

PREA Facility Audit Report: Final

Name of Facility: Otero County Prison Facility

Facility Type: Prison / Jail

Date Interim Report Submitted: NA

Date Final Report Submitted: 12/20/2023

Auditor Certification	
The contents of this report are accurate to the best of my knowledge.	<input type="checkbox"/>
No conflict of interest exists with respect to my ability to conduct an audit of the agency under review.	<input type="checkbox"/>
I have not included in the final report any personally identifiable information (PII) about any inmate/resident/detainee or staff member, except where the names of administrative personnel are specifically requested in the report template.	<input type="checkbox"/>
Auditor Full Name as Signed: Darren Lanier Bryant	Date of Signature: 12/20/ 2023

AUDITOR INFORMATION	
Auditor name:	Bryant, Darren
Email:	dbryant357@msn.com
Start Date of On-Site Audit:	11/15/2023
End Date of On-Site Audit:	11/17/2023

FACILITY INFORMATION	
Facility name:	Otero County Prison Facility
Facility physical address:	10 McGregor Range Road, Chaparral, New Mexico - 88081
Facility mailing address:	

Primary Contact	
Name:	Hector Rios
Email Address:	Hector.Rios@mtctrains.com
Telephone Number:	575-824-4884

Warden/Jail Administrator/Sheriff/Director	
Name:	Hector Rios
Email Address:	Hector.Rios@mtctrains.com
Telephone Number:	575-824-4884

Facility PREA Compliance Manager	
Name:	Sandra Wesley
Email Address:	sandra.wesley@mtctrains.com
Telephone Number:	

Facility Health Service Administrator On-site	
Name:	Chris Pascale
Email Address:	Chris.Pascale@mtctrains.com
Telephone Number:	575-824-4884

Facility Characteristics	
Designed facility capacity:	1411
Current population of facility:	1017
Average daily population for the past 12 months:	1100
Has the facility been over capacity at any point in the past 12 months?	No

Which population(s) does the facility hold?	Both females and males
Age range of population:	18-65
Facility security levels/inmate custody levels:	medium to maximum
Does the facility hold youthful inmates?	No
Number of staff currently employed at the facility who may have contact with inmates:	264
Number of individual contractors who have contact with inmates, currently authorized to enter the facility:	4
Number of volunteers who have contact with inmates, currently authorized to enter the facility:	50

AGENCY INFORMATION

Name of agency:	Management & Training Corporation, Inc.
Governing authority or parent agency (if applicable):	
Physical Address:	500 North Marketplace Drive, Centerville, Utah - 84014
Mailing Address:	
Telephone number:	8016932600

Agency Chief Executive Officer Information:

Name:	Scott Marquardt
Email Address:	
Telephone Number:	

Agency-Wide PREA Coordinator Information

Name:	Heather Manuz	Email Address:	heather.manuz@mtctrains.com
--------------	---------------	-----------------------	-----------------------------

Facility AUDIT FINDINGS

Summary of Audit Findings

The OAS automatically populates the number and list of Standards exceeded, the number of Standards met, and the number and list of Standards not met.

Auditor Note: In general, no standards should be found to be "Not Applicable" or "NA." A compliance determination must be made for each standard. In rare instances where an auditor determines that a standard is not applicable, the auditor should select "Meets Standard" and include a comprehensive discussion as to why the standard is not applicable to the facility being audited.

Number of standards exceeded:

0	
---	--

Number of standards met:

45	
----	--

Number of standards not met:

0	
---	--

POST-AUDIT REPORTING INFORMATION

GENERAL AUDIT INFORMATION

On-site Audit Dates

1. Start date of the onsite portion of the audit:	2023-11-15
2. End date of the onsite portion of the audit:	2023-11-17

Outreach

10. Did you attempt to communicate with community-based organization(s) or victim advocates who provide services to this facility and/or who may have insight into relevant conditions in the facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Identify the community-based organization(s) or victim advocates with whom you communicated:	La Pinion Rape Crisis Center

AUDITED FACILITY INFORMATION

14. Designated facility capacity:	1411
15. Average daily population for the past 12 months:	1100
16. Number of inmate/resident/detainee housing units:	20
17. Does the facility ever hold youthful inmates or youthful/juvenile detainees?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Not Applicable for the facility type audited (i.e., Community Confinement Facility or Juvenile Facility)

Audited Facility Population Characteristics on Day One of the Onsite Portion of the Audit

Inmates/Residents/Detainees Population Characteristics on Day One of the Onsite Portion of the Audit

36. Enter the total number of inmates/residents/detainees in the facility as of the first day of onsite portion of the audit:	1027
38. Enter the total number of inmates/residents/detainees with a physical disability in the facility as of the first day of the onsite portion of the audit:	20
39. Enter the total number of inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) in the facility as of the first day of the onsite portion of the audit:	1
40. Enter the total number of inmates/residents/detainees who are Blind or have low vision (visually impaired) in the facility as of the first day of the onsite portion of the audit:	2
41. Enter the total number of inmates/residents/detainees who are Deaf or hard-of-hearing in the facility as of the first day of the onsite portion of the audit:	5
42. Enter the total number of inmates/residents/detainees who are Limited English Proficient (LEP) in the facility as of the first day of the onsite portion of the audit:	32
43. Enter the total number of inmates/residents/detainees who identify as lesbian, gay, or bisexual in the facility as of the first day of the onsite portion of the audit:	14

<p>44. Enter the total number of inmates/residents/detainees who identify as transgender or intersex in the facility as of the first day of the onsite portion of the audit:</p>	<p>10</p>
<p>45. Enter the total number of inmates/residents/detainees who reported sexual abuse in the facility as of the first day of the onsite portion of the audit:</p>	<p>1</p>
<p>46. Enter the total number of inmates/residents/detainees who disclosed prior sexual victimization during risk screening in the facility as of the first day of the onsite portion of the audit:</p>	<p>7</p>
<p>47. Enter the total number of inmates/residents/detainees who were ever placed in segregated housing/isolation for risk of sexual victimization in the facility as of the first day of the onsite portion of the audit:</p>	<p>0</p>
<p>48. Provide any additional comments regarding the population characteristics of inmates/residents/detainees in the facility as of the first day of the onsite portion of the audit (e.g., groups not tracked, issues with identifying certain populations):</p>	<p>No text provided.</p>
<p>Staff, Volunteers, and Contractors Population Characteristics on Day One of the Onsite Portion of the Audit</p>	
<p>49. Enter the total number of STAFF, including both full- and part-time staff, employed by the facility as of the first day of the onsite portion of the audit:</p>	<p>264</p>
<p>50. Enter the total number of VOLUNTEERS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>2</p>

<p>51. Enter the total number of CONTRACTORS assigned to the facility as of the first day of the onsite portion of the audit who have contact with inmates/residents/detainees:</p>	<p>4</p>
<p>52. Provide any additional comments regarding the population characteristics of staff, volunteers, and contractors who were in the facility as of the first day of the onsite portion of the audit:</p>	<p>No text provided.</p>
<p>INTERVIEWS</p>	
<p>Inmate/Resident/Detainee Interviews</p>	
<p>Random Inmate/Resident/Detainee Interviews</p>	
<p>53. Enter the total number of RANDOM INMATES/RESIDENTS/DETAINEES who were interviewed:</p>	<p>30</p>
<p>54. Select which characteristics you considered when you selected RANDOM INMATE/RESIDENT/DETAINEE interviewees: (select all that apply)</p>	<p> <input checked="" type="checkbox"/> Age <input checked="" type="checkbox"/> Race <input checked="" type="checkbox"/> Ethnicity (e.g., Hispanic, Non-Hispanic) <input checked="" type="checkbox"/> Length of time in the facility <input checked="" type="checkbox"/> Housing assignment <input checked="" type="checkbox"/> Gender <input type="checkbox"/> Other <input type="checkbox"/> None </p>
<p>55. How did you ensure your sample of RANDOM INMATE/RESIDENT/DETAINEE interviewees was geographically diverse?</p>	<p>Auditor used the Inmate Housing Roster, with the assistance from PREA Compliance Manager, and Classification Supervisor.</p>
<p>56. Were you able to conduct the minimum number of random inmate/resident/detainee interviews?</p>	<p> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>

57. Provide any additional comments regarding selecting or interviewing random inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):	Auditor interviewed inmates from different housing units and gender.
Targeted Inmate/Resident/Detainee Interviews	
58. Enter the total number of TARGETED INMATES/RESIDENTS/DETAINEES who were interviewed:	22
<p>As stated in the PREA Auditor Handbook, the breakdown of targeted interviews is intended to guide auditors in interviewing the appropriate cross-section of inmates/residents/detainees who are the most vulnerable to sexual abuse and sexual harassment. When completing questions regarding targeted inmate/resident/detainee interviews below, remember that an interview with one inmate/resident/detainee may satisfy multiple targeted interview requirements. These questions are asking about the number of interviews conducted using the targeted inmate/resident/detainee protocols. For example, if an auditor interviews an inmate who has a physical disability, is being held in segregated housing due to risk of sexual victimization, and disclosed prior sexual victimization, that interview would be included in the totals for each of those questions. Therefore, in most cases, the sum of all the following responses to the targeted inmate/resident/detainee interview categories will exceed the total number of targeted inmates/residents/detainees who were interviewed. If a particular targeted population is not applicable in the audited facility, enter "0".</p>	
60. Enter the total number of interviews conducted with inmates/residents/detainees with a physical disability using the "Disabled and Limited English Proficient Inmates" protocol:	2
61. Enter the total number of interviews conducted with inmates/residents/detainees with a cognitive or functional disability (including intellectual disability, psychiatric disability, or speech disability) using the "Disabled and Limited English Proficient Inmates" protocol:	1
62. Enter the total number of interviews conducted with inmates/residents/detainees who are Blind or have low vision (i.e., visually impaired) using the "Disabled and Limited English Proficient Inmates" protocol:	1

