



Santa Fe County Adult Detention Facility PREA Annual Report 2023-2024



TABLE OF CONTENTS

PREA at Santa Fe County Adult Detention Facility.....	2
PREA Definitions.....	3
PREA Allegation Data.....	4

Prison Rape Elimination Act (PREA)

The Prison Rape Elimination Act (PREA) was signed into law by President George W. Bush in 2003 to address the problem of sexual abuse and sexual harassment of persons in the custody of U.S. correctional agencies. The subsequent development of the PREA Standards by the Department of Justice emphasizes the prevention, detection, and response to allegations of sexual abuse and harassment. PREA applies to all public and private confinement institutions that house adult or juvenile offenders and is also relevant to community-based agencies.

PREA requires that each facility collect and review data “...in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies and training” [Standard §115.88(a)]. In addition, PREA requires all correctional facilities to conduct sexual abuse incident reviews and collect “accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions.” [Standard §115.87(a)].

- This annual report shall be available on the SFC PREA webpage:
<https://www.santafecountynm.gov/corrections>

PREA at Santa Fe County Adult Detention Facility **(SFCADF)**

Purpose

The Prison Rape Elimination Act (PREA) was signed into Federal Law in September 2003. The purpose of the act was to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions and to provide information, resources, and recommendations and funding to protect individuals from prison rape”. PREA also mandated the publication of standards to ensure compliance and improve detection and response strategies in addressing sexual abuse and assault. The final standards were published on June 20, 2012, and became effective on August 20, 2012.

It is the mission of the Santa Fe County Detention Facility to provide a safe and secure environment for all inmates ensuring their right to be free from the threat of any form of sexual abuse, sexual harassment and retaliation.

The Santa Fe County Detention Facility maintains a zero tolerance toward any form of sexual assault, sexual harassment and retaliation between inmates, other inmates, staff, contractors and volunteers and enforces this policy in compliance with the PREA standards.

We are committed to providing a safe, healthy environment for staff and inmates. Inmates who are sexually abused or sexually harassed are encouraged to immediately report utilizing any of our multiple reporting methods. Every report is taken seriously and all allegations will be thoroughly, promptly, and objectively investigated. Any substantiated allegations will be immediately referred for disciplinary actions up to and including termination (staff, contractors and volunteers) and also referred to local law enforcement for criminal proceedings.

The Santa Fe County Detention Facility provides continuous training to staff, contractors and volunteers. This training includes a specialized focus for our Medical, Behavior, Health and Investigative staff.

Inmates are provided information about sexual abuse/assault and sexual harassment to include:

- Prevention
- Intervention
- Self-Protection
- How to Report
- Zero Tolerance
- Treatment/Counseling

The Santa Fe County Detention Facility has a commitment to improving the services available to our inmates. We have built and sustained partnerships with Solace Crisis Treatment Center, Christus St. Vincent's SANE Program, Transgender Resource Center and New Mexico Coalition of Sexual Assault Programs. These partnerships have played a vital role in offering services to our inmate population and continuing services upon their release. We have conducted cross training with Solace Crisis Treatment Center staff and have had Community Advocates conduct group sessions with our inmate population.

Sexual Abuse: Sexual abuse includes the sexual abuse of an inmate by another inmate, and sexual abuse of an inmate by an employee, contractor, or volunteer.

- a. **Inmate-On-Inmate Sexual Abuse-** Sexual abuse of an inmate by another inmate includes any of the following acts, if the victim does not consent, is coerced into such an act by overt or implied threats of violence, or is unable to consent or refuse:
 1. Contact between the penis and the vulva, or the penis and the anus, including penetration, however slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 4. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- b. **Staff-On-Inmate Sexual Abuse-** Sexual abuse of an inmate by staff, contractor, or volunteer includes any of the following acts, with or without consent of the inmate:
 1. Contact between the penis and the vulva, or the penis and the anus, including penetration, however, slight;
 2. Contact between the mouth and the penis, vulva, or anus;
 3. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 4. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or the other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 5. Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;

6. Any attempt, threat or request by an employee, contractor, or volunteer to engage in the activities described in paragraphs 1-5 above;
7. Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate; and
8. Voyeurism by a staff member, contractor or volunteer.

Sexual Harassment:

- a. **Inmate-On-Inmate Sexual Harassment-** Repeated and unwelcome sexual advances, request for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another; and
- b. **Staff-On-Inmate Sexual Harassment-** Repeated verbal comments or gestures of a sexual nature to an inmate by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

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.

Substantiated: The allegation that was investigated and determined to have occurred.

Unfounded: The allegation that was investigated and determined not to have occurred.

Unsubstantiated: The allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

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. (The Santa Fe County Detention Facility imposes a standard no higher than the preponderance of evidence in determining if sexual abuse or sexual harassment allegations are substantiated.)

PREA allegation Data

SFCADF PREA Coordinator tracks all allegations to include attempted sexual abuse and sexual harassment. This section presents data on all allegations for the year, and the findings of a thorough investigation into each allegation.

SFCADF PREA Coordinator also tracks allegations of sexual abuse that occurred outside of SFCADF that are reported to the Facility, which shall not be in this report because it is not a requirement of the PREA Standards.

New Admission Data

	2023	2024
New Admissions (Male)	3,905	4,284
New Admissions (Female)	1,326	1,585
Yearly Total	5,231	5,869
Average Daily Population (Male)	217	229
Average Daily Population (Female)	37	41

PREA Allegations Data

	2023	2024
Substantiated	3	4
Unsubstantiated	8	8
Unfounded	8	12
Total	19	24

2023- PREA Allegations Subcategories

Type of Incident	Substantiated	Unsubstantiated	Unfounded
Inmate on Inmate Sexual Abuse	0	1	0
Inmate on Inmate Sexual Harassment	2	2	0
Staff on Inmate Sexual Harassment	0	2	2
Staff on Inmate Sexual Abuse	1	3	6
Staff on Inmate Voyeurism	0	0	0

2024- PREA Allegations Subcategories

Type of Incident	Substantiated	Unsubstantiated	Unfounded
Inmate on Inmate Sexual Abuse	1	3	2
Inmate on Inmate Sexual Harassment	1	1	1
Staff on Inmate Sexual Harassment	0	3	6
Staff on Inmate Sexual Abuse	1	2	3
Staff on Inmate Voyeurism	0	0	0