

PREA AUDIT REPORT Interim Final
ADULT PRISONS & JAILS

Date of report: March 2, 2017

Auditor Information			
Auditor name: Robert Lanier			
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Email: rob@diversifiedcorrectionalservices.com			
Telephone number: 912-281-1525			
Date of facility visit: February 21-February 22, 2017			
Facility Information			
Facility name: Otero County Prison Facility			
Facility physical address: 10 McGregor Range Road, Chaparral, NM 88081			
Facility mailing address: <i>(if different from above)</i> Click here to enter text.			
Facility telephone number: 575-824-4884			
The facility is:	<input type="checkbox"/> Federal	<input type="checkbox"/> State	<input type="checkbox"/> County
	<input type="checkbox"/> Military	<input type="checkbox"/> Municipal	<input checked="" type="checkbox"/> Private for profit
	<input type="checkbox"/> Private not for profit		
Facility type:	<input checked="" type="checkbox"/> Prison	<input type="checkbox"/> Jail	
Name of facility's Chief Executive Officer: Warden Richard Martinez			
Number of staff assigned to the facility in the last 12 months: 320			
Designed facility capacity: 1420			
Current population of facility: 1088			
Facility security levels/inmate custody levels: Medium and High			
Age range of the population: 18-75			
Name of PREA Compliance Manager: Sandra A. Wesley		Title: Accreditation/Compliance Coordinator	
Email address: Sandra.Wesley@mctrains.com		Telephone number: 575-824-4884. Ext.145	
Agency Information			
Name of agency: Management and Training Corporation			
Governing authority or parent agency: <i>(if applicable)</i> Click here to enter text.			
Physical address: 500 N. Marketplace Drive, Centerville, UT 84014			
Mailing address: <i>(if different from above)</i> Click here to enter text.			
Telephone number: 801-693-2870			
Agency Chief Executive Officer			
Name: Scott Marquardt		Title: CEO and President	
Email address: Scott.Marquardt@mctrains.com		Telephone number: 801-693-2870	
Agency-Wide PREA Coordinator			
Name: Mark Lee		Title: Senior Director	
Email address: Mark.Lee@mctrains.com		Telephone number: 801-693-2864	

AUDIT FINDINGS

NARRATIVE

The PREA Audit of the Otero County Prison Facility was conducted February 21 through February 22, 2017. Otero County Prisons Facility, with a rated bed capacity of 1420, is located north of Chaparral, New Mexico. The facility is operated by the Management and Training Corporation (MTC) and houses inmates through a variety of contracts with agencies including the New Mexico Corrections Department, Otero County, the US Marshalls Services, the US Department of the Army and US Bureau of Prisons, El Paso Texas, Air Force Holloman AFB and the Bureau of Indian Affairs as well as ICE. The primary contractors are the US Marshalls Service and New Mexico Corrections Department. The facility houses medium and high security level inmates.

The Notice of PREA Audit was posted six weeks prior to the on-site PREA Audit. Three inmates responded by sending letters to the PREA Auditor. During the on-site audit, the auditor interviewed each of those inmates. The MTC Assistant PREA Coordinator facilitated a teleconference between the Auditor, Warden, Deputy Wardens and Department Heads. In addition to introductions, logistics for the on-site audit were discussed. Two weeks prior to the audit, the facility provided an external "flash drive" containing MTC Policies, New Mexico Corrections Department Policies, US Marshalls Policies as well as documentation to support the facilities compliance with the standards. This information was printed out and reviewed. Additional documentation was requested to be provided at the on-site audit. The request included hiring process documentation, background checks for new hires, promotions and five year checks and additional PREA Acknowledgment Forms for staff, volunteers and inmates. The PREA Compliance Manager and Auditor maintained excellent ongoing communications prior to the audit. Additionally, excellent communications were ongoing throughout the pre-audit period with the MTC Assistant PREA Coordinator, who is extremely knowledgeable of the PREA Standards and MTC Facility Operations. The Assistant PREA Coordinator articulated the company's commitment to PREA and his commitment to ensure continued compliance with the PREA Standards.

Also prior to the on-site audit the MTC Assistant PREA Coordinator arranged a teleconference to allow the auditor to interview the Agency Senior Vice President and the MTC PREA Coordinator. These individuals also have an exceptional knowledge of PREA and it was evident this company is committed to the sexual safety of the inmates and staff in their facilities. These interviews indicated that the company has been involved in the implementation of PREA prior to 2013. The auditor met with the Warden, Deputy Wardens, PREA Compliance Manager, Captain of Security and MTC PREA Coordinator for dinner the night before the audit. This provided an opportunity to meet each other and to discuss the audit process as well as logistics.

The auditor along with the MTC Assistant PREA Coordinator arrived at the facility at approximately 7:45 AM, February 2017. An entrance briefing was conducted with the Warden, Deputy Wardens, Captain, MTC PREA Coordinator, New Mexico Corrections Department PREA Coordinator, New Mexico Department of Corrections Contract Monitor and Department Heads. Following the entrance briefing, the auditor was accompanied by the MTC PREA Coordinator, Warden, Deputy Wardens, Captain of Security, and the Facility's PREA Compliance Manager on a tour of the facility. The facility was observed to be extremely clean with floors highly shined. Cameras were observed to be strategically located throughout this facility. Staff were observed supervising inmates and engaging them in conversation. PREA Posters and PREA Related information was observed posted in all living units and throughout the facility. Telephones with instructions for dialing the "PREA Hotline" and other agencies was posted on the walls and at the phones. Showers and restrooms afforded privacy for inmates. There are twelve housing areas and special housing units for males and for females. The housing units are dormitory style housing units with two floors in each unit/pod. Between each pod is a "mini-control" room called a "picket". Staff assigned to the "picket" can monitor both pods. Staff related that female housing units are "staffed" by same gender staff who move from one dorm to another providing supervision. In addition to housing units, the auditor toured administrative areas, medical, mental health, education, Sex Offender Treatment Program (SOTP) building, commissary, barber shop, the chapel, visitation areas, maintenance, food services, laundry and control centers. Inmates and staff were informally interviewed during the tour. All of them were knowledgeable of the agency's zero tolerance policy as well as how to report sexual abuse, sexual harassment and retaliation. After the tour the auditor began interviewing the Warden, PREA Compliance Manager, specialized staff, random staff and inmates.

DESCRIPTION OF FACILITY CHARACTERISTICS

The Otero County Prison Facility is located north of Chaparral, New Mexico, approximately 27 miles from El Paso, Texas. The facility is in a rural area but easily accessible for law enforcement agencies, visitors and staff. Otero County Prison Facility is operated by the Management and Training Corporation (MTC). The facility houses both male and female inmates/detainees who have multi-custody levels.

The original facility was completed in October 2003 with a bed capacity of 658. An additional wing was constructed in August 2005, which added 695 dorm beds (north and south). Sixty-seven additional beds were added in housing areas for a total bed capacity of 1420. Also, a new Sex Offender Treatment Program (SOTP) building was constructed.

The facility's physical plant consists of four buildings on 14 acres. Housing and support are all under one roof in the main building and includes a medical unit with a six-bed infirmary, contact and no-contact visitation areas, laundry, beauty/cosmetology training shop, library, education classrooms and administrative offices. There are twelve housing areas. These include: West Dorm (Pods A,B,C,D) housing a maximum population of 288 New Mexico State Inmates; East Dorm, housing the same numbers of inmates from the New Mexico Corrections Department; S1 Dorm with 22 beds for New Mexico Corrections Department; S2, has 22 beds housing New Mexico Corrections Department Inmates; S3 Dorm, housing 18 beds for New Mexico Corrections Department Inmates; Female Delta, containing single cells houses 18 beds for Federal Detainees; North Dorm (pods A,B,C,D) with 144 beds for male Federal Detainees and 144 beds for Female Federal Detainees; South Dorm (Pods A,B,C,D) containing 288 beds for male Federal Detainees; Male SHU #1, housing 56 inmates from all agencies; Male SHU #2, housing 118 inmates from all agencies; Female SHU, housing 8 female Federal Detainees and a Medical Infirmary with 6 single cells for all agencies.

The main control center monitors all traffic entering and exiting the facility. Video Cameras are strategically located to control the perimeter and to enhance staff supervision throughout the facility.

The facility offers the following programs:

- Adult Basic Education, I and II
- National Institute for Adult Education (NAE)
- English as a Second Language
- Success for Life
- Dad's 101
- Bible Study
- Library Services
- Turning Points
- Industrial Maintenance (Short Term Program)
- Keyboarding
- Sewing
- Why Try
- Dave Ramsey's Financial
- Culinary Arts
- Cosmetology
- Public Speaking
- Spanish as a Second Language
- Education for the Handicapped
- Educational Counseling
- Testing and Assessment
- Post- Secondary Correspondence Courses

SUMMARY OF AUDIT FINDINGS

A PREA Audit of the Otero County Prison Facility was conducted February 22, 2017 – February 23, 2017. The auditor’s methodology consisted of the following: Review of information contained on the external flash drive provided by the facility; reviewing additional documentation on site; observations made during the tour of the facility; interviewing 17 specialized staff, 17 randomly selected staff, the New Mexico Corrections Department PREA Coordinator, New Mexico Corrections Department Contract Manager and 15 inmates, including a visually impaired inmate, a hearing impaired inmate and a gay inmate.

Documentation, including policies, procedures and secondary documentation was reviewed to determine if the policies addressed the sub-standards of the standard. Secondary documentation was reviewed to determine “practice”. Interviews with specialized and randomly selected staff confirmed their knowledge of the agency’s policies and procedures as they related to PREA standards as well as “practice”. Inmates were interviewed to determine the training and information they received about PREA and also to determine if they were given required information upon admission, during intake, orientation and during the “education” component of the PREA Training for inmates and to determine “practice”. Forty-three standards were reviewed. One standard, 115.11, Zero Tolerance, is rated “Exceeded” the standard. Thirty-six standards were rated “Met” the standard and four standards, were rated “Not Applicable. The not applicable standards were: 115.12, Contracting with other entities for the confinement of inmates; 115.14, Youthful Inmates; 115.18, Upgrades to facilities and technology; and 115.66, Preservation of ability to protect inmates from contact with abusers.

Number of standards exceeded: 1

Number of standards met: 38

Number of standards not met: 0

Number of standards not applicable: 4

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Department of Corrections Policy, CD-0100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures, PREA, paragraph A, affirms the New Mexico Corrections Department has a "zero tolerance" regarding abuse, sexual misconduct and sexual harassment directed toward offenders. Management and Training Corporation (MTC) Policy, 903E.02, Ensuring Safe Prisons, addresses MTC's commitment to a zero tolerance standard toward all forms of sexual abuse and sexual harassment. Paragraph B.1., of that policy reiterates MTC's commitment to a zero tolerance standard for sexual violence. MTC Policy, Chapter 6, 609- Ensuring Safe Prisons -Prison Rape Elimination Act, dated 9/26/16, states the purpose of the Otero County Prison Facility is to establish policy and procedures that emphasize and enforce a zero tolerance of the sexual abuse of inmates, either by staff or by other inmates.

The agency's policy also requires that MTC designate an upper level PREA Coordinator for the company who has sufficient time and authority to develop, implement and oversee MTC's efforts to comply with the PREA Standards in all of its facilities. Where an agency operates more than one facility, each facility is required to designate a PREA compliance manager with sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards.

MTC provided a Memo from the Senior Vice President designating the senior director, management and operational support, as the MTC PREA coordinator. An interview with the PREA Coordinator confirmed he is knowledgeable of the PREA Standards and has sufficient time and authority to perform his duties in that role. MTC has taken an additional step by designating an assistant PREA Coordinator. MTC's Policy and Compliance Manager, is designated as the assistant PREA coordinator. These individuals are higher level staff who have the authority and ability to implement the PREA Standards with the complete support of the Senior Vice President. Interviews with both the PREA Coordinator and the Assistant PREA Coordinator indicated they have an exceptional knowledge of PREA and both have invested considerable time and energy into working with their facilities to maintain compliance with all of the PREA Standards. They serve as excellent resource individuals for each facility and provide guidance and support needed for their facility's to become successful. Their positions as higher level company staff enable them to have access to the Senior Vice President. They have the ability and authority to implement PREA in MTC Facilities. The Warden of the Otero County Prison provided a memo designating the Compliance/Accreditation Coordinator as the facility's PREA Compliance Manager.

An interview with the PREA Compliance Manager confirmed she is knowledgeable of the PREA Standards, conscientious, committed to Zero Tolerance and has with the support of the Warden, MTC Assistant PREA Coordinator and the New Mexico Corrections Department PREA Coordinator. An interview with the New Mexico Department of Corrections Agency PREA Coordinator also confirmed the State's Commitment to PREA. She is actively involved in the facility's PREA efforts, serves as a resource person as needed, provides specialized training and conducts mock audits periodically.