63. Enter the total number of interviews conducted with inmates/residents/detainees who are Deaf or hard-of-hearing using the "Disabled and Limited English Proficient Inmates" protocol:	1
64. Enter the total number of interviews conducted with inmates/residents/detainees who are Limited English Proficient (LEP) using the "Disabled and Limited English Proficient Inmates" protocol:	5
65. Enter the total number of interviews conducted with inmates/residents/detainees who identify as lesbian, gay, or bisexual using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	4
66. Enter the total number of interviews conducted with inmates/residents/detainees who identify as transgender or intersex using the "Transgender and Intersex Inmates; Gay, Lesbian, and Bisexual Inmates" protocol:	5
67. Enter the total number of interviews conducted with inmates/residents/detainees who reported sexual abuse in this facility using the "Inmates who Reported a Sexual Abuse" protocol:	1
68. Enter the total number of interviews conducted with inmates/residents/detainees who disclosed prior sexual victimization during risk screening using the "Inmates who Disclosed Sexual Victimization during Risk Screening" protocol:	2

<p>69. Enter the total number of interviews conducted with inmates/residents/detainees who are or were ever placed in segregated housing/isolation for risk of sexual victimization using the "Inmates Placed in Segregated Housing (for Risk of Sexual Victimization/Who Allege to have Suffered Sexual Abuse)" protocol:</p>	<p>0</p>
<p>a. Select why you were unable to conduct at least the minimum required number of targeted inmates/residents/detainees in this category:</p>	<p><input checked="" type="checkbox"/> Facility said there were "none here" during the onsite portion of the audit and/or the facility was unable to provide a list of these inmates/residents/detainees.</p> <p><input type="checkbox"/> The inmates/residents/detainees in this targeted category declined to be interviewed.</p>
<p>b. Discuss your corroboration strategies to determine if this population exists in the audited facility (e.g., based on information obtained from the PAQ; documentation reviewed onsite; and discussions with staff and other inmates/residents/detainees).</p>	<p>Auditor interviewed Warden, Assistant Warden, PREA Compliance Manager, Segregated Housing Supervisor and Classification Supervisors. All confirmed no inmates housed in segregated housing during audit date.</p>
<p>70. Provide any additional comments regarding selecting or interviewing targeted inmates/residents/detainees (e.g., any populations you oversampled, barriers to completing interviews):</p>	<p>Auditor over sampled Transgender and intersex inmates. This was due to no inmates being placed in segregated housing for their protection against sexual abuse victimization.</p>
<p>Staff, Volunteer, and Contractor Interviews</p>	
<p>Random Staff Interviews</p>	
<p>71. Enter the total number of RANDOM STAFF who were interviewed:</p>	<p>23</p>

<p>72. Select which characteristics you considered when you selected RANDOM STAFF interviewees: (select all that apply)</p>	<p><input type="checkbox"/> Length of tenure in the facility</p> <p><input type="checkbox"/> Shift assignment</p> <p><input type="checkbox"/> Work assignment</p> <p><input type="checkbox"/> Rank (or equivalent)</p> <p><input type="checkbox"/> Other (e.g., gender, race, ethnicity, languages spoken)</p> <p><input type="checkbox"/> None</p>
<p>73. Were you able to conduct the minimum number of RANDOM STAFF interviews?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>74. Provide any additional comments regarding selecting or interviewing random staff (e.g., any populations you oversampled, barriers to completing interviews, barriers to ensuring representation):</p>	<p>No text provided.</p>
<p>Specialized Staff, Volunteers, and Contractor Interviews</p>	
<p>Staff in some facilities may be responsible for more than one of the specialized staff duties. Therefore, more than one interview protocol may apply to an interview with a single staff member and that information would satisfy multiple specialized staff interview requirements.</p>	
<p>75. Enter the total number of staff in a SPECIALIZED STAFF role who were interviewed (excluding volunteers and contractors):</p>	<p>21</p>
<p>76. Were you able to interview the Agency Head?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>
<p>77. Were you able to interview the Warden/Facility Director/Superintendent or their designee?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p>

78. Were you able to interview the PREA Coordinator?	<input checked="" type="radio"/> Yes <input type="radio"/> No
79. Were you able to interview the PREA Compliance Manager?	<input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> NA (NA if the agency is a single facility agency or is otherwise not required to have a PREA Compliance Manager per the Standards)

80. Select which SPECIALIZED STAFF roles were interviewed as part of this audit from the list below: (select all that apply)

- Agency contract administrator
- Intermediate or higher-level facility staff responsible for conducting and documenting unannounced rounds to identify and deter staff sexual abuse and sexual harassment
- Line staff who supervise youthful inmates (if applicable)
- Education and program staff who work with youthful inmates (if applicable)
- Medical staff
- Mental health staff
- Non-medical staff involved in cross-gender strip or visual searches
- Administrative (human resources) staff
- Sexual Assault Forensic Examiner (SAFE) or Sexual Assault Nurse Examiner (SANE) staff
- Investigative staff responsible for conducting administrative investigations
- Investigative staff responsible for conducting criminal investigations
- Staff who perform screening for risk of victimization and abusiveness
- Staff who supervise inmates in segregated housing/residents in isolation
- Staff on the sexual abuse incident review team
- Designated staff member charged with monitoring retaliation
- First responders, both security and non-security staff
- Intake staff

	<input type="checkbox"/> Other
81. Did you interview VOLUNTEERS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of VOLUNTEERS who were interviewed:	3
b. Select which specialized VOLUNTEER role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input type="checkbox"/> Mental health/counseling <input checked="" type="checkbox"/> Religious <input type="checkbox"/> Other
82. Did you interview CONTRACTORS who may have contact with inmates/residents/detainees in this facility?	<input checked="" type="radio"/> Yes <input type="radio"/> No
a. Enter the total number of CONTRACTORS who were interviewed:	2
b. Select which specialized CONTRACTOR role(s) were interviewed as part of this audit from the list below: (select all that apply)	<input type="checkbox"/> Security/detention <input type="checkbox"/> Education/programming <input type="checkbox"/> Medical/dental <input checked="" type="checkbox"/> Food service <input type="checkbox"/> Maintenance/construction <input type="checkbox"/> Other
83. Provide any additional comments regarding selecting or interviewing specialized staff.	No text provided.

SITE REVIEW AND DOCUMENTATION SAMPLING

Site Review

PREA Standard 115.401 (h) states, "The auditor shall have access to, and shall observe, all areas of the audited facilities." In order to meet the requirements in this Standard, the site review portion of the onsite audit must include a thorough examination of the entire facility. The site review is not a casual tour of the facility. It is an active, inquiring process that includes talking with staff and inmates to determine whether, and the extent to which, the audited facility's practices demonstrate compliance with the Standards. Note: As you are conducting the site review, you must document your tests of critical functions, important information gathered through observations, and any issues identified with facility practices. The information you collect through the site review is a crucial part of the evidence you will analyze as part of your compliance determinations and will be needed to complete your audit report, including the Post-Audit Reporting Information.

84. Did you have access to all areas of the facility?

Yes

No

Was the site review an active, inquiring process that included the following:

85. Observations of all facility practices in accordance with the site review component of the audit instrument (e.g., signage, supervision practices, cross-gender viewing and searches)?

Yes

No

86. Tests of all critical functions in the facility in accordance with the site review component of the audit instrument (e.g., risk screening process, access to outside emotional support services, interpretation services)?

Yes

No

87. Informal conversations with inmates/residents/detainees during the site review (encouraged, not required)?

Yes

No

88. Informal conversations with staff during the site review (encouraged, not required)?

Yes

No

<p>89. Provide any additional comments regarding the site review (e.g., access to areas in the facility, observations, tests of critical functions, or informal conversations).</p>	<p>No text provided.</p>
--	--------------------------

Documentation Sampling

Where there is a collection of records to review-such as staff, contractor, and volunteer training records; background check records; supervisory rounds logs; risk screening and intake processing records; inmate education records; medical files; and investigative files-auditors must self-select for review a representative sample of each type of record.

<p>90. In addition to the proof documentation selected by the agency or facility and provided to you, did you also conduct an auditor-selected sampling of documentation?</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p>
--	--

<p>91. Provide any additional comments regarding selecting additional documentation (e.g., any documentation you oversampled, barriers to selecting additional documentation, etc.).</p>	<p>No text provided.</p>
---	--------------------------

SEXUAL ABUSE AND SEXUAL HARASSMENT ALLEGATIONS AND INVESTIGATIONS IN THIS FACILITY

Sexual Abuse and Sexual Harassment Allegations and Investigations Overview

Remember the number of allegations should be based on a review of all sources of allegations (e.g., hotline, third-party, grievances) and should not be based solely on the number of investigations conducted. Note: For question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, or detainee sexual abuse allegations and investigations, as applicable to the facility type being audited.

