



Santa Fe County
Adult Detention Facility

Warden

Date

01/31/20

Public Safety Director

Date

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Number: J-B-05

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NMAC STANDARDS: ADM – 09, SC-58, SC-59, SC-60, SC-61, SC-62, SC-63, SC-64, SC-65, SC-66, SC-67

Performance: 4-ALDF-2A-29, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4ALDF-4D-22-3, 4ALDF-4D-22-4, 4-ALDF-4D-22-5, 4ALDF-4D-22-6, 4-ALDF-4D-22-7, 4-ALDF-4D-22-8

Prison Rape Elimination act of 2003: 28 C. F. R. part 115

Subject: Inmate Protection Against Abuse and Sexual Misconduct Reporting Procedures

Effective Date: January 15, 2013

Revision Date: January 31, 2020

AUTHORITY:

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

REFERENCES:

American Adult Detention Association Standards for Adult Local Detention Facilities, Fourth Edition Standards: 4-ALDF-4D-22, 4-ALDF-4D-22-1, 4-ALDF-4D-22-2, 4ALDF-4D-22-3, 4ALDF-4D-22-4, 4-ALDF-4D-22-5, 4ALDF-4D-22-6, 4-ALDF-4D-22-7 and 4-ALDF-4D-22-8.

NM Adult Detention Professional Standards: ADM-9, 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, and 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:

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

2. All actions taken in response to an incident of sexual assault are coordinated among staff first responders, medical and mental health practitioners, investigators, and facility leadership.
3. Victims receive all necessary immediate and ongoing medical, mental health, and support services. [§115.53].
4. Investigators are able to obtain usable evidence to substantiate allegations and hold perpetrators accountable.

APPLICABILITY:

All employees, contracted and volunteers, that perform services for the Santa Fe County Adult Detention Facility along with visitors, representatives, and all persons committed to or under the supervision of the Santa Fe County Adult Detention Facility.

FORMS:

- A. **Facility Response to Sexual Assault Checklist** form
- B. **Staff Retaliation Monitoring** form
- C. **Sexual Abuse or Assault Incident Review Team** form
- D. **PREA Sexual Abuse Response Team Committee Confidentiality Agreement** form
- E. **Prison Rape Elimination Act Questionnaire for Prior Institutional Employees** form

DEFINITIONS:

1. Abuse: The unlawful or unjustified use of force or other actions that jeopardize the physical or mental well-being of an inmate
2. Advocate: A qualified community based individual or rape crisis organization designated by the Santa Fe County Adult Detention Facility Warden who has been specially trained to support a victim during investigation of alleged sexual abuse and who is available to accompany and support the victim through forensic medical examinations and investigatory interviews and who shall provide emotional support, crisis intervention, information and referrals.
3. Aggressor: Any person committing sexual misconduct against another. The aggressor may be the same or different gender as the victim.
4. 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.
5. 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 his/her

eighteenth birthday, or intentionally causing another who has reached his/her eighteenth birthday to touch one's intimate parts.

6. 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 knowingly swearing or affirming the truth of a false statement previously made.
7. Intersex: A person who's 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.
8. Investigation: The process of gathering, obtaining, collecting, compiling, and reporting all evidence surrounding an alleged incident of sexual misconduct.
9. NPSAMFE: National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent.
10. Non-Employee: Any volunteer, contractor, therapist, parole/probation officer, officer of the court or other non-employee individual who interacts with inmates who are in the custody of the detention facility.
11. Inmate: An individual who is in the custody of Santa Fe County Adult Detention Facility.
12. Retaliation: Any act of vengeance, covert or overt action 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 to compromise the victim or witness's safety, including refusal or failure to protect.
13. 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 by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution or other form of sexual exploitation).

14. 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 New Mexico law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution, or other form of sexual exploitation).
15. Sexual Coercion: Compelling or inducing another person to engage in sexual activity by deceit, threats, force or intimidation or for personal favors.
16. 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, thighs 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, to include strip searches.
17. 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 staffs') 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.
18. 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 attempt to commit acts including, but not limited to: criminal sexual penetration, sexual abuse, sexual harassment, and sexual contact, 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 also 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.
19. Voyeurism: (by a staff employee, contractor, or volunteer) - An invasion of privacy of an inmate by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily functions.

