

2014 Annual Assessment of New Mexico Corrections Department's Progress in Addressing Sexual Abuse

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Purpose

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

The PREA standards require annual audits of one-third of the facilities under an agency's jurisdiction along with the Governor's certification of statewide compliance in all facilities under the operational control of the state's executive branch, including private facilities operated on behalf of the executive branch to house offenders. A failure to comply with standards will result in a loss of five percent of identified federal grant funding.

The New Mexico Corrections Department (NMCD) has supported and continues to support PREA and has been working towards a zero tolerance culture regarding sexual abuse even prior to 2003. During the first audit cycle year, four facilities were successfully audited and in compliance with all standards: Otero County Prison Facility; the Penitentiary of New Mexico; Guadalupe County Correctional Facility and Northeast New Mexico Detention Facility. Four facilities are scheduled for the second cycle year as well to include: Western New Mexico Correctional facility, New Mexico Woman's Correctional Facility, Southern New Mexico Correctional Facility and Lea County Correctional Facility.

Agency Achievements in 2014

In an effort to ensure compliance and exceed the PREA standards, NMCD took the following corrective and improving actions:

- Updated NMCD policies for compliance with the PREA standards and created new processes and forms to aide in compliance with the PREA standards
- Updated NMCD policies for the Investigation process when dealing with alleged incidents of sexual assault and harassment
- Enhanced basic training for newly hired staff during the pre-service academy and the non-security staff training block
- Conducted training with all Investigators

- Created an email address and placed it on the public web to allow for inmates family and friends to report PREA incidents. Also, staff who do not wish to report through their own facility methods and wish for anonymity may utilize this address.
- Conducted Training with all PREA Facility Compliance Managers; Quality Assurance Managers; and Facility Level Investigators
- Developed a policy and procedures for Transgender Offenders
- Partnered with the Coalition of Sexual Assault and the Rape Crisis Center Directors; conducted training with each; and defined third party reporting requirements for each region.
- Assigned PREA Facility Compliance Monitors at each facility.
- Published a PREA Resource Guide for Inmates and placed in each facility library
- Conducted PREA internal assessments on several NMCD facilities in preparation for their national PREA audits.
- Participated in federal grant opportunities to help guide PREA implementation and facilitate collaboration with District Attorneys and Prosecutors, Local and State Law Enforcement, and Victim Advocates.

The New Mexico Department of Corrections is committed to the provision of safe and secure facilities for offenders and staff. We believe that as the custodians for offenders, the provision of an environment free from sexual violence and harassment is a core mission. We have a duty to provide clear expectations to inmates, staff, contractors, and volunteers to maintain violence-free facilities. Moreover, and possibly most importantly, we have a duty to provide opportunities for inmates to serve their sentences in an environment that is free of violence and threats of sexual abuse while supporting opportunities for successful reintegration into the community.

The New Mexico Department of Corrections has a zero-tolerance policy for all forms of sexual misconduct and harassment. For the purposes of defining sexual misconduct under PREA, the following definitions have been formalized by the agency:

- A. *Abuse*: The unlawful or unjustified use of force or other actions that jeopardize the physical or mental well-being of an inmate.
- B. *Criminal Sexual Penetration*: The unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio, or anal intercourse or the causing of penetration, to any extent and with any object, of the genitalia or anal openings of another, whether or not there is any emission.

- C. *Criminal Sexual Contact*: The unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts.
- D. *False allegations*: Any false report or falsification during an investigation of sexual assault, sexual contact, sexual harassment or sexual misconduct. Knowingly making a false statement or knowingly swearing or affirming the truth of a false statement previously made.
- E. *Investigation*: The process of gathering, obtaining, collecting, compiling, and reporting all evidence surrounding an alleged incident of sexual misconduct.
- F. *Offender*: An adult placed under, or made subject to, supervision, probation and/or parole, as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- G. *Sexual Abuse*: Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact (under NM Law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution or other form of sexual exploitation).
- H. *Sexual Assault*: Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmates by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact, (under New Mexico law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution, or other form of sexual exploitation).
- I. *Sexual Coercion*: Compelling or inducing another person to engage in sexual activity by deceit, threats, force or intimidation or for personal favors.
- J. *Sexual Contact*: Behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, thighs or buttocks, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person. Sexual contact does not include searches of the person, to include strip searches.