92. Total number of SEXUAL ABUSE allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual abuse allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual abuse	1	1	1	1
Staff-on-inmate sexual abuse	0	0	0	0
Total	1	1	1	1

93. Total number of SEXUAL HARASSMENT allegations and investigations overview during the 12 months preceding the audit, by incident type:

	# of sexual harassment allegations	# of criminal investigations	# of administrative investigations	# of allegations that had both criminal and administrative investigations
Inmate-on-inmate sexual harassment	5	0	5	0
Staff-on-inmate sexual harassment	9	0	9	0
Total	14	0	14	0

Sexual Abuse and Sexual Harassment Investigation Outcomes

Sexual Abuse Investigation Outcomes

Note: these counts should reflect where the investigation is currently (i.e., if a criminal investigation was referred for prosecution and resulted in a conviction, that investigation outcome should only appear in the count for “convicted.”) Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual abuse investigation files, as applicable to the facility type being audited.

94. Criminal SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual abuse	1	1	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0	0
Total	1	1	0	0	0

95. Administrative SEXUAL ABUSE investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual abuse	1	0	0	0
Staff-on-inmate sexual abuse	0	0	0	0
Total	1	0	0	0

Sexual Harassment Investigation Outcomes

Note: these counts should reflect where the investigation is currently. Do not double count. Additionally, for question brevity, we use the term “inmate” in the following questions. Auditors should provide information on inmate, resident, and detainee sexual harassment investigation files, as applicable to the facility type being audited.

96. Criminal SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Referred for Prosecution	Indicted/ Court Case Filed	Convicted/ Adjudicated	Acquitted
Inmate-on-inmate sexual harassment	0	0	0	0	0
Staff-on-inmate sexual harassment	0	0	0	0	0
Total	0	0	0	0	0

97. Administrative SEXUAL HARASSMENT investigation outcomes during the 12 months preceding the audit:

	Ongoing	Unfounded	Unsubstantiated	Substantiated
Inmate-on-inmate sexual harassment	0	1	3	1
Staff-on-inmate sexual harassment	0	5	4	0
Total	0	6	7	1

Sexual Abuse and Sexual Harassment Investigation Files Selected for Review

Sexual Abuse Investigation Files Selected for Review

98. Enter the total number of SEXUAL ABUSE investigation files reviewed/ sampled:

1

<p>99. Did your selection of SEXUAL ABUSE investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual abuse investigation files)</p>
<p>Inmate-on-inmate sexual abuse investigation files</p>	
<p>100. Enter the total number of INMATE-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>1</p>
<p>101. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>102. Did your sample of INMATE-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual abuse investigation files)</p>
<p>Staff-on-inmate sexual abuse investigation files</p>	
<p>103. Enter the total number of STAFF-ON-INMATE SEXUAL ABUSE investigation files reviewed/sampled:</p>	<p>0</p>
<p>104. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include criminal investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>

<p>105. Did your sample of STAFF-ON-INMATE SEXUAL ABUSE investigation files include administrative investigations?</p>	<p><input type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual abuse investigation files)</p>
---	--

Sexual Harassment Investigation Files Selected for Review

<p>106. Enter the total number of SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>6</p>
--	----------

<p>107. Did your selection of SEXUAL HARASSMENT investigation files include a cross-section of criminal and/or administrative investigations by findings/outcomes?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any sexual harassment investigation files)</p>
---	---

Inmate-on-inmate sexual harassment investigation files

<p>108. Enter the total number of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:</p>	<p>6</p>
---	----------

<p>109. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT files include criminal investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
---	--

<p>110. Did your sample of INMATE-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?</p>	<p><input checked="" type="radio"/> Yes</p> <p><input type="radio"/> No</p> <p><input type="radio"/> NA (NA if you were unable to review any inmate-on-inmate sexual harassment investigation files)</p>
---	--

Staff-on-inmate sexual harassment investigation files	
111. Enter the total number of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files reviewed/sampled:	0
112. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include criminal investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
113. Did your sample of STAFF-ON-INMATE SEXUAL HARASSMENT investigation files include administrative investigations?	<input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> NA (NA if you were unable to review any staff-on-inmate sexual harassment investigation files)
114. Provide any additional comments regarding selecting and reviewing sexual abuse and sexual harassment investigation files.	No text provided.
SUPPORT STAFF INFORMATION	
DOJ-certified PREA Auditors Support Staff	
115. Did you receive assistance from any DOJ-CERTIFIED PREA AUDITORS at any point during this audit? REMEMBER: the audit includes all activities from the pre-onsite through the post-onsite phases to the submission of the final report. Make sure you respond accordingly.	<input type="radio"/> Yes <input checked="" type="radio"/> No

Non-certified Support Staff

<p>116. Did you receive assistance from any NON-CERTIFIED SUPPORT STAFF at any point during this audit? REMEMBER: the audit includes all activities from the pre-on-site through the post-on-site phases to the submission of the final report. Make sure you respond accordingly.</p>	<p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p>
---	---

AUDITING ARRANGEMENTS AND COMPENSATION

<p>121. Who paid you to conduct this audit?</p>	<p><input type="radio"/> The audited facility or its parent agency</p> <p><input type="radio"/> My state/territory or county government employer (if you audit as part of a consortium or circular auditing arrangement, select this option)</p> <p><input checked="" type="radio"/> A third-party auditing entity (e.g., accreditation body, consulting firm)</p> <p><input type="radio"/> Other</p>
--	---

<p>Identify the name of the third-party auditing entity</p>	<p>Corrections Management Communication Group</p>
--	---

Standards	
Auditor Overall Determination Definitions	
<ul style="list-style-type: none"> • Exceeds Standard (Substantially exceeds requirement of standard) • Meets Standard (substantial compliance; complies in all material ways with the stand for the relevant review period) • Does Not Meet Standard (requires corrective actions) 	
Auditor Discussion Instructions	
<p>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.</p>	

115.11	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Corporation (MTC) Policy 903E.02 Sexual Safety in Prisons • New Mexico Department of Corrections 150100 Offender Protection Against Abuse: Sexual Misconduct: Reporting Procedure • Memo designating MTC PREA Coordinator / MTC organization chart. • Memo designating Otero PREA Compliance Manager / OCPF organization chart. • Inmate Handbook (Federal) <p>The above policies mandate zero tolerance toward all forms of sexual abuse and sexual harassment. The above policies outline procedures and expectations related to MTC’s approach to preventing, detecting and responding to sexual abuse and sexual harassment. It is developed in compliance with the PREA standards for adult</p>

prisons and jails and includes of prohibited behaviors regarding sexual assault and sexual harassment for staff and inmates.

The above policies also included sanctions for staff and inmates found to have participated in prohibited behaviors. Staff members who are found to have perpetrated sexual abuse or sexual harassment are disciplined in accordance with Employee Discipline policy and Facility Rule of Conduct and subject to employment termination. Employees, Contractors and Volunteers are also subject to criminal prosecution.

The above policies include a description of the agency strategies and responses to reduce and prevent sexual abuse and sexual harassment of inmates. Inmates who are found to have perpetrated sexual abuse or sexual harassment are disciplined in accordance with sanctions outlined in the facility's inmate handbook.

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 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. An interview with the PREA Coordinator confirmed she is knowledgeable of the PREA Standards and has sufficient time and authority to perform her duties in that role.

Auditor received and reviewed the Warden's memorandum and a facility organizational chart, that meet the requirements of this standard. The Warden will appoint a PREA Compliance Manager who will be responsible for ensuring all elements of this policy are met in a coordinated fashion. Otero County Prison Facility Warden issued a memorandum to designating a PREA compliance manager with responsibility to coordinate with the Agency PREA coordinator to oversee the implementation and management of the PREA Standards at the facility. An interview with the PREA Compliance Manager confirmed she is knowledgeable of the PREA Standards, committed to Zero Tolerance and has the support of the Warden.

The auditor interviewed random staff and confirmed their knowledge of the Zero Tolerance policy. Staff indicated they receive their PREA training on the Zero Tolerance Policy during Pre-Service Training and annually through in-service training.

The auditor interviewed contractors and volunteers about receiving Zero Tolerance Training. Both groups received their training during Pre- Service Training and during In Service Training annually.

The auditor interviewed inmates, and all 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. Inmates indicated they were provided written information upon intake and education during orientation. Inmates explained during orientation, they watched the PREA Video, covered information in the inmate handbook and were given the opportunity to ask questions.

	<p>The orientation is offered in English and in Spanish. Additional program information is contained in the PREA Handbook, and postings distributed throughout the facility (observed during the tour). All written documents are available in English and Spanish. Additional interpretive services are available for inmates who do not speak or read English.</p> <p>The auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Random Staff • PREA Compliance Manager • PREA Coordinator • Random Inmates • Volunteers & Contractors <p>The facility meets compliance with this standard, based on the above documentation and interviews.</p>
--	--

115.12	Contracting with other entities for the confinement of inmates
	Auditor Overall Determination: Meets Standard
	<p>Auditor Discussion</p> <p>Auditor reviewed the following documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management Training Corporation Contract with New Mexico Department of Corrections. • MTC 609 Ensuring Safe Prisons- Prison Rape Elimination Act • Facility PAQ <p>Management Training Corporation (MTC) manages and operates the Otero Prison Facility Center. MTC is under contract with the New Mexico Department of Corrections (NMDOC) and United States Marshalls to house offenders. The Otero Prison Facility Center does not contract with any outside entity for the confinement of offenders. A monitor is assigned to the facility by the New Mexico Department of Corrections (NMDOC).</p> <p>The company provided a copy of the contract with the New Mexico Department of Corrections. The contract requires the company to adopt and comply with PREA Standards and to successfully complete a PREA Audit every three years.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Warden • PREA Compliance Manager

	<ul style="list-style-type: none"> • PREA Coordinator • Contract Monitor <p>The facility meets compliance with this standard, based on reviewed documentation and staff interviews.</p>
--	---

