

The Investigation Process

The New Mexico Corrections Department has zero tolerance for all forms of sexual abuse and/or sexual harassment. All allegations will be investigated promptly, thoroughly and objectively.

All sexual abuse allegations will be referred for investigation to an agency with the legal authority to conduct criminal investigations. Law enforcement agencies will document their findings in a written report that contains a thorough description of physical, testimonial, and documentary evidence. Law enforcement agencies will refer all applicable investigations to the Prosecutor's Office for review. The New Mexico Corrections Department will cooperate with law enforcement to ensure that the perpetrator is prosecuted to the fullest extent of the law.

An administrative investigation will be conducted on all allegations, even if the inmate is no longer under the Department's jurisdiction. All administrative investigations will be conducted by an investigator, who has been certified through the NMCD Office of Professional Standards (OPS). In addition to the general PREA training provided to all NMCD staff, the investigators receive specialized training in conducting sexual abuse investigation within a confinement setting. This training includes techniques for interviewing sexual abuse victims, use of Miranda and Garrity warnings, sexual abuse evidence collection in a confinement setting and the criteria and evidence required to substantiate a case for administrative action.

Each allegation will be determined to be:

- Substantiated: the allegation was determined to have occurred by a preponderance of evidence
- Unsubstantiated: evidence was insufficient to make a final determination that the allegation was true or false, or
- Unfounded: the allegation was determined to not have occurred.

NMCD has zero tolerance for sexual misconduct of any kind and will impose discipline for all substantiated allegations, which can include up to dismissal of staff and a serious infraction for offenders who victimize other inmates.