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- K. *Sexual Harassment*: Includes, but is not limited to, all of the following, whether by staff, volunteers, contractors, other agency representatives, or inmates: sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any inmate's (or staffs') safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

 - L. *Sexual Misconduct*: Any behavior or act of a sexual nature directed towards an offender by another offender, a department employee, contractor, volunteer, visitor or department representative. This includes acts or attempt to commit acts including, but not limited to: criminal sexual penetration, sexual abuse, sexual harassment, and sexual contact, conduct of a sexual nature or implication, kissing, hugging, sexual gratification of any party, obscenity or unreasonable invasion of privacy by the act of observing, attempting to observe, or interfering in an offender's personal, intimate routines unrelated to the necessary performance of required job duties. Sexual misconduct also includes, but is not limited to: conversations or correspondence of a romantic or sexual nature between an offender and any department employee, contractor, volunteer, visitor, or department representative.

 - M. *NPSAMFE*: National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent.

Pursuant to Standard 155.88 of the Prison Rape Elimination Act (PREA), the New Mexico Corrections Department (NMCD) is required to:

1. Aggregate incident based sexual abuse data annually from publically and privately operated facilities.
2. Use the data to assess and improve the effectiveness of its sexual abuse prevention, detection and response policies, practices and training by:
 - a. Identifying problem areas;
 - b. Tracking corrective action on an on-going basis; and
 - c. Prepare an annual report of its findings.
3. Compare the year's current data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse.
4. Publish the annual report on the NMCD website of its findings and corrective actions for each facility, as well as the agency as a whole.

AGGREGATED DATA:

During the calendar year of 2014, the State Prison Rape Elimination Act (PREA) Coordinator collected the referrals for investigations into allegations of inmate-on-inmate and staff-on-inmate sexual abuse. This data is the basis for this section of the report.

To review the data totals for the years, the below summary details the totals:

- In 2012, the NMCD received 29 allegations of sexual victimization and investigated each one.
- In 2013, the NMCD received 57 allegations of sexual victimization. Two allegations in 2013 were consolidated, one allegation was for an incident that occurred at the Rio Arriba County Detention Facility and was referred for investigation by the staff at that facility, and one inmate recanted his allegation and would not cooperate with an investigation. Thus, the Department performed 54 investigations.
- In 2014, the NMCD had eighty-five (85) allegations and investigations regarding sexual activity, sexual abuse and sexual harassment. It is important to note, however, that of these instances, fourteen cases are regarding an individual staff member and investigation. These items, throughout the report, will be referenced as pending.

AGENCY LEVEL DATA:

The following numbers and data are taken from the Agency Level review. Each of the eleven (11) adult prison facilities will be included. A break down, by facility, will follow. It should be noted, however that some statistics and reports from previous years could not be verified as a whole. This matter was addressed via corrective action to prevent future inconsistencies from occurring.

Of the eighty-five (85) cases filed/investigated last year, the following table illustrates which facilities each was alleged to have occurred. It also compares the numbers to the previous two years:

Facility	Investigations 2012	Percentage of Total	Investigations 2013	Percentage of Total	Investigations 2014	Percentage of Total
NMWCF	10	34.5	9	16.6	6	7
CNMCF	5	17.2	4	7.4	11	13
GCCF	5	17.2	12	22.2	31	36.5
LCCF	0	0	2	3.7	2	2.5
PNM	3	10.3	6	11.1	8	9.5
WNMCF	3	10.3	4	7.4	5	6
SNMCF	0	0	9	16.6	5	6
RCC	0	0	2	3.7	2	2.5
NENMDF	3	10.3	1	1.9	11	13
OCPF	0	0	2	3.7	3	3
SCC	0	0	0	0	0	0
Womans Recovery Center	0	0	2	3.7	0	0
Probation/Parole	0	0	1	1.9	1	1

The New Mexico Corrections Department provides numerous internal and external ways for which an inmate can report abuse. In addition, staff can report as well as family and friends of the inmates. The manner in which the incidents were reported was as follows (this includes all cases; Substantiated, unsubstantiated and unfounded):