115.13	Supervision and monitoring
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation to determine compliance:</p> <ul style="list-style-type: none"> • MTC Policy 903E.02 Sexual Safety in Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons • MTC Post Orders- Housing Dorm Officer • Staffing/Relief Factors • Post Order Alerting Supervisory Staff • Staffing Plan Adequate Levels of Staffing • Staffing Plan Adequate Levels of Staffing • Memo Staffing Plan Development Process • Vacancy Rate Report for past 12 months • Security Roster & Activity Log with Supervisor Rounds & Staffing Deviations (All Shifts) • Weekly Departmental Rounds • New Mexico Department of Corrections & Management Center - Annual Reviews & Audits • Copies of officers' logbooks showing unannounced rounds by supervisors on all shifts • Meeting Minutes re: Video and Monitoring Technology Updates <p>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. The Warden and PREA Compliance Manager, in interviews confirmed the process for conducting annual reviews.</p> <p>Auditor interviewed PREA Compliance Manager and PREA Coordinator to verify annual review of staffing plan.</p> <p>Management Training & Corporation Policies and New Mexico Department of Corrections Contractual agreement requires the facility to review the staffing plans on an annual basis. The facility has a Staffing Report that is developed for each pay</p>

period. The facility provides a monthly report that includes mandatory posts and holds over staffing to meet the mandatory posts. This report also includes the number of positions authorized, the number filled, the number vacant, recruitment efforts, and any staffing concerns during the pay period. The Captain, or the Major are available and on site, as scheduled, for weekend coverage, to supplement coverage. The Warden provided a memo indicating the Otero Prison Facility has not deviated from the staffing plan in the past twelve months.

The Warden, in an interview, indicated the minimum staffing is 36 correctional staff per shift. In deploying staff, the layout of the facility, custody level of inmates, program and work details and camera coverage is considered. When programs are offered, staffing is increased to provide additional supervision. The Warden meets weekly with the executive staff, including the Chief of Security and the Human Resource Manager (HRM) to address staffing issues. The Warden provided a memo indicating the Otero facility has not deviated from the staffing plan in the past twelve months.

Additionally, the Warden provided a Memorandum to the Contract Monitor reporting on security operations and facility tours/inspections and/or practices, professional conduct of staff, staffing, training, unannounced tours. This document identified multiple inspections conducted during the month of August 2023. It also contained a statement affirming that the Warden has conducted unannounced rounds on all shifts and all areas of the facility as required.

Cameras are strategically located throughout the facility to supplement staffing and to enhance supervision of inmates. There are approximately 294 plus cameras deployed throughout the facility. The auditor observed cameras strategically placed throughout the facility and outside. These cameras are monitored by staff daily and can hold 90 days of recordings. The auditor did not see any cameras located in the showers, or restrooms.

Supervisory and Senior Command staff members routinely make unannounced rounds. These rounds are documented in Unit Logs located in each housing unit. Auditor observed during the tour supervisory staff walking around the housing making their unannounced rounds. The review of Institution Duty Officer (IDO) unannounced PREA rounds logs confirmed that intermediate-level or higher-level supervisors, including shift supervisors and department heads, conduct and document such visits throughout the institution, during the day, at night and on the weekends. The IDO documents the visits in logbooks located in the housing unit control room. Staff members are prohibited from alerting other employees regarding unannounced rounds.

Auditor interviewed inmates and housing unit officers, both confirmed that random, unannounced rounds are conducted by Institution Duty Officers daily, including nights and weekends. Staff and inmates confirmed supervisory staff conduct unannounced rounds. Auditor verified supervisory rounds by reviewing logbook documentation.

Auditor interviewed the following individuals:

	<ul style="list-style-type: none"> • PREA Compliance Manager • PREA Coordinator • Warden • Chief of Security (Captain) • Random Staff • Inmates <p>The facility meets compliance with this standard, based on review of documentation and staff interviews.</p>
--	---

115.14	Youthful inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	This facility does not house juvenile inmates. Auditor interviewed the Warden and PREA Compliance Manager. The auditor reviewed New Mexico State Statute.

115.15	Limits to cross-gender viewing and searches
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation to determine compliance:</p> <ul style="list-style-type: none"> • Otero County Prison Facility Policy 306 Searches • Management & Training Center (MTC) 903E.02 Sexual Safety in Prisons (PREA) • MTC 609 Ensuring Safe Prisons • MTC 116 Housing Dorm Officer • New Mexico Department of Corrections CD 150100 Protection Against Abuse; Sexual Misconduct; Reporting Procedures; PREA • Security Staff Sign in Sheet • Training PowerPoint • Lesson Plan - Contraband, Clothed and Unclothed Searches, & Cell Searches • Memo Cross gender strip/visual body cavity search Documentation • Gender Determination Notification <p>Management Training Corporation and New Mexico Department of Corrections have several policies in place prohibiting visual body searches and cavity searches by the opposite gender. A review of the search logs confirmed no cross gender visual body searches or cavity searches were performed.</p>

Both of the above policies mandate that cross-gender strip or cross-gender body cavity searches are prohibited, except in emergency situations or when performed and documented by a medical practitioner. Officers would be required to document all cross-gender strip searches and cross-gender visual body cavity searches. All security staff of the Otero Prison Facility receive training on how to conduct cross gender pat searches and searches of transgender and intersex offenders in a professional and respectful manner. Staff received training on cross-gender searches.

It is the policy of Otero Prison Facility that staff are not allowed to pat search or strip search inmates of the opposite gender. Interviews with staff confirmed that they were aware of the prohibition of visual body cavity or strip searches of the inmates of the opposite sex except in exigent circumstances. During the past 12 months, there were no exigent circumstances that required cross gender viewing of an unclothed inmate by a staff member at Otero Prison Facility.

Auditor learned during security staff and medical interviews staff that Transgender inmate genitals is determined by medical staff after reviewing medical records, discussions with the inmate, and a broader medical examination. There were Twelve (12) Transgender inmates housed at this facility during the 12- month audit cycle.

A review of the Training Logs and lesson plan confirmed that staff receive training on conducting proper pat searches, inappropriate relationship with inmates, and PREA, during their annual In-service training. All security staff of Otero County Prison Facility receive training on how to conduct cross gender pat searches and searches of transgender and intersex inmates in a professional and respectful manner. Staff receive Limits to Cross Gender Viewing & Searches training. The lesson plan of this training was provided for review. Staff sign a PREA Basic Acknowledgement form acknowledging receipt and understand of the training received. Review of random staff training records and interview with security staff receiving training pre-service and annually.

A review of logbook documentation, and inmate interviews confirmed that female staff announce their presence, while entering the housing units. I observed several female staff announce their presence in the housing unit, while touring the facilities. Staff and inmates interviewed indicated employees of the opposite gender announce their presence before entering a housing unit. Auditor observed postings throughout the housing units in English and Spanish.

Inmates interviewed acknowledged they were allowed to shower, dress, and use the toilet without being viewed by staff of the opposite gender. Auditor observed shower curtains at all showers for privacy and individual barriers for toilets.

Auditor interviewed the following individuals to determine compliance:

- PREA Compliance Manager
- Random Staff
- Random Inmates
- Training Manager

	<ul style="list-style-type: none"> • Medical Staff <p>Compliance was determined by reviewing documentation and interviews of staff and inmates.</p>
--	--

115.16	Inmates with disabilities and inmates who are limited English proficient
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • MTC 106- Accommodations for the Disabled • MTC 609 Ensuring Safe Prisons • New Mexico Department of Corrections CD 150100 Protection Against Abuse; Sexual Misconduct; Reporting Procedures; PREA • Management & Training Center (MTC) 903E.02 Sexual Safety in Prisons (PREA) • MTC 103- Admission and Orientation • Inmate Handbook (English and Spanish) • Lesson Plan • Language Assistance Packet • Memo Regarding Inmates with Disabilities • Language Line Personal Interpreter Usage Charges • Intake Packet for Non-English-Speaking Inmate • Photographs of PREA Poster • Staff Training <p>The above policies mandate that the facility shall not discriminate against offenders with known disabilities and shall provide reasonable accommodations to ensure access to programs, activities, and services in accordance with the Americans with Disabilities Act and the provisions established in this Directive. MTC Policy 903E.02 Sexual Safety in Prisons also establishes local facility to respond to needs of inmates with Disabilities or Limited English Proficiency: Upon identification of an inmate with a disability which prevents them from reading or understanding inmate PREA educational materials, staff conducting initial intake screenings coordinate with other staff as needed to obtain appropriate accommodations addressing the inmate's disability (i.e., referral to medical as appropriate).</p> <p>The facility staff ensures that inmates with all disabilities listed in 115.16a have an equal opportunity to participate in and benefit from all aspects of the facilities efforts to prevent, detect and respond to sexual abuse and sexual harassment. The disabled inmates interviewed stated they were instructed about PREA compliance and felt safe from sexual abuse. All PREA related information (written information), including</p>

postings, brochures and handouts are available in English, and Spanish. The institution has access to additional languages written material if required. Staff also may read information to inmates when necessary. The facility does not rely on inmate interpreters, inmate readers or other types of inmate assistants in the performance of first responder duties or during the investigation of an inmate's sexual abuse/sexual harassment allegations. Interviews with first responders, medical, mental health and investigative staff confirmed their awareness of the prohibition of using inmate interpreters for PREA compliance functions MTC Policy 903E.02 Sexual Safety in Prisons requires faculties to contract with qualified persons to provide languages services including sign language or language proficient offenders. The facility also employs staff members who are bilingual.

