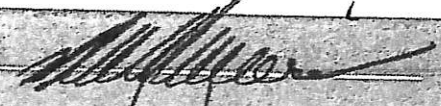




*Inmate Protection Against Abuse & Sexual Misconduct
Reporting Procedures
Policy and Procedures*

712

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SCOPE

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

TABLE OF CONTENTS

Purpose.....	2
Policy	2
Procedure	5
PREA Compliance Staff Plan Requirements.....	6
Training.....	6
Inmate Education	8
Inmate Privacy	8
Reporting Procedures.....	8
Inmate access to outside confidential support services.....	10
PREA Responder Duties.....	11
Mental & Mental Health Duties.....	13
Evidence Collection	15
Confidentiality	15
Investigations	16
Disciplinary.....	22

PURPOSE

The safety and well-being of inmates to the extent reasonable possible and protect inmates from abuse and sexual misconduct 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 immediate and ongoing medical, mental health, and support services.

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

POLICY

The Santa Fe County Adult Detention Facility's 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 staff assigned to relieved posts or positions. Essential posts and positions, determined in the staffing plan, are consistently filled with qualified personnel. **(ADM-09)**

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 the following:

- 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 refusal 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 verbally and in writing, in a language clearly understood by the inmate, upon arrival at the facility. **(SC-58)**

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)**

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)

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)

Mental health or other qualified professional assesses inmates at risk for sexual victimization. Inmates at risk for sexual victimization are identified, monitored, and counseled.

It is the policy of the Santa Fe County Adult Detention Facility to prevent 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)

It is the policy of the Santa Fe County Adult Detention Facility that 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: (SC-64)

- 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 ensure the separation of the victim from their assailant.

The facility provides inmates who are victims of sexual abuse the option to report the incident to a staff member, an immediate point of contact line officer, or a third party. (SC-65)

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)

Inmates are not subjected to personal abuse, corporal punishment, injury, disease, property damage, or harassment, and detainee property is protected. (SC-67)

All inmates receive an initial mental health screening by health-trained 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/or 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/or 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 services and services for emergency treatment
- Cleared for medical housing with appropriate referral to mental health care services and/or referral for emergency medical treatment as appropriate

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

The Santa Fe County Adult Detention Facility does not house Juvenile inmates. [§115.14]

The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners. [§115.15a & §115.42]

The facility will 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. The facility will require staff of the opposite gender to announce their presence when entering an inmate housing unit. [§115.15d]

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 reviews of medical records. [§115.15e]

The facility will 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. [§115.15f]

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 the first responder or investigation of the inmate's allegations is prohibited. [§115.16a]

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 inmate 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]

All staff, custody, and non-custody, will be trained before working with the inmate population and annually during annual refresher classes at their respective facility on how to communicate effectively with LGBTQIA inmates and how to properly conduct pat downs and strip searches of Transgender and Intersex inmates. [§115.31]

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

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 PREA Coordinator for potential vulnerability 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 PREA Coordinator). 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 programming assignments will be made accordingly. Transgender and Intersex inmates shall be screened every six (6) months. [§115.41]

Classification staff shall use the information from the risk screening to determine housing, bed, work, education, and program assignments to keep separate LGBTQIA inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. A transgender or intersex inmate's views with respect to his or her safety shall be given serious consideration. [§115.42]

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]

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 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 consideration when calculating adequate staffing levels and determining the need for video monitoring:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy
- Any findings of inadequacy from federal investigation agencies
- Any findings of inadequacy from internal or external oversight bodies
- All components of the facility's physical plant (including "blind spots" or areas where staff or inmates may be isolated)
- The composition of the inmate population
- The number and placement of supervisor 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
- If the staffing plan is not complied with, SFCADF shall document and justify all deviation 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:
 - The staffing plan is established according to paragraph (2) of this section;
 - Deployment of video monitoring systems and other monitoring technologies; and
 - The resource is available to ensure and adhere to the staffing plan

TRAINING

Staff Training [§115.31 & §115.35]