Source	Total
Anonymous Letters/Statements to Staff	2
Call from Family/Friends	1
Call from Former Offender	---
Confidential Informant	---
Discovery of Evidence/Related Information (Letters, Cell Search, Surveillance)	1
Grievance	3
Grievance, Anonymous	---
Hotline to Rape Crisis Center	---
Internal Reporting Line	4
Information from Unrelated Investigation	12
Information on Disciplinary Appeal	---
Inmate Request/Informal Letter from Inmate	25
Inmate Request/Informal Letter from Inmate (Anonymous)	1
Inmate Verbal Report	29
Staff Observations	2
Staff Self-Report	---
Email from Public Web (was created in December)	---
Reporting Verbally to Medical or Behavioral Health	4
Reported from Another Offender	1

Case results for the past three years:

Finding	2012	2013	2014
TOTAL CASES	29	54	85
Unsubstantiated	1	8	30
Substantiated	1	12	10
Unfounded	12	27	28
Pending	15	7	17

Staff Demographics for Substantiated cases. There were only three substantiated cases involving staff on inmate PREA violations.

Department	Total Number	Sexual Abuse	Sexual Harassment
Kitchen Staff/Food service (Contracted)	---	---	---
Medical (Contracted)	---	---	---
Chaplain	---	---	---
Religious Services (Volunteers)	---	---	---
Security (Officers, Ranked Supervisors)	3		3
Behavioral Health	---	---	---
Warehouse	---	---	---
Maintenance	---	---	---
Education	---	---	---
Recreation	---	---	---
Administration	---	---	---
Clerical	---	---	---
	---	---	---

The racial/ethnic classification for victims and perpetrators for the substantiated cases is as follows for 2014. There were nine substantiated cases in 2014.

Victim Race/Ethnicity	Number	Percentage	Perpetrator Race/Ethnicity	Number	Percentage
Hispanic/Latino	8	88	Hispanic/Latino	5	55
White	1	12	White	3	33
Native American	---	---	Native American	1	12
African American	---	---	African American	---	---
Other/Unknown	---	---	Other/Unknown	---	---

Incident Location for the Substantiated Cases is shown in the following table:

Incident Location	Number	Percentage
Common Area	---	---
Cell	6	66
Program Service Area	1	12
Strip Search Area	2	22
Other	---	---

FACILITY SPECIFIC INFORMATION AND DATA:

PENITENTIARY OF NEW MEXICO (PNM)

The **Penitentiary of New Mexico (PNM)** is a facility for adult male offenders, and is located south of the State's Capitol along the old Turquoise Trail. PNM is the home of the Department's only super-max facility, housing the highest security classification of offenders in the state of New Mexico. The PNM Complex comprises three facilities: Level-II, a minimum-restrict unit, Level-IV/V and Level-VI, which house the highest security classification of offenders. The Penitentiary of New Mexico continues to maintain its national accredited status by the American Correctional Association and continues to intensify its efforts to achieve the mission of the Corrections Department by providing a balanced system approach to corrections from incarceration to community-based supervision with training, education, programs and services that provide opportunities for offenders to transition to communities. The Main unit was closed in 1998, as a result of the termination agreement of a federal court order known as the Duran Consent Decree, but continues to serve as a multi-agency tactical training area.

Below please find a breakdown of the investigations that occurred at the Penitentiary of New Mexico (PNM) during a two year period:

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0101	05/02/2013	Sexual Harassment	Staff on Inmate	Unfounded
13-0228	08/15/2013	Undue Familiarity	Staff on Inmate	Substantiated
13-0232	08/19/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
13-0270	09/20/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
13-0313	11/14/2013	Sexual Assault	Inmate on Inmate	Unsubstantiated
14-0001	12/31/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0058	02/06/2014	Sexual Assault	Staff on Inmate	Unfounded
14-0081	03/06/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0285	07/18/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0329	10/23/2014	Undue Familiarity	Staff on Inmate	Unsubstantiated
14-0352	11/09/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0379	12/20/2014	Sexual Harassment	Staff on Inmate	Unfounded

The number of cases from 2013 to 2014 increased by two.*

All cases from the 2014 year were cases which were alleged to have involved staff members and inmates; there were no occurrences reported of inmate on inmate activity, harassment or abuse. None of the seven (7) cases were substantiated.