The Auditor interview the following:

- PREA Compliance Manager
- Intake Staff
- Random Staff
- Targeted Inmates
- Case Managers

The facility has met compliance with standard, based on review of documentation, staff and inmates.

115.17 Hiring and promotion decisions

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following documentation:

- Management & Training Center (MTC) 201.3 - Background Checks
- MTC 203.1- Rules of Conduct
- MTC Policy 903E.02 Sexual Safety in Prisons
- MTC Human Resource Standard memo, referencing background checks.
- New Hire Background Checks
- Promotions & New Hire PREA Questions
- Staff Background Checks every Five (5) years.
- Volunteer & Contractor Background Checks

This agency has Policy and Procedures that require all employees, contractors and volunteers have had criminal background checks completed. The background checks are requested by the HR manager and by a private vendor. The facility does not hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor or volunteer that may have contact with inmates, who has

engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force or coercion, or if the victim did not consent or was unable to consent or refuse, or if the person has been civilly or administratively adjudicated to have engaged in the activity. Incidents of sexual harassment are considered in determining whether to hire or promote anyone or to enlist the services of any contractor or volunteer, who may have contact with inmates MTC Employee Handbook, and MTC Interview Questions mandates that employees, contractors and volunteers are required to receive background check. The facility staff asked applicants and employees who may have contact with inmates directly about previous misconduct; they use a form to document.

The facility also imposes upon employees a continuing affirmative duty to disclose any misconduct related to PREA. MTC policy prohibits staff from material omissions and the provision of materially false information. This may result in grounds for termination. The auditor interviewed HR staff and confirmed that the facility will provide information on employment hired and released dates and other basic information; however, defer all other information to the cooperate office. MTC Personnel cooperate office will provide information based on what is legal and appropriate.

This agency requires the facility not to hire or promote anyone who may have contact with inmates, and does not enlist the services of any contractor who may have contact with inmates as listed in this standard to include the following provisions as stated in the PREA standards:

- Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; to include persons who are mentally ill or disabled or retarded or chronically ill or handicapped, or institution providing skilled nursing or intermediate or long-term care or custodial or immaterial care.
- Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or
- Has been civilly or administratively adjudicated to have engaged in the activity described in subsection.

Employees have a duty to disclose such misconduct. Material omissions regarding this type of misconduct would be grounds for termination. The submission of false information by any applicant is grounds for not hiring the applicant. The human resource manager confirmed that the agency attempts to contact prior employers for information on substantiated allegations of sexual abuse or resignations which occurred during a pending investigation of sexual abuse. Interviews with staff and a review of documentation (PREA Screening Form) confirm compliance with this standard. The auditor viewed 15 new staff members, one promoted staff and six staff

	<p>that have over five years tenure personnel files were reviewed and found to have completed background checks prior to employment, promotion or after five years of service.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Human Resource Staff • Warden <p>Compliance was determined through reviewing personnel files, company policy, and staff interviews.</p>
--	--

115.18	Upgrades to facilities and technologies
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policy and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management and Training Corporation (MTC) Policy 903E.02 Sexual Safety in Prisons • Physical Plant Diagrams Indicating Camera Placement <p>This agency has policy and procedures that requires when designing or acquiring any new facility and in planning and substantial expansion or modification of existing facilities, the agency consider the effect of the design, acquisition, expansion, or modification upon the agency’s ability to protect inmates from sexual abuse.</p> <p>Interviews with the PREA Compliance Manager and Warden indicated that was no major expansion during the past four years. The facility has added additional cameras.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Warden <p>Compliance was determined by review of camera system diagram, observing cameras throughout the facility, and staff interviews.</p>

115.21	Evidence protocol and forensic medical examinations
	Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following documentation to determine compliance:

- Management & Training Center (MTC) Policy 903E.02 Sexual Safety in Prisons
- MTC Policy 904E.310FNI Sexual Abuse / Assault
- MTC Policy 609 Ensuring Safe Prisons- Prison Rape Elimination Act
- Memo – Administrative/Criminal Investigations
- Memo – Forensic Examinations
- Memo – SANE/SAFE
- MOU / La Pinion Rape Crisis Center
- Collection & Preservation of Evidence Protocol
- La Pinion Sexual Abuse Victim Packet
- La Pinion Sexual Assault Recovery Services Pamphlet
- Training Sign in sheet / How to report and detect abuse.

All criminal investigations at Otero County Prison Facility are conducted by the New Mexico State Police. The Facility investigator will investigate administrative incidents and sexual harassment. The facility staff are required to preserve the crime scene until the investigator arrives to process and collect the evidence. An Investigator from the state police will process evidence from the crime scene. A review of training records confirmed that both Investigators have received appropriate investigator training on the investigation of sexual abuse and harassment in a confinement setting. Interviews with staff, contracting SANE nurse, local rape crisis center advocate and an examination of documentation confirmed compliance with this standard. Correctional and medical staff members were interviewed concerning this standard and all were knowledgeable of the procedures required to secure and obtain usable physical evidence when sexual abuse is alleged. Staff members were also aware of the staff responsible for conducting PREA investigations. Staff carry a First Responder card to provide reminders and expected responses to sexual abuse.

The MOU was signed on August 1, 2023, with La Pinion Rape Crisis Center. The SANE is required to provide an on-site assessment, documentation, and collection of evidence for sexual assault of offenders at Otero County Prison Facility. The MOU stipulates the SANE will arrive at the institution when call for services. The MOU requires the SANE be available for services 24/7. The SANE is required to provide the Alleged Sexual Battery Protocol and any additional assessment forms to facility medical staff to be filed in the offender's medical record. The MOU requires the agency to pay for forensic services. The examiner is required to document and follow the agency's Adult Sexual Assault Protocols.

The facility MOU was signed on August 1, 2023, with La Pinion Rape Crisis Center to provide rape crisis advocacy services. The MOU stipulates that if requested by the inmate victim, to request a victim advocate to accompany the inmate victim during the sexual abuse forensic exam when an incident or allegation. The MOU requires that the inmate victims of sexual abuse receive the appropriate contact information, including the hotline number and mailing address for the Agency, when an incident or

	<p>allegation of sexual abuse. The facility has Posting on the crisis center hotline phone number and mailing address of the crisis center throughout the facility. Auditor interviewed an La Pinion Rape Crisis representative, they indicated they're aware of and will advise inmates of the nature of privileged communication between rape crisis center staff or volunteers and inmates and abide by all State and Federal laws governing confidentiality.</p> <p>An interview with a Criminal Investigator confirmed that he has received specialized training including training in a classroom setting as well as online. Criminal Investigators are also certified as Peace Officers and are able to make arrests.</p> <p>There was one reported incident of sexual abuse, and thirteen (13) harassment within 24 months. This was verified after interviewing the PREA Compliance Manager, Warden, and State Police Criminal Investigator.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • Facility PREA Compliance Manager • Criminal Investigator • La Pinion Rape Crisis Center Counselor • La Pinion Rape Crisis Center Sane Nurse <p>Compliance was determined through review of policies, training records, MOU, interviews with crisis center representative, and staff interviews.</p>
--	--

115.22	Policies to ensure referrals of allegations for investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center Policy 903E.02 - Sexual Safety in Prisons • MTC Policy 609 Ensuring Safe Prisons- Prison Rape Elimination Act • MTC Website / PREA Contact Information • MTC memo regarding Sexual Abuse Incident <p>The above policies establish responsibility for investigations. Administrative and/or criminal investigations are completed on all allegations of sexual abuse/sexual harassment. All allegations of sexual abuse or sexual harassment shall be investigated by trained investigators under in the event that an inmate is alleged to have perpetrated sexually abusive behavior against another inmate the facility refers allegations to the New Mexico State Police. All sexual abuse allegations are investigated by the New Mexico State Police. The facility staff are required to preserve the crime scene until the investigator arrives to process and collect the</p>

evidence. A criminal investigator from the State Police will process evidence from the crime scene.

The State Police criminal investigators are trained in conducting sexual assault investigations in confined settings/prisons. The criminal investigators are law enforcement staff with arrest powers. A review of documentation and staff interviews confirmed compliance with this standard. A review of training documents confirmed that all investigators received instruction in conducting sexual assault investigations in confinement.

Auditor interviewed the following staff members:

- State Police Investigator
- Facility Investigator
- PREA Compliance Manager
- Random Staff

The auditor interviewed a State Police Criminal Investigator and Facility Investigator. All Administrative investigations will include an effort to determine whether staff actions or failure to act contributed to the abuse. This is documented in the investigation report and includes a description of the physical and testimonial evidence and investigative facts and findings. Criminal investigations are documented in a written report that contains a description of physical, testimonial and documentary evidence. The State Police retains all written reports and shares their findings with the facility. A copy of the report will be forwarded to the Warden and PREA Compliance Manager.

The auditor interviewed random staff. All interviewed staff stated they have been trained to report everything for investigation, including reports, knowledge, allegations and suspicions of sexual abuse or sexual harassment. Both Facility Staff and the Criminal Investigator affirmed they are trained to accept reports from all sources, including third parties and anonymous reports.

Interviews with staff as well as an examination of supporting documentation confirm the facility's compliance with this standard.

115.31	Employee training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Auditor reviewed the following documentation and policies to determine compliance: <ul style="list-style-type: none">• New Mexico Department of Corrections CD 150100 Protection Against Abuse; Sexual Misconduct; Reporting Procedures; PREA

- Management & Training Center (MTC) Policy 901D.02 Training Requirements
- MTC 609 Ensuring Safe Prisons- Prison Rape Elimination Act
- Pre-Service / In-Service Orientation Training Schedule & Roster re: PREA Training
- Prison Rape Elimination Act Lesson Plan
- PREA Power Point Lesson Plan
- Inmate rights Lesson Plan
- Retaliation Lesson Plan
- Training Memo
- Training Sign in Sheet

All staff are provided with an Employee Manual which includes information on all areas of PREA training and protocol for sexual abuse prevention, intervention, reporting, protecting the inmates, and preserving the possible crime scene.