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

- Zero tolerance policy for sexual abuse and sexual harassment;
- How to fulfill requirements for preventing, detecting, reporting, and responding to sexual abuse and sexual harassment as a mandatory reporter;
- Inmates' rights to be free from sexual abuse and harassment by both inmates and staff members, contractors, and volunteers;
- Inmates' rights to be free from sexual abuse and harassment;
- The right of inmates and employees to be free from retaliation for reporting sexual abuse or harassment;
- The dynamic of sexual abuse and sexual harassment in confinement;
- The typical reaction of sexual abuse or sexual harassment victims;

- How to detect and respond to signs of threatened and actual sexual abuse;
- How to avoid inappropriate relationships with inmates;
- How to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates; and
- How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Because SFCADF houses 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 employees do not receive refresher training, trainers will provide updated notification on present sexual abuse and sexual harassment policies.

Thorough staff signatures or electronic verification that staff understand 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:

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

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

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

Investigator Training

Investigators will be specially trained in sexual abuse, sexual harassment, and sexual assault investigations in addition to general PREA training to include:

- Conducting sexual abuse investigations in confinement settings;
- Appropriate and effective interviewing techniques;
- The proper use of Miranda and Garrity's warnings;
- Sexual abuse, sexual harassment, and sexual assault evidence collection and preservation in confinement settings; and
- 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 it shall be the responsibility of the Training Coordinator to conform with PREA Standard requirements.

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

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:

- Inmate Orientation videos
- Information posters
- Inmate Handbook
- PREA Pamphlet

Appropriate steps to ensure that inmates who are limited in English proficiency, deaf or hard of hearing, visually impaired, having limited reading skills, or 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. We currently have a PO for an interpreter, and deaf inmates can access the VRS app on Secures.

Inmate Privacy [§115.13 & §115.15 & §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.

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

No inmate will be placed in cells 79 and 80 in medical unless the inmate is on a mental health watch or the inmate is self-harming.

REPORTING PROCEDURES

Reporting Procedures for Inmates [§115.51 & §115.52 & §115.53 & §115.54]

Inmates may report an allegation and/or suspicion of sexual abuse, sexual harassment, and retaliation by other inmates, staff, contractors, or volunteers by:

- **PREA Report Hotline** – Any inmate may make a confidential report of sexual abuse, sexual harassment, sexual assault, and retaliation to the PREA hotline on a twenty-four (24) hour hotline by dialing 4357 from the inmate's telephone. All calls are confidential and free of charge.
- **Verbal Compliant** – Any inmate may verbally inform any staff, contractor, or volunteer of any allegation and/or suspicion of sexual abuse, sexual harassment, sexual assault, or retaliation. A verbal report is a formal notification, and the staff, contractor, or volunteer shall proceed as this policy directs.
- **Written Compliant** – Any inmate may file a written complaint to any staff, contractor, or volunteer of any allegation and/or suspicion of sexual abuse, sexual harassment, sexual assault,

or retaliation. A written compliance is a formal notification, and the staff, contractor, or volunteer shall proceed as this policy directs.

- **Communication Form** – Any inmate may report any allegation and/or suspicion of sexual abuse, sexual harassment, sexual assault, or retaliation on the Kiosk. The PREA Coordinator will receive these reports and will respond to the inmate.
- **Facility Mail** – Any inmate, staff, contractor, or volunteer may report any allegation and or suspicion of sexual abuse, sexual harassment, sexual assault, or retaliation to the following address:
 - ❖ Valencia County Detention Center
Attn: PREA Coordinator
436 Los Lentes Rd. SE
Los Lunas, NM 87031
- **Grievances** – An inmate may file a written complaint of sexual abuse, sexual harassment, sexual assault, or retaliation through the inmate grievance system. Grievance remedies shall not be utilized to resolve any PREA allegation, and the following procedures shall be followed if a PREA allegation is submitted through a grievance.
 - All PREA allegations received through a grievance shall be forwarded to the PREA Coordinator as soon as possible once the grievance is received.
 - The PREA Coordinator or designee shall close the grievance by stating, “Grievance procedures are not utilized to resolve a PREA allegation, and the investigation procedures shall be utilized to resolve this allegation.”
 - The PREA Coordinator shall ensure the response and investigation procedures are initiated as soon as possible, not exceeding twenty-four (24) hours.