Interviews with staff, both randomly selected and specialized, confirmed they have been trained in and fully understand the facility has zero tolerance for sexual abuse, sexual harassment, sexual misconduct, and retaliation for reporting sexual abuse or sexual harassment or for cooperating with an investigation. Staff indicated they receive their PREA training on the Zero Tolerance Policy annually through in-service training. They stated the facility will not tolerate any sexual activity, consensual or otherwise. One hundred percent of the interviewed inmates, both male and female, stated they were made aware of the zero tolerance policy through intake, orientation, the inmate handbook and through multiple signs and posters located

throughout the facility. When asked what that meant, they explained that no sexual activity is allowed in this facility. They indicated they have received that information in every facility they have been in and that they received it at Otero as well.

This standard is rated “exceeds” because the company’s commitment to zero tolerance as evidenced in New Mexico Corrections Department, Otero County Prisons Policy, by appointing two higher level company officials who have an exceptional knowledge of PREA to serve as PREA Coordinator and Assistant PREA Coordinator and through multiple interviews with staff, inmates, contractors and volunteers indicating staff, volunteers and contractors are trained annually in the Zero Tolerance Policy and that inmates have received this information multiple times through multiple means.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Management Training Corporation (MTC) manages and operates the Otero County Prison. MTC is under contract with the U.S. Marshalls Service, New Mexico State Corrections Department, Department of the Army and Otero County, New Mexico to house offenders. Otero County Prison does not contract with any outside entity for the confinement of offenders. The company provided an example of a contract with the U.S. Marshalls Service. The contract requires the facility to post the PREA brochure/bulletin in each housing unit of the facility. “All detainees have a right to be safe and free from sexual harassment and sexual assaults.” The contract with the New Mexico Corrections Department (NMCD), section 1.6 requires that the “County” must comply with the Prison Rape Elimination Act to protect the welfare of all NMCD inmates.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E.02, 3. Supervision and Monitoring, paragraph a) and New Mexico Corrections Department (NMCD) CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures; PREA, affirms the requirement that all facilities, including MTC facilities, develop, document, and make its best efforts to comply on a regular basis with a staffing plan that provides adequate levels of staffing and, where applicable, video monitoring to protect inmates against abuse. The company requires the facility to document each time the staffing plan is not complied with. The facility

documents and must justify the all deviations. NMCD Policy, CD-150100. Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures; PREA, Paragraph U, requires the facility, in calculating adequate staffing levels and determining the need for video monitoring, to consider the following:

- Generally accepted detention and correctional practices;
- Any judicial findings of inadequacy;
- Any findings of inadequacies from Federal Investigative agencies;
- Any findings of inadequacy from internal and external oversight bodies;
- All components of the inmate population;
- The composition of the inmate population;
- The number and placement of supervisory staff; institution programs occurring on a particular shift;
- Any applicable State of Local laws, regulations or standard;
- The prevalence of substantiated or unsubstantiated incidents of sexual abuse; and
- Any other relevant factors

The Otero County Prison Budget Allocations, Position Control, dated October 1, 2016 confirmed the facility is allocated 290.3 positions. These included 16 Administrative Staff, 11 Programs Staff, 48 Support Staff, 19 Security Supervisors, 189 Correctional Officers and 15.3 SOTP Staff. A staffing roster was provided documenting 289 staff. Additionally, the facility provided, for review, Staffing Analysis Reports for 12 months (August 2015-August 2016). The Warden, in an interview, related minimum staffing for the day shift (6AM-2PM) includes a Lieutenant, three Sergeants, and 56 officers. Second shift (2:00PM to 10:00PM) minimum staffing includes a Lieutenant, three Sergeants, and 55 officers while the third shift (10PM-6AM) consists of two Lieutenants, three Sergeants and 45 officers. There are also 81 administrative staff, 19 H Card (Correctional Support) Staff and 18 Transportation Officers. A Facility Position Report was provided documenting security staffing by shift. The facility provided a six-page list of cameras and a schematic identify their locations. The auditor is not going to provide further information related to these because of security concerns however, observations made during the tour confirmed this facility has a large number of cameras strategically located throughout the facility supplementing supervision. The Warden and other senior level staff can monitor the cameras from their computers. During the tour staff were observed actively supervising and engaging inmates. In the housing units, there one officer is assigned to the “picket” (a mini control room located in between two housing units). This officer can view both dormitories and controls entry and exit to the dorms. One officer roves between both dormitories.

Paragraph b) of MTC Policy 903 E.02 requires that at least annually, in collaboration with the PREA coordinator, the facility reviews the staffing plan to see whether adjustments are needed in (a) the staffing plan (b) the deployment of monitoring technology or (c) the allocation of agency/facility resources to commit to the staffing plan to ensure compliance. NMCD Policy CD-150100, Offender Protection Against Abuse and Sexual Misconduct, Reporting Procedures, PREA, Paragraph U. also requires annual review of the staffing plan as described in MTC Policy. At the conclusion of the of the meeting, documentation of the review is forwarded to the Agency Level PREA Coordinator for review. The facility provided the Otero County Prison Facility Staffing Plan Review conducted in February, 2016. Signed by the Assistant PREA Coordinator, the review documented considering all eleven of the items required by the PREA Standards. The Warden and PREA Compliance Manager, in interviews confirmed the process for conducting annual reviews.

Paragraph c) of the MTC Policy requires intermediate and higher level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. Documentation of the unannounced rounds is required and over time they will be performed on all shifts and all areas of the facility occupied by inmates. Staff are prohibited by policy from alerting other staff of the conduct of such rounds. The facility provided POST Orders for “Housing Dorm Officer”. Paragraph 9 of that post order reiterates policy by stating, intermediate level and higher level staff conduct unannounced rounds to identify and deter staff sexual abuse and sexual harassment. It requires that unannounced rounds are documented, by the “picket officer”. PREA rounds are unannounced unless the announcement is related to the legitimate operational functions of the facility. Post Orders require the officer to make periodic inspections of the dorm and to conduct random bunk searches. The Post Orders prohibit staff from alerting other staff. This information is included in the report to indicate that dorm officers move around the dorm and conduct inspections and searches not related to PREA but important in deterring sexual activity

by the officers random presence. NMCD Policy, CD-150101, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures; PREA, A.1, requires shift supervisors to make unannounced rounds in housing units to deter sexual abuse. It prohibits staff from alerting other staff that supervisory rounds are being conducted unless the announcement is related to legitimate operational functions of the facility. The facility provided samples of the Otero County Prison Facility Daily Activity Report. Unannounced rounds are documented on each shift, as required. Additional logs were provided documenting "picket" PREA rounds. Interviews with the Warden and other higher level staff, including staff serving as duty officer, indicated unannounced PREA rounds to deter sexual activity are conducted and documented. Staff related unannounced checks are made weekly and monthly on third shift. These checks consist of checking blind spots and other areas where clandestine sexual activity may be occurring.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

The facility provided a MEMO stating the facility does not house youthful offenders, however if an inmate claims to be less than 18 years of age, he/she will be separated from all other inmates until his/her age is determined. If it's determined the inmate is under 18, he/she will be transferred to a suitable detention center facility to be determined by the custody agent. Interviews with the Warden and randomly selected staff indicated youthful offenders are not housed in this facility. Interviewed staff stated youthful inmates are not housed at this facility and during the audit period no youthful offenders were observed.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Corrections Department (NMCD), CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures; PREA, Paragraph V and W requires the facility to train security staff in how to conduct cross gender pat down searches and searches of transgender and intersex inmates in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs. MTC Policy, 306, Inmate Searches, Paragraph 6, a-
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c and MTC Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, Limits to Cross-Gender Viewing and Searches, requires the facility to train security staff in how to conduct cross-gender pat-down searches and searches of transgender and intersex inmates in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs. It also states that staff are not to conduct cross gender strip searches, absent exigent circumstances. If exigent circumstances exist, staff are required to document all cross-gender strip searches and visual body cavity searches. Policy 903E.02, Ensuring Safe Prisons, Paragraph 5 Limits to Cross-Gender Viewing and Searches, a) through f) addresses each item required by the standards as well.

The facility provided samples of documentation to confirm staff have received and receive search training consistent with the policy annually. Interviews with staff and inmates indicated that females do not conduct strip searches in this facility however they may conduct “pat” searches of male inmates. Female staff, when requested, demonstrated cross gender pat search procedures for the auditor. The search demonstrations were consistent with the training. Staff, when asked, confirmed search training included searching transgender and intersex inmates in a professional and respectful manner. Paragraph 5e of MTC Policy 903E.02 requires that transgender and intersex inmates are not to be searched or examined by non-medical staff for the sole purpose of determining the inmate’s genital status. Genital status is to be determined by interviews or through reviewed medical records reviews and New Mexico DOC Policy 150100 Paragraph L prohibits searches and/or examinations of transgender or intersex inmates for the sole purpose of determining the inmate’s genital status. One hundred percent of the interviewed staff stated they are not allowed to nor would they search a transgender or intersex inmate for the sole purpose of determining their genital status.

MTC, Otero County Prison Facility, Policy 609, Ensuring Safe Prisons-Prison Rape Elimination Act, Limits to Cross-Gender Viewing, requires the facility to implement policies and procedures that enable inmates to shower and perform bodily functions and change clothing without non-medical staff of the opposite gender viewing the breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. One hundred percent of the interviewed inmates stated they are never naked in full view of staff and are provided privacy while changing clothes, showering and using the restroom. Observations of restroom and showers confirmed inmates are afforded privacy when using the restroom, showering and changing clothing.

Paragraph W., of the NMCD Policy, CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures; PREA and MTC Policy 609, Ensuring Safe Prisons-Prison Rape Elimination Act, Limits to Cross-Gender Viewing and Searches, requires staff members of the opposite sex of the inmate population in their facility must announce their presence when entering an inmate housing unit. Announcements are required to be logged into the housing unit daily log. The facility provided photos of signs requiring staff of the opposite gender to announce their presence when entering housing units of the opposite gender. Signs requiring staff of the opposite gender to announce their presence when entering the housing unit were observed at each living unit. Interviewed inmates, both male and female, confirmed that cross gender staff consistently announce their presence prior to coming into the living unit. The female inmates and interviewed staff confirmed that prior to a male staff entering the female unit, the male staff must wait until the female staff clears the showers and restrooms. Female units are gender specific posts manned by female staff only. During the tour of the facility, prior to entering the female housing pods, the auditor and touring staff, were asked to wait until the officer ensured the showers and restrooms were clear and that no inmate was dressing or changing clothing. The Deputy Wardens confirmed that female units are staffed with gender specific staff (female).

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Corrections Department (NMCD) Policy CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures, PREA, Paragraphs S and T, require that inmates with disabilities and inmates who are limited English proficient have access to all aspects of the Department's efforts to prevent, detect and respond to sexual abuse and sexual harassment. MTC Policy, Otero County Prison Facility, 106, Accommodations for the Disabled, requires the Otero Facility to take appropriate steps to ensure that inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment. MTC, Otero County Prison Facility Policy, 103, Admissions and Orientation, requires that inmates with disabilities or who are limited English proficient have an equal opportunity to participate in or benefit from all aspects of the facility's efforts to prevent, detect and respond to sexual abuse and sexual harassment. Examples of disabled include inmates who are deaf or hard of hearing, blind or have low vision, or those who have intellectual, psychiatric or speech disabilities. MTC Otero County Prison Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, Inmates with Disabilities, reiterates the agency's requirement that appropriate steps are taken to ensure inmates with disabilities have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect and respond to sexual abuse and sexual harassment. Steps include, when necessary, to ensure effective communication with inmates who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately and impartially both receptively and expressively, using any specialized vocabulary necessary. The agency will also ensure written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities. MTC Policy, 903E.02, Ensuring Safe Prisons, Paragraph 6 (a) requires MTC to take appropriate actions to ensure inmates with disabilities and limited English proficient inmates have an equal opportunity to participate in or benefit from all aspects of MTC's efforts to prevent, detect and respond to sexual abuse and sexual harassment. MTC would do this by contracting with interpreters or other professionals (including designated facility staff) to ensure effective communication with inmates who are limited English proficient and by developing written materials used for effective communication about PREA with inmates with disabilities or limited reading skills and lastly by training staff on PREA compliant practices for inmates with disabilities.

Paragraph b) of the policy requires that, for PREA related activities, MTC prohibits the use of inmate interpreters, inmate readers or other types of inmate assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first responder duties or the investigation of the inmate's allegation. The facility provided a contract with Language Line Services to provide interpretive services. Additionally, a memo from the PREA Compliance Manager, "Procedures for Non-English Speaking Detainees", provided the names of two bilingual staff who will serve as Spanish interpreters. Most of the staff are Hispanic and may serve as translators.

A memo from Otero County Prison Facility, Risk Management Coordinator indicated Otero County Prison Facility provides the following: 1) Medical assessment to determine what any person with Americans with Disabilities Act (ADA) needs to improve or enhance mobility, vision, hearing, mental awareness or understanding 2) Environmental assessment to determine any physical ADA needs within occupied spaces to improve or enhance access to and mobility through spaces and 3) Communications assessment to determine any means or form of communications whether audio, audio or combination that might be required to improve or enhance awareness and understanding.