All new employees prior to having contact with offenders, newly hired employees receive 40 hours of classroom training. Included in this training is PREA Standards in accordance with MTC Policy 901D.02 Training Requirements relative to PREA standards during their initial training. Contractors and volunteers are provided training relative to their duties and responsibilities by the facility Volunteer Coordinator or facility training officer. All staff are required to receive PREA training annually. A review of documentation and staff interviews confirmed that the facility is compliant with this standard. Employees carry a PREA first responder reference card. All staff receive annual refresher training on all areas of the PREA standards.

A review of the Otero County Prison Facility training curriculum provided documentation of all areas required in this standard. Staff interviewed, including noncustodial staff (first responders), were aware of all areas required for this standard.

A sampling of fifteen (15) staff annual training files was reviewed and contained documentation supporting compliance with this standard. All staff interviewed indicated that they received the required PREA training initially and annually. Some staff meetings are also held that may address PREA issues. Officers receive additional PREA training/updates when needed and officers assigned to the Segregation Unit also receive additional training. The extensive training provided and the staff's knowledge of PREA requirements confirmed that the facility is compliant with this standard. Further, a review of the training curriculum, training sign-in sheets and other related documentation, as well as staff interviews, confirmed staff are required to acknowledge in writing not only that they received PREA training, but that they understood it.

Auditor interviewed the following staff members:

- Random Staff
- PREA Compliance Manager
- Training Manager

	<ul style="list-style-type: none"> Supervisors <p>Auditor confirmed facility compliance by reviewing documentation and staff interviews.</p>
--	---

115.32	Volunteer and contractor training
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> Volunteer & Contractor Lesson Plan Volunteer & Contractor Training Sign in Sheet Volunteer & Contractor Training Acknowledgement Form Volunteer & Contract Employee Training Record Management Training Corporation (MTC) Policy 901D.02 Training MTC Policy 903E.02 Sexual Safety in Prisons <p>Both above policies mandate that contractors and volunteers are provided training relative to their duties and responsibilities. A review of the training curriculum, training sign-in sheets and other related documentation, as well as staff interviews, confirmed staff are required to acknowledge in writing not only that they received PREA training, but that they understood it. The Facility Training Manager and Chaplin works with the PREA compliance manager to ensure all volunteers receive annual training. The Training Manager provided files for volunteers that documented the annual training.</p> <p>A review of the training records and interviews with contractors and volunteers confirm they received the PREA Zero Tolerance training. They were questioned about their responsibilities, and all confirmed they understand the zero tolerance and reporting procedures.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> Contractor Volunteers PREA Compliance Manager Training Manager <p>A review of documentation and staff interviews including facility volunteer coordinator, and contracting staff confirmed that the facility is compliant with this standard.</p>

115.33

Inmate education

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following documentation and policies to determine compliance:

- New Mexico Corrections Department CD 150100 Offender Protection Against Abuse; Sexual Misconduct; Reporting Procedure; PREA
- Management & Training Center (MTC) 903E.02 - Sexual Safety in Prisons (PREA)
- MTC Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- Inmate Intake Training Power Point Presentation
- List of English Interpreters
- Text to Speech Tool
- Listening System for Hearing Impaired
- PREA Resource Guide for Inmate
- PREA Posters
- PREA Brochures
- Inmate Handbook
- Orientation Sign in Sheet

In accordance with the review of the above documentation, it was determined that Otero County Prison Facility has policies in place to ensure inmates with limited English, deaf, visually impaired, and inmates with limited reading skills receive staff assistance and equipment to understand the PREA Educational materials.

MTC Policy 903E.02 Sexual Safety in Prisons, PREA Posters (English and Spanish), Offender handbook; and Offender Orientation Training meets the standard required training. Inmates receive information during the intake process that includes a PREA handout and Offender Handbook, printed in both English and Spanish. There are PREA posters throughout the facility and in each housing unit, and a PREA "Report Line" telephone which may be called to report sexual abuse or sexual harassment, is posted on the unit bulletin boards. There is a list of interpreters available for limited English proficient inmates and language line. A review of Admission & Orientation Checklists verified that inmates received Sexual Assault/Sexual Abuse Prevention & Intervention education and relevant written materials. All inmates are required to acknowledge in writing they have received PREA education.

A staff member conducts an additional education program regarding the PREA for all inmates within 30 days of their arrival at the facility. If an inmate is transferred to another facility, policy requires that this orientation be repeated at the new facility, as confirmed through interviews with newly arrived inmates. The program includes definitions of sexually abusive behavior and sexual harassment, prevention strategies and reporting.

The auditor was provided a 20 random sampling of Admissions & Orientation

	<p>Checklists/Signature Sheets to verify that inmates received the sexual abuse and sexual harassment (PREA) education and relevant written materials. All inmates are required to acknowledge completion of PREA education.</p> <p>During the interview process, randomly selected inmates indicated they received information about the facility's rules against sexual abuse/sexual harassment, when they arrived at the facility. They further indicated they were advised about their right not to be sexually abused/sexually harassed, how to report sexual abuse/sexual harassment and their right not to be punished for reporting sexual abuse/sexual harassment. Inmate and staff confirmed compliance that PREA training is provided during the initial intake at the facility and during the orientation phase which occurs within one week of arriving at the facility. Inmates were aware of available services outside of the facility for dealing with sexual abuse.</p> <p>Auditor interviewed the following:</p> <ul style="list-style-type: none"> • Random Inmates • Targeted Inmates • Intake Staff • PREA Compliance Manager <p>Compliance was determined after reviewing documentation, and staff interviews.</p>
--	---

115.34	Specialized training: Investigations
	<p>Auditor Overall Determination: Meets Standard</p>
	<p>Auditor Discussion</p> <p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • New Mexico Corrections Department CD 150100 Offender Protection Against Abuse; Sexual Misconduct; Reporting Procedure; PREA • MTC 903E.02 - Sexual Safety in Prisons (PREA) • MTC Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Sexual Abuse Investigator Training Curriculum • Sexual Abuse Training Certificates • List of Facility Investigators <p>The above policies require investigators to be trained to investigate sexual abuse in a confinement setting. This Specialized training was in addition to the mandatory training requirements for sexual assault investigations. The State Police Criminal Investigator and Facility Investigators receive in- service training that specifically relates to sexual assaults within the confinement setting. They receive training on interviewing sexual abuse victims, appropriate application of Miranda and Garrity warnings, sexual abuse evidence collection in confinement settings, and the criteria</p>

and evidence required to substantiate a case for termination, or prosecution referral.

Auditor interviewed both Criminal Investigator and Facility Investigator. Auditor reviewed their training records and reviewed policies; it was determined that the investigators do receive Specialized Investigative Training annually. Auditor interviewed the warden and PREA Compliance Manager. Both advised all Administrative Investigations are completed by the Facility Investigators and Criminal investigations are conducted by the New Mexico State Police Criminal Investigators.

All criminal investigations are completed by the New Mexico State Police Criminal Investigators. All PREA-related administrative investigations are conducted by the Facility Investigators. All investigators have completed the investigative training that includes all mandates of this standard. The criminal investigators are certified Law Enforcement Officer's.

Auditor interviewed the following staff members:

- Criminal Investigator
- Warden
- PREA Compliance Manager

Auditor reviewed specialized training documentation to include the Investigator Training for Investigating Sexual Abuse in a Confinement Setting. The auditor also reviewed Investigator staff certifications and an examination of policies confirmed compliance with this standard.

115.35	Specialized training: Medical and mental health care
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) 802- Staff Training / Licensing / Credentials • MTC 903E.02 - Sexual Safety in Prisons (PREA) • New Mexico Corrections Department CD 150100 Offender Protection Against Abuse; Sexual Misconduct; Reporting Procedure; PREA • MTC Policy 904E.310FNI Sexual Abuse / Assault • MTC Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • PREA Medical Specialize Training Certificates <p>MTC / Otero County Prison Facility has policies and procedures in place that mandate specialized training for medical and mental health staff. The facility has full-time medical care staff and full-time mental health staff on site. All mental health and</p>

	<p>medical staff have received the required specialized training on how to detect and assess signs of sexual abuse and sexual harassment, how to preserve physical evidence of sexual abuse, how to respond effectively and professionally to victims of sexual abuse and sexual harassment, and how and to whom to report allegations or suspicions of sexual abuse and sexual harassment, victim identification, interviewing, reporting and clinical interventions.</p> <p>Both medical and mental health staff acknowledged, in writing, that they both received and understood the training, as it relates to the PREA. Interviews with medical and mental health staff confirmed awareness of their responsibilities regarding the PREA specialized training medical and mental health staff have attended during the last 12 months. This auditor confirmed this information by reviewing his Training records. Medical staff interviewed verified their training and was extremely knowledgeable of sexual abuse and sexual harassment and responses to reporting and identifying sexual abuse or sexual harassment. The auditor contacted a representative from La Pinion Rape Crisis Center to verify no sexual assault examination being conducted by facility medical. The auditor reviewed the MOU.</p> <p>The auditor contacted the Rape Crisis Center and spoke with a representative. She informed me that her Nurses are trained to conduct Forensic examination and will respond to the facility to conduct examinations.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Medical Supervisor • Mental Health Supervisor • PREA Compliance Manager • Rape Crisis Center Counselor • Rape Crisis Center SANE Nurse <p>Compliance was determined by review of training curriculum, and interviews with the Health Services Administrator and Mental Health Director.</p>
--	---

115.41	Screening for risk of victimization and abusiveness
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • NMCD Policy CD-150102 Coordinated Response to Sexual Assaults • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • MTC Policy 903E.02 - Sexual Safety in Prisons • Screening Form for Risk Victimization

- Completed Screening Forms

The auditor reviewed the above documentation and determined a policy and procedures is in place to ensure all inmates are assessed during an intake screening and upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates. Inmates arriving at Otero County Prison Facility are screened within 24 - 72 hours of arrival.