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

Reporting Procedures for Staff

Any staff, contractor, or volunteer who received any information from any source concerning sexual abuse, sexual harassment, sexual assault, or retaliation or who observed an incident of sexual abuse, sexual harassment, sexual assault, or retaliation is required to make a report via the following:

- **Confidential Hotline** – Any staff, contractor, volunteer, or member of the public may make a confidential report of sexual abuse, sexual harassment, sexual assault, or retaliation of inmates, arrestees, or offenders through the twenty-four (24) hour hotline at 505-428-3116.
- **Verbal Notification** – Any staff who receives a PREA allegation shall make an immediate verbal report directly to their immediate supervisor or PREA Coordinator. Contractors and volunteers may report to the nearest Officer.
- **Written Notification** – Any staff, contractors, or volunteers who receive a PREA allegation shall submit a written report documenting any/all information obtained or observed that concerns that allegation before the end of the shift or tour of duty.

Third-Party Reporting

Third-party reporting shall include reporting by fellow inmates, staff, family members, attorneys, and outside advocates. Third parties shall be permitted to assist inmates, arrestees, and offenders in filing requests for administrative remedies relating to allegations of sexual abuse, sexual harassment, sexual assault, or retaliation and shall also be permitted to file such requests on behalf of the inmate by the following methods:

- **Confidential Hotline** – Third-party reporting of sexual abuse, sexual harassment, or retaliation of inmates can be made through the twenty-four (24) hour hotline at 505-428-3116.
- **Verbal Notification** – A third party may report information on behalf of an inmate to any staff of any allegation and/or suspicion of sexual abuse, sexual harassment, sexual assault, or retaliation. A verbal report is a formal notification, and the staff shall proceed as directed in this PREA policy.
- **Written Notification** – A third party may submit a written report on behalf of an inmate by providing any information received or observed that concerns sexual abuse, sexual harassment, or retaliation to the Chief of Security, PREA Coordinator, or the highest-ranking officials on duty.
- Any inmate, staff, contractor, or volunteer may report any allegation and or suspicion of sexual abuse, sexual harassment, sexual assault, or retaliation to the following address:
 - ❖ Valencia County Detention Center
Attn: PREA Coordinator
436 Los Lentes Rd. SE
Los Lunas, NM 87031

Santa Fe County public website shall provide information on how to report sexual abuse, assault, and retaliation on behalf of an inmate.

Reporting to Other Confinement Facilities

Upon receiving an allegation that an inmate was sexually abused while confined at another facility, the Warden shall notify the head of the facility or appropriate office of the agency where the alleged abuse occurred and document that the notification was provided.

Such notification shall be provided as soon as possible but no later than 72 hours after receiving the allegation.

When the facility receives a notification from another agency of alleged sexual abuse that occurred at the facility, it shall ensure that the allegation is investigated in accordance with this policy.

Mandatory Reporter

All staff, contractors, and volunteers are required to immediately report any knowledge, suspicion, or information regarding an allegation of sexual abuse, sexual harassment, sexual assault, or retaliation.

- Any failure to report any knowledge, suspicion, or information regarding an allegation of sexual abuse, sexual harassment, sexual assault, or retaliation by a *staff member* shall result in discipline up to and including termination.
- Any failure to report any knowledge, suspicion, or information regarding an allegation of sexual abuse, sexual harassment, sexual assault, or retaliation by a *contractor or volunteer* shall result in access to the facility revoked.

Inmate Access to Outside Confidential Support Services

The facility shall provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving the inmates the mailing address and toll-free hotline to the Rape Crisis Center of Central New Mexico.

- The facility will enable reasonable communication between inmates and Solace or the Rape Crisis Center of Central New Mexico confidentially as possible.
- The facility will inform inmates, before giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

PREA RESPONDER DUTIES

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. Who was involved?
 2. What happened?
 3. When did it happen?
 4. Where did it happen?
- Notify any security staff members.
- Provide a written statement to the Shift Commander the same day you receive the report.