The facility provided information on the Merlin LCD Vision Machine (TTY Phone) that is available for use. A power point slide presentation is a part of staff training. The slide presentation is entitled: "Staff Awareness/Prevention Continued". It addresses the need for heightened protection for vulnerable inmates including, mentally and physically disabled as well as transgender inmates. The slide states this is MANDATORY and these inmates are to be assigned to areas where their interaction with other inmates can be monitored. It reminds staff to communicate on their level and to be sensitive to inmates with limited English proficiency.

Interviewed staff consistently stated they would not allow, except in emergency situations, an inmate to translate or interpret for another inmate in making an allegation of sexual abuse. They indicated there were staff always on duty who spoke Spanish, the predominant language of the inmates. A visually impaired inmate explained that staff read orientation material to him and he could hear the PREA Video. A hearing-impaired inmate related he communicates by reading lips but also by communicated by writing on a tablet.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02- Ensuring Safe Prisons, page 8, paragraph 7(a) – (c) Hiring and Promotion Decisions, states that MTC prohibits hiring and/or promoting staff who have contact with inmates who have engaged in sexual abuse and/or sexual harassment. Policy also requires that omission or providing materially false information is prohibited. Contractors having contact with inmates must have a background check before providing services and every five years of continued service in accordance with MTC Policy 13.20, Purchase Policy. MTC Policy 201.3, Background Checks, C. advises that background checks will be performed based on the relevancy of job-related duties required for a particular position. Employment action, up to and including termination, will be taken if the background check is unfavorable or reveals information not reported or contrary to the information that is self-reported during the hiring the process. Policy requires the human resources manager to ensure the appropriate background checks are conducted. Otero County Prison Facility Policy, 801, Staff Background/Reference Checks requires that all applicants are screened for criminal history prior to providing services and every five (5) years thereafter.

A memo from the HR Manager, dated August 31, 2016, entitled PREA Interview Questions, stated applicants are asked the three PREA related questions required by the standards and that these are maintained in confidential files and made available to the auditor during the on-site audit. The auditor reviewed samples of PREA related questions being documented. These were included on the applicant interview questionnaire.

In addition to the PREA related questions asked of applicants, the facility uses a “Reference Verification Report”, providing a consent for release of information and asking the previous employer if the individual had any substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse against the individual. The interviewed Human Resources staff described the hiring process, including background checks. Applicants respond to the PREA Questions as a part of the interview process and document their response on the interview form. Selected applicants undergo background checks of the National Criminal Information Center (NCIC). The NCIC check is done on newly hired staff, new volunteers and contractors and then repeated every five years. When a staff is promoted the NCIC background check is conducted again. Staff, volunteers and contractors have an affirmative duty to report and arrests within 24 hours. Additionally, the HR staff related the even the vendors who come inside the facility, even if escorted, are required to undergo a background check. Sampled personnel files contained initial background checks as well as checks done at five years and upon a staff being promoted. Samples of volunteer and contractor background checks were provided for review as well.

The hiring and promotion process described by the human resources staff was consistent with the PREA Standards and with PREA Audit Report

agency policy.

Standard 115.18 Upgrades to facilities and technologies

- 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 discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons, paragraph 8, Upgrades to Facilities and Technology, require when designing or acquiring any new facility and in planning any substantial expansion or modification of existing facilities, MTC will consider the effect of the design, acquisition, expansion or modification upon the agency's ability to protect inmates from sexual abuse. Also, when installing or updating a video monitoring system, electronic surveillance system or other monitoring technology, MTC will also consider how such technology may enhance the facility's ability to protect inmates from sexual abuse. This requirement is also addressed and required in New Mexico Corrections Department Policy, CD-150100, Page 8, paragraph X. The facility provided a diagram of camera locations. These will not be described in the interest of security. A memo from the Otero Maintenance Supervisor, dated September 12, 2016 indicated there were approximately 10 more cameras added in 2016 to different locations within the facility for the safety of inmates and staff. The Warden and PREA Compliance Manager related they are always included in any plans for expanding or modifying the existing physical plant to ensure the safety of inmates and staff and/or when considering upgrading monitoring technology or adding additional cameras.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E.02, Ensuring Safe Prisons, Paragraph 9, Evidence Protocol and Forensic Medical Examinations, a) through e), provides for the following; To the extent MTC is responsible for investigating allegations of sexual abuse, MTC will follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The Facility does not house youth. MTC offers all victims or sexual abuse access to forensic medical examinations whether on-site or at an outside facility without financial cost, where evidentiary or medically appropriate. Examinations are required to be performed by Sexual Assault Forensic Examiners or Sexual Assault Nurse Examiners where possible. If they are not available the exam can be performed by other qualified medical practitioners.

MTC has to document their efforts to provide SAFEs or SANEs. MTC will attempt to make available a victim advocate from a rape crisis center and if a rape crisis center is not available or unwilling to provide victim advocate services, the agency will make available to provide these services, a qualified staff member from a community based organization, or a qualified MTC staff member. If a staff member is used, the staff member's qualifications will be documented and maintained. If MTC is not responsible for investigating allegations of sexual abuse and relies on another agency to conduct these investigations, MTC will request, through agreement or MOU, that the responsible agency follow PREA requirements for evidence protocol and forensic examinations. Otero County Prison Facility Policy, 609, Ensuring Safe Prisons-Rape Elimination Act, Paragraph H, Victim Support, acknowledging that most victims in the community have available to them various means of emotional support, the medical department of Otero will develop and implement available resources pursuant to sexual assault or sexual abuse. When the victim has completed the medical procedures, the victim will be referred to the designated rape crisis center (STARS, Sexual Trauma Response Services) and the SANE is available through "La Pinon" in Las Cruces, NM. MTC Medical Policy 904E.31DF requires any resident who has been sexually assaulted to be sent to the community facility ER, Hospital, for treatment and gathering of evidence. These procedures are not performed in house. In the event of sexual assault, an investigation is conducted and documented, the resident is sent to a community facility for treatment and gathering evidence, provisions are made for testing for STDs, prophylactic treatment and follow-up for STDs are offered to all victims and following the physical exam, mental health conducts an assessment for the need for crisis intervention and long term follow-up. A report is made to the facility program administrator or designee.

The facility provided an MOU with La Pinion Sexual Assault Recovery Services (SARs), dated 12/14/2016. The SARS agrees to provide access to an advocate via phone, mail or email to victims of sexual abuse, provide in-person advocacy when resources and staff availability permit, work with designated prison officials to obtain security clearances and follow all institutional policies and procedures and crisis center policies for safety and security, maintain confidentiality to enable inmates to make anonymous reports, obtain an inmate's consent and a written release of information prior to contacting Otero County Prisons Facility or other parties regarding concerns the inmate has about his safety. Confidentiality is addressed throughout the MOU.

Interviews with the PREA Compliance Manager and medical staff indicated that in the event of a sexual assault, the inmate would be taken immediately to the University Medical Center Hospital for any additional treatment and a forensic examination. Plan B, would be to take the inmate to La Pinion in Las Cruces at Memorial Hospital. Interviews with the Health Services Administrator indicated there have been no cases requiring a forensic examination.

An interview with the PREA Coordinator for La Pinion, confirmed the services described in the MOU would be provided. This enthusiastic individual related how she takes crisis calls and responds by providing advocates for emotional support when requested.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

all allegations of sexual abuse and sexual harassment. NMCD Policy, CD-150102, Coordinated Response to Sexual Assaults A.8, requires allegations of sexual abuse and sexual harassment to be referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. All referrals are required to be documented. MTC Policy, 903E.02, Ensuring Safe Prisons, B.10, Referrals of Allegations for Investigations, (a)-(c), affirms that MTC will ensure that all allegations, including inmate-on-inmate sexual abuse or staff-on-inmate sexual misconduct are referred to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior. If administrative or criminal investigations of alleged sexual abuse are performed by an entity other than MTC, efforts will be made to obtain the agency's investigative policy and MTC will be responsible for making the entity aware of investigative requirements under PREA. Otero County Prison Facility Policy requires the facility to ensure an administrative or criminal investigation is completed for all allegations of sexual abuse and sexual harassment (including inmate-on-inmate sexual abuse or staff sexual misconduct). All reports at the facility are required to initially be investigated by the Captain. All reports of staff sexual misconduct on inmates will be investigated by the Assistant Warden or the respective law agency (external to the facility). Otero Policy requires all allegations of sexual abuse and sexual harassment are referred to an agency with the legal authority to conduct criminal investigations unless the allegation does not involve potentially criminal behavior as determined by the Warden. Investigations are required, by policy, to be documented. An example of an investigation of allegations of sexual harassment was provided on the external drive. The report followed the standard protocol. The format included the following: 1) General information about the inmate making the allegation and the alleged perpetrators/aggressors 2) Type of allegations 3) Summary of the Incident/Complaint 4) Action taken local prior to referral 5) Documentation of whether law enforcement was involved 6) A synopsis of the investigation 7) Interviews (in this case with the victim, alleged perpetrator(s) and an informant) 8) Code Violations 9) Evidence discovered 10) Recommendations and 11) The investigative summary resulted in a finding that the allegation was sustained and the inmates were disciplined in compliance with the facility's inmate disciplinary code.

An interview with two facility investigators indicated they conduct the initial investigations and send referrals, as needed, either to one of their investigators at OPS, the Federal Marshalls or Otero County. They also related the facility receives allegations through the I-60 Form used for contacting staff, through email, and anonymous reports. All the interviewed staff related they have been trained to report all allegations, reports or knowledge of sexual abuse or sexual harassment, including suspicions. The NMCD PREA Coordinator also described the investigation process and confirmed the training investigators receive. She also serves as an instructor providing training for investigators, including OPS/Internal Affairs investigators.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Corrections Department Policy, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures; PREA, Paragraph Y and AA address employee training. Policy requires, prior to contact with any inmate, any employee, volunteer and/or contractor will have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures and that the training will be documented through employee signature or electronic verification and that the signature acknowledges the employee understands the training he/she has received. MTC Otero County Prison Facility Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination

Act, A. Staff Training, requires the agency to train all employees who may have contact with inmates on the following: 1) Its zero tolerance policy for sexual abuse and sexual harassment 2) How to fulfill their responsibilities under the agency sexual abuse and sexual harassment prevention, detection, reporting and response policies and procedures 3) Inmate's right to be free from sexual abuse and sexual harassment 4) The right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment 5) The dynamics of sexual abuse and sexual harassment in confinement 6) The common reactions of sexual abuse and sexual harassment victims 7) How to detect and respond to signs of threatened and actual sexual abuse 8) How to avoid inappropriate relationships with inmates 9) How to communicate effectively and professionally with inmates, including lesbian, bisexual, transgender, intersex or gender nonconforming inmates and 10) How to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities. Training is required to be tailored to the gender of the inmates at the employee's facility. The employee will receive additional training if an employee is reassigned to a facility that houses only female inmates or vice versa. Employees will receive refresher training every two years to ensure employees know the agency's current sexual abuse and sexual harassment policies and procedures. In years that training isn't provided, the agency will provide refresher information on current sexual abuse and sexual harassment policies. The agency documents the training employees have received and require staff to sign or use electronic verification acknowledging they understand the training they have received. MTC Policy, 903E.02, Ensuring Safe Prisons, B.11, Employee Training, states that MTC trains all employees on matters related to PREA as detailed in MTC Policy 901D.02, Training Requirements. MTC Policy, 901D.02, C.4 Training Requirements, requires that training is tailored to the gender of the inmates at the facility. It also reiterates that employees reassigned from facilities housing the opposite gender are given additional training and between training, MTC provides the employee information about current policies, regarding sexual abuse and harassment.

The Otero County Prison Facility Training Coordinator, provided a memo dated September 1, 2016 confirming all employees receive at least one hour of training on an annual basis during in-service training. New employees, according to the memo, receive at least one hour of PREA Training. The memo reiterates that employees document via signature indicating that he/she understand the PREA training he/she has received.

The facility provided an example of a staff attending Pre-Service Training. The Pre-Service Training Form documented an hour of PREA Training and was signed by the employee. Staff at the facility also are required to receive in-service training annually. The facility provided a schedule of classes/topics covered during in-service training (2016). The schedule documented a requirement for one hour of PREA training during in-service. The in-service training form documented an hour of PREA training and was signed by the employee. Additionally, the facility provided the auditor multiple samples of the Prison Rape Elimination Act Acknowledgment Forms, New Mexico Corrections Department, signed by the employees. The employee documents via his/her signature that the following topics were covered during their training and that they understood the training received: 1) The Prison Rape Elimination Act 2) State Law 30-9-11 3) NMCD's Policy on Zero Tolerance 4) Inmate's Rights to be free from Sexual Abuse and Sexual Harassment 5) The dynamics of Sexual Abuse in Prison 6) Identifying possible sexual abuse victims 7) The five phases of sexual assault 8) Sexual abuse prevention 9) Reporting incidents of sexual abuse 10) The right of employees and inmates to be free from retaliation for reporting sexual abuse 11) Investigations of incidents of sexual abuse 12) Preservation of evidence in Sexual abuse investigations and 13) Communicating with LGBTI inmates.