PNM Successfully completed their PREA DOJ Audit. Their on-site audit occurred from July 28 through August 1, 2014 and the final report was issued on September 2, 2014. During the audit, there were areas identified in need of corrective action. These areas of concern to the auditor included the training of staff, additions to agency level policy regarding searching of transgender and intersex inmates, and human resource procedures. All areas were immediately addressed and corrected during the initial thirty-day (30) review period after the interim report; therefore, the report issued at thirty days was in fact, the final report.

Guadalupe County Correctional Facility (GCCF)

This facility is owned and operated by the GEO Group, Inc. GCCF is a Level III, medium-security prison, in Santa Rosa. The mission of the Guadalupe County Correctional Facility is to provide for public safety, as well as the safety of its employees and inmates, through a continuum of security, programming and reentry services. GCCF continues to expand its vocational and academic programs, and provides offenders an accredited cosmetology class through the Luna County Community College and a weaving class through Mesalands Community College.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0019	01/23/2013	Sexual Harassment	Staff on Inmate	Substantiated
13-0057	03/12/2013	Sexual Assault	Inmate on Inmate	Unfounded
13-0138	06/16/2013	Sexual Assault	Inmate on Inmate	Substantiated
13-0243	09/05/2013	Sexual Harassment	Staff on Inmate	Substantiated
13-0252	09/10/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
13-0262	09/17/2013	Sexual Harassment	Inmate on Inmate	Substantiated
13-0263	09/17/2013	Sexual harassment	Inmate on Inmate	Unsubstantiated
13-0265	09/18/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
13-0276	09/30/2013	Sexual Harassment	Staff on Inmate	Unsubstantiated
13-0283	10/07/2013	Sexual Assault	Staff on Inmate	Unsubstantiated
14-0025	01/24/2014	Sexual Activity	Inmate on Inmate	Unfounded
14-0028	01/26/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0032	01/30/2014	Sexual Activity	Inmate on Inmate	Substantiated
14-0059	02/17/2014	Sexual Assault	Inmate on Inmate	Substantiated
14-0073	02/10/2014	Sexual Assault	Inmate on Inmate	Unfounded
14-0075	03/04/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0083	03/07/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0085	03/17/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0086	03/17/2014	Sexual Assault	Staff on Inmate	Pending
14-0090	03/14/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0108	04/01/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0126	04/18/2014	Sexual Assault	Staff on Inmate	Pending
14-0127	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0142	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0166	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0169	05/30/2014	Sexual Assault	Staff on Inmate	Unfounded
14-0162	05/17/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0166	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0167	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0178	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0177	06/02/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0250	2012	Sexual Harassment	Staff on Inmate	Unfounded
14-0268	09/02/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0300	Unknown	Sexual Assault	Staff on Inmate	Pending
14-0302	Unknown	Sexual Assault	Staff on Inmate	Pending

14-0306	10/06/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0328	10/12/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0345	12/01/2014	Sexual Assault	Staff on Inmate	Pending
14-0356	11/28/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0361	12/03/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0365	12/01/2014	Sexual Harassment	Staff on Inmate	

GCCF was audited in May 2014 and successfully passed. Corrective actions identified and rectified during this audit included: the partial closing of shower areas and the addition of shower curtains to allow for inmate privacy and limit viewing; added Spanish voice over to video to help with limited English proficient inmates; and added 'whether the inmate is gay, lesbian, bisexual, transgender and intersex or gender nonconforming' to the screening tool.

Central New Mexico Correctional Facility (CNMCF)

The **Central New Mexico Correctional Facility (CNMCF)**, located in Los Lunas, is the largest prison in the state, housing offenders of every custody level, as well as serving as the intake and processing point for every male offender entering NMCD. The CNMCF Main facility includes the Reception and Diagnostic Center, Mental Health Treatment Center; the Long Term Care Unit for offenders with chronic health needs, a Geriatric Unit, the high security Alternative Placement Area. The Level II Unit houses low-risk inmates with medical or mental health restrictions and has a medical clinic to provide 24-hour medical care. The Level I Unit houses low-risk inmates that qualify for participation in off-site work programs that facilitate offender reentry into the community.