20. *Transgender*: A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth.
21. *Preponderance of Evidence*: the standard of proof in which the party bearing the burden of proof must present evidence which is more credible and convincing than that presented by the other party or which shows that the fact to be proven is more probable than not

POLICY:

1. The SFCADF has a “**zero tolerance**” policy regarding abuse, sexual misconduct and sexual harassment directed towards inmates. **[§115.11] [SC-58]**
2. Any employee, inmate or other person who in good faith reports abuse or sexual misconduct will not be subject to retaliation. Information will be kept confidential. PREA Coordinator or their designee will monitor those who report sexual abuse or cooperate with investigations for ninety (90) days following the report and take appropriate steps to protect individuals from retaliation, including periodic status checks on all reporting parties. **[§115.67] [SC-60] [SC-65]**
3. It is mandatory that staff, vendors, contractors or any inmates who witness or are the subject of abuse or sexual misconduct, who witness retaliation against those who report such incidents, or who witness any staff neglect or violation of responsibilities that may have contributed to an incident, must immediately report such conduct to their immediate supervisor (with respect to the chain of command) to include the Warden. When staff or the facility believes that an inmate is at substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. **[§115.61] [§115.62]**
4. Information shall be provided to inmates about sexual abuse/assault including:
 - Prevention/intervention;
 - Self-protection,
 - How to report,
 - Zero Tolerance,
 - Reporting sexual abuse/assault; and,
 - Treatment/counseling**[4-ALDF-2A-29] [SC-58]**
5. This information shall be communicated orally and in writing, in a language clearly understood by the inmate, upon arrival at a facility. Within thirty (30) days of intake, the facility shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding facility policies and procedures for responding to such incidents. In addition to providing such education, the facility shall ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbook, or other written formats. **[§115.33] [SC-58]**

6. 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 have limited reading skills. **[§115.33]**
7. 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 all notifications to other facilities; the PREA Coordinator will maintain documentation of all external notifications. **[§115.61] [§115.62]**
8. Inmates must be screened within 24 hours of arrival at the facility by the case manager assigned to booking. Inmates must be re-screened within 30 days after the inmates arrival by the respective case manager assigned to the inmates unit, for potential vulnerabilities or tendencies of acting out with sexually aggressive behavior. In the event of an incident, both the inmate perpetrator and/or inmate 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 inmates 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] [4-ALDF-4D-22-1] [SC-59]**
9. Case managers will maintain an individual unit tracking mechanism to log all performed screenings. **[SC-61]**
10. The PREA Coordinator will maintain a master tracking mechanism to log all performed screenings and note future dates of proposed screenings.
11. Inmates are not subject to personal abuse, corporal punishment, personal injury, disease, property damage or harassment and that inmate property is protected. (SC-67)
12. The placement of inmates determined to be at high risk of sexual victimization into Special Management shall cite the basis for the facility's concern for the inmates safety and the reason why no alternative placements are appropriate consistent with policy inmates shall not be disciplined for refusing to participate in the screening process. Any use of Special Management to protect an inmate who has alleged to have suffered sexual abuse will fall under the same process as mentioned in section 12. **[§115.43] [4-ALDF-4D-22-1]**
13. Any use of Special Management to protect an inmate who has alleged to have suffered sexual abuse will fall under the same process as mentioned in section 12. **[§115.68]**
14. 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 inmates

own views with respect to his or her own safety shall be given serious consideration. [§115.15] [§115.42]

15. An investigation shall be conducted and documented whenever a sexual assault or threat is reported. The investigation may be limited by what is allowed by the laws of the jurisdiction. At the conclusion of an investigation into an inmates allegations against a staff member, the inmate will be informed in writing (unless the investigation determines that the allegation is unfounded) whether:

- The staff member continues to be posted in the inmates unit;
- The staff member continues to be employed;
- The staff member has been indicted; and,
- The staff member has been convicted.
- Whether the alleged abuser has been indicted on a charge related to the sexual abuse in the facility; and,
- Upon the facility learning that the abuser has been convicted on a charge related to sexual abuse within the facility. [§115.66] [§115.73] [4-ALDF-4D-22-2]
 - At the conclusion of an investigation into an inmate's allegation against another inmate, the alleged victim will be informed in writing by the PREA Coordinator.