All offenders are assessed during the intake screening process for their risk of being sexually abused by other inmates or being sexually abusive toward other inmates. The screening is conducted by the medical staff. The screening normally occurs within twenty-four hours, but no more than seventy-two hours after the inmate's arrival.

Policies and procedures require the use of a screening instrument (reviewed by auditor) to determine proper housing, bed assignment, work assignment, education and other program assignments with the goal of keeping inmates at high risk of being sexually abused/sexually harassed separate from those inmates who are at high risk of being sexually abusive. Classification staff conducts an initial medical screening including questions of prior sexual abuse.

Agency Directives require within the first 30 days of arriving at the facility, the Classification unit team meets with the offender to review any additional information that has been received, overall adjustment to the facility and for job placement. During the classification team meeting the offender's risk level is reassessed. Controls are in place to ensure that information received during the screening is only available to staff on a need-to-know basis.

Agency policy prohibits inmates from being disciplined for refusing to answer or for not disclosing complete information in response to questions regarding their mental/physical health, developmental disability, sexual preferences, sexual victimization history and perception of vulnerability. Housing and program assignments are made on a case-by-case basis and inmates are not placed in housing units based solely on their sexual identification or status.

A review of 36 initial and rescreening instruments revealed that all inmates were screened and rescreened as required by standards. Interviews and documentation revealed that intake screenings take place within 72 hours of arrival at Otero County Prison Facility. Also, during intake screening, procedures require staff review available documentation (judgment and sentence, commitment orders, criminal records, investigation reports, field, and medical files) for any indication that an inmate has a history of sexually aggressive behavior. Housing assignments are made accordingly. The facility uses the agency Screening form and the Screening for Risk of Victimization and Abusiveness as the objective screening instruments.

The Screening for Risk of Victimization and Abusiveness include the following:

- Whether the inmate has a mental, physical, or developmental disability.

- Age of the inmate
- Physical build of the inmate
- Whether the inmate has previously been incarcerated.
- Whether the inmates' criminal history is exclusively nonviolent.
- Whether the inmate has prior convictions for sex offenses against an adult or child.
- Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming.
- Whether the inmate has previously experienced sexual victimization.
- The inmate's own perception of vulnerability; and whether the inmate is detained solely for civil immigration purposes.

Auditor interviewed the following individuals to determine compliance:

- Classification Supervisor
- PREA Compliance Manager
- Mental Health Staff
- Medical Staff
- Random Inmates
- Targeted Inmates

Compliance was determined by review of the screening instrument, review of inmate records with screening and rescreening instrument, review of company inmate data to manage screening instruments. Compliance was further determined by the above interviews.

115.42	Use of screening information
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • NMCD Policy CD-150102 Coordinated Response to Sexual Assaults • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • MTC Policy 903E.02 - Sexual Safety in Prisons • Screening and Risk Forms • Gender Preference Form • Separate Showers Memo <p>The above policies provide that risk screening information is used to determine housing, bed, work, and education and program assignments, with the goal of keeping separate those inmates at high risk of being sexually victimized from those</p>

at high risk of being sexually abusive. Determinations for these assignments are made on a case-by-case basis. Staff members assigned to conduct intake screening have been provided additional training and resource materials to complete this task.

New Mexico Department of Corrections (NMDOC) or Management Training Corporation (MTC) has no dedicated facilities for transgender or intersex inmates. The facility determines other housing and programming assignments for transgender or intersex inmates on a case by-case basis, to include whether a placement would ensure the inmate's health and safety and whether the placement would present management or security problems. Placement and programming assignments for each transgender or intersex inmate are reassessed at least once every six months.

Policy states that a transgender or intersex inmate's own view with respect to his own safety should be given serious consideration when making these assignments. MTC policy mandates that transgender and intersex inmates are given the opportunity to shower, dress and use the toilet facilities separately from other inmates. The facility had nine (9) transgender inmates assigned during the last 12 months.

The interview with the Agency's PREA Coordinator confirmed that a transgender inmate's genital status is not the sole criteria for placement in a specific facility. During the interviews with staff responsible for screening, and the PREA Compliance Manager, it was confirmed information collected during the risk screening process is reviewed, and assessed with Classification, security, and medical / mental health staff. The information received is used to assist in the determination of housing, bed, work, education, and program assignments.

Auditor interviewed the following individuals:

- PREA Compliance Manager
- Classification Supervisor
- Case Manager
- Targeted Inmates
- Random Inmates

Interviews with staff and inmates, observations of housing assignments and unit activities, as well as an examination of documentation/policy, confirm that the facility is in compliance with this standard.

115.43	Protective Custody
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Auditor reviewed the following policies to determine compliance:

- MTC 903E.02 - Sexual Safety in Prisons
- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- NMCD Policy CD-150102 Coordinated Response to Sexual Assaults

The above policy and agency protection duties requires that when MTC learns that an inmate is subject to a substantial risk of imminent sexual abuse, MTC take immediate action to protect the inmates (i.e., it takes some action to assess appropriate protective measure without unreasonable delay).

The Administrative Segregation Unit houses both administrative (protective custody) and disciplinary cases. Policy states inmates at high risk for sexual victimization shall not be placed in involuntary status unless an assessment of all available alternatives has been made and there is no available means of separating the victim from the abuser. Offenders may be placed in protective custody for less than 24 hours during an investigation of sexual abuse. There was no inmate housed in the administrative segregation due to victimization.

Auditor interviewed the following staff members to determine compliance:

- Segregated Housing Supervisor
- Warden
- PREA Compliance Manager
- Chief of Security
- Classification Supervisor

Compliance was determined by staff interviews, review of policy and documentation.

115.51	Inmate reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • NMCD Policy CD-150102 Coordinated Response to Sexual Assaults • MTC Policy 903E.02 Sexual Safety in Prisons: • New Mexico Department of Corrections PREA Guide • Otero County Prison Facility Sexual Assault Abuse Awareness Brochure • New Mexico Department of Corrections Handbook / Otero County Prison Facility Federal Inmate Handbook • Rape Crisis Center • PREA Posters Reporting phone numbers posted on the walls. • New Mexico Corrections Department interagency agreement with Colorado

Corrections Department

- Management & Training Center Incident Report

The agency has policies and procedures in place for staff and inmates to report sexual abuse or harassment in multiple ways. The inmates can privately report sexual abuse to:

- La Pinion Rape Crisis Center
- A verbal report to any staff member, volunteer, or contractor
- Filing an informal and/or formal grievance.
- Write Office of Inspector General
- Third party calling
- The facility and New Mexico Corrections Department have a third-party reporting program.
- The offender phone system allows for offenders to dial #49 to report any allegations of sexual abuse or sexual harassment.

All inmates confirmed by interviews that they could report sexual abuse or harassment in private. During the tour the Tips line number was posted by the phones. During the interviews the inmates were aware they could report sexual abuse or harassment either in person or writing.

Inmates will be provided with information on how to report sexual abuse or harassment to facility staff as well as public and/or private agencies not affiliated with New Mexico Department of Corrections; and procedures for permitting third-party reports of sexual abuse/harassment on behalf of an inmate. Information for third-party reporting, such as from friends or family can be found on the NMODC and MTC websites: This information is given during intake, orientation, and is made available through posters, handbooks, and pamphlets.

Inmates may privately report sexual abuse, sexual harassment, retaliation by other inmates or staff, and staff neglect or violation of responsibilities that may have contributed to such incidents in several ways. Inmates may speak with any staff member, contact their family or friends, or utilize an Inmate Request to Staff form to report such incidents or utilize any telephone in the living unit, including Restrictive Housing unit.

All staff will accept reports made verbally, in writing, anonymously, and from third parties. Staff will promptly document any verbal reports and will immediately report any such information to the shift supervisor.

A review of supportive documentation and staff/inmate interviews indicated that there are multiple ways (verbally, in writing, anonymously, privately, and from a third party) for inmates to report sexual abuse/sexual harassment. The facility has procedures in place for staff to document all allegations. Throughout the facility, there are posters and other documents on display which also explain reporting methods.