Central New Mexico Correctional Facility, (CNMCF) has selected a Facility PREA Coordinator this year. This individual received training by the NMCD PREA Coordinator as well as training in Investigating Sexual Assaults in Corroboration with the Coalition of Sexual Assault.

The increase in the number of cases filed from 2013 to 2014 is accredited to the increased education and awareness amongst staff and inmates.

CNMCF began an initiative to ensure that all staff and inmates were properly and consistently trained in PREA. In addition, after inconsistencies in the screening process documents were noted, classification staff re-reviewed each file and completed each inmate screening in accordance with the Prison Rape Elimination and NMCF Policy.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0052	03/07/2013	Sexual Abuse	Inmate on Inmate	Unfounded
13-0059	03/14/2013	Sexual Harassment	Staff on Inmate	Unfounded
13-0167	07/12/2013	Undue Familiarity	Staff on Inmate	Substantiated
13-0277	10/01/2013	Sexual Harassment	Staff on Inmate	Substantiated
14-0010	01/03/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0012	01/08/2014	Sexual Harassment I/I allowed by Staff	Staff on Inmate	Substantiated
14-0050	02/06/2014	Sexual Harassment	Staff on Inmate	Unsubstantiated
14-0045	01/06/2014	Sexual Assault	Inmate on Inmate	Unsubstantiated
14-0123	03/31/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0317	10/18/2014	Sexual Activity	Inmate on Inmate	Substantiated
14-0336	11/04/2014	Sexual Misconduct	Staff on Inmate	Unfounded
14-0351	11/19/2014	Sexual Misconduct	Staff on Inmate	Unfounded
14-0359	12/02/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0366	12/05/2014	Sexual Harassment	Staff on Inmate	Inconclusive

Southern New Mexico Correctional Facility (SNMCF)

The **Southern New Mexico Correctional Facility (SNMCF)** complex is located near Las Cruces, the second largest city in New Mexico. SNMCF Level III (main) facility includes of three different custody levels housing a capacity of 480 inmates; Level III General Population, Level IV Close Custody and the interim Level VI Segregation. The Level IV is close custody requiring increased supervision, small group controlled movement and intensive Security Threat Intelligence Unit (STIU) monitoring. The Level II facility holds a maximum of 288 inmates.

Southern New Mexico Correctional Facility (SNMCF) designated a PREA Facility Compliance Manager and began to build files this year. They immediately identified areas of concerns relating to staff education and cross gender announcements in the units. Memorandums went out regarding announcements and staff training was enhanced.

The number of cases greatly reduced from 2013 to 2014. Of note, however, is that all cases in 2014 involved staff on inmate matters (all but one of which were harassment). After a review of each case, and with continued education and allowing for discipline for inmates who falsely report, we hope that these numbers will continue to decrease.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0077	03/02/2013	Sexual Harassment	Inmate on Inmate	Pending DPS
13-0116	05/20/2013	Sexual Harassment	Inmate on Inmate	Substantiated
13-0117	06/04/2013	Sexual Assault	Staff on Inmate	Substantiated
13-0151	07/01/2013	Sexual Harassment	Staff on Inmate	Inconclusive
13-0155	07/03/2013	Sexual Harassment	Staff on Inmate	Unfounded
13-0245	09/05/2013	Sexual Harassment/Abuse	Staff on Inmate	Unfounded
13-0250	09/09/2013	Sexual Abuse	Staff on Inmate	Unfounded
13-0299	10/25/2013	Sexual Misconduct	Inmate on Inmate	Unfounded
13-0310	11/05/2013	Sexual Abuse	Inmate on Inmate	Pending
13-0352	12/21/2013	Sexual Assault	Staff on Inmate	Unfounded
14-0019	01/15/2014	Sexual Abuse	Staff on Inmate	Unfounded
14-0039	02/01/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0141	04/02/2014	Sexual Misconduct	Staff on Inmate	Unfounded
14-0227	07/14/2014	Sexual Harassment	Staff on Inmate	Substantiated
14-0297	09/24/2014	Sexual Harassment	Staff on Inmate	Unfounded

