



2022 PREA Annual Report



NEW MEXICO CORRECTIONS DEPARTMENT

Cabinet Secretary
Alisha Tafoya Lucero

4337 State Road 14, Santa Fe, NM 87508 - PO Box 27116, Santa Fe, NM 87502-0116
Phone: 505.827.8645 Fax: 505.827.8533 cd.nm.gov

The New Mexico Corrections Department (NMCD) is committed to providing safe and professional institutions where those entrusted to our care have opportunities for positive personal growth. Sexual abuse should never be punishment for a crime. Sexual abuse is a crime, and it does not matter if the victims have committed crimes of their own. Rape has long-lasting consequences for the victims, for the security of the facilities, and for the well-being of the communities to which most incarcerated persons will return.

The Prison Rape Elimination Act (PREA) standard §115.88 requires the agency collect and review data in order to assess and improve the effectiveness of its sexual abuse prevention, detention, and response policies, practices, and training.

This report will provide information for the calendar year 2022 and is intended to:

- Compare the current years data with those from previous years; and
- Assess the agency's progress in addressing sexual abuse within the facilities.
- Identify problem areas, taking corrective action on an ongoing basis within all NMCD facilities
- Ensure the ethical treatment of all individuals in our care.

Rachel A. Muniz
NMCD Agency PREA Coordinator

September 28, 2003

Date

PURPOSE AND SCOPE

The Prison Rape Elimination Act (PREA) was signed into Federal Law in September 2003 following unanimous support from both parties in the United States Congress. The purpose of the act is to “provide for the analysis of the incidence and effects of prison rape in Federal, State, and local institutions, to provide information, resources, 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 in the federal register on June 20, 2012 and became effective on August 20, 2012.

This report provides a review of the aggregated data for calendar year 2022 and a comparison of aggregated data for calendar year 2021. To date, all facilities within the New Mexico Corrections Department have been found compliant with established standards.

DEFINITIONS RELATED TO SEXUAL ABUSE

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

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

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

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- Contact between the mouth and the penis, vulva, or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident.

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.

Voyeurism by a staff member, contractor, or volunteer

- Voyeurism by a staff member, contractor, or volunteer means an invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

DEFINITIONS RELATED TO SEXUAL HARASSMENT:

Sexual Harassment:

- Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

INVESTIGATIONS

Alleged PREA violations are reported in a timely manner and in cases that could constitute criminal misconduct NMCD refers the allegations to the New Mexico State Police for disposition of criminal charges. NMCD facilitates on-site investigative coordination and assist in providing medical care and advocacy for victims of sexual abuse. For internal administrative investigations of PREA incidents, assigned staff have received specialized training in gathering evidence and interviewing victims of sexual abuse. Training is conducted in accordance with PREA Standard 115.34. NMCD shall impose no higher standard than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated.

Following an investigation, the investigator must determine one of the following conclusions on a case:

Substantiated: an allegation was determined to have occurred based on a preponderance of evidence.

Unsubstantiated: evidence was insufficient to make a final determination that the allegation was true or false.

Unfounded: the allegation was investigated and determined to not have occurred.

Pending: An investigation has not been completed.

PREA AUDITS AND CERTIFICATIONS

NMCD did not have any facilities audited, for initial certification or recertification, in calendar year 2022.

NMCD has four (4) PREA recertification audits scheduled for 2023.

AGENCY ACCOMPLISHMENTS

NMCD hired a new PREA Agency Coordinator to facilitate a more consistent and standardized approach to documentation and training.

NMCD established a relationship with the Transgender Resource Center of New Mexico. NMCD hopes to expand the relationship to provide additional educational opportunities for staff and support programs for inmates.

NMCD worked to increase visibility and collateral in the facilities with a grant provided by the Department of Justice.

NMCD worked to strengthen its regional sexual assault service alliances by adding or revising its agreements with Arise Sexual Assault Services, Solace Sexual Assault Services, and La Pinon Sexual Assault Recovery Services of Southern New Mexico.

DATA COLLECTION

The aggregate data was collected from PREA Incident Management System (PIMS). Information is entered by all NMCD facilities and verified by the agency coordinator. The system has allowed NMCD to collect accurate, uniform data by use of a standardized instrument and set of definitions for each allegation received.