16. Victims of sexual assault are taken to the ER or other community facility for treatment and gathering of evidence. If these procedures are performed in-house the following guidelines are used: [4-ALDF-4D-22-6] [SC-64]

- A history is taken by health care professionals who conduct an examination to document the extent of physical injury and to determine if referral to another medical facility is indicated. With the victims consent, the examination includes 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 sexually transmitted diseases 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 facility warden or designee to assure separation of the victim from his or her assailant.

17. Inmates that are identified as high risk with a history of criminally sexual behavior shall be assessed by a mental health or other qualified professional within 14 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. Inmates with a history of criminally sexual behavior shall be identified, monitored, and counseled. [§115.81] [§115.42] [4-ALDF-4D-22-3]

18. Inmates identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional within 14 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. Inmates at risk for sexual victimization shall be identified, monitored, and counseled. **[§115.81]**
[§115.42] [4-ALDF-4D-22-4] [SC-62]
19. Sexual conduct between staff and inmates, volunteers, or contract personnel and inmates, regardless of consensual status, is prohibited and subject to administrative discipline, up to and including termination, and criminal sanctions and referred to local law enforcement authorities for possible criminal prosecution. Licensed professionals engaging in sexual conduct with inmates will be reported to any relevant licensing body. **[§115.76] [§115.77] [4-ALDF-4D-22-5] [SC-63]**
20. Inmates that are victims of sexual abuse shall have an option to report the incident to a designated staff member other than an immediate point-of-contact line officer. **[4-ALDF-4D-22-7]**
21. Staff First Responder Duties:
 - Separate the alleged victim and abuser;
 - Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating;
 - If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking, or eating.
 - If the first staff responder is not a security staff member, the responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff. **[§115.64]**
22. Inmates under the age of eighteen (18) years old will not be assigned to housing in the same housing unit as adult inmates. **[§115.14]**
23. Inmates with disabilities and inmates who are limited English proficient shall have access to all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment. **[§115.16]**
24. SFCADF shall not use 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 effective interpreter could compromise the inmates safety, the performance of first responders, or investigation of the inmates allegations, is prohibited. **[§115.16]**

25. The facility shall develop, document, and make best efforts to comply on a regular basis with a staging plan that provides for adequate levels of staffing, and where applicable, video monitoring to protect inmates against sexual abuse. In calculating adequate staffing levels and determining a need for video monitoring, facilities will take into consideration [§115.13]

- Generally accepted detention and Adult Detention practices;
- Any judicial findings of inadequacy;
- Any finding of inadequacy from Federal Investigative agencies;
- Any findings of inadequacy from internal and external oversight bodies; all components of the facility's physical plant (including blind spots);
- The composition of the inmate population
- The number and placement of supervisory staff; institution programs occurring on a particular shift;
- Any applicable State or Local laws, regulations or standards; the prevalence of substantiated and unsubstantiated incidents of sexual abuse; and
- Any other relevant factors.
 - At least one time per year, the facility will hold a meeting to assess, determine and document whether adjustments are needed to the staffing plan, the facility's deployments of video monitoring systems and other monitoring technologies; and the resources the facility has available to commit to ensure adherence to the staffing plan. At the conclusion of the meeting, documentation of the review shall be forwarded to the facility PREA Coordinator for review. [§115.13] [ADM-09]

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

27. Cross gender searches shall only be utilized during exigent circumstances, in which staff must complete the Cross Gender/Transgender Inmate Search Log.

28. Staff members of the opposite sex of the inmate population in their facility must announce their presence when entering an inmate housing unit. If a female member enters a male unit, the female staff member must announce "female on floor" if a male staff members enters a female unit, the male staff member must announce "male on floor". These announcements must be logged into the housing unit daily log for that unit. [§115.15]

29. When designing or planning any substantial expansion or modification of the facility, the facility shall consider the effect of the design, acquisition, expansion, or modification upon the facilities 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 facilities ability to protect inmates from sexual abuse. [§115.18]