Roswell Correctional Center (RCC)

The **Roswell Correctional Center (RCC)**, located outside Hagerman, was established in 1978 as a Level I prison, but expanded to include Level II offenders in response to population growth rates. In 2004, NMCD's first DWI treatment unit was established at RCC and is capable of housing and providing treatment for up to 100 inmates. The American Correctional Association audited the facility for re-accreditation in August 2012 and giving the facility a passing score of 97.8. The officers and staff of RCC are committed to providing public safety by operating a professional corrections system that provides rehabilitative programs for successfully returning offenders to the community.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0033	03/15/2013	Sexual Harassment	Staff on Inmate	Unfounded
13-0214	08/06/2013	Sexual Allegations	Staff on Inmate	Unfounded
14-0040	02/03/2014 occurred at CNMCF	Sexual Assault	Staff on Inmate	Unsubstantiated
14-0100	03/25/2014	Sexual Assault	Inmate on Inmate	Unfounded
14-0223	05/27/2014	Sexual Assault	Staff on Inmate	Unsubstantiated

Roswell Correctional Center has had very few cases for each of the past two years. The facility attributes this to continued staff and inmate education efforts. Staff have attended training with the State PREA Coordinator and have begun to create and build files.

Western New Mexico Correctional Facility (WNMCF)

The **Western New Mexico Correctional Facility (WNMCF)** is a multi-custody-level facility located in Grants New Mexico for Level II and Level III inmates. WNMCF provides a continuum of vocational training services self-improvement programs and education opportunities that promote offender reentry into the community. WNMCF is committed to providing public safety by operating a safe, secure and accredited correctional facility that serves the safety and wellbeing of the people of New Mexico.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0050	02/25/2013	Sexual Activity	Inmate on Inmate	Inconclusive
13-0128	06/10/2013	Sexual Assault	Inmate on Inmate	Unfounded
13-0153	07/01/2013	Sexual Assault	Staff on Inmate	Substantiated
13-0240	09/03/2013	Sexual Assault	Staff on Inmate	Unfounded
13-0240	09/03/2013	Undue Familiarity	Staff on Inmate	Substantiated
14-0015	01/18/2014	Sexual Assault	Inmate on Inmate	Unfounded
14-0116	03/29/2014	Sexual Harassment and Assault	Inmate on Inmate	Unsubstantiated
14-0121	04/03/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0299	09/26/2014	Sexual Assault	Inmate on Inmate	Inconclusive
14-0337	11/05/2014	Sexual Activity	Inmate on Inmate	Inconclusive

Western New Mexico Correctional Facility is preparing for an audit in 2015. Throughout the file building review process, areas have been identified which need enhanced to ensure compliance: inmates were provided cards at intake which privately gives them PREA Reporting information; additional staff training has been conducted with Investigators, medical staff and administrators; in addition new posters, pamphlets and educational materials have been distributed to the inmate population.

Lea County Correctional Facility (LCCF)

The **Lea County Correctional Facility (LCCF)** is a privately operated Level III medium-security prison managed by the GEO Group, Inc. located in Hobbs. In operation for 15 years, LCCF's mission is to provide correctional security consistent with sound correctional practice, providing programs that contribute to the reentry of offenders into the community. LCCF has successfully achieved re-accreditation by the National Commission on Correctional Health Care and the American Correctional Association.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-0056	03/03/2013	Sexual Assault	Inmate on Inmate	Substantiated
13-0168	07/13/2013	Sexual Assault	Inmate on Inmate	Unfounded
14-0004	01/07/2014	Sexual Abuse	Inmate on Inmate	Substantiated
14-0115	04/06/2014	Sexual Assault	Inmate on Inmate	Unfounded

LCCF, as illustrated above, has had a low number of cases identified in 2013 and 2014 with two each year. Through the process of preparing for the audit in 2015, discrepancies were identified in reporting procedures. For this reason, much emphasis was placed on staff education and investigator training to ensure all matters concerning PREA were properly documented and forwarded.