Receiving a report of sexual harassment:

- 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. Who was involved?
 2. What happened?
 3. When did it happen?
 4. Where did it happen?
- Notify any security staff members.
- Provide a written statement to the Shift Commander the same day you receive 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:

- If the abuse is an assault in progress, take the appropriate action to end the assault and call a code
- Ensure the victim's safety by separating the alleged victim from the alleged aggressor;
- 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.
- 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;
- 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 inmate.

The Shift Commander will initiate a PREA Incident Report and 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. Who was involved?
2. What happened?
3. When did it happen?
4. Where did it happen?

Medical will contact the medical director to determine if a SANE exam is needed. (This will occur only if penetration is done on the inmate).

If the inmate has been penetrated, the inmate must be sent out immediately for a SANE exam. If the inmate refuses the SANE exam, it must be refused at the hospital.

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), the inmate shall be placed in SMU pending the outcome of the investigation.

When the alleged aggressor is staff, contractor, volunteer, or visitor, and the allegation of sexual abuse occurred within five (5) days or 120 hours. In that case, 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 or sexual assault unless there is no potential criminal behavior.

The Shift Commander will initiate a PREA Incident Report and conduct the following before the end of the shift.

- Collect written statements from the alleged victim, alleged aggressor, first responder, and witness; 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. Who was involved?
2. What happened?
3. When did it happen?
4. Where did it happen?

The Shift Commander will protect the victim by separating the alleged victim from the aggressor.

The Shift Commander shall initiate a PREA Incident Report and notify the PREA Coordinator.

MEDICAL & MENTAL HEALTH DUTIES

Medical & Mental Health Response to any Allegation of 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.

When a medical or mental staff member receives a report, witnesses, or suspects any sexual harassment that occurred in a correctional setting. In that case, they shall follow the procedures outlined in this policy.

Mental health staff shall provide alleged victims of sexual harassment, sexual assault, or sexual abuse 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 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 from 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 to 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 for the need for a SANE exam, unless necessary for treating acute medical injuries.

Notify the on-call Physician or responsible Physician.

Notify the PREA Coordinator.

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.

When the inmate needs emergent care beyond the medical staff's on-site capabilities, the inmate shall receive the necessary treatment to stabilize and 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 uniform 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 investigator interviews.

Upon returning from the forensic medical examination, the medical staff shall:

- Thoroughly review the discharge instructions and carry out orders as appropriate;
- 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
- 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:

- 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, sexual assault, or sexual harassment shall be offered tests for sexually transmitted infections as medically appropriate.

All treatment services related to sexual abuse, sexual assault, or sexual harassment 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 address 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 the following:

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

Evidence Collection

An evidence collection professional (i.e., a SANE) or Special Victim's Unit (SVU) will collect and preserve any forensic evidence (i.e., 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 Investigator will collect and preserve any direct and circumstantial evidence (including physical and DNA evidence when available).

Confidentiality

Information about sexual abuse, sexual harassment, sexual assault, and retaliation investigations are 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 action.

INVESTIGATION

Designation of Authority

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

Evidentiary Standard

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

Interference with PREA [§115.51 & §115.61]

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

- If a staff member is found to have interfered with reporting and/or investigation, discipline up to and including termination.
- If a contractor or volunteer is found to have interfered with reporting and/or investigation, their access to the facility shall be revoked.

Interference with official process includes but is not limited to:

- Any failure to report an incident of sexual abuse, sexual assault, or sexual harassment, whether directly involved or not.
- Any attempt to “cover up” or otherwise hide an incident of sexual abuse, sexual assault, or sexual harassment.
- Any failure to cooperate fully with an investigation or inquiry and
- 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.

Protection Against Retaliation [§115.67]

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

Prohibition of retaliation:

- Retaliation against any inmate in response to their claim of sexual abuse, sexual assault, or sexual harassment or their cooperation in reporting or investigating such incidents is prohibited.