30. Prior to contact with any inmate, any employee, volunteer and/or contractor will be trained on their responsibilities under the facilities sexual abuse and sexual harassment prevention, detection and response policies and procedures. [§115.31] [§115.32] [ADM-09]
31. The facility shall maintain documentation confirming that volunteers and contractors understand the training they received. [§115.32]
32. The facility shall document, through employee signature that employees understand the training they received. Medical, Mental Health, and Investigative Staff must complete the training class for their respective specialized areas concerning PREA. The facility will maintain documentation that these specialized staff members have been trained. [§115.31] [§115.34]. [§115.35]

PROCEDURES:

A. General Information

1. Inmates shall be protected from sexual misconduct, personal abuse, corporal or unusual punishment, humiliation, mental abuse, personal injury, disease, property damage, harassment or punitive interference with the daily functions of living, such as eating and sleeping. Shift commander shall make unannounced rounds in housing units to deter staff sexual abuse. Staff members are prohibited from alerting other staff members that supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility [§115.13]
2. An investigation shall be conducted and documented whenever a criminal sexual behavior, sexual misconduct or threat is reported.
3. All case records associated with claims of sexual abuse, including incident reports, investigative reports, inmate information, case disposition, medical and counseling evaluation findings and recommendations for post-release treatment and/or counseling shall be retained in a confidential manner and are retained for ten years. [§115.89] [4-ALDF-4D-22-8] [SC-66]
5. The facility shall ensure that an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment. [§115.22]
6. In addition to the general training provided to all employees, the facility shall ensure that to the extent the facility itself conducts sexual abuse investigations, that its investigators have received training in conducting such investigations in confinement settings. [§115.34]
7. 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 or following a criminal finding of guilt for inmate-on-inmate sexual abuse. [§115.78]

B. Staff Reporting:

1. Any employee who witnesses or receives information regarding the physical abuse, mental abuse or any sexual misconduct directed towards an inmate shall immediately report the abuse to his or her immediate supervisor, who shall forward the report to the PREA Coordinator.
2. Failure to report or knowingly submitting a false report may result in disciplinary action, up to and including dismissal.
3. 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 (e.g., Warden, Public Safety Director, PREA Coordinator etc.).
4. Where abuse is found to have occurred, appropriate administrative action against the offending party will be initiated, up to and including dismissal.

C. Inmate Reporting:

1. 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 the daily functions are encouraged to immediately report the incident by:
 - Reporting the incident to any staff member or employee, Adult Detention officer, contract staff or volunteer.
 - Filing a grievance.
 - Placing a note or memo in any drop box located throughout the facility for classification, medical or mental health staff and/or even mail boxes (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 the information directly to the Public Safety Director, Warden, Deputy Warden, PREA Coordinator or Shift Commander.
 - Reporting thru 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 provided with envelopes and postage for such correspondence §115.51

2. All such reports shall be handled in a confidential manner.
3. Failure to report or knowingly submitting a false report may result in disciplinary action

A. Initial Disclosure Within 120 Hours of a Sexual Assault Incident

Within the first 120 hours of a sexual assault incident in the jail population, the following actions will be taken:

1. The affected unit shall be placed on a lock-down and suspension of program services for an appropriate time.
 - a. Upon identification of the victim and assailant(s), security staff will assure the separation of the victim from his or her assailant(s) the victim will be instructed not to shower, wash their clothes, brush their teeth, or relieve him or herself in order to preserve evidence.
 - b. A facility health care professional will take a history and conduct an examination to document the extent of physical injury and to determine if there are injuries that merit transfer to another medical facility. The purpose of the examination is to determine the patient's stability for transfer to a site that provides forensic examinations. The facility examiner is to be mindful of the need to preserve any objective forensic evidence during the examination.
 - c. The shift commander shall make an immediate verbal report to the PREA Coordinator.
 - d. The shift commander will use the **Facility Response to Sexual Assault Checklist** form to ensure that all pertinent documentation of a major incident is completed.
 - e. The PREA Coordinator will contact the designated victim advocate in accordance with the *National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent*. [§115.21].
 - f. The shift commander shall complete the **Facility Response to Sexual Assault Checklist** form and submit to the PREA Coordinator.
 - g. Allegations of sexual abuse and sexual harassment are to be referred for investigation to the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. All such referrals will be documented. [§115.22]