In addition to staff training, inmate education is a process that will continue to be enhanced. LCCF has recently identified a PREA Facility Monitor. The Facility PREA Monitor attended training on the Standards which was conducted by NMCD.

LCCF has had and continues to communicate greatly with the Hobbs Police Department and works closely with the Local Rape Crisis Centers to ensure that all parties are thoroughly educated on the topic of PREA and working together for sexual safety in regards to investigations and advocacy.

Northeast New Mexico Detention Facility (NENMDF)

The **Northeast New Mexico Detention Facility (NENMDF)**, operated by the GEO Group Inc., is a Level III medium-security facility located in Clayton. NENMDF is committed to public safety that contributes to the safety of its employees, inmates, and community. NENMDF offers classes in Pre-GED, English as a Second Language, Special Education and Adult Learning Assistance, as well as PC MOUS, PC Maintenance, Automotive Technology, and Building Trades in its Vocational Program. A post-secondary program through Mesalands Community College offers college-level educational opportunities to inmates. Pre-release classes are offered to reduce recidivism. The Wind Energy Classes are offered online. NENMDF continues to improve the facility's operations by contributing to the rehabilitation of offenders.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
14-0053	02/07/2014	Sexual Assault	Staff on Inmate	Pending Litigation
14-0068	02/23/2014	Sexual Harassment	Staff on Inmate	Unfounded
14-0074	03/04/2014	Sexual Assault	Staff on Inmate	Unfounded
14-0092		Sexual Harassment	Inmate on Inmate	Unsubstantiated
14-0094	03/20/2014	Sexual Assault	Staff on Inmate	Unsubstantiated
14-0122	04/10/2014	Sexual Assault	Inmate on Inmate	Substantiated
14-0147	05/12/2014	Sexual Harassment - Threats of Assault	Inmate on Inmate	Unfounded
14-0179	Unknown	Sexual Harassment	Staff on Inmate	Pending Litigation
14-0301	09/27/2014	Sexual Assault	Staff on Inmate	Unsubstantiated
14-0344	06-07/2014	Sexual Assault	Staff on Inmate	Unfounded
14-0373	12/10/2014	Sexual Harassment	Inmate on Inmate	Unsubstantiated

NENMDF completed their successful PREA Audit in April/May 2014. During the course of the audit, it was identified that female staff were able to view in the showers from control room and monitoring cameras. Showers were redesigned to prohibit cross-gender viewing.

NENMDF continues to train all staff and specialized staff on the requirement of the Prison Rape Elimination Act and continues to work to enhance inmate education.

New Mexico Women's Correctional Facility (NMWCF)

The New Mexico Women's Correctional Facility (NMWCF), owned and operated by the Corrections Corporation of America, is the longest operating private facility for New Mexico Corrections Department inmates. NMWCF is a multi-custody facility located on the eastern edge of Grants, New Mexico and provides for public safety by operating a safe, secure, constitutionally sound and accredited correctional facility for adult female offenders committed to the New Mexico Corrections Department.

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13-002	01/3/2013	Sexual Harassment	Staff on Inmate	Unfounded
13-025	02/11/2103	Sexual Harassment	Staff on Inmate	Unfounded
13-064	03/17/2013	Sexual Assault	Staff on Inmate	Unfounded
13-093	04/12/2013	Sexual Assault	Staff on Inmate	Inconclusive
13-0137	06/15/2013	Sexual Assault	Staff on Inmate	Unfounded
13-0225	08/14/2013	Sexual Assault	Staff on Inmate	Unsubstantiated
13-0307	09/07/2013	Sexual Assault	Staff on Inmate	Unfounded
13-0278	10/02/2013	Sexual Assault	Inmate on Inmate	Substantiated
14-0106	03/28/2014	Sexual Assault	Unknown-Spirit	Unfounded
14-0131	04/26/2014	Sexual Assault	Inmate on Inmate	Unsubstantiated
14-0139	Unknown	Sexual Assault	Unknown	Unfounded
14-0335	10/13/2014	Sexual Harassment	Inmate on Inmate	Substantiated

NMWCF works closely with NMCD to ensure compliance and inmate education. They began provide inmates with informational cards that they can keep with their inmate ID to ensure that the PREA reporting addresses and phone numbers are readily available to inmates without the possible embarrassment of having to be seen writing information from the posters or walls.