- Retaliation against any inmate, staff member, contractor, or volunteer in response to their cooperation in reporting or investigating such incidents is prohibited.

When the alleged aggressor is a staff member, contractor, or volunteer to protect the alleged victim, the facility will take all steps necessary to protect the alleged victim or anyone who is cooperating with the PREA investigation from retaliation. In that case, the alleged aggressor shall be placed on some restriction such as, but not limited to, from an inmate(s), a pod, a unit, etc.

- The staff member, contractor, or volunteer shall be notified of the restriction by email by the PREA Coordinator.
- The staff member, contractor, or volunteer must notify their supervisor and/or Shift Commander if assigned to a post where the alleged victim is housed or an area where the staff member, contractor, or volunteer shall immediately be reassigned from the post.
- A security or non-security supervisor shall not order the staff member, contractor, or volunteer to work in the area that they are restricted from.
- If the staff member, contractor, or volunteer violates the restriction, takes part in any form of retaliation, or has someone else intimidate any individual cooperation with the investigation on the staff member's, contractor's, or volunteer's behalf, shall be disciplined up to and including termination or if they are a contractor or volunteer, they shall have their access to the facility revoked.
- The member, contractor, or volunteer shall be notified in person or by email when the restriction is removed.

If the alleged aggressor is an inmate, the aggressor shall be listed as incompatible in X-Jail.

The items the PREA Coordinator shall monitor shall include but are not limited to:

- Inmate disciplinary reports
- Housing or program changes; and
- Negative performance reviews or reassignments of staff.

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

Santa Fe County Adult Detention Facility's monitoring obligation shall terminate if the facility determines the allegation is unfounded.

If the PREA Coordinator detects any form of retaliation, an incident report shall be created and referred for a PREA investigation.

If an allegation of retaliation is reported independent of retaliation monitoring, an incident report shall be created and referred to the PREA Coordinator for investigation by the Investigator.

Preliminary Investigation

Once the PREA Coordinator is made aware of any allegation of sexual abuse, sexual assault, sexual harassment, or retaliation by any means or methods, the PREA Coordinator will initiate a preliminary investigation.

The PREA Coordinator will follow the following steps while conducting a preliminary investigation:

- 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.
- 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, sexual abuse, or retaliation outlined in this policy.

If the allegation does not meet the definition of sexual abuse, sexual harassment, or retaliation, the Investigator will provide a cover letter outlining their reasoning.

- 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:

- Ensure appropriate action is taken to separate the alleged aggressor from the alleged victim. For example, the alleged aggressor and not the alleged victim shall be moved unless the move is the only way to ensure the alleged victim's safety.
- The Deputy Warden will assign an investigator to the allegation.
- The PREA Coordinator shall notify the Warden or designee of serious allegations.
- At the direction of the Warden or designee, the Investigator shall be responsible for informing law enforcement of the potential for criminal activity.

PREA Investigation

The Investigator will conduct a thorough, prompt, and objective investigation into sexual abuse, sexual assault, sexual harassment, or retaliation allegations.

The Investigator shall notify the managing entity of allegations involving a contractor.

The Investigator shall notify the Volunteer Coordinator of an allegation involving a volunteer.

Investigations involving employees shall be conducted in accordance with the applicable provisions of the Collective Bargaining Agreement (CBA).

During the investigation, the alleged aggressor will not be provided the reporting party's name unless the investigation requires it.

The Investigator shall assess the credibility of the victim, suspect, and witness individually rather than relying on an individual's inmate or staff member status. Documentation of the credibility assessment in the investigative report is required.

The Investigator will document any findings related to staff actions or failures to act that may have contributed to the alleged allegation if there was a failure to follow policy and procedures or if policy or procedures need to be changed.

The Investigator will review all prior PREA allegations involving the alleged aggressor. Documentation of this review shall be required.

When preliminary information supports potential criminal charges against an employee, staff, contractor, volunteer, or inmate, in that case, the Investigator will immediately notify the Warden or designee so prompt coordination is achieved between the Investigator and the appropriate law enforcement entity conducting the criminal investigation.

