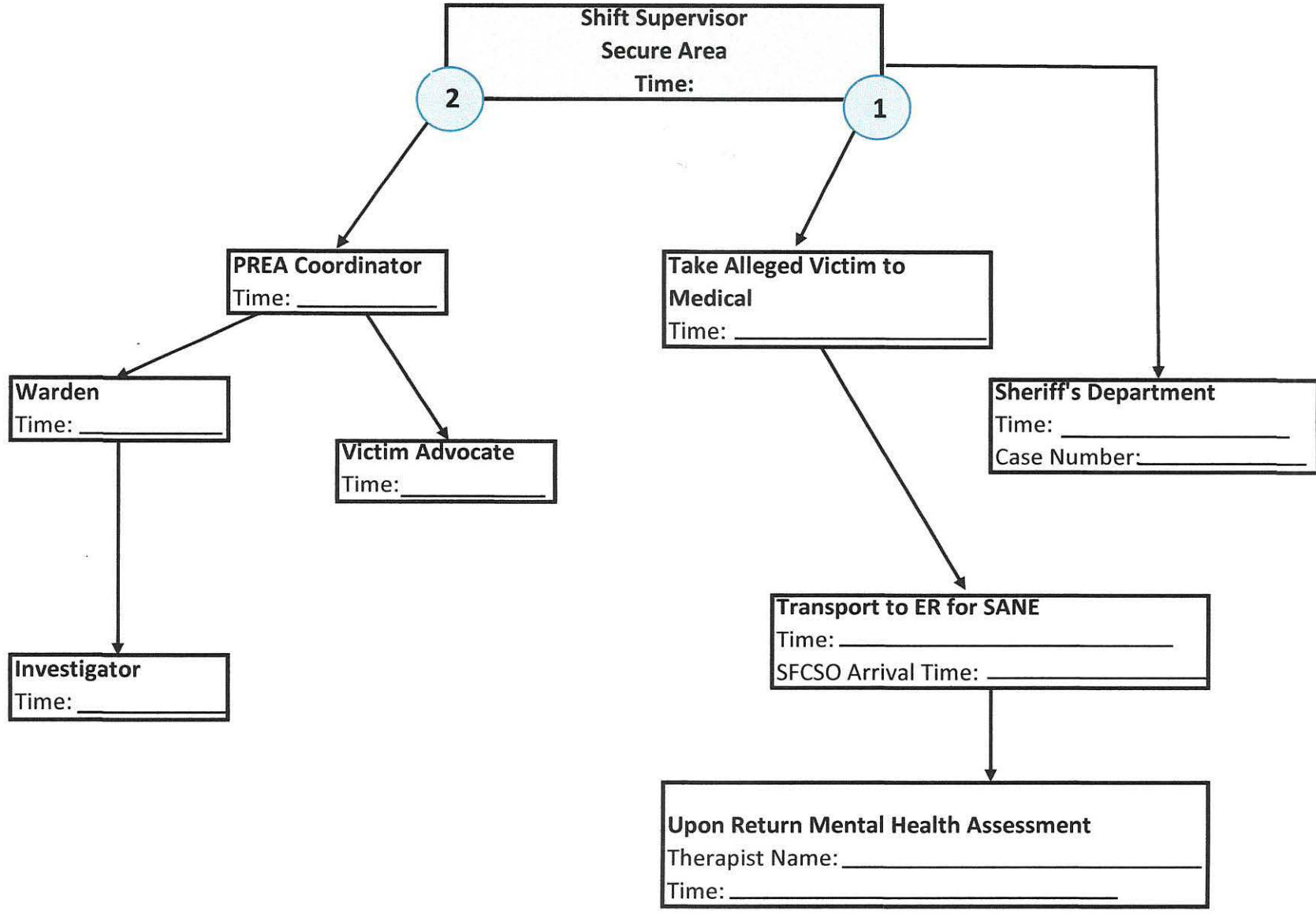
Approved:	Signature	Title	Date
Reviewed/No Changes	<input type="checkbox"/> _____	_____	_____
Approved Policy Revision	<input type="checkbox"/> _____	_____	_____
Approved Procedure Revision	<input type="checkbox"/> _____	_____	_____
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**PROCESS FOR INVESTIGATING SEXUAL ASSAULT ALLEGATIONS**  
 (REPORTED WITHIN 120 HOURS OF ALLEGED INCIDENT)