NMWCF is scheduled to have their audit in the first quarter 2015.

Springer Correctional Center (SCC)

The **Springer Correctional Center (SCC)** consists of 36 buildings on 40 acres and is located 2.5 miles west of the town of Springer on State highway 468. SCC began operations as an adult Level I and Level II facility with 25 offenders in 2007. Since then, the offender population at SCC has grown to nearly 280 offenders. To better serve the offender population, the prison has expanded offender programs to include substance abuse treatment and work skill development opportunities.

For the past three years, SCC has not had any PREA cases or investigations. All staff continue to be training, as required, through pre-service, in-service, and specialty training.

Otero County Prison Facility (OCPF)

The **Otero County Prison Facility (OCPF)** is a private prison operated by Management and Training Corporation located in Chaparral, New Mexico. OCPF has been in operation for 10 years and houses a variety of Federal, State, and County inmates. OCPF has successfully achieved accreditation and re-accreditation by the Correction Educational Association (CEA) and the American Correctional Association (ACA).

Case Number	Date of Incident	Type of Incident	Involved Parties	Disposition
13---	11/04/2013	Sexual Harassment	Staff on Inmate	Pending
13-0336	12/06/2013	Sexual Assault	Inmate on Inmate	Substantiated
14-0018	01/15/2014	Sexual Activity	Inmate on Inmate	Pending
14-0026	01/23/2014	Sexual Activity	Inmate on Inmate	Unfounded
14-0238	07/24/2014	Sexual Harassment	Staff on Inmate	Inconclusive

OCPF continues to educate both staff and inmates regarding PREA prevention, detection, reporting, and advocacy. During the course of files reviews, it was discovered that some inconsistencies existed between OCPF and NMCD. Through a corrective action process, with additional staff training, this matter has been addressed and all reports since have been filed correctly and timely.

In 2014 OCPF successfully completed their facility PREA audit. Additional training was conducted regarding reporting procedures.

Moving Forward in 2015:

All facilities will continue to

- train staff, volunteers, contract staff, and ensure offenders attend PREA orientation;
- Implement additional training for PREA SART Teams to provide clear and concise responses to aggravated sexual assault;
- train Shift Lieutenants and Captains on the utilization of the Incident Check Lists;
- provide monthly discussions to staff, via the department head meetings and shift briefings, as it relates to PREA definitions, prevention, reporting and response to PREA allegations;
- monitor staff for completion of annual PREA training;
- ensure proper reporting procedures are followed and documentation is completed as per the policy;
- schedule the remaining three (3) audits which need to be completed;
- continue to cross train with and collaborate with the Local Rape Crisis Centers and victim advocates.

The Agency's planned efforts include:

- Obtain Department of Justice Auditor Certification for additional staff
- Revise and forward training to each facility to ensure that the annual training modules are consistent throughout the state
- Continue and expand upon our partnership with the New Mexico Coalition of Sexual Assault
- Cross train with each Rape Crisis Center and institutional Behavioral Health Staff at each site
- Enhance the intake screening tool and create detailed procedures when high risk individuals are identified.

Summary

As the Department of Justice continues to provide increasing clarity on the PREA Standards, the New Mexico Corrections Department continues to move forward in its efforts to comply with the Prison Rape Elimination Act and is committed to demonstrating compliance by scheduling audits of its publically operated and contracted facilities.

The New Mexico Corrections Department is committed to creating a sexually safe atmosphere for our staff and the inmates in our care. Our efforts will continue to reinforce the public's

confidence in our correctional system by ensuring our compliance with the constitutional requirements governing the conditions of confinement for offenders in our custody. The New Mexico Corrections Department is also committed to improving the professional development opportunities for Department employees in the form of improved NMLEA accredited training. This further contributes to the public's confidence in the integrity of the criminal justice system at large, and increases their faith in those persons who chose public service as a vocation. Lastly, the NMCD hopes to increase advocacy services and therapy for individuals who may be suffering from unfortunate occurrences, which may have happened both inside and outside of our walls.



Gregg Marcantel, Corrections Secretary