The Investigator will 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 the Investigator furnish the criminal Investigator with statements or information that would violate the Garrity rights of employees.

The Investigator shall document the rationale for postponing any PREA administrative investigation at any time.

PREA Investigation Interviews

The Investigators shall interview alleged victims, alleged aggressors, and witnesses and review prior complaints and reports of sexual abuse, sexual harassment, sexual abuse, or retaliation involving the alleged aggressor and alleged victim.

Interviews shall be conducted in a thorough, professional, and non-threatening manner consistent with acceptable practices for potentially traumatized victims.

Interviews shall be conducted privately, as determined by the Investigator. If a private location is not feasible, the Investigator shall document the circumstances and all efforts to interview in a private area.

Alleged victims may request a victim advocate to provide emotional support, crisis intervention, or other assistance during an interview. The 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, sexual abuse, or sexual assault must not submit to a polygraph examination or other truth-telling device to proceed with the investigation.

Report Format

The final investigative report shall include, at a minimum, the following:

- The alleged victim and aggressor's name, inmate identification number, or employee identification number;
- A statement from the alleged victim and alleged aggressor indicates the date, time, location, and circumstances surrounding the alleged incident and documents any refusal to provide a statement.
- A detailed summary of the alleged incident;
- A credibility assessment regarding the truthfulness of the alleged victim(s), the alleged aggressor(s), and any witness;
- Any discrepancies between accounts of the incident;
- A description of any injuries sustained and any medical attention is given;

- A summary of all evidence collected, including any corroborating evidence such as telephone records, gifts, letters, and similar items;
- 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;
- Any supporting or media obtained or created documentation as part of the investigation, including witness statements and transcripts of any interview conducted;
- A determination as to whether any staff actions or failures to act may have contributed to the abuse;
- A determination as to whether any policy, procedures, directive, or post orders may have contributed to the abuse;
- A summary of prior complaints of sexual harassment, retaliation, and disciplinary findings pertaining to the alleged aggressor.

Findings

After the investigation, the Investigator will 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 allegation was 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 Investigator will submit the final written report to the PREA Coordinator within thirty (30) calendar days of the incident received by the Deputy Warden.

- If, for any reason, the investigation cannot be completed within thirty (30) Calendar days, the Warden or designee may grant an extension, in writing, to the Investigator.

The PREA Coordinator will review the investigation report to ensure it meets all aspects of this policy.

- If corrections are deemed necessary to the investigation report, it shall be returned to the Investigator, and corrections will be made within a reasonable amount of time. After completing the corrections, the PREA Coordinator will complete the review.

When potential misconduct that does not fall under the PREA policy is discovered, the PREA Coordinator will immediately inform the Deputy Warden or Designee of the possible misconduct that fails to be addressed.

The investigation report will 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 shall be forwarded to the Deputy Warden for review within ten (10) business days.

The Investigator will issue a final finding for every case.

If discipline is warranted for anyone involved in the investigations, refer to the procedures outlined in the PREA Policy.

The Investigator will notify the alleged aggressor in writing of the final disposition within ten (10) days after making the final decision by the Warden or designee.

When the findings conclude that the allegation of sexual abuse, sexual harassment, sexual assault, or retaliation is substantiated, in that case, the Investigator will forward a copy of the report to the PREA Coordinator for further action.

All original PREA investigation material will be sent to the Warden for preservation. In addition, the Warden 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 he or she suffered sexual abuse, sexual harassment, or sexual assault, the Investigator will 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, sexual assault, or sexual harassment against the inmate, the Investigator will subsequently inform the inmate (unless the agency has determined that the allegation is unfounded) whenever;

- The staff member, contractor, or volunteer is no longer employed at the facility;
- If a staff member, contractor, or volunteer has been indicted on a charge related to sexual abuse or
- A staff member, contractor, or volunteer has been convicted on a charge of sexual abuse.

Following an inmate's allegation that another inmate has sexually abused them, the PREA Coordinator or Designee will subsequently inform the alleged victim whenever;

- The alleged abuser has been indicted on a charge related to sexual abuse within the facility or
- The alleged abuser has been convicted on a charge related to sexual abuse within the facility.