Interviews with 37 staff confirmed they have received the training required. Staff were knowledgeable of PREA. They readily answered questions posed and described the PREA Training they have received. They stated they receive PREA Training during pre-service training and during annual in-service training. They articulated the purpose of PREA, the agency and company's expectations for reporting (including suspicions, allegations, knowledge or reports, including third party reports) and described, without assistance, all the requirements for staff who are first responders.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Corrections Department Policy, CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures; PREA, Paragraph Y and Z, require that prior to contact with any inmate, any employee, volunteer and/or contractor will have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures and that the agency maintains documentation confirming that volunteers and contractors understood the training they received. Otero County Prison Facility Policy, 802, Staff Training Licensing/Credentials, Support Employees (Education/Classification/Contact/Medical), requires that all contractors who have regular or daily inmate contact receive training during the first year of employment. Forty (40) hours of training are completed prior to being independently assigned to a particular job. An additional forty (40) hours of in-service training is provided each subsequent year. This training includes a PREA Component/Segment. Policy documents the topics required and those topics include "Sexual harassment/Sexual Misconduct Awareness (PREA)". That policy requires all contractors with contact with inmates are trained on their responsibilities under the facility's sexual abuse and sexual harassment prevention, detection and response policies and procedures. All contractors who have contact with inmates are required to be notified of the facility's zero tolerance policy regarding sexual abuse and sexual harassment and how to report these incidents. Otero County Prison Facility Policy requires all volunteers who have contact with inmates to be trained on their responsibilities under the facility's sexual abuse and sexual harassment, prevention, detention, and response policies and procedures. All volunteers who have contact with inmates will be notified of the agency's zero tolerance policies and informed how to report these incidents. Otero County Prison Facility Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, Volunteer and Contractor Training, requires volunteers/contractors to be trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures. The level and type of training is based on the services they provide and level of contact they will have with inmates. All volunteers and contractors who have contact with inmates are required to be notified of the agency's zero tolerance policy and how to report. The agency requires the volunteer/contractor to confirm they have received and understand the PREA Training they received. MTC Policy, Ensuring Safe Prisons, Paragraph 12. Volunteer and Contractor Training, requires all volunteers and contractors who have contact with inmates to be trained in compliance with MTC Policy, 901D-02, Training Requirements, already discussed.

The facility provided the auditor a Memo from the Facility Training Staff documenting volunteer in-service and orientation provided on June 25, 2016. Fifty-three names were typed documenting their attendance however training rosters signed by volunteers documented sixty (60) volunteers/contractors listed as having attended. Multiple training rosters documenting PREA training were provided.

Acknowledgement Statements for Contractors who have incidental contact with inmates acknowledge the zero tolerance policy, first responding and how to report. They also acknowledge they understood the training and the requirements to assist in prevention, detection and response to any sexual abuse or sexual harassment upon entering the grounds of the facility. A volunteer acknowledgement statement, signed by the volunteer acknowledges the following: 1) The Prison Rape Elimination Act 2) NCMD's Policy on Zero Tolerance 3) Reporting incidents of sexual abuse and 4) State Law 30-9-11. They also acknowledge the consequences of engaging in sexual abuse with inmates and by signing that they are acknowledging receipt of training on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection and response policies and procedures.

The facility provided a memo addressing vendors who make deliveries. The memo stated vendors who make deliveries are escorted contractors. They are supervised by an Otero County Prison Facility Officer at all times, according to the memo, and

have very little inmate contact.

An interviewed contractor stated he is required by the contract to attend and send his employees to pre-service training that includes a PREA segment. Additionally, he stated his employees receive 40 hours of training annually including annual in-service training. This includes a PREA segment. Staff are knowledgeable of the zero-tolerance policy, their responsibility to report, how to report and first responding. A volunteer related to the auditor that he understood PREA was a law to prevent and eliminate sexual abuse. He stated he had training on the zero-tolerance policy, how to report and expectations for reporting, and first responding and protecting the evidence. He said he was trained to report to two people to ensure it got reported.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

New Mexico Corrections Department Policy, CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures, PREA, F., Requires that information shall be provided to offenders about sexual abuse/assault including 1) Prevention/intervention 2) Self-promotion 3) How to report 4) Zero Tolerance 5) Reporting sexual abuse/assault and 6) Treatment/counseling. Information must be communicated orally and in writing, in a language understood by the offender, upon arrival at a facility and within thirty (30) days of intake. The agency is required to provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents and regarding agency policies and procedures for responding to such incidents. In addition to providing such education, the agency is to ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks or other written formats. Education must be provided in formats accessible to all inmates including those who are limited English proficient., deaf, visually impaired or otherwise disabled, as well as to inmates with limited reading skills.

Otero County Prison Facility Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, C. Inmate Education, requires, within 30 days of intake, the facility to provide comprehensive education to inmates as stated in New Mexico Corrections Department Policy, CD-150100, however in addition to those items required in the NMCD Policy, inmates are to be educated about the facility policies and procedures for responding to such incidents.

MTC Policy 903E.02, Ensuring Safe Prisons, Paragraph 13., Inmate Education, a) States that inmates receive information about the zero-tolerance policy and how to report incidents or suspicions of sexual abuse or harassment at intake. Training may include: Definition of Sexual Violence; Specifics about the PREA; Rights as a Victim; Prevention/Intervention; Self-protection, Reporting Sexual Violence; Treatment and counseling; Information about the effects of Sexual Violence on Victims; Who to contact if an offender feels vulnerable; How to contact outside Victim services providers; How to report incidents that happen to others; Ways to avoid sexual violence; What happens to an offender who makes a false report; and Confidentiality. Inmates who are transferred from one facility to another will be educated regarding their rights to be free from both sexual abuse/harassment and retaliation for reporting such incidents and on MTC policies and procedures of the new facility to the extent that the policies and procedures of the new facility differ from those of the previously facility. Policy addresses the fact that PREA education is available in accessible formats for all inmates including those who are

limited English proficient, deaf, visually impaired or otherwise disabled or limited in their reading skills. Participation in PREA education is documented and maintained by the facility. The facility also ensures that key information about MTC's PREA policies is continuously and readily available or visible through posters, inmate handbooks or other written formats. The facility provided a State Inmate Orientation Schedule 2016. Education/Program/PREA is on the schedule for a one hour block with instruction being provided by education staff. The Inmate Training power point was provided to the auditor. Slides addressed the following: What sexual abuse is; Zero tolerance; Reporting (By phone-hotline, Staff, I-60, Grievance, 3rd parties); What to report; How to avoid sexual abuse; Addressing victim needs (with contact information for La Pinion Sexual Trauma and Response Services for the SANEs and the hotline number for advocacy services); Agency protection and A Safe Environment.

Inmates are provided the PREA brochure, "Sexual Assault/Abuse Awareness" upon entering the facility (intake/orientation). This brochure provides vital information to the inmate about sexual assault and what to do if the inmate is sexually assaulted, protecting evidence, what sexual abuse is, how to avoid sexual assault/abuse, the facility's zero tolerance policy; ways to report sexual abuse, sexual harassment or retaliation, dialing instructions for the PREA hotline, comments about sexual abuse and its impact on inmates; investigations and provides the phone number to the La Pinion Recovery Services, a rape crisis center providing access to victim advocates. The inmate handbook reiterates the Zero Tolerance Policy at Otero County Prison Facility and provides an array of PREA related information including providing definitions and how to avoid sexual assault and instructions for reporting sexual abuse and sexual harassment or retaliation. Again, the phone number to the Rape Crisis Center and to access Victim Advocates is provided explaining that they are available for emotional support services for sexual assault victims. An informational sheet is provided. PREA related information is given once again and again the telephone numbers to La Pinion, the Rape Crisis Center are provided and inmates are instructed they can access victim services through that number. Inmates are told, as well, how to make a confidential report outside the facility. Multiple rosters documenting inmates being trained during orientation were provided. These rosters are entitled Otero County Prison Facility; Inmate Orientation and PREA Sign-in Sheet. Inmates acknowledge by signature they have watched the PREA video and understand how to report any sexual misconduct/abuse.

Lastly, the New Mexico Corrections Department, Prison Rape Elimination Act, Resource Guide for Inmates is made available to Otero County Prison Facility inmates. This extremely informative and comprehensive thirty-one (31) page document covers virtually every aspect of PREA and concludes with phone numbers and mailing addresses to thirteen (13) Judicial Districts as well as phone numbers and mailing addresses for resources such as Just Detention International, 1 in 6, Lesbian, Bisexual and Transgender National Help Center, The Project on Addressing Prison Rape, Rape Abuse and Incest National Network and the address for the New Mexico Corrections Department PREA Coordinator.

Interviewed inmates indicated they had received PREA information, including the zero tolerance policy and how to report sexual abuse and sexual harassment. They stated they received the PREA Brochure, inmate handbook and watched the PREA video. They were knowledgeable of PREA and articulated multiple ways to report sexual abuse or sexual harassment. They were not as knowledgeable of the availability of outside support services however the information was provided to them in the brochure and inmate handbook.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These

recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy, CD-150101, Offender Protection Against Abuse and Sexual Misconduct, Reporting Procedures, PREA, A.6, requires, in addition to the general training provided to all employees, the agency must ensure that to the extent the agency itself conducts sexual abuse investigations, that its investigators have received training in conducting such investigations in confinement settings. NMCD CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures, PREA, BB, requires medical, mental health and investigative staff take the training class for their respective specialized area concerning PREA. The agency will maintain documentation that these specialized staff members have been trained. MTC, Otero County Prison Facility Policy, 802, Staff training/Licensing/Credentials, PREA Investigative Training, requires sexual abuse/sexual investigative staff will take a course of investigative training that follows the curriculum of the National PREA Resource Center's training manual. The investigative staff will attend annual training thereafter. US Marshalls Service Policy Directives, 9.8, Prevention of Prisoner Sexual Abuse, 1. Employee Training, a – c, requires that additional and specialized training may be offered to appropriate personnel who are tasked with the coordination and implementation of PREA requirements. Paragraph 8, Investigations, of that same policy, requires, as outlined, the FBI and DOJ-OIG are notified of any report of sexual abuse/misconduct. The USMS coordinates with the FBI and/or DOJ-OIG on all investigations conducted on USMS prisoners. IF an abuse or suspicion of an abuse occurs in a non-federal facility, USMS coordinates with the proper local authorities, as well as the FBI and DOJ-OIG, to ensure all allegations are properly investigated. MTC Policy, 903E-02, 14. Specialized Training Investigations, a and b, requires if MTC conducts its own investigations of allegations of sexual abuse, investigators are trained in conducting sexual abuse investigations in confinement settings. Documentation of such training will be maintained showing that investigators have completed the required training. If an external agency or DOJ component conducts investigations of allegations of sexual abuse, all agents and investigators are trained in conducting investigations in confinement settings.

The facility provided a training roster documenting approximately 2 hours of PREA Investigative Training provided by the NMCD PREA Coordinator. Thirteen (13) Otero County Prison Facility staff signed documenting they completed the training. Samples of training certificates, entitled, Investigating Sexual Assaults in a Correctional Setting, were provided for review. An interview with the Facility Investigators and the NMCD PREA Coordinator confirmed investigations staff have received the required training. The agency's PREA Coordinator related that she is an instructor providing the specialized training.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD, CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures, PREA. BB, requires medical, mental health and investigative staff to take the training class for their respective specialized areas concerning PREA. The agency will maintain documentation that these specialized staff members have been trained. MTC Medical Policy, 904E-310F, Sexual Abuse/Assault, requires Health Staff to be trained in how to detect, assess, and respond to signs of sexual abuse and sexual harassment, as well as how to preserve physical evidence of sexual abuse. MTC Otero County Prison Facility, Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, A. Specialized Training – Medical and Mental Health Care, requires Otero County Prison Facility to ensure that all full and part time medical and mental health care practitioners

who work regularly in its facilities have been trained in: 1) How to detect and assess signs of sexual abuse and sexual harassment; 2) How to preserve physical evidence of sexual abuse; 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment; and 4) How and to whom to report allegations or suspicions of sexual abuse or sexual harassment. The agency is required to maintain documentation that medical and mental health practitioners have received the specialized training either from the agency or elsewhere. MTC Policy 903E-02, Ensuring Safe Prisons, 15. Specialized Training Medical and Mental Health Care, requires MTC to ensure that all full and part time medical and mental health care practitioners who work regularly in the facility have been trained in 1) How to detect and assess signs of sexual abuse and sexual harassment; 2) How to preserve evidence of sexual abuse; 3) How to respond effectively and professionally to victims of sexual abuse and sexual harassment, and; 4) How and to whom to report allegations or suspicions of sexual abuse and sexual harassment. This policy also requires in 15.g) medical and mental health care practitioners to receive training mandated for employees under 115.31 or for contractors and volunteers under 115.32 depending upon the practitioner's status at the agency.