- h. The facility PREA Coordinator must immediately begin victim retaliation monitoring to protect all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigation from retaliation by other inmates or staff. Retaliation Monitoring will be completed utilizing the **Staff Retaliation Monitoring** form for 90 days (or longer if necessary) by the PREA Coordinator [§115.67]

B. Investigation

1. A thorough and objective investigation of an incident involving sexual misconduct shall be completed by an assigned investigator. [§115.22]
2. The assigned investigator shall gather and examine all physical and documentary evidence including reports, records, photographs, equipment, or any other pertinent information.
3. The assigned investigator will contact all witnesses and schedule an interview with them. The interviews shall be conducted in a thorough, predetermined, and systematic manner regarding all of the allegations.
4. The facility shall impose no standard higher than a preponderance of evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. [§115.72].
5. The departure of the alleged abuser or victim from employment or control of the facility shall not provide basis for terminating an investigation. [§115.71].
6. All allegations of criminal conduct including criminal sexual penetration of an inmate by a staff member must be reported to the appropriate law enforcement authorities by the investigations officer. The investigations officer will serve as the liaison between the Santa Fe County Adult Detention Facility and the appropriate law enforcement agency during the course of any continuing investigation.
7. An investigation into allegations of sexual abuse or sexual harassment shall be done promptly, thoroughly and objectively for all allegations, including third party and anonymous reports. [§115.71].
8. Following an investigation into an allegation, the facility shall inform the inmate whether the allegation has been determined to be substantiated, unsubstantiated or unfounded. [§115.73].
9. If it is found that an allegation of sexual misconduct was false, the case may be referred to law enforcement for prosecution. Any inmate who files a false allegation is subject to disciplinary action

C. Forensic Examination

1. The Warden or designee will ensure that victims of sexual assault are promptly transferred under appropriate security provisions By Emergency Medical Services or Santa Fe County Adult Detention Facility personnel as is medically appropriate to a community health care facility for treatment and gathering of evidence. **[4-ALDF-4D-22-6] [§115.82]**
2. This will be at no charge to the inmate.
3. The consent of the victim shall be required for any routine emergency examination and treatment offered at the community health care facility, which is not otherwise required by law.
4. The examiner will prepare consent forms, etc. for the examination, (NPSAMFE).
5. The examiner will establish the medical forensic history, (NPSAMFE).
6. The examiner will photograph medical evidence, (NPSAMFE).
7. The examiner will perform the examination and collect medical evidence (NPSAMFE).
8. The examiner will gather toxicology samples for drug testing, (NPSAMFE).
9. The examiner will perform a sexually transmitted infection evaluation and provide for treatment, (NPSAMFE).
10. The examiner will perform a pregnancy risk evaluation and schedule follow-up care, (NPSAMFE).
11. The examiner will provide follow up instructions and release the victim for discharge, (NPSAMFE).

D. After Action and Follow-Up Care

1. The PREA Coordinator will develop a victim safety action plan.
2. The facility medical director will initiate the 48-hour medical treatment review of the victim (NPSAMFE). **[§115.82]**
3. A facility mental health professional will perform an evaluation to assess the need for crisis intervention and long-term follow-up. **[§115.82]**

4. The facility medical director and mental health supervisor will develop a treatment plan for follow-up services. [§115.83]
5. The assigned investigator shall perform a follow-up interview with the victim, (NPSAMFE).
6. The assigned mental health provider will provide access to counseling and advocacy services (NPSAMFE).
7. The classification officer will initiate the reclassification review process for the perpetrator(s).
8. An inmate identified as high risk for sexually assaultive behavior or who has a history of sexually assaultive behavior will be assessed by a mental health or other qualified professional inmates identified as at risk for sexual victimization shall be assessed by a mental health or other qualified professional within 14 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. Inmates at risk for sexual victimization shall be identified, monitored, and counseled. [§115.81]. Inmates with a history of sexually assaultive behavior will be identified, monitored, and counseled.

E. After Action Review

1. The Sexual Abuse or Assault Incident Review Team will review every incident at the conclusion of every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. The review team shall include upper-level management officials, with input from line supervisors, investigators, and medical/mental health practitioners. The review team shall:
 - a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, 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, or 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 staffing levels in the area during the different shifts;
 - e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

- f) All staff present during the review will sign a **PREA Sexual Abuse Response Team Committee Confidentiality Agreement** form [§115.86].