All such notifications or attempted notifications will be documented.

The obligation to report to the inmate shall terminate if released from custody.

PREA Investigations Records Maintenance

All case records associated with allegations of sexual abuse, sexual harassment, sexual assault, or retaliation, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-related treatment or counseling, shall be retained by the Warden for as long as the accused staff member is employed. For example, a contractor providing a service, a volunteer is volunteering, or an 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

Disciplinary Sanctions for Staff

All staff discipline resulting from a PREA investigation shall follow the procedures outlined in this policy. In addition, special consideration for discipline for staff resulting from a PREA investigation shall include the following:

- Staff shall be subject to disciplinary sanctions, including termination for violating the PREA policy.
- Termination shall be the presumptive disciplinary sanction for staff engaged in sexual abuse, sexual assault, or sexual harassment.
- The disciplinary sanction for violations of PREA policy relating to sexual abuse, sexual assault, 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.
- 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 and any relevant licensing bodies unless the activity was not criminal.

Corrective Action for Contractors and Volunteers

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with inmates and 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 results from a PREA investigation shall follow the procedures outlined in the policy. In addition, special consideration for disciplining inmates resulting from a PREA investigation shall include the following:

- 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, sexual assault, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, sexual assault, or sexual harassment.
- 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.
- The disciplinary process shall consider whether inmates' mental disabilities or mental illness contributed to their behavior when determining what type of sanctions should be imposed.
- Disciplinary sanctions will not be imposed only if the inmate has a serious mental disability and has been deemed and diagnosed by the facility's Psychiatric Nurse Practitioner or Mental Health Manager.
- 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:

- Consider whether the allegations or investigation indicates a need to change policy or practice to prevent better, detect, or respond to sexual abuse;
- 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.
- Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- Assess the adequacy of staff levels in the area during different shifts;
- Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff and
- 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 recommendation for improvement or document the 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:

- Identifying problem areas;
- Taking corrective action on an ongoing basis; and
- Preparing an annual report of its findings and corrective action.

- Such a report will include comparing the current year's data and corrective action with those from prior years and assessing progress in addressing sexual abuse.
- The PREA report will be approved by the Warden or designee and made readily available to the public through the SFC website.
- The PREA Coordinator may redact specific materials from the reports when publication presents a clear and specific threat to the safety and security of a facility. Still, the nature of the material redacted must be indicated.
- The PREA Coordinator will ensure that data collected pursuant to this policy is securely retained.
- Before making aggregated sexual abuse data publicly available, the PREA Coordinator will remove all personal identifiers.
- The PREA Coordinator will maintain sexual abuse data collection pursuant to the PREA Standard §115.87 for at least (10) years after the initial collection date unless Federal, State, or local law requires otherwise.

Transgender & Intersex Inmates

A transgender or intersex inmate's views with respect to his or her safety shall be given serious consideration.

In the event an inmate is committed to Santa Fe County Adult Detention Facility who has already completed sex reassignment surgery, that inmate will be placed in a unit appropriate for their reassigned gender.

Should an inmate's housing determination need additional review or consideration, the inmate should be housed in a single cell for his or her protection, and a Classification Committee should immediately forward the paperwork. The Classification Committee will consist of the PREA Coordinator, Warden, Chief of Security, Health Services Administrator, Mental Health Manager, and Classification Supervisor. The review board will review documentation and determine the placement of the individual in an expeditious manner.

When deciding to assign a transgender or intersex inmate to a female or male unit, the facility will review each of them on a case-by-case basis. The review will consist of

- Inmates health and safety
- The safety and security of the facility
- Any management issues.

Transgender inmates will have the opportunity to request undergarments of their identified gender. (For example, Transgender female inmates housed in a male pod may have bras and panties). Laundry will provide the inmate with facility-issued undergarments.