MTC Provided a lesson plan entitled, "Prison Rape Elimination Act (PREA)-Medical Staff Education". Session objectives included the following: 1) Describe what PREA stands for 2) Know what a rape kit is for 3) Know how to preserve DNA, 4) Recognize the signs of victims and 5) Actions to take in case of a PREA incident. Sampled training rosters documented 48 staff having received this training.

Interviewed health care staff at Otero County Prison Facility stated they had all received specialized training as required in the standard and in MTC Policies. They were able to articulate the training they received related to PREA including how to detect and assess signs of sexual abuse and sexual harassment; preserving evidence; responding professionally to victims of sexual abuse and sexual harassment and how to report allegations or disclosures of sexual abuse. The mental health professional who was interviewed related she was a licensed clinical social worker and the Health Services Administrator related she had a Master's Level Degree. Interviews confirmed they both are very aware of their roles and responsibilities related to sexual abuse in confinement settings.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy, CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures, PREA, J. requires inmates to be screened within 48 hours of arrival at the facility and reassessed 25 days after the inmate's arrival, for potential vulnerabilities or tendencies for acting out with sexually aggressive behavior. Inmates will be reassessed thereafter due to a referral, request, incident of sexual abuse or receipt of additional information that bears upon an inmate's risk for sexual abuse or receipt of additional information that bears upon an inmate's risk of sexual victimization. Housing and program assignments are made accordingly. MTC Otero County Prison Facility Policy, 609 B. Screening, requires that during the Intake Process, Classification Staff will review all documentation that arrives with each newly assigned inmate to ensure each inmate is appropriately assigned to the facility and housed within applicable agency security guidelines. Intake screening shall ordinarily take place within 72 hours of arrival at the facility. Particular attention is to be taken for the inmates that are vulnerable to possible sexual assault as well as the detection of possible sexual predators. The intake screening is required to consider minimally, the following; 1) Whether the inmate has a mental, physical or

developmental disability; 2) The age of the inmate; 3) The physical build of the inmate; 4) Whether the inmate has previously been incarcerated; 5) Whether the inmate’s criminal history is exclusively nonviolent; 6) Whether the inmate has prior convictions for sex offenses against an adult or child; 7) Whether the inmate is perceived to be gay, lesbian, transgender, intersex or gender nonconforming; 8) Whether the inmate has previously experienced sexual victimization; 9) The inmate’s own perception of vulnerability; and 10) Whether the inmate is detained solely for civil immigration purposes. MTC Policy 903E-02, Ensuring Safe Prisons, 16. Screening for Risk of Sexual Victimization and Abusiveness (a) through (d), requires inmates to be screened using an objective screening instrument for risk of sexual victimization or risk of sexually abusing other inmates within 72 hours of their intake. The facility may determine the screening instrument to be used in consultation with the MTC PREA Coordinator and the Customer Agency. Within 30 days from the inmate’s arrival at the facility, the facility will reassess the inmate’s risk of victimization or abusiveness based upon any additional, relevant information that bears on the inmate’s risk of sexual victimization or abusiveness. An inmate will be reassessed when warranted due to referral, request, incident of sexual abuse or receipt of additional information that bears on the inmate’s risk for sexual victimization or abusiveness. Inmates may not be disciplined for refusing to answer or for not disclosing complete information in response to questions asked regarding mental, physical, or developmental disability; whether the inmate is or is perceived to be gay, bisexual, transgender or intersex or gender non-confirming; whether the inmates has previously experienced sexual victimization; or the inmate’s own perception of vulnerability. Policy requires MTC to implement appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this policy to ensure that sensitive information is not exploited to the inmate’s detriment by staff or other inmates. The facility provided samples of risk screening upon admission as well as reassessments. Where an inmate disclosed prior victimization, a referral to mental health was offered an inmate and the inmate requested the follow-up. Staff responsible for conducting the vulnerability screening stated they conduct the assessments within 72 hours of admission using an objective instrument. They also related as a part of their screening they consider the inmates, age, sex, sexual orientation, past history of sexual offenses and prior institutional history. They also related, in addition to conducting the victimization screening (assessment), a reassessment is conducted at the end of 30 days. Information from the screening instrument is protected and limited to the Warden, Case Manager and Captain. They also related the results of the screening are used to inform housing, programming and work details.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E-02, Ensuring Safe Prisons B.17, Use of Screening Information and Otero County Prison Facility Policy 609, Ensuring Safe Prisons – Prison Rape Elimination Act, Act B. Screening, Use of Screening Information, requires the Otero County Prison Facility to use information from the risk screening to inform housing, bed, work, education and program assignments with the goal of keeping inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. Individualized determinations about how to ensure the safety of each inmate will be made. The housing assignments for transgender or intersex inmates will be made on a case by case basis. NMCD Policy CD-150100, L., requires that a transgender or intersex inmate’s own views with respect to his/her own safety shall be given serious consideration. A memo dated November 30, 2016, from the New Mexico State Case Management Supervisor, entitled, “PREA Standard – Use of Screening Information” reiterates the requirements of standard 115.42, Use of screening information, and emphasizes transgender or intersex inmate’s views with respect to his/her safety is to be given serious consideration and that

transgender and intersex inmates will be given the opportunity to shower separately from other inmates. The summary, provided by Otero County Prison Facility stated they have had only one NMCD inmate who was self-identified as being transgender within the past twelve months. The inmate was allowed to shower separately from other inmates. The response summary also affirmed that any NMCD inmates identified as transgender and/or intersex that are housed in the facility are given extra caution to ensure safety and security. A memo from the Count Room Coordinator specified procedures for appropriately housing inmates identified as gay, bisexual, transgender or intersex that are at high risk for being sexually victimized discusses the screening of inmates for risk of being sexually victimized or sexually abusive. Screening will include any risk information available with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive. The memo states classification staff will notify a security supervisor of any special precautions that need to be taken with any new inmates prior to the inmates being released from the intake area. Interviewed staff related the information from the risk screening process is used to determine housing/bed placement, as well as to determine appropriate work details and education or other program assignments. Staff indicated the inmates who were transgender or intersex would be allowed to shower separately.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150100, E., requires when staff or the agency believes an inmate is at substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. MTC Policy, Ensuring Safe Prisons, 24. Agency Protection Duties, a) and Otero County Prison Facility Policy, 609.E2, K. Agency Protection Duties, requires that when MTC learns that an inmate is subject to a substantial risk of imminent sexual abuse, MTC requires immediate action to protect the inmates (i.e. It takes some action to assess appropriate protective measure without unreasonable delay).

The facility provided a copy of the Form entitled, “Restrictive Housing/ Placement Form/Temporary Restrictive Housing (141.500.1) This form documents the reason for the Temporary Restrictive Housing, a summary of the facts that justify placement and the 72-hour review. An example was provided documenting an inmate placed in restrictive Housing as the result of a PREA allegation “due to threatening an inmate.” The form is dated 8/22/2016. An additional document was provided demonstrating the 72 hour review. The rationale for continuing the inmate in Restricted Housing was “pending the outcome of an investigation. Another completed form provided to the auditor was entitled “New Mexico Male Restrictive Housing Cell Record”. This form documented receipt of meals, recreation, laundry, visits by medical, visits by shift supervisors and administrative inspections.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150101, C. Inmate Reporting, encourages inmates to report if they are a witness to or the victim of sexual abuse or sexual misconduct, or harassment. Policy addresses ways inmates may report. These include reporting to any staff member, employee, correctional officer, contract staff or volunteer, filing a grievance, placing a note or memo in any drop box located throughout the facility to classification, telling medical or mental health staff; providing the information verbally or in writing by any means and to any person with whom the inmate is comfortable; or sending the information directly to the Secretary, Office of Professional Standards; Wardens, Shift Commanders or District Supervisors. Policy requires reports to be handled in a confidential manner. This policy also allows for reporting in the following ways: Mail the State PREA coordinator (address given), Email NMCD-PREAREporting@state.nm.us, Call the PREA Reporting line, or report to a staff member verbally, via telephone or by mail. MTC Policy, Ensuring Safe Prisons, 903E-02, 19. Inmate Reporting, a) through e)), identifies multiple internal ways for inmates to report privately to MTC officials about sexual abuse or sexual harassment, retaliation by other inmates or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such residents. The agency provides at least one way inmates may report to a public or private entity or office that is not a part of the agency. To enable reporting to a public or private entity or office that is not a part of the agency, NMCD has an Intergovernmental Agreement with the State of Colorado for NMCD Inmate PREA Reporting. The agreement between the NMCD and State of Colorado Department of Corrections establishes a process and protocols to allow an offender under the jurisdiction of NMCD to report sexual abuse, sexual assault or sexual harassment to an outside entity. The Colorado DOC's sole role is to receive and immediately forward reports to the NMCD who is then responsible for investigating the allegations. The agreement allows allegations to be anonymous. Inmates may report using the established Reporting Form. The form also advises the inmate he/she may report anonymously. Inmates detained solely for civil immigration purposes are provided information on how to contact relevant consular officials and relevant officials of the Department of Homeland Security. Policy mandates that staff accept reports made verbally and in writing, anonymously and from third parties with no exceptions. Verbal reports are required to be documented in a 24 hour timeframe. MTC Otero County Prison Facility Policy, 609, Ensuring Safe Prisons – Prisons Rape Elimination Act, Inmate Reporting, provides multiple internal ways for inmates to privately report sexual abuse and sexual harassment, retaliation by other inmates for staff for reporting sexual abuse and sexual harassment and staff neglect or violation of responsibilities that may have contributed to such incidents. Policy reiterates the requirements of the MTC Policy and the PREA Standards. Inmates are provided the brochure entitled, "Sexual Assault/Abuse Awareness" that provides inmates multiple ways to report. These include dialing the PREA hotline number (number provided), tell a staff member, fill out a grievance form or report to a third party. The number to the outside advocacy organization is provided as well. The inmate handbook for Federal Inmates, identifies the staff responsible for PREA in the facility. It advises inmates to report to any staff member to have it reported privately. It also explains that reports may be made verbally, in writing, anonymously, through a third party or a grievance. Inmates are reminded there are PREA postings in housing areas and that PREA pamphlets have available 24-hour phone numbers to use. The number for the SANE is also provided in the handbook. The Otero County Prison Facility New Mexico State Inmate Handbook, 2017, identifies key staff, including the PREA Compliance Staff. This handbook explains what sexual misconduct, sexual abuse, sexual assault or sexual harassment are, how to avoid it, and what to do if the inmate needs help. Inmates are advised they may report to any staff member, verbally, in writing, anonymously or from a third party. They are told they may file a grievance without having to submit it to the staff member who is the subject of the complaint and that it will not be referred to the staff member who is the subject of the complaint. Inmates are reminded about the PREA postings throughout the facility that have 24 hour a day phone numbers they may call. Additionally, inmates are given the number to the Sexual Trauma and Response Services and Sexual Assault Nurse Examiners. Inmates are told their report is confidential.

The auditor interviewed 15 inmates, one of whom were gay and two disabled. The most common response related to reporting allegations of sexual abuse and sexual harassment was that most of the interviewed inmates would utilize the hotline to report an allegation of sexual assault or sexual harassment. They also related the following ways to report: 1) 1-60; PREA Audit Report

a form used to request a particular staff respond to an identified or reported issue; 2) Tell a staff and 3), tell a family member either on the phone or during visitation. Most believed if they reported it to a staff, they would take it seriously.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 503, Inmate Grievances, 3. Emergency Grievances, states once the receiving staff is approached by an inmate and determines that he/she is in fact raising an issue requiring urgent attention, emergency grievance procedures will apply. The emergency grievance is immediately reviewed by the Chief of Security or designee. They are then required to make a determination if it is life threatening or requires immediate attention. If the Grievance Officer determines it is not, it is processed as a regular grievance. Emergency grievances are processed immediately if possible and not longer than 24 hours. After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, the agency immediately forwards the grievance (or any portion thereof that alleges the substantial risk) to a level of review at which immediate corrective action may be taken and provide an initial response within 48 hours and issue a final agency decision within 5 calendar days. The initial response and final agency decision shall document the agency’s determination whether the inmate is in substantial risk of imminent sexual abuse and the action taken in response to the emergency grievance. Facility Policy, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, F. Inmate Grievances, allows inmates to file a grievance regarding an allegation of sexual abuse at any time regardless of when the incident is alleged to have occurred. An inmate can submit a grievance alleging sexual abuse not to be referred to the staff member who is the subject of the complaint. MTC Otero County Prison Facility Policy, 609, Ensuring Safe Prisons – Prison Rape Elimination Act, 22. Third Parties and NMCD Policy requires that If an inmate declines to have third-party assistance in filing a grievance alleging sexual abuse, OCPF documents the inmate’s decision to decline. The facility has established procedures for filing an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse that requires an initial response within 48 hours with a final decision within 5 days. MTC Policy, 903#-02, 20. Exhaustion of Administrative Remedies, a) through h) describe the grievance process. Inmates may submit a grievance alleging sexual abuse at any time regardless of when the alleged incident occurred. No informal process is required and the grievance will not be forwarded to the staff who is subject of the complaint. Decisions on the merits of any grievance or portion of a grievance alleging sexual abuse will be made within 90 days of filing. If the agency files for an extension, the inmate is notified in writing. Third parties can file requests for administrative remedies on behalf of an inmate however if an inmate declines to have third party assistance in filing a grievance alleging sexual abuse, MTC documents the inmate’s decision to decline. This policy also requires procedures for processing emergency grievances.

