

PREA AUDIT: AUDITOR'S SUMMARY REPORT

ADULT PRISONS & JAILS

NATIONAL
PREA
RESOURCE
CENTER



BJA

Bureau of Justice Assistance
U.S. Department of Justice

[Following information to be populated automatically from pre-audit questionnaire]

Name of facility:	Otero County Prison Facility		
Physical address:	10 McGregor Range Road, Chaparral, NM 88081		
Date report submitted:	Initial Report 26 Feb, 2014 (Final Report 7 March, 2014)		
Auditor Information	Jack Falconer		
Address:	3421 E. Topeka Drive, Phoenix, Arizona 85050		
Email:	jfalconer1@cox.net		
Telephone number:	602-374-3320		
Date of facility visit:	18-20 February, 2014		
Facility Information			
Facility mailing address: (if different from above)			
Telephone number:	575-824-4884		
The facility is:	<input type="checkbox"/> Military	<input type="checkbox"/> County	<input type="checkbox"/> Federal
	<input checked="" type="checkbox"/> Private for profit	<input type="checkbox"/> Municipal	<input type="checkbox"/> State
	<input type="checkbox"/> Private not for profit		
Facility Type:	<input type="checkbox"/> Jail	<input checked="" type="checkbox"/> Prison	
Name of PREA Compliance Manager:	Sandra Wesley		Title: PREA Compliance Manager
Email address: sandra.wesley@mtctrains.com			Telephone number: 575-824-4884, ext 145
Agency Information			
Name of agency:	Management and Training Corporation		
Governing authority or parent agency: (if			

applicable)

Physical address: 500 N. Marketplace Dr., P.O. Box 10, Centerville, UT 84014

Mailing address: *(if different from above)*

Telephone number: 801-693-2600

Agency Chief Executive Officer

Name: Scott Marquardt **Title:** President and CEO

Email address: scott.marquardt@mtctrains.com **Telephone number:** 801-693-2800

Agency-Wide PREA Coordinator

Name: Mark Lee **Title:** Corporate PREA Coordinator

Email address: mark.lee@mtctrains.com **Telephone number:** 801-693-2864

AUDIT FINDINGS

NARRATIVE:

The PREA audit of the Otero County Prison, a facility operated by the Management and Training Corporation (MTC), was conducted on February 18-20, 2014. An entrance meeting was held where introductions were made. The following staff was in attendance:

James Frawner, Warden, OCPF

Neil Adler, MTC VP

Ruben Benavidez, Deputy Warden, OCPF

Mark Lee, MTC PREA Coordinator

Robert Ochoa, Captain, OCPF

Carl Nink, MTC Asst PREA Coordinator

Sandra Wesley, PREA Manager, OCPF

Jack Falconer, PREA Auditor

Erica Nieto, OCPF

Deloris Simmons, OCPF

Alfonso Diaz, OCPF

Delia Moreno, OCPF

Dora Orozco, OCPF

Vince Melone, OCPF

Cheryl Shepherdson, OCPF

Jon Santacroce, OCPF

Clarence Court, OCPF

Kathy Low, OCPF

Cecila Cabera, OCPF

Santiago Olivas, OCPF

Chris Pascale, OCPF

Traci Giordano, OCPF

It is the mission of Management Training Corporation (MTC) to "Be a leader by: implementation of our plan to achieve high performance standards and goals; Maintaining a foundation based on integrity, accountability, and excellence; Providing long-term growth and stability while ensuring fiscal responsibility; creating opportunities through a positive environment for personal growth and development; empowering employees to implement innovative ideas for continuous improvement; Building esteem and pride by celebrating our diversity and accomplishments".

The Otero County Prison Facility (OCPF) is a maximum security prison operated by the Management & Training Corporation (MTC). The facility confines detainees for the U.S. Marshals Service, the US Department of the Army, US Air Force, Bureau of Prisons, Otero County, New Mexico, the City of Alamogordo, New Mexico, the Bureau of Indian Affairs, Immigration and Customs Enforcement, and provides for the custody and programming for inmates in the custody of the New Mexico Corrections Department.

The institution is located on a 12-15 acre site near the town of Chaparral, New Mexico, and approximately 27 miles north of El Paso, Texas.