THIS POLICY WILL BE REVIEWED ANNUALLY AND UPDATED AS NEEDED

Santa Fe County Adult Detention Facility

Facility Response to Sexual Assault Check-list

Facility: _____

Date of Incident: _____

I.	Shift Supervisor
Initials	Action
	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

Date of Incident: _____

Inmate Name: _____ Detention#: _____

15 Day Review

Housing: _____ was this a change? (Yes/No): _____

Disciplinary Reports (Yes/No): _____ Type: _____

Programming Changes: _____

Negative Performance Reviews or Reassignments:

30 Day Review

Housing: _____ was this a change? (Yes/No): _____

Disciplinary Reports (Yes/No): _____ Type: _____

Programming Changes: _____

Negative Performance Reviews or Reassignments:

60 Day Review

Housing: _____ was this a change? (Yes/No): _____

Disciplinary Reports (Yes/No): _____ Type: _____

Programming Changes: _____

Negative Performance Reviews or Reassignments:

90 Day Review

Housing: _____ was this a change? (Yes/No): _____

Disciplinary Reports (Yes/No): _____ Type: _____

Programming Changes: _____

Negative Performance Reviews or Reassignments:

Santa Fe County Adult Detention Facility

Closeout

Was any retaliation identified (Yes/No): _____?

If so, please describe corrective action:

Person Completing Form: _____ Date: _____

Copy must be placed in Facility PREA File

Santa Fe County Adult Detention Facility
Sexual Abuse or Assault Incident Review Team {115.87 and 115.88}

An incident review team must complete the review within thirty (30) days of the conclusion of any law enforcement or administrative investigation with a finding of substantiated or unsubstantiated.

Incident Date: _____ Incident Time: _____

Facility Name: _____

Incident Location: _____

Lead Reviewer Information

First Name: _____ Last Name: _____

Phone Number: _____ Title: _____

Report Date: _____

Review Team Members

#	Name (First and Last)	Title and Role (e.g. Investigator)
1.		
2.		
3.		
4.		
5.		

Incident Details

Brief Summary / Nature of Incident:

Santa Fe County Adult Detention Facility
Sexual Abuse or Assault Incident Review Team {115.87 and 115.88}

	Victim Info	Alleged Perpetrator Info
Name <i>(First and Last)</i>		
Detention Number		
Race		
Date of Birth		
Gender		
LGBTI identification, status or perceived status (Yes/No/Unk)		
Language Spoken		
Known Disabilities		

Criminal Investigation Details

Was a criminal investigation conducted? _____ (Yes/No)

Investigation Finding: _____ Date of Findings: _____
 (Substantiated/Unsubstantiated/Unfounded/Pending)

Law Enforcement Agency Name: _____

Administrative Investigation Details

Was an administrative investigation conducted? _____ (Yes/No)

Investigation Finding: _____ Date of Findings: _____
 (Substantiated/Unsubstantiated/Unfounded/Pending)

Administrative investigation conducted by (name): _____

Incident Review Findings

Group Dynamics

1	Was the incident or allegation motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status or perceived status; or gang affiliation; or motivated or otherwise caused by other group dynamics at the facility? If yes, describe and detail any remedial information to prevent such occurrences in the future.	_____ (yes/no)
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Comments:

Santa Fe County Adult Detention Facility
Sexual Abuse or Assault Incident Review Team {115.87 and 115.88}

<i>Staffing</i>		
2	Was any information available which should or could have alerted staff that the incident might occur? E.g. information from inmate/resident risk assessment, past issues between inmates/residents, history of fighting, prior incidents, etc. Describe.	_____ (yes/no)
Comments:		
3	At the time of the incident, did staffing in that area meet levels required by staffing plans, post orders, etc.? Describe staffing at the incident location.	_____ (yes/no)
Comments:		
4	Are there any changes or additions to current staffing that may help prevent similar incidents or allegations in the future?	_____ (yes/no)
Comments:		
<i>Physical Plant</i>		
5	Have any prior substantiated allegations of sexual abuse or assault occurred in the same area of the facility? If yes, describe and provide dates.	_____ (yes/no)
Comments:		
6	Consider whether physical barriers or layout within the area may have in any way facilitated the abuse. If yes, explain and discuss what changes can be made.	_____ (yes/no)
Comments:		
7	Would monitoring technology, or augmented monitoring technology, have been useful in preventing or responding to this incident? If so, how?	_____ (yes/no)
Comments:		
<i>Incident Response</i>		
8	Once the incident was detected, was staff response timely and appropriate?	_____ (yes/no)
9	Were policies and procedures followed in this case (protection duties, responder duties regarding preservation of evidence, reporting, coordinated response, etc.)?	_____ (yes/no)