Inmates are provided a brochure during the admissions process. The brochure advises inmates they may report allegations of sexual abuse using the grievance process. The Inmate handbooks also advises inmates they may report using the grievance processes.

According to a memo dated 12/15/16, there were no federal grievances filed by inmates who have been sexually abused or not having access to forms to report abuse. There were no grievance received in 2016 from any inmate in regards to being sexually abused, fearing the possibility of sexual abuse or harassment. The Memo was from a Lieutenant at OCPF. Interviews with staff indicated they are aware of the grievance procedures and emergency grievance procedures. Inmates

who were interviewed rarely mentioned the grievance process as a way they could report sexual abuse or sexual harassment. They stated they could file a grievance but it would not be their preference. None of the interviewed inmates reported having filed a grievance alleging sexual abuse and sexual harassment.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E-02, Ensuring Safe Prisons, 21. Access to Outside Confidential Support Services, requires MTC facilities to provide inmates with access to outside victim advocates for emotional support services related to sexual abuse by giving inmates mailing addresses and telephone numbers (including toll free hotline numbers where available) for local, state or national victim advocacy or rape crisis organizations; giving inmates mailing addresses and telephone numbers (including toll-free hotline numbers where available) for immigrant services agencies for persons detained solely for civil immigration purposes and enables reasonable communication between inmates and these organizations in as confidential manner as possible. MTC facilities inform inmates prior to giving them access to outside support services, the extent to which such communications will be monitored. MTC also is required to inform the inmate, prior to giving them access to outside support services, of the mandatory reporting rules governing privacy, confidentiality, and/or privilege that apply for disclosures of sexual abuse made to outside victim advocates, including the limits of confidentiality under relevant federal, state or local law. Additionally, the policy requires MTC facilities to maintain memoranda of understanding or other agreements with community service providers that are able to provide inmates with emotional support services related to sexual abuse. MTC also maintains copies and documentation of attempts to enter such agreements. MTC Otero County Prison Facility, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, H. Victim Support, requires the medical department to develop and implement available resources pursuant to sexual assault or sexual abuse. When the victim has completed the medical procedures, the victim will be referred to the designated rape crisis center. For Otero County Prison Facility, that organization is the Sexual Trauma Response Services, and SANE is “La Pinion” located in Las Cruces, NM. The reviewed MOU between Otero County Prison Facility and La Pinion Sexual Assault Recovery Services, dated December 14, 2016 is one of the most comprehensive and well written agreements this auditor has ever reviewed. Among other things, it assures a unified effort between the entities involved to provide incarcerated victims of sexual assault with confidential emotional support, crisis intervention, information and referrals related to sexual violence. The facility agreed to provide inmates with the mailing addresses and telephone numbers, including toll free hotline numbers, where available. of the local and state victim advocacy/rape crisis organizations. The facility also states it will enable reasonable communication between inmates and these organizations and agencies, with confidentiality to the greatest extent possible. La Pinion agrees to provide access to an advocate via phone, mail or email to victims of sexual violence incarcerated at Otero. They also agreed to provide in-person advocacy when resources and staff availability permit and to inform inmates prior to giving them access, of the extent to which communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws. La Pinion agrees to obtain an inmate’s consent and a written release of information prior to contacting Otero or other parties regarding concerns an inmate has about his/her safety. Inmates are advised of the availability of outside emotional support services through the inmate handbooks and the informative brochure given to inmates during the admission process.

via phone or in person. She related she has 27 staff advocates and 30 volunteer advocates. She related her advocates are appropriately trained and that staff advocates are required to complete 40 hours of training in working with sexual assault victims. She also related her organization is willing to provide counseling services to inmates either in prison or not and to provide services on an ongoing basis if an inmate is released and wants services. Interviewed inmates consistently related they were sure there were services available outside the facility for dealing with sexual abuse if they ever needed it however they could not remember the name of the organization. When asked if that information was provided in the inmate handbook or in the brochure, inmates said it probably was but since they have not needed it, they did not remember it. They did say they believed if they needed emotional support the facility would provide that information and assist them in contacting the organization.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E-02, Ensuring Safe Prisons, 22. Third Party Reporting, a & b, states MTC provides a method to receive third party reports of inmate sexual abuse or sexual harassment in accordance with MTC Policy and this information is publicly distributed on how to report inmate sexual abuse or sexual harassment on behalf of inmates. Otero County Prison Facility Policy, G. Third Party Reporting, requires posters in each living unit. These posters have 24-hour phone numbers to use. Additionally, it states that PREA Pamphlets are distributed to inmates during the orientation process and that these include phone numbers and procedures for reporting sexual abuse/harassment to any staff. The inmate handbook also contains information related to third party reporting. Reviewed handbooks for inmates contained third party reporting information. Additionally, the reviewed Otero County Prison Facility PREA Brochure advises inmates if they are unwilling to report directly to a staff, they may also call the numbers on the front of the pamphlet, fill out a grievance form, fill out an I-60 (note), or report to a third party.

Staff consistently stated inmates can report allegations of sexual abuse and sexual harassment through third parties, including family members or other inmates. They also related they have been trained to take all allegations and reports seriously and if they received a third party report they would treat it like all other allegations of sexual abuse. Inmates who were interviewed generally did not mention third parties as a way they could report however asked if another inmate, a family member or a volunteer could make a report on their behalf, they said they were sure they could and they believed staff would take it seriously.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures, PREA, E., makes it mandatory for staff, vendors, contractors or any offenders who witness or are the subject of abuse or sexual misconduct, who witness retaliation against those who report such incidents, or who witness any staff neglect or violation of responsibilities that may have contributed to an incident, must immediately report such conduct to one or more of the following persons: The Secretary of Corrections, the Office of Professional Standards, the Warden, the Shift Supervisor, the Institutional Investigator, District Supervisor or any other employee of the NMCD. MTC Policy 903E.02, Ensuring Safe Prisons,²³ Staff and Agency Reporting Duties, requires all staff to report immediately and according to MTC Policy 203.10 Employee Discipline, any knowledge, suspicion or information they receive regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is part of the organization. Policy also requires staff to report immediately any retaliation against inmates or staff who report and incident of sexual abuse or sexual harassment and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. Apart from reporting to the designated supervisors or officials and designated state or local services agencies, MTC prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. MTC Otero County Prison Facility Policy 802, Staff Training/Licensing/Credentials Training Requirements, Prison Rape Elimination Act (PREA) requires facility staff to report immediately and according to facility policy any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not it is a part of the agency; retaliation against inmates or staff who reported such an incident; and any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. This is reaffirmed in Otero Policy 609, Ensuring Safe Prisons-Prison Rape Elimination Act, J. Staff and Agency Reporting Duties. Additionally, this policy prohibits staff from revealing any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation and other security and management decisions. The facility provided several slides from the Power Point PREA Training for Staff. Page six (6) of those slides requires staff to report immediately, suspicion or information regarding any incident of sexual abuse or harassment, whether it is a part of the agency; To report retaliation against inmates or staff who reported such incidents and Report neglect of violations of responsibilities that may contribute to the incident or retaliation. If receiving an allegation of sexual abuse from another facility the Warden is required to notify the facility or agency where the allegation occurred. That notification will be no later than 72 hours after receiving an allegation and all instances of sexual assault. Page seven of those slides states that “all reports of inmate on inmate instances of sexual assault will be completed by the Captain and all reports of staff sexual misconduct on detainees will be investigated by the Investigating Lieutenant and the Deputy Warden and New Mexico State Highway Patrol.”

Reviewed Informed Consent and Limits of Confidentiality Regarding PREA forms inform the inmate that medical and mental health practitioners are required to report sexual abuse and to inform inmates of the practitioner’s duty to report, and the limitations of confidentiality, at the initiation of services. Several consent forms signed by inmates were provided for review. An example of a report was provided for review. The Report was detailed and was the result of staff observing inmates engaging in sexual misconduct. The report was made verbally and then to the Captain via Landline.

Interviews with staff, both randomly selected and specialized, indicated staff have been trained to immediately report any allegation, reports, knowledge or suspicion of sexual abuse to the shift supervisor and follow that up with a written report or statement prior to the end of the shift. Staff related they have been trained to accept and report all allegation and reports of sexual abuse regardless of how the report was made. Interviewed staff articulated multiple ways they could report. In addition, most of the staff related the report would be made as privately as possible.

- 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 discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150100, E., requires when staff or the agency believes an inmate is at substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. MTC Policy, Ensuring Safe Prisons, 24. Agency Protection Duties, a) and Otero County Prison Facility Policy, 609.E2, K. Agency Protection Duties, requires that when MTC learns that an inmate is subject to a substantial risk of imminent sexual abuse, MTC requires immediate action to protect the inmates (i.e. It takes some action to assess appropriate protective measure without unreasonable delay).

The facility provided a copy of the Form entitled, “Restrictive Housing/ Placement Form/Temporary Restrictive Housing (141.500.1) This form documents the reason for the Temporary Restrictive Housing, a summary of the facts that justify placement and the 72-hour review. An example was provided documenting an inmate placed in restrictive Housing as the result of a PREA allegation “due to threatening an inmate.” The form is dated 8/22/2016. An additional document was provided demonstrating the 72 hour review. The rationale for continuing the inmate in Restricted Housing was “pending the outcome of an investigation. Another completed form provided to the auditor was entitled “New Mexico Male Restrictive Housing Cell Record”. This form documented receipt of meals, recreation, laundry, visits by medical, visits by shift supervisors and administrative inspections.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy, CD-150100, J. states if an inmate reports any knowledge, suspicion or information regarding an incident of sexual abuse or sexual harassment that occurred in another facility, the Warden of the facility that received the information must immediately (no later than 72 hours) report it to the Warden of the facility where it is alleged to have occurred. If the incident is alleged to have occurred at an agency other than NMCD, that report should be forwarded to the Agency PREA Coordinator, who will immediately (no later than 72 hours) notify the outside agency. The facility must maintain documentation of all notifications to other facilities and the PREA Coordinator will maintain documentation of all external notifications. MTC Policy, 903E-02, Ensuring Safe Prisons, 25. Reporting to Other Confinement Facilities, a) through c) and Otero County Prison Facility Policy requires that upon receiving an allegation that an inmate was sexually abused while

confined at another facility, the head of the facility must notify the head of the facility or appropriate office of the agency/facility where sexual abuse is alleged to have occurred and that this notification is within 72 hours after receiving an allegation and provide documentation of the notification. Policy also requires all allegations received from other facilities/agencies are investigated.

The facility provided excellent documentation to confirm notification to the sending facility after an inmate alleged sexual abuse at another confinement facility. Documentation was provided affirming the inmate was taken to medical and offered follow up with mental health. The inmate initially declined but a few hours later changed his mind and was escorted to see them. Within 24 hours the Lieutenant emailed the Warden of the sending facility and advised of the allegations. The Lieutenant at Otero also documented and informed the Warden he had sent the information to internal affairs for investigation. An incident report was written the same day the report was received. The Otero County Prison Facility Warden reviewed the Incident Report and recommended referral to I and A. Follow-up was even made by the facility to determine the status of the investigation. The case remains open pending conclusion of the investigation. A memo from the Otero County Prison Facility dated September 2, 2016 stated there were no Federal inmates housed at Otero County Prison Facility that have claimed abuse at other facilities.