Staff members promptly accept and document all verbal, written, anonymous,

	<p>private, and third-party reports of alleged abuse/sexual harassment. NMDOC and MTC provides to the inmates a third-party line to the National Sexual Assault hotline for reporting any abuse or harassment and they can write to the Office of the Inspector General Office. Inmates at the facility are not detained solely for civil immigration purposes.</p> <p>Staff can report sexual abuse to the following:</p> <ul style="list-style-type: none"> • New Mexico of Corrections Office of Inspector General's • MTC PREA Coordinator • MTC Facility PREA Compliance Manager • Supervisors • Warden • New Mexico State Police <p>Compliance was validated by review of the inmate handbook, posters throughout the facility, company policies on inmate reporting sexual abuse or sexual harassment and interviews with staff and inmates.</p>
--	---

115.52	Exhaustion of administrative remedies
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC)- 903E.02- Sexual Safety in Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Memo referencing no grievances filed due to sexual abuse. • MTC Inmate Grievances- 503 (Staff & Inmate Communications) • Inmate Handbook <p>This agency has policies and procedures in place to answer and investigate inmate grievances concerning sexual abuse, or harassment allegations. Otero County Prison Facility Administrative Remedy Policy mandates that inmates make seek a formal review of issues relating under the Prison Rape Elimination Act. Administrative remedies regarding allegations of sexual abuse may be filed at any time.</p> <p>During the initial orientation inmates are provided information on the facility grievance system and provides more information in the inmate handbook. All allegations of sexual abuse/sexual harassment, when received by staff, will immediately be referred for investigation. Inmates are not required to use an informal grievance process and procedures. This will allow an inmate to submit a</p>

	<p>grievance alleging sexual abuse/sexual harassment without submitting it to the staff member who is the subject of the complaint.</p> <p>If an inmate files the emergency grievance with the institution and believes he is under a substantial risk of imminent sexual abuse, an expedited response will be provided. Inmates are held accountable for manipulative behavior and false allegations. Disciplinary action would generally be taken if a grievance was filed in bad faith.</p> <p>There is no prohibition that limits third parties, including fellow inmates, staff members, family members, attorneys and outside victim advocates in assisting inmates in filing requests for grievances relating to allegations of sexual abuse or filing such requests on behalf of inmates.</p> <p>The auditor interviewed the PREA Compliance Manager about time limits on sexual abuse grievances, it was confirmed by talking with them, no time limits for grievances on sexual abuse.</p> <p>There was no grievance filed involving PREA related issues during the past 12 months.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Warden • Investigator <p>Compliance was determined by review of the agency’s policies and procedures, grievance, handbook, brochure and interviews with staff.</p>
--	--

115.53	Inmate access to outside confidential support services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Management & Training Center (MTC)- 903E.02- Sexual Safety in Prisons • Inmate Handbook • MOU with La Pinion Rape Crisis Center • PREA Signage • PREA Brochure <p>There is policy and procedures that mandate that Otero County Prison Facility</p>

provides inmates with access to outside victim advocates for emotional support services related to sexual abuse. The facility has successfully entered into an agreement with La Pinion Rape Crisis Center to provide emotional support of victims of sexual abuse. The group provides emotional support services related to sexual abuse (confirmed through a telephone interview with a victim advocate from the agency). The MOU includes 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. The offender can contact these resources by dialing #49 to contact this resource.

Otero County Prison Facility also provides information for inmates Rape Crisis Hotline. Inmate handbook is issued upon the inmate's arrival and cover reporting procedures and provides how to receive the address and phone numbers of the La Pinion Rape Crisis Center. The inmate handbook informs offenders of the extent to which communications to those organizations and agencies will be monitored and forwarded in accordance with mandatory reporting laws prior to giving the offenders access.

The facility enables reasonable communication between inmates and these organizations and agencies in as confidential a manner as possible. The facility informs inmates prior to giving them access, of the extent to which such communications will be monitored and the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws.

Auditor interviewed the following individuals:

- PREA Compliance Manager
- La Pinion Rape Crisis Center Advocate
- La Pinion SANE Nursing Supervisor
- Random Inmates
- Random Staff
- Intake Staff

Interviews with staff and inmates, interviews with the local victim advocates and an examination of policy/documentation and inmate handbook confirmed compliance with this standard.

115.54	Third-party reporting
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	Auditor reviewed the following policy and documentation to determine compliance:

- MTC Policy- 903E-02, Ensuring Safe Prisons
- MTC Website Indicating 3rd Party Reporting
- New Mexico Department of Corrections Handbook
- Inmate Handbook

This agency has developed several methods to receive third party reports of sexual abuse and sexual harassment. Third party reporting is available by New Mexico Department of Corrections Web, Tips line, grievances, Citizens Complaint forms. The website includes instructions for Filing a Third-Party report. MTC website includes information for third party reporting.

Otero County Prison Facility staff is required to accept all reports of sexual abuse and sexual harassment, including verbally, in writing, anonymously and by third-party. The inmates interviewed indicated they were aware of third-party reporting. The inmate handbook also contains information related to third party reporting. Auditor reviewed handbooks for information, that contained third party reporting information. Auditor reviewed the Otero County Prison Facility PREA Brochure that advises inmates if they are unwilling to report directly to a staff member, they may also call the numbers on the front of the pamphlet, fill out a grievance form, fill out an I-60 request form, or report to a third party. New Mexico Correction Department provides a website for reporting allegations of sexual abuse or sexual harassment.

Auditor interviewed the following individuals:

- Warden
- PREA Compliance Manager
- Facility Investigator
- Random Inmates
- Random Staff

Compliance was determined by review of policy, posters, inmate handbook, and both websites.

115.61	Staff and agency reporting duties
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • MTC Policy- 903E-02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Otero County Prison Facility Chapter 8 Workforce Integrity / Subject 802 - Staff Training / Licensing / Credentials

- New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults
- Staff PREA Cards

There are policies and procedures that provide ways of reporting for inmates.

Inmates may speak with any staff member, contact their family or friends, or utilize an Inmate Request to Staff form to report such incidents. All staff will accept reports made verbally, in writing, anonymously, and from third parties. Staff will promptly document any verbal reports and will immediately report any such information to the shift supervisor. All staff is required to immediately report any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred at Otero County Prison Facility; any 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.

The shift supervisor will immediately report all allegations of sexual abuse and sexual harassment, including third party and anonymous reports to the PREA Compliance Manager and Warden. Apart from reporting to the shift supervisor or other designated staff acting in their official capacity (normally Chief of Security, Warden or the State Police), staff will not reveal any information related to a sexual abuse report to anyone.

If an inmate discloses information to the mental health or medical provider that reveals a danger to the inmate and/or corrections personnel, the provider is required by law to inform the inmate that due to the nature and implications of the information, confidentiality cannot be maintained.

The facility does not house inmates under the age of 18.

The above policies cover reporting of retaliation against inmates and staff who reported an incident of sexual abuse or harassment, or report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse or sexual harassment or retaliation.

The auditor interviewed random staff, contractors, volunteers, and medical staff. All staff members confirmed their obligations to immediately report sexual abuse or harassment of an inmate so an investigation can be initiated, and the victim immediately protected against his abuser.

Auditor interviewed the following staff members:

- Random Staff
- Contractor
- Volunteers
- Medical Staff

A review of established policies and interviews with staff members support the finding that the facility is in compliance with this standard.

115.62	Agency protection duties
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <p data-bbox="256 266 544 300">Auditor Discussion</p> <p data-bbox="256 342 1382 376">Auditor reviewed the following policies and documentation to determine policy:</p> <ul data-bbox="331 443 1477 725" style="list-style-type: none"> • Otero County Prison Facility Chapter 8 Workforce Integrity / Subject 802 - Staff Training / Licensing / Credentials • MTC Policy- 903E-02, Ensuring Safe Prisons • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Detainee Protection Investigation Form • Memo regarding Protective Custody <p data-bbox="256 768 1477 925">The above policies address the mandate of this standard. If staff learn that an inmate may be at substantial risk of imminent sexual abuse, immediate action will be taken to protect the inmate. This may include a change in housing and notification to Classification Supervisor, chief of security, PREA Compliance Manager and Warden. Inmates may be voluntarily or involuntarily placed in Administrative Confinement for Protective purposes. Inmate can be placed in Administrative Confinement for 24 hours, while they find suitable housing for the inmate.</p> <p data-bbox="256 1093 1477 1417">Interviewed staff members were aware of their duties and responsibilities when they become aware or suspect an inmate is being or has been sexually abused or sexually harassed. All staff indicated they would act immediately to protect the victim, to include separating the victim/predator, securing the scene to protect possible evidence, preventing the destruction of potential evidence, and contacting the shift supervisor and medical staff. In the past 12 months there was one (1) instance in which non-correctional officers or correctional staff were made aware of an offender being sexually abused or harassed.</p> <p data-bbox="256 1458 951 1491">Auditor interviewed the following staff members:</p> <ul data-bbox="331 1559 751 1715" style="list-style-type: none"> • Random Staff • PREA Compliance Manager • Warden • Shift Supervisors <p data-bbox="256 1758 1461 1870">Interviews with staff members and review of policies confirmed that the facility protects the inmate victim and separates them from the alleged predator. The above information also confirms compliance with this standard.</p>

115.63	Reporting to other confinement facilities
	Auditor Overall Determination: Meets Standard

	<p>Auditor Discussion</p> <p>Auditor reviewed the following policies and documentation:</p> <ul style="list-style-type: none"> • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • MTC Policy- 903E-02, Ensuring Safe Prisons • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Warden's Memo to another warden regarding an inmate alleging sexual abuse while housed at another facility. <p>This agency has policies and procedures in place to ensure where upon receiving an allegation that an inmate was sexually abused at another facility, the head of the facility that received the allegation shall notify the head of the facility where the alleged abuse occurred. This notification shall occur within 72 hours. The State Police and Facility Investigator will conduct an investigation of allegations.</p> <p>Both above policies require that if an inmate alleges sexual abuse while confined at another facility, the Warden or designee will notify the other facility and State Police Criminal Investigation Unit. They will immediately begin the investigations.</p> <p>There was one (1) report received of sexual abuse, while confined at another facility. All notifications and contacts were made. The incident was investigated by the other facility, and it was determined to be unfounded.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • Warden • PREA Compliance Manager • Facility Investigator