Original construction of the facility was in October, 2003, and had a bed capacity of 658. This has been increased over the years to the current capacity of 1420 beds.

The inmate housing consists of dormitory style housing units and special housing units (SHU) for both male and female inmates.

The dorm units are 2 floor construction. Each dorm unit provides basic furnishings, shower facilities, and common TV areas. All showers and commodes at OCPF have panels, shower curtains and screens to enhance privacy.

The Special Housing Unit has 173 male cells and 7 female cells. The units are a mix of single and double cells. The cells have lav/commodes in the cell, the showers have doors and the SHU's have attached recreation spaces.

The Correctional Officers provide security supervision.

The security perimeter consists of two woven wire fences with multiple rolls of razor ribbon wire with an electronic intrusion system. One armed vehicle patrols the perimeter 24/7. A Control Center monitors all traffic entering and exiting the facility. Numerous cameras control the perimeter and are placed throughout the facility to monitor the security and to open doors. The facility has two entry points, the front staff and visitor entrance and the rear wire gate for vehicles

The ancillary support structures provide spaces for administration, central control, visiting, food service, education, medical, commissary, maintenance, laundry, recreation, and a Chapel.

The Educational Programs include Adult Basic Education (ABE), General Educational Development (GED), correspondence courses, English as a Second Language and Spanish as a Second Language. Vocational programs include culinary arts, cosmetology/sewing, computer literacy, industrial maintenance, and creative drawing. The educational program has been accredited by the Correctional Educational Association. In year 2013, the program reported very impressive graduation rates:

National Institute for Adult Education (INEA)	-265 Federal inmates.
	INEA -14 New Mexico State inmates.
GED Federal Inmates	- 86
GED State inmates	- 15
INEA Primary	- 66

Self-improvement programs include Anger Management, Life Skills, NA/AA, Financial Management (Dave Ramsey), Why Try, public speaking and a Sex Offender Treatment Program (SOTP). The SOTP is a residential treatment program for incarcerated male offenders from the state of New Mexico. The primary goal of the program is to reduce the offender's likelihood of committing another sex crime. The program had 95 inmates enrolled.

There are also recreational activities, religious, and social services available. OCPF has been accredited by the American Correctional Association..

During the three day on-site audit, the auditor toured the facility, examined additional documentation, and conducted formal staff and inmate interviews. 12 inmates from the housing units, 19 specialized staff, 5 management staff, and 12 Correctional Officers were interviewed using the questions provided in the audit documents.

The Pre-Audit document provided by the facility indicated no alleged issues with staff sexual abuse and no inmate on inmate sexual abuse. The interviewed detainee inmates and staff indicated that the OCPF was a safe place to serve time and to work. There were no complaints from the detainee inmate population or the OCPF staff.

Several New Mexico State inmates made complaints about the facility. OCPF has 322 New Mexico inmates in dormitory settings. Most of the inmates were sex offenders. Their complaints centered upon safety and programs. The auditor was advised by OCPF staff that the inmates had been transferred during 2013 to OCPF from NMDOC facilities where they were housed in single or two man cells. Much of the concern centered upon their adjusting to a dormitory setting. Of the 322 inmates, 95 were actually involved in the Sex Offender Treatment Program (SOTP) and the others were working at the facility and waiting their turn to become involved in the program. (12) OCPF staff was assigned to manage the program. The auditor was very impressed with the program's staff and mission.

In this auditor's opinion, the OCPF was well managed and the staff was well trained and professional in their assignments. The PREA Compliance Manager was very knowledgeable about the PREA requirements and was considered by the auditor to be very effective in meeting the requirements of PREA.