Interviews with the Warden and PREA Compliance Manager confirmed a reporting process consistent with the standards.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy, CD-150102 Coordinated Response to Sexual Assault, provides detailed procedures for responding to sexual assault incidents within 120 hours of the assault. This requires the unit to be locked down, separating the victim from the aggressor and instructing the victim not to shower, wash their clothes, brush their teeth, or relieve him or her to preserve evidence. Duties of the health care professional are explained relative to providing initial medical care for injury or trauma and preserving the evidence. The roles of the shift supervisor are identified. The roles of investigators and forensic examiners are also described. MTC Policy, Ensuring Safe Prisons, 903E.02, Paragraph 26, Staff First Responder Duties and Otero County Prison Facility, 609, Ensuring Safe Prisons-Prison Rape Elimination Act, E. Staff First Responder Duties, requires upon learning that an inmate was sexually abused with a time frame that still allows for the collection of physical evidence, the first security staff member to respond to the report is required to 1) Separate the alleged victim and abuser 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence 3) Instruct the victim not to take any actions that could destroy physical evidence, including washing, brushing his or her teeth, changing clothes, urinating, defecating, smoking, drinking or eating and 4) ensure that the alleged abuser does not take any actions that could destroy physical evidence, including as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating. If the first responder is non-security staff, he or she is required to instruct the victim not to take any actions that could destroy physical evidence and then notify security staff.

The facility provided power point slides taken from the PREA Training Curriculum addressing First Responding. Slide #6, Staff First Responder Duties, requires that upon learning that an inmate was sexually abused within a time period that still allows for the collections of physical evidence, the first security staff member to respond to the report is required to: 1) Separate
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the alleged victim and abuser 2) Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence 3) Instruct the victim not to take any actions that could destroy physical evidence, including washing, brushing his teeth, changing his or her clothes, urinating, defecating, smoking, drinking or eating and 4) ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating. For non-security staff first responders the slide presentation teaches non-security staff to instruct the victim not to take any actions that could destroy physical evidence and then notify security staff. Samples of signed training rosters were provided for review. Staff are also provided a first responder card that is attached along with their identification card. The first responder card provides readily accessible step by step instructions about what to do upon becoming aware of a sexual assault or sexual abuse.

All interviewed staff, including security and non-security, articulated their responsibilities as first responders. Consistently they related they would immediately separate the alleged abuser from the alleged victim, notify their immediate supervisor, instruct the victim not to take any actions that might degrade or destroy the evidence, including changing clothing, showering, using the restroom, drinking or brushing their teeth, secure the scene and treating it as a crime scene ,not allowing anyone to enter or leave until investigators arrived and ensure the victim was taken to medical. Some said the victim would be taken to the hospital for a forensic exam as well.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E.02, Ensuring Safe Prisons, 27. Coordinated Response a), requires each facility develop a written institutional plan to coordinate actions taken in response to an incident of sexual abuse among staff first responders, medical and mental health practitioners, investigators and facility leadership. Otero County Prison Facility, 609, Ensuring Safe Prisons, E. First Responder Duties, requires staff to follow the coordinated response plan after an incident of sexual abuse, among staff first responders, medical and mental health practitioners, investigators and facility leadership. The reviewed facility specific Coordinated Response Plan-Sexual Abuse was comprehensive, specific and detailed. Potential ways staff learn that a sexual assault has occurred are listed. Identifying victims is discussed followed by procedures for staff intervention and investigation. The plan begins with procedures for staff intervention, evidence collection at the crime scene, evidence collection from the victim, evidence collection from the assailant, psychological services, monitoring and follow up, release preparation and continuing care and reporting to inmates, staff disciplinary sanctions, after action review and referral to outside agency for prosecution. The facility also provided a checklist developed by the New Mexico Corrections Department. This too addresses multiple actions for the staff shift supervisor and multiple actions the warden is responsible for.

Otero County Prison Facility Policy, 904E.310F, D., Procedures, establishes the actions medical and mental health staff will take in the event of a sexual assault. Those procedures include monitoring and follow up. Interviewed staff from a variety of disciplines could relate their individual responsibilities in response to an incident of sexual abuse.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Otero County State Prison Facility provided documentation stating there are no union agreements, year to date, at the Otero County Prison Facility and staff would be removed if there were ever a sexual abuse charge brought against them and if a case of sexual abuse was to occur and is found to be unsubstantiated, it would be expunged from the staff’s personnel file.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD, Policy, CD-150100, D. states that any employee, inmate or person who, in good faith, reports abuse or sexual misconduct will not be subject to retaliation. Information will be kept confidential. Wardens or their designee’s will monitor those who report sexual abuse or cooperate with investigations for ninety (90) days and take appropriate steps to protect individuals from retaliation, including periodic status checks on inmates. MTC Policy 903E.02, Ensuring Safe Prisons, 28. Preservation of Ability to Protect Inmates from Contact with Abusers, a) through c), states MTC protects all inmates and staff who report sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. Too, policy requires MTC to designate staff members or charges departments for possible retaliation. Otero County Prison Facility, Policy I. Protection against Retaliation, provides protection as well for staff and inmates but also adds that the facility will employ multiple protection measures such as housing changes or transfers for inmate victims or abusers, removal of alleged staff or inmate abusers from contact with victims and emotional support services will be offered for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

A PREA Monitoring Retaliation Form was provided for review. The form contains the requirements for PREA Monitoring including the following: “For at least 90 days following a report of sexual abuse or sexual harassment, the agency shall monitor the conduct and treatment of inmates and staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff, and shall act promptly to remedy any such retaliation. Items the agency should monitor include any negative performance reviews or reassignments of staff. The agency continues to monitor for

retaliation beyond 90 days if the initial monitoring indicates a continuing need and an agency's obligation to monitor shall terminate if the agency determines that the allegation is unfounded. Space is provided for documenting the date, time and location of the interview with the staff or inmate who might experience retaliation. Comments are provided as needed. Blocks below the comments section provide the monitor with items to be reviewing. These included: Disciplinary Reports, Housing Changes, Program Changes, Negative Performance Review and Reassignment. Immediate steps to remedy the situation are to be provided as indicated. The facility provided an incident report documenting that an inmate reported he was being threatened in the dormitory.

The interviewed retaliation monitor related the facility has a zero tolerance for any form of retaliation for reporting or making an allegation of sexual abuse or sexual harassment or for cooperating with an investigation. Once an allegation of sexual abuse or sexual harassment is made, the retaliation monitor contacts the alleged victim to inform them of the monitoring process and how to contact the monitor if needed. The monitor related the following things could be monitored if the retaliation involved an inmate: disciplinary reports, housing changes, work assignment changes or other movement changes. If the retaliation involved a staff, shift changes and performance appraisals might be monitored. Monitoring would last for 30, 60 and 90 days and even beyond if necessary. The retaliation monitor described a process consistent with the PREA Standards.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons-Prison Rape Elimination Act, 29. Post Allegation Protective Custody, indicates MTC may house inmates who are alleged to have suffered sexual abuse in restrictive housing for protective custody subject to the requirements of PREA. Otero County Prison Facility, 609, Ensuring Safe Prisons, Protective Custody, also provides for housing in restrictive housing for protective custody, inmates who are alleged to have suffered sexual abuse. A memo dated 1/31/17, from the Otero PREA Compliance Manager, stated Otero Prison Facility has not used Restrictive Housing to protect inmates who alleged to have suffered sexual abuse.

Interviews with the Warden and other staff indicated an inmate might be initially placed in restrictive housing pending initial investigation if there were no other options at the time however the inmate would remain in restrictive housing until an alternative housing arrangement could be made. Inmates may request protective custody.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150102, B. Investigations, 1. Through 5 and Otero County Prison Facility Policy, requires a thorough and objective investigation involving sexual misconduct to be completed by an assigned investigator who will gather and examine all physical and documentary evidence including reports, records, photographs, equipment or any other pertinent information. The assigned investigator is required to conduct all witness interviews. Policy requires all allegations of criminal conduct, including criminal sexual penetration of an inmate by a staff member, must be reported to the appropriate law enforcement authorities by the investigations officer. The investigations officer will serve as the liaison between the NMCD and the appropriate law enforcement agency during the course of any continuing investigations. US Marshalls Service Policy Directive 9.8, Prevention of Prisoner Sexual Abuse, 5., Investigations, a through e., requires FBI and DOJ-OIG are notified of any report of sexual abuse/misconduct. The USMS coordinates with the FBI and/or DOJ/OIG on all investigations that are conducted on USMS prisoners. MTC Policy 903E.02, Ensuring Safe Prisons, 30. Criminal and Administrative Agency Investigations a) through e), addresses the investigation process. When MTC investigators are involved, they are required to gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data; interview alleged victims and alleged perpetrators and witnesses and review prior complaints and reports of sexual abuse involving the suspected perpetrator. When the quality of evidence appears to support criminal prosecution, MTC investigators typically will turn such evidence over to outside investigators. MTC investigators will conduct compelled interviews only after consulting with the Warden, prior to seeking out prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution. MTC will take appropriate steps to ensure that substantiated allegations of conduct that appear to be criminal are referred for prosecution and MTC retains all written reports pertaining to administrative or criminal investigation of alleged sexual assault or sexual harassment, for as long as the alleged abuser is incarcerated or employed by MTC, plus five years. Policy also requires that any state entity or DOJ component that conducts administrative or criminal investigations of alleged sexual assault or sexual harassment does so pursuant to the requirements of standard.

The facility provided an example of an investigation conducted by the Office of Professional Standards Investigator. An allegation of sexual harassment made on August 26, 2016 was investigated and concluded with a written report of the process dated September 16, 2016. The report consisted of a synopsis, followed by a step by step investigative process including interviewing the victim, alleged perpetrators and a confidential informant, presenting the findings of the investigation, code violations, evidence discovered, recommendations and an investigative summary. The results of the investigation indicated the allegation was substantiated. What was evident from the review was that staff took the allegation seriously and although the perpetrator admitted making sexually threatening remarks in a "joking way" the allegation was taken seriously and investigated to conclusion. The inmates violating Otero Inmate disciplinary code were kept in segregation pending the due process hearing. Another investigation report was provided for review. This case involved an inmate reporting another inmate was masturbating, exposing himself and propositioning others. The allegation was made via the PREA Hotline, reported back to the facility and was investigated. The investigation was very detailed and involved not only interviewing the alleged victims and alleged perpetrator but also other witnesses. Additionally, the investigator reviewed CCTV footage to see what happened. Because of the reviewed video, the allegations were found to be unsubstantiated and the accusing inmates were apparently trying to get the inmate moved to another dorm. The documentation provided demonstrated how a report made via the hotline is reported back to the facility for investigation. The investigation was serious, detailed, and comprehensive. The facts were presented and the determination made that the reporting inmate fabricated the allegations.

Two facility investigators were interviewed. They related they received specialized training through the New Mexico Department of Corrections, Office of Professional Standards. As facility investigators, they related they are responsible for conducting the initial investigation and for referring the investigation locally or to one of the State OPS Investigators (who are POST Certified with arrest powers). OPS has the option of taking the investigation or having it investigated locally. If the allegation appears to be criminal or to involve staff, OPS will most likely be the agency investigating the allegations.

Administrative investigations are conducted by the facility investigators. The processes for conducting an investigation described by the investigators was comprehensive and specific and evidenced the investigators had an excellent knowledge and grasp of the investigative process. They indicated that if a staff resigns prior to the completion of an investigation or if the inmate is transferred to another facility the investigation process continues. They also described how they would investigate anonymous and third party reports indicating the process would be the same.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903.E.2, 31. Evidentiary Standards for Administrative Investigations a) and Otero County Prison Facility Policy 609, Ensuring Safe Prisons, Prison Rape Elimination Act, requires a standard of proof of a preponderance of evidence or lower standard of proof in determining whether allegations of sexual abuse or sexual harassment are substantiated. This standard of evidence was confirmed in interviews with facility investigators.

Standard 115.73 Reporting to 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150100, Offender Protection Against Sexual Abuse and Sexual Misconduct; Reporting Procedures, PREA, M. and Otero County Prison Facility Policy 609, Ensuring Safe Prisons, states an investigation shall be conducted and documented whenever a sexual assault or threat is reported and at the conclusion of an investigation into an inmate's allegations against a staff member, the inmate will be informed in writing (unless the investigation determines that the allegation is unfounded) whether the staff member continues to be posted in the inmate's unit, the staff member continues to be employed, the staff member has been indicted or the staff member has been convicted. After an investigation into an inmate's allegation against another inmate, the alleged victim will be informed in writing whether the alleged abuser has been indicted on a charge related to the sexual abuse in the facility and upon learning that the abuser has been convicted on a charge related to sexual abuse within the facility. MTC Policy 903E.02, Ensuring Safe Prisons 32. Reporting to Inmates, a) through d), requires that any inmate making an allegation that he or she suffered sexual abuse in an MTC facility is informed, verbally or in writing, as to whether the allegation has been determined to be substantiated, unsubstantiated or unfound

following an investigation by MTC. If an outside entity conducts such investigations, MTC requests the relevant information from the investigative entity in order to inform the inmate as to the outcome of the investigation. MTC will take appropriate steps to ensure that MTC subsequently informs the alleged victim whenever the agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility, or the agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility. MTC requires notifications are documented. The facility provided an example of a Notification to an inmate at the conclusion of the investigation. The form addresses all of the requirements of the PREA standard and NMCD, MTC and Otero County Prison Policies. Additional notifications were provided on site.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy Cd-150100, P. and Otero County Prison Facility Policy 609, Ensuring Safe Prisons, prohibits sexual conduct between staff and inmates, volunteers or contractor and inmates, regardless of consensual status. Violators are subject to administrative discipline, up to and including termination and criminal sanctions and referred to local law enforcement authorities for possible criminal prosecution. Licensed professionals engaging in sexual conduct will be reported to any relevant licensing bodies. MTC Policy, 903E.02, Ensuring Safe Prisons, 34. Corrective Action for Contractors and Volunteers, a)-c), requires that any contractor or volunteer who engages in sexual abuse is prohibited with inmates and requires that any contractor or volunteer who engages in sexual abuse be reported to law enforcement agencies, unless the activity was clearly not criminal and to relevant licensing bodies. Facilities take remedial measures and prohibit further contact with inmates in the case of any other violation of MTC sexual abuse or sexual harassment policies by a contractor or volunteer. The facility provided a memo from the PREA Compliance Manager affirming there have been no sexual assault/abuse incidents in the last 24 months involving contractors or volunteers at this facility.