**PREA REPORT ALGORITHM**  
 (REPORTED WITHIN 120 HOURS OF ALLEGED INCIDENT) 115.65



Incident: \_\_\_\_\_ Inmate: \_\_\_\_\_ Inmate: \_\_\_\_\_ Date: \_\_\_\_\_



**Santa Fe County Adult Detention Facility PREA Allegation Form**

Inmate Name: \_\_\_\_\_ Detention #: \_\_\_\_\_

Date/Time Received: \_\_\_\_\_ Did the incident occur at SFCADF: YES  NO

Staff Member Receiving Report: (print and signature) \_\_\_\_\_

Date/Time PREA Coordinator Notified: \_\_\_\_\_

**Inmate Questions**

When did the incident occur? (Date and Time)

\_\_\_\_\_

Who was the aggressor? (Staff, Inmate, Name, Position, etc.)

\_\_\_\_\_

Where did the incident occur? (State, City, Facility, Unit, Pod, etc.)

\_\_\_\_\_

Did you report the incident? YES  NO

If Yes, when, to who, and what was the outcome?

\_\_\_\_\_

Would you like to make a report to law enforcement? YES  NO

Would you like to be seen by a medical professional regarding this incident? YES  NO

Would you like to be seen by Behavior Health regarding this incident? YES  NO

Please describe what happened and use as much detail as you feel comfortable:

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By signing this form, I understand SFCADF will give me the opportunity to make a police report and have been offered to be seen by a medical professional and/or Behavior Health regarding my allegation of sexual abuse. I understand that I may request these services at any time in the future while in custody at SFCADF. I understand that this allegation will be forwarded to the SFCADF PREA Coordinator.

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Inmate Signature

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Date







Santa Fe County Adult Detention Facility

Facility Response to Sexual Assault Check-list

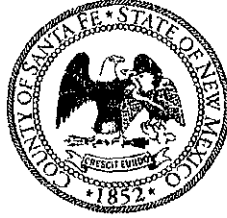
Facility: \_\_\_\_\_

Date of Incident: \_\_\_\_\_

<b>I. Shift Supervisor</b>	
<b>Initials</b>	<b>Action</b>
	Place unit on lockdown and suspend programming
	Shift Supervisor separate victim from assailant
	Advise victim not to shower, brush teeth, wash clothes, relieve themselves
	Escort victim to medical for acute injury evaluation and treatment
	Shift Supervisor report incident immediately to the Facility PREA Coordinator
	Shift Supervisor complete the <i>Serious Incident Report and Checklist</i>

Shift Supervisor: \_\_\_\_\_ / \_\_\_\_\_  
Print/Sign

Date: \_\_\_\_\_



# Santa Fe County Adult Detention Facility

## WAIVER/REQUEST FOR CHARGES

**Inmate Name:** \_\_\_\_\_ **D#** \_\_\_\_\_

I, \_\_\_\_\_ request to waive any right to file charges with Santa Fe County Sheriff's Office while incarcerated at the Santa Fe County Adult Detention Facility. In doing so, I do not hold Santa Fe County Adult Detention Facility liable for any harm that may subsequently occur or has occurred during my confinement.

**I do not want to file charges.**

\_\_\_\_\_ **Inmate Name** \_\_\_\_\_ **Date**

I, \_\_\_\_\_ I'm requesting to file charges with Santa Fe County Sheriff's Office while In doing so, I do not hold Santa Fe County Adult Detention Facility liable for any harm that may subsequently occur or has occurred during my confinement.