The Santa Fe County Adult Detention Facility shall train staff on how to conduct cross-gender, transgender, and intersex inmate pat-down searches professionally and respectfully and in the least intrusive manner possible, consistent with security needs. Security staff will attempt to have a staff member of the inmate's gender identity present during the time of the pat search for comfort purposes. [§115.15]

Inmates shall be screened for classification purposes within 24 hours of arrival at the facility and reassessed within 30 days after the inmate's arrival using the PREA Assessment Screening Tool for potential vulnerability or tendencies of acting out with sexually aggressive behavior. Inmates will be reassessed after that 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. In the event of an incident, both the inmate perpetrator and/or inmate victim will be re-screened.

During intake and the initial classification screening and when determining whether inmates are transgender or gender nonconforming, the following shall be taken into consideration:

- Inmates' appearance and behavior and whether or not they match the gender marker on the inmates' arresting paperwork or identification materials.
- Self-reporting from the inmate
- Inmates past history, if known
- Any alerts from the transporting agency
- Upon initial screening, any other documentation may be available to inmate and classification staff.

DEFINITIONS

Abuse: The unlawful or justified use of force or other actions jeopardizing an inmate's physical or mental well-being.

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 a different gender from 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.

Bi-Sexual: A male or female who is physically, romantically, and emotionally attracted to both males and females.

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 an extent and with any object, of the genitalia or anal opening 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.

Contractor: Any person who provides services for Santa Fe County Adult Detention Facility repeatedly to enhance the activities and programs of the agency pursuant to any formal or informal arrangement, intergovernmental services agreement, contractual agreement, or other type of agreement with the facility to provide services to the agency.

Exigent Circumstances: Any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of the facility.

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.

Gay: A person who is physically, romantically, and emotionally attracted to others of the same gender.

Gender Expression: Gender-related traits and manners with which they express themselves may or may not be consistent with those traits typically associated with a person's assigned sex at birth.

Gender Identity: An individual's internal and personal sense of their own gender and feelings, which may or may not be associated with a person's assigned sex at birth.

Gender Nonconforming: A person whose appearance or manner does not conform to traditional societal gender expectations.

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

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

Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit the typical definition 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.

Lesbian: A person who is physically, romantically, and emotionally attracted to others of the same gender.

LGBTQIA: Lesbian, Gay, Bi-Sexual, Transgender, Intersex, Queer, and Asexual.

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 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.

Preliminary Inquiry: An informal, fact-finding inquiry directed or conducted by the Shift Commander to gather information and document the initial response when a PREA allegation has been reported.

Preponderance of Evidence: This standard is met with evidence convincing the fact finder (Investigator) that there is a greater than 50% probability of the incident occurring.

Reporting Party: The person who reported a PREA allegation.

Retaliation: Any act of vengeance, covert or overt actions, or threats of action taken against an individual in response to their claim of sexual misconduct, sexual contact, sexual assault or sexual abuse, or cooperation in the reporting or investigating 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: Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse;

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation.

Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and penis, vulva, or anus;
- 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;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or 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;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or 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;

- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the above activities.
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident, and
- Voyeurism by a staff member, contractor, or volunteer.

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 Assault Nurse Examiner (SANE): A registered nurse (RN) who has advanced education and clinical preparation in forensic examination of sexual assault victims.

Sexual Harassment: Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed towards another; and

- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident 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.

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, conversation or correspondence of a romantic or sexual nature between an inmate and any department employee, contractor, volunteer, visitor, or department representative.

SUBSTANTIATED: An allegation that was investigated and documented to have occurred.

UNFOUNDED: An allegation that was investigated and determined to have occurred. (Note: This is where we have identified 100% truth)

UNSUBSTANTIATED: An allegation that was investigated, and the investigation produced insufficient evidence to make a final determination as to whether or not it even occurred.

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.

Volunteer: An individual who donates time and effort to enhance the activities and programs of the facility.

Voyeurism: Staff member, contractor, or volunteer means 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 their cell to perform bodily functions; requiring an inmate to expose their buttocks, genitals, or breasts; or taking images of all parts of an inmate's naked body or an inmate performing bodily functions.

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.

REFERENCE

NMAC Standards: 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

NMSA:

1978 § 30-9-11