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Sexual Abuse or Assault Incident Review Team {115.87 and 115.88}

10	Describe the staff response to the incident and any deviations from established policies or procedures.	_____ (yes/no)
Comments:		
11	Were appropriate medical care, mental health counseling and/or other health services offered to the victim after the incident was reported? Describe the services offered.	_____ (yes/no)
Comments:		
12	Were appropriate victim advocacy services offered to the victim after the incident was reported? Describe the services offered.	_____ (yes/no)
Comments:		
13	If any of the alleged victims or perpetrators has a disability (including a mental illness) or is limited English-proficient, were appropriate steps taken to ensure the inmate /resident(s) had access to all aspects of the facility's efforts to prevent, detect, and respond to sexual abuse? Explain what services or accommodations were provided.	_____ (yes/no)
Comments:		
14	Describe reclassification and housing decisions for both the victim and alleged perpetrator following the allegation.	
<p style="text-align: center;">Victim(s): None _____</p> <p>Alleged Perpetrator(s): _____</p>		
15	Were any additional measures necessary to protect staff, contractors, volunteers, or detainees against retaliation for reporting or complaining about the incident, or participating in the investigation? Please describe and, if retaliation occurred, describe how the facility responded.	_____ (yes/no)
Comments:		
16	Are there any other changes in policies or practices at this facility that might help better prevent, detect, or respond to incidents of this nature in the future? If yes, please describe.	_____ (yes/no)
Comments:		

Santa Fe County Adult Detention Facility
Sexual Abuse or Assault Incident Review Team {115.87 and 115.88}

17	Did this incident result in the review or revision of any facility policies or procedures? If so, what policies or procedures were reviewed and/or revised as a result, and how were they implemented?	_____ (yes/no)
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Comments:

Recommendations

List all recommended changes in policies, procedures, and/or practices identified through the questions above, and describe exactly how each recommendation was implemented.

#	Recommendation Description	Method of Implementation
1		
2		
3		
4		

Copy must be placed in Facility PREA File

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 have access to 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 in any way to anyone. By signing this document you are agreeing 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 have the sole responsibility to ensure the information remains confidential within the committee.

By signing this document I am also in agreement that there is no conflict of interest within the incident that is 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 understand the Confidentiality Agreement and agree to abide by it. My signature below is evidence of the foregoing and freely given.

Employee Signature: _____ Date: _____

Printed Name: _____ Date: _____

Review Chair Signature: _____ Date: _____

PRISON RAPE ELIMINATION ACT QUESTIONNAIRE FOR PRIOR INSTITUTIONAL EMPLOYEES

Pursuant to 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 information upon request by another institutional employer.

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

Candidate Provided Information

Full Name: _____

Social Security Number (last 4): _____

Aliases/Maiden: _____

Full 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 inquiries it deems necessary in conjunction with my application for employment. As part of such inquiries, Santa Fe County has my permission to contact persons who may have information relating to 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 may be required by Santa Fe County to arrive at an employment decision.

Applicants Signature: _____ Date: _____

DO NOT WRITE BELOW THIS LINE. ADMINISTRATION ONLY

Please identify any and all substantiated allegations of sexual abuse against Candidate while in your employment. Please provide the date of the incident, the nature of the allegation against the Candidate, the findings of any investigation conducted and disciplinary action taken. If not applicable please indicate N/A.

Please state whether Candidate resigned during any pending investigation of an allegation of sexual abuse.

YES NO

Please identify any and all substantiated allegations of sexual harassment against Candidate while in your employment. Please provide the date of the incident, the nature of the allegation against the Candidate, the findings of any investigation conducted and disciplinary action taken. If not applicable please indicate N/A.

Please state whether Candidate resigned during any pending investigation of an allegation of sexual harassment.