DESCRIPTION OF FACILITY CHARACTERISTICS:

Facility Demographics

OCPE

Rated Capacity:	1420
Actual Population on first day of audit:	943 (872 male, 71 female).
Avg Daily Population (Last 12 months):	1135
Average Length of stay	171 days
Security/Custody level:	Maximum
Age range of offenders (yrs):	18-75 years
Gender	Male/Female
Number of full time staff:	322
Admin	17
Security	204
Programs	21
Support	41
Other	4
Medical	35

SUMMARY OF AUDIT FINDINGS:

Number of standards exceeded:	0
Number of standards met:	42
Number of standards not met:	0 (114.21, 115.34, 115.71 now in compliance)
Number of standards not applicable	1 (115.14)
Total	43

§115.11 - Zero tolerance of sexual abuse and sexual harassment; PREA coordinator

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.12 - Contracting with other entities for the confinement of inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.13 – Supervision and Monitoring

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.14 – Youthful Inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

Not Applicable- No one under 18 years of age at this facility

§115.15 – Limits to Cross-Gender Viewing and Searches

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.16 – Inmates with Disabilities and Inmates who are Limited English Proficient

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.17 – Hiring and Promotion Decisions

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.18 – Upgrades to Facilities and Technology

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.21 – Evidence Protocol and Forensic Medical Examinations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This standard was found non-compliant in the initial report because the Federal Bureau of Investigation (FBI) did not provide to OCPF the documentation that their investigators were properly trained according to the PREA requirements. OCPF has made repeated requests to the FBI for this documentation. Per an instructional memo from the National PREA Resource Training Center dated 6 March, 2014, the standard will now be found in compliance at OCPF. Further, this auditor finds that the FBI remains non-compliant to the requirements of this standard (115.21 a-e).

§115.22 – Policies to Ensure Referrals of Allegations for Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.31 – Employee Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.32– Volunteer and Contractor Training

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.33 – Inmate Education

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.34 – Specialized Training: Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This standard was found non-compliant in the initial report because the Federal Bureau of Investigation (FBI) did not provide to OCPF the documentation that their investigators were properly trained according to the PREA requirements. OCPF has made repeated requests to the FBI for this documentation. Per an instructional memo from the National PREA Resource Training Center dated 6 March, 2014, the standard will now be found in compliance at OCPF. Further, this auditor finds that the FBI remains non-compliant to the requirements of this standard (115.34 d).

§115.35 – Specialized training: Medical and mental health care

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.41 – Screening for Risk of Victimization and Abusiveness

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action).

§115.42 – Use of Screening Information

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.43 – Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.51 – Inmate Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.52 – Exhaustion of Administrative Remedies

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.53 – Inmate Access to Outside Confidential Support Services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.54 – Third-Party Reporting

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.61 – Staff and Agency Reporting Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.62 – Agency Protection Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.63 – Reporting to Other Confinement Facilities

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.64 – Staff First Responder Duties

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.65 – Coordinated Response

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.66 – Preservation of ability to protect inmates from contact with abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.67 – Agency protection against retaliation

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.68 – Post-Allegation Protective Custody

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.71 – Criminal and Administrative Agency Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

This standard was found non-compliant in the initial report because the Federal Bureau of Investigation (FBI) did not provide to OCPF the documentation that their investigators were properly trained according to the PREA requirements. OCPF has made repeated requests to the FBI for this documentation. Per an instructional memo from the National PREA Resource Training Center dated 6 March, 2014, the standard will now be found in compliance at OCPF. Further, this auditor finds that the FBI remains non-compliant to the requirements of this standard (115.71 b).

§115.72 – Evidentiary Standard for Administrative Investigations

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.73 – Reporting to Inmate

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.76 – Disciplinary sanctions for staff

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.77 – Corrective action for contractors and volunteers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.78 – Disciplinary sanctions for inmates

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.81 – Medical and mental health screenings; history of sexual abuse

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.82 – Access to emergency medical and mental health services

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.83 – Ongoing medical and mental health care for sexual abuse victims and abusers

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.86 – Sexual abuse incident reviews

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.87 – Data Collection

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§115.88 – Data Review for Corrective Action

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

§§115.89 – Data Storage, Publication, and Destruction

- Exceeds Standard (substantially exceeds requirement of standard)
- Meets Standard (substantial compliance; complies in all material ways with the standard for the relevant review period)
- Does Not Meet Standard (requires corrective action)

AUDITOR CERTIFICATION:

The auditor certifies that the contents of the report are accurate to the best of his/her knowledge and no conflict of interest exists with respect to his or her ability to conduct an audit of the agency under review.

Jack Falconer Jack Falconer
Auditor Signature

7 March, 2014(final report)
Date