The Warden related, in an interview, that if a volunteer or contractor were alleged to have been involved in sexual abuse or sexual harassment the volunteer or contractor would be prohibited from entering the facility and if the allegations were substantiated, they would be permanently barred and referred for prosecution.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance

determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150100, Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures, PREA, P., states sexual conduct between staff and inmates, volunteers, or contract personnel and inmates, regardless of consensual status is prohibited and subject to administrative discipline, up to and including termination and criminal sanctions and referred to local law enforcement authorities for possible criminal prosecution. Licensed professionals engaging in sexual conduct with inmates will be reported to any relevant licensing body. MTC Policy, 903E.02, Ensuring Safe Prisons, 33. Disciplinary Sanctions for Staff a) through c) as well as Otero County Prison Facility Policy, affirms staff engaging in sexual abuse/sexual harassment against inmates are subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies. Disciplinary sanctions for violations of MTC policies relating to sexual abuse/sexual harassment (other than actually engaging in sexual abuse) are commensurate with the nature and circumstances of the acts committed, the staff member’s history and the sanctions imposed for comparable offenses by other staff with similar histories. All terminations for violations of MTC sexual abuse/sexual harassment policies or resignations by staff who would have been terminated if not for their resignation, are reported to law enforcement agencies, unless the activity was clearly not criminal and to any relevant licensing bodies.

Staff involved in allegations of sexual abuse or sexual harassment may be placed on no contact status, moved to another dorm or living unit or placed on administrative leave until the investigation is concluded. If the allegations are substantiated the employee would be recommended for termination and referred for prosecution.

There were no substantiated allegations of sexual abuse or sexual harassment by a staff during the past twelve months. The Warden related staff would be terminated if an allegation of sexual abuse was substantiated.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons, 35. Disciplinary Sanctions for Inmates, a) through h), prohibits all sexual activity between inmates and disciplines them for such activity. The policy also states inmates are subject to disciplinary sanctions pursuant to a formal disciplinary process following an administrative finding that the inmate engaged in inmate-on-inmate sexual abuse as well as following a criminal finding of guilt for inmate-on-inmate sexual abuse. Inmates are disciplined for sexual conduct with staff only upon a finding that the staff member did not consent to such contact. MTC offers therapy, counseling or other interventions designed to address and correct underlying reasons and motivations for abuse and considers whether to require the offending inmate to participate in such interventions

The facility provided documentation to confirm an inmate who engaged in sexual misconduct had a disciplinary hearing. The inmate was found guilty as charged after review of testimony, witness statements, OPS report (investigation) and CCTV review. The inmate received a sanction of Restricted Housing for 30 days and loss of Commissary for 30 days. If an allegation is substantiated for sexual abuse the inmate may also be referred for prosecution.

The Warden related the inmate would be disciplined through the inmate disciplinary code and referred for prosecution if an allegation of sexual abuse was substantiated.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons, 36. Medical and Mental Health Screenings for History of Sexual Abuse, a) and b) and Otero County Prison Facility Policy requires all inmates who have disclosed any prior sexual victimization during a screening to be offered a follow-up meeting with a medical or mental health practitioner and MTC requires facilities to take appropriate steps to ensure that the follow-up meeting is offered within 14 days of the intake screening. MTC’s medical staff maintain secondary materials documenting compliance with the required services. The same is to be offered for inmates who ever previously reported previously perpetrating sexual abuse. NMCD Policy 105100, N. and O., requires inmates identified as high risk with a history of criminally sexual behavior to be assessed by mental health or other qualified professional within 15 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners. Inmates at risk of sexual victimization shall be assessed by a mental health practitioner within 15 days of learning of such abuse history and offered treatment when deemed appropriate by mental health practitioners. Documentation was provided to confirm a process consistent with the standard. The Facility Screening Instrument documented prior sexual abuse of an inmate at the age of 3 years old. An email was sent to mental health listing inmates who were screened who requested to see mental health based on their screening. Additional documentation was provided from mental health documenting the inmate was seen six days later.

Interviews with staff who conduct vulnerability assessments, medical staff and mental staff confirmed that if an inmate reports prior sexual victimization they are referred for a follow-up with mental health within 14 days.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

Ensuring Safe Prisons, requires MTC’s medical and mental health staff to maintain secondary materials documenting the time frames of emergency medical treatment and crisis intervention services that were provided; the appropriate response by non-health staff in the event health staff are not present at the time the incident is reported and the provision of appropriate and timely information and services concerning contraception and sexually transmitted infection prophylaxis. These services are provided without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. NMCD Policy CD-150102, Coordinated Response to Sexual Assaults, specifies steps to take with an initial disclosure within 120 hours of a sexual assault incident. Paragraph 3. requires health care professional to take a history and conduct an examination to document the extent of physical injury and to determine if there are injuries that merit transfer to another medical facility.

A memo from the PREA Compliance Manger, dated January 13, 2017, “Access to Emergency Medical and Mental Health Services”, documented there have been no substantiated cases of sexual abuse of any inmates year to date. An interview with the facility health service administrator confirmed inmates alleged to have been the victims of sexual abuse would be treated on site for any trauma related injuries requiring immediate attention and sending the inmate to the hospital for a forensic exam. Mental health offers crisis intervention counseling and follow-up as needed upon return to the facility. This was confirmed through an interview with a facility mental health professional.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy, 903E.02, Ensuring Safe Prisons, 38. Ongoing Medical and Mental Health Care for Sexual Abuse Victims and Abusers a) through e) and Otero County Prison Facility Policy, states MTC facilities offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse. Female victims are offered pregnancy tests in MTC facilities and if pregnancy results from sexual abuse, victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services. Inmate victims are offered tests for STIs. A mental health evaluation of all known inmate-on-inmate abusers is conducted within 60 days of learning of such abuse history and treatment offered when deemed appropriate by mental health practitioners. NMCD Policy, 105102, Coordinated Response, C. Forensic Examination, outlines the ongoing medical services offered to inmates following a sexual assault.

There have been no sexual assaults at the facility reported during the past twelve months.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

NMCD Policy CD-150102, F. After Action Review, requires prison directors to conduct a Critical Incident Review that will be completed within 14 calendar days, unless otherwise determined by the Director of Adult Prisons. The Critical Incident Review form will be used to document the review. The Warden and PREA Compliance Manager should complete the review after every criminal or administrative sexual abuse investigation, unless the allegation has been determined to be unfounded. A completed report is required to be sent to the PREA Coordinator. The review team includes upper level management officials with input from line supervisors, investigators, and medical/mental health practitioners. The review team is required to consider all of the items required by the standards. MTC Policy, 903E.02 Ensuring Safe Prisons 39 and Otero County Prison Policy. Sexual Abuse Incident Reviews, require a review after every sexual abuse investigation, and ordinarily within 30 days of concluding the investigation, unless the allegation has been determined to be unfounded. MTC Teams consist of upper level management and allows for input from line supervisors, investigators, and medical or mental health practitioners. The incident review team considers all of the items addressed in the PREA Standards. The PREA Compliance Manager is a member of the incident review team.

The facility provided an “Action Review Form” documenting a review. The following items were addressed: motivations for the incident, physical barriers, adequacy of staffing, monitoring cameras and deployment as well as any needs to change policy or practice. The following team members participated in the review: Warden, Captain, Medical, Intelligence, PREA Compliance Manager, Classification and the State Compliance Monitor.

Interviews with the Warden, PREA Compliance Manager, Investigator and other upper level staff, confirmed that an after-action review is conducted within 30 days for every substantiated and unsubstantiated allegation of sexual abuse.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Collects accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions as required by MTC Policy, 903E.02, Ensuring Safe Prisons. The standardized instrument includes, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence (SSV) conducted by the Department of Justice. MTC aggregates the incident-based sexual abuse data at least annually and generates a comprehensive and informative annual report. Each MTC Facility is required by policy to maintain, review and collect data as needed from all available incident-based documents, including reports, investigation files and sexual abuse incident reviews.

Interviews indicated MTC has a very sophisticated data system enabling the company to collect and report accurate data to answer all questions on the Survey of Sexual Violence and the system is set up to answer them sequentially. Additionally, the system has the capability for generating valuable reports including the following: PREA Allegations and Investigations Summary Report, PREA Allegations and Investigations Report by Site, Investigations by Facility, Master Investigation Log, Master Investigation Log by Site and others.

The reviewed 2015 MTC Annual Report was comprehensive and detailed and included Demographics of MTC Operated Facilities as well as detailed PREA Data. A chart of PREA Allegations and Investigations Results for 2015 within MTC operated facilities compared allegations from 2013 and 2014. An assessment of the agency's progress discusses potential reasons for increased allegations for 2014 and 2015 (allegations between 2014 and 2015 increased by 16 allegations) as well as on-going efforts to continue to ensure sexual safety in all its facilities. The report analyzes the data and considers potential reasons for the slight "uptick" in allegations.

Standard 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)

Auditor discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor's analysis and reasoning, and the auditor's conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons, 41. Data Review for Corrective Action, a)-d), requires MTC to review data collected and aggregated pursuant to 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, response policies and training, including the following; 1) Identifying problem areas 2) Taking corrective action on an ongoing basis and 3) Preparing an annual report of its findings from its data review and any corrective actions for each facility, as well as the agency as a whole. The annual report includes a comparison of the current year's data and corrective actions with those from prior years and provides an assessment of MTC's progress in addressing sexual abuse. With approval of the respective customer agencies, MTC makes its annual report readily available to the public at least annually through its website. Annual reports are approved by the head of MTC. MTC's annual report does not redact material from its annual report because identifying material is never included. If material was redacted, the agency would limit that to specific materials where publication would present a clear and specific threat to the safety and security of the facility. MTC would indicate the nature of material redacted.

The facility conducts administrative incident reviews (After Action Reviews) after each investigation resulting in a finding of either substantiated or unsubstantiated. The facility inputs this information into the company's database enabling the company to generate multiple reports related to PREA. This information is used then as a management tool. The reviewed annual report for 2015 contained a summary of facility reports for 2015. This information was collected from sexual abuse incident reviews following an investigation finding of either substantiated or unsubstantiated. The review indicated there was generally no need to change policy or practices; motivations were typically not motivated by gang affiliation, status or other group dynamics; physical barriers were not seen as enabling abuse; staffing levels were considered adequate and although there was typically no need for additional monitoring technology, some Texas Department of Criminal Justice contracted sites commented on work requests that were pending or in progress to make specific modifications to TDC owned facilities.

Interviews with both the Agency's PREA Coordinator and Assistant PREA Coordinator confirmed how the company collects PREA Audit Report

data and uses that data to make management decisions and to continuously review data coming in from each MTC Facility. This sophisticated data base enables management to identify potential problem areas in specific facilities as well as results for the company as a whole. Additionally, that system enables management to track investigations, notifications and incident reviews.

Standard 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 discussion, including the evidence relied upon in making the compliance or non-compliance determination, the auditor’s analysis and reasoning, and the auditor’s conclusions. This discussion must also include corrective action recommendations where the facility does not meet standard. These recommendations must be included in the Final Report, accompanied by information on specific corrective actions taken by the facility.

MTC Policy 903E.02, Ensuring Safe Prisons, 42. Data Storage, Publication and Destruction, a) – c), states MTC ensures that incident based and aggregate data are securely retained; that MTC aggregates sexual abuse data from MTC facilities under its direct control and makes that information, after removing all personal identifiers, readily available to the public at least annually through its website. Information and data collected pursuant to 115.87 is maintained for at least 10 years after the date of initial collection, unless federal, state or local law requires otherwise.

AUDITOR CERTIFICATION

I certify that:

- The contents of this report are accurate to the best of my knowledge.
- No conflict of interest exists with respect to my ability to conduct an audit of the agency under review, and
- I have not included in the final report any personally identifiable information (PII) about any inmate or staff member, except where the names of administrative personnel are specifically requested in the report template.

Robert Lanier

March 2, 2017

Auditor Signature

Date