YES NO

Form Completed by (print name): _____

Title: _____

Date: _____

EMPLOYERS- Please return this form to:

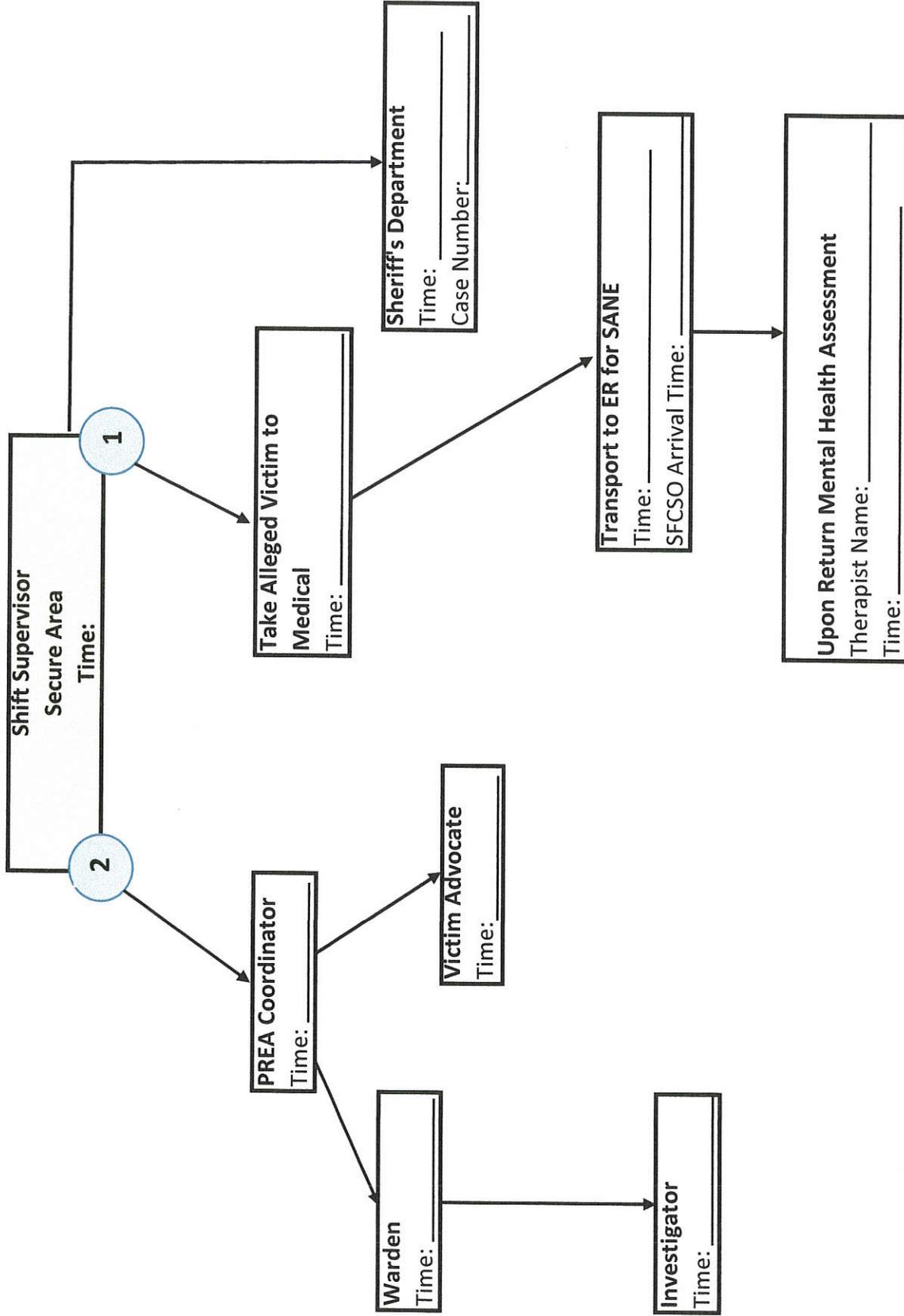
PREA Coordinator Mandy Perez

E-mail: maperez@santafecountynm.gov

Office Phone: (505) 428-3863

Fax: (505) 428-3889

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



Incident: _____ Inmate(s): _____ Date: _____