**I am requesting to file charges.**

\_\_\_\_\_ **Inmate Name** \_\_\_\_\_ **Date**

\_\_\_\_\_ **Witness** \_\_\_\_\_ **Title** \_\_\_\_\_ **Date**

**Comments:**

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## PREA Sexual Abuse Response Team Committee

### Confidentiality Agreement

By signing below, I understand that the information viewed is required to be held confidential by me. This matter does not involve public concern, and the Santa Fe County Adult Detention Facility has adequate justification for restricting communications of this information. Committee members will access confidential investigations, personnel, medical, mental health, or personal records/information. This information is being provided to you in either electronic and/or paper format. By signing this document, you agree not to disclose any of this information to anyone. By signing this document, you agree that any information discussed within the committee is confidential and will not be disclosed to anyone. Committee members may electronically, verbally, or in person exchange information needed to review the incident but are responsible for ensuring the information remains confidential within the committee.

By signing this document, I also agree that there is no conflict of interest within the incident being reviewed. If a conflict of interest occurs, I agree to remove myself from the incident review and suspend my privileges within the committee until the incident review is completed.

I understand that the consequences of violating this agreement may include disciplinary action up to and including termination of employment and potential criminal or civil legal liability for violation of state or federal confidentiality laws.

I have read and understood the Confidentiality Agreement and agree to abide by it. My signature below is evidence of the preceding and freely given.

Employee Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Committee Chair Person Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## INMATE VICTIM RETALIATION MONITORING FORM

The facility will monitor any inmate who has reported or cooperated in an investigation regarding sexual abuse or sexual harassment. The Facility PREA Coordinator will complete this for 90 days following a report.

Date of Incident \_\_\_\_\_

Facility Name: Santa Fe County Adult Detention Facility

Inmate Name and  
Number

### 15 Day Review – Date:

Housing \_\_\_\_\_ Was this Yes/No  
a change \_\_\_\_\_

Disciplinary Yes/No Type  
Reports \_\_\_\_\_

Programming Changes  
\_\_\_\_\_

Negative Performance Reviews or Reassignments:

### 45 Day Review - Date

Housing \_\_\_\_\_ Was this Yes/No  
a change \_\_\_\_\_

Disciplinary Yes/No Type  
Reports \_\_\_\_\_

Copy must be placed in Facility PREA File



Programming Changes \_\_\_\_\_

Negative Performance Reviews or Reassignments:

**90 Day Review - Date:**

Housing \_\_\_\_\_ Was this Yes/No  
a change \_\_\_\_\_

Disciplinary Yes/No Type  
Reports \_\_\_\_\_

Programming Changes \_\_\_\_\_

Negative Performance Reviews or Reassignments:

**Closeout**

Periodic Status Check (In-Person) Yes/No Date: \_\_\_\_\_  
Yes/No

Was any retaliation identified: \_\_\_\_\_

If so, please describe corrective  
action: \_\_\_\_\_

Person Completing Form and Date:



**Santa Fe County Adult Detention Facility**

**Prison Rape Elimination Act Questionnaire for Prior Institutional Employees**

Under the Prison Rape Elimination Act 28 C.F.R. Part 115 (PREA), before hiring any employee who may have contact with any individual incarcerated or detained, Santa Fe County Adult Detention Facility must contact all prior institutional employers and request certain PREA-related employment information. It should be noted that PREA further requires a past or present institutional employer to provide PREA-related details upon request by another institutional employer.

We have been informed that you have employed the below-referred candidate and may have PREA-related information. Accordingly, we request that you respond to the following questions and provide relevant information.

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**Candidate Provided Information**

Full Name: \_\_\_\_\_

Social Security Number (last 4): \_\_\_\_\_

Aliases/Maiden: \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Name of Agency/Facility  
Of Previous Employer(s): \_\_\_\_\_

Job Title(s): \_\_\_\_\_

Dates of Employment: \_\_\_\_\_

**Release**

I authorize Santa Fe County to make any necessary inquiries with my employment application. As part of such inquiries, Santa Fe County has my permission to contact persons who may have information about my suitability for employment. I understand that information obtained by Santa Fe County in accordance with this authorization may include information pertaining to my character, general reputation, personal characteristics, work habits, and mode of living.



I authorize, without reservation, Santa Fe County to make all necessary and appropriate investigations to verify the information provided in conjunction with my employment application. I further authorize persons, schools, my current employer (if applicable), and previous employers named in my application To provide any job-related information that Santa Fe County may require to arrive at an employment decision.

Applicants Signature: \_\_\_\_\_ Date: \_\_\_\_\_