SOURCE OF ALLEGATIONS

NMCD provides internal and external communication avenues for inmates, staff, or third parties to report allegations of abuse or harassment. During the calendar year 2022, the manner in which the allegation was reported is as follows (this includes all cases; substantiated, unsubstantiated, or unfounded).

How Incident Was Reported	2020	2021	2022
Inmate/Victim	138	85	108
Staff Report	58	9	11
Confidential Informant, Anonymous Tip, Third Party or Hotline	10	15	10
TOTAL CASES	206	109	129

DATA REVIEW AND ASSESSMENT

2022 INMATE ON INMATE SEXUAL ABUSE						
FACILITY	*ADP	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING	TOTAL
Central New Mexico Correctional Facility (CNMCF)	698	1	3	0	0	4
Guadalupe County Correctional Facility (GCCF)	254	0	1	1	0	2
Lea County Correctional Facility (LCCF)	1125	0	9	0	0	9
Northeastern New Mexico Correctional Facility (NENMCF)	290	0	4	0	0	4
Otero County Prison Facility (OCPF)	571	0	0	0	0	0
Penitentiary of New Mexico (PNM)	688	1	0	2	0	3
Roswell Correctional Center (RCC)	233	0	0	0	0	0
Southern New Mexico Correctional Facility (SNMCF)	663	0	1	1	0	2
Springer Correctional Center (SWF/SCC)	187	1	0	1	0	2
Western New Mexico Correctional Facility (WNMCF)	324	1	0	2	0	3
TOTALS	5033	4	18	7	0	29

*ADP is the Average Daily Population

2022 STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE						
FACILITY	*ADP	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING	TOTAL
Central New Mexico Correctional Facility (CNMCF)	698	0	0	3	0	3
Guadalupe County Correctional Facility (GCCF)	254	0	0	0	0	0
Lea County Correctional Facility (LCCF)	1125	0	1	0	0	1
Northeastern New Mexico Correctional Facility (NENMCF)	290	0	0	0	0	0
Otero County Prison Facility (OCPF)	571	1	2	3	0	6
Penitentiary of New Mexico (PNM)	688	0	3	0	0	3
Roswell Correctional Center (RCC)	233	0	0	0	0	0
Southern New Mexico Correctional Facility (SNMCF)	663	0	0	1	0	1
Springer Correctional Center (SWF/SCC)	187	0	2	0	0	2
Western New Mexico Correctional Facility (WNMCF)	324	1	2	5	0	8
TOTALS	5033	2	10	12	0	24

2022 INMATE ON INMATE SEXUAL HARRASSMENT						
FACILITY	*ADP	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING	TOTAL
Central New Mexico Correctional Facility (CNMCF)	698	0	6	1	0	7
Guadalupe County Correctional Facility (GCCF)	254	3	5	0	0	8
Lea County Correctional Facility (LCCF)	1125	1	3	0	0	4
Northeastern New Mexico Correctional Facility (NENMCF)	290	0	0	0	0	0
Otero County Prison Facility (OCPF)	571	1	2	2	0	5
Penitentiary of New Mexico (PNM)	688	2	1	1	0	4
Roswell Correctional Center (RCC)	233	0	0	0	0	0
Southern New Mexico Correctional Facility (SNMCF)	663	0	0	0	0	0
Springer Correctional Center (SWF/SCC)	187	0	2	0	0	2
Western New Mexico Correctional Facility (WNMCF)	324	2	0	2	0	4
TOTALS	5033	9	19	6	0	34

2022 STAFF ON INMATE SEXUAL HARRASSMENT						
FACILITY	*ADP	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING	TOTAL
Central New Mexico Correctional Facility (CNMCF)	698	0	5	2	0	7
Guadalupe County Correctional Facility (GCCF)	254	0	1	0	0	1
Lea County Correctional Facility (LCCF)	1125	0	8	2	0	10
Northeastern New Mexico Correctional Facility (NENMCF)	290	0	0	0	0	0
Otero County Prison Facility (OCPF)	571	0	0	1	0	1
Penitentiary of New Mexico (PNM)	688	1	1	2	0	4
Roswell Correctional Center (RCC)	233	1	0	1	0	2
Southern New Mexico Correctional Facility (SNMCF)	663	0	1	2	0	3
Springer Correctional Center (SWF/SCC)	187	0	0	0	0	0
Western New Mexico Correctional Facility (WNMCF)	324	1	3	10	0	14
TOTALS	5033	3	18	20	0	42

DATA REVIEW AND ANALYSIS

TYPE OF REPORT	TOTAL CASES	PERCENTAGE OF TOTAL
Inmate on Inmate Sexual Abuse	30	23%
Staff on Inmate Sexual Misconduct/Abuse	24	19%
Inmate on Inmate Sexual Harassment	33	26%
Staff on Inmate Sexual Harassment	42	32%
TOTAL CASES	129	

SUBSTANTIATED	2019	2020	2021	2022
Inmate on Inmate Sexual Abuse	2	0	3	5
Staff on Inmate Sexual Misconduct/Abuse	3	4	4	2
Inmate on Inmate Sexual Harassment	4	3	4	8
Staff on Inmate Sexual Harassment	6	1	4	3
TOTAL CASES	15	8	15	18

FACILITY SPECIFIC DATA AND SUMMARY

NMCD has ten prisons and two community corrections programs within the state of New Mexico. There are eight public facilities and two privately operated facilities.

Central New Mexico Correctional Facility (CNMCF), located in Los Lunas, New Mexico and was originally built in 1980. Central New Mexico Correctional Facility has become a complex of the houses male inmates and has multiple missions that include Reception and Diagnostic Center, Mental Health Treatment Center (MHTC), Long Term Care Unit and Geriatric Unit.

Central New Mexico Correctional Facility (CNMCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	1	3	0	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	0	3	0
INMATE ON INMATE SEXUAL HARRASSMENT	0	6	1	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	5	2	0
	1	14	6	0

Guadalupe County Correctional Facility (GCCF) is located just off of South Highway 54, two miles southwest of Santa Rosa, New Mexico. Santa Rosa lies approximately 120 miles east of Albuquerque, New Mexico and 160 miles west of Amarillo, Texas. NMCD began operating the facility in 2021. GCCF houses male inmates.

Guadalupe County Correctional Facility (GCCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	0	1	1	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	0	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	3	5	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	1	0	0
	3	7	1	0

Lea County Correctional Facility (LCCF) is a private prison that is owned and operated by the GEO Group, Inc.. The facility is located on sixty acres of property that is owned by the GEO Group Inc. The facility is located approximately four miles outside of the city of Hobbs, New Mexico. The facility was constructed in 1997 and was occupied with its first inmates in 1998. The facility holds male inmates who have been remanded to the custody of the New Mexico Department of Corrections.

Lea County Correctional Facility (LCCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	0	9	0	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	1	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	1	3	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	8	2	0
	1	21	2	0

Northeast New Mexico Correctional Facility (NENMCF) is a 179,264 square foot prison located on 70 acres. It is located 4 miles east of Clayton New Mexico, between State Highway 7 and State Highway 56/64. Clayton lies approximately 272 miles northeast of Albuquerque, New Mexico and 133 miles northwest of Amarillo, Texas. NMCD began operating the facility in 2019. NENMCF houses male inmates.

Northeast New Mexico Correctional Facility (NENMCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	0	4	0	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	0	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	0	0	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	0	0	0
	0	4	0	0

The Otero County Prison Facility (OCPF) is a private prison owned and operated by the Management & Training Corporation (MTC). The facility is located on a 12-15 acre site near the town of Chaparral, New Mexico. OCPF is approximately 27 miles north of El Paso, Texas. The facility was constructed in October, 2003 with renovations over the years to expand bed capacity. OCPF currently houses male inmates.

Otero County Prison Facility (OCPF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	0	0	0	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	1	2	3	0
INMATE ON INMATE SEXUAL HARRASSMENT	1	2	2	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	0	1	0
	2	4	6	0

Penitentiary of New Mexico (PNM) is located along the old Turquoise Trail, 14 miles south of Santa Fe New Mexico. PNM is the State's only super-max facility, housing the highest security classification of inmates in the State of New Mexico. The PNM complex is comprised of three separate facilities that accomplish individual missions. PNM houses male inmates.

Penitentiary of New Mexico (PNM)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	1	0	2	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	3	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	2	1	1	0
STAFF ON INMATE SEXUAL HARRASSMENT	1	1	2	0
	4	5	5	0

Roswell Correctional Center (RCC), is located outside Hagerman, New Mexico, a small Southeast New Mexico Community. The Center was established in 1978 as a Level I prison, with a population of 65 inmates. In January 2000, NMCD determined that it needed additional level II beds, at which time the center's custody level increased from a level I to a Level II facility, with a capacity to 340 male inmates.

Roswell Correctional Center (RCC)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	1	0	0	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	0	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	0	0	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	0	1	0
	1	0	1	0

Southern New Mexico Correctional Facility (SNMCF), complex is located on the West Mesa near Las Cruces, New Mexico. Las Cruces is the second largest city in New Mexico and is located approximately 40 miles North of El Paso, Texas. SNMCF is comprised of two separate facilities that accomplish individual missions. SNMCF houses male inmates.

Southern New Mexico Correctional Facility (SNMCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	0	1	1	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	0	1	0
INMATE ON INMATE SEXUAL HARRASSMENT	0	0	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	1	2	0
	0	2	4	0

Springer Correctional Center (SCC), consists of 36 buildings on 40 acres and is located 2.5 miles west of the town of Springer, New Mexico on State Highway 468. SCC began operations as an adult male and has transitioned to an adult female facility. SCC inmates are offered similar treatment and academic opportunities that are available to male offenders. However, SCC offers programs that are trauma-informed and address women's gender-based needs. These include but are not limited to substance abuse treatment, educational programs employment skills development, and economic knowledge.

Springer Correctional Center (SCC)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	1	0	1	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	0	2	0	0
INMATE ON INMATE SEXUAL HARRASSMENT	0	2	0	0
STAFF ON INMATE SEXUAL HARRASSMENT	0	0	0	0
	1	4	1	0

Western New Mexico Correctional Facility (WNMCF-N and WNMCF-S), is located in Cibola County, City of Grants, New Mexico. WNMCF-N was established in 1987 and is a complex of the houses female inmates and has multiple missions that include Reception and Diagnostic Center, Mental Health Treatment Center (MHTC), Long Term Care Unit and Geriatric Unit. In 2021, NMCD began operating WNMCF-S. This facility was previously operated by a private prison company. WNMCF-S is approximately 3 miles from WNMCF-N and houses male inmates.

Western New Mexico Correctional Facility (WNMCF)				
2022	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED	PENDING
INMATE ON INMATE SEXUAL ABUSE	1	0	2	0
STAFF ON INMATE SEXUAL MISCONDUCT/ABUSE	1	2	5	0
INMATE ON INMATE SEXUAL HARRASSMENT	2	0	2	0
STAFF ON INMATE SEXUAL HARRASSMENT	1	3	10	0
	5	5	19	0

ANALYSIS of SUBSTANTIATED Abuse and Sexual Misconduct

NMCD mandates zero tolerance towards all forms of sexual abuse and sexual harassment in all facilities. It is the policy of NMCD that sexual misconduct between employee, contract staff, contractors, volunteers and inmates, regardless of consensual status, is prohibited and subject to administrative and criminal sanctions.

- In analysis of all substantiated allegations, the circumstances involved did not require agency-wide corrective action i.e. changes to policy, local procedures or issuance of directives etc.
- There were no substantiated incidents that were identified as being motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex (LGBTQI) identification, status or perceived status.
- Review of the locations in which incidents occurred did not identify any physical barriers that contributed to the incident. NMCD facilities have effective modern video technology utilized during investigations.
- Staffing levels at each facility did not appear to have contributed to substantiated cases of sexual misconduct and sexual harassment.
- There are no pending cases for 2022.

CONCLUSION

The New Mexico Corrections Department enforces a zero-tolerance policy for all sexual abuse, sexual misconduct, and sexual harassment. To ensure the policy is implemented and enforced in the most efficient manner, NMCD continues to improve the PREA allegation reporting process. NMCD is working aggressively to improve all aspects of the PREA process, and continues to make progress in the prevention, detection and response to all forms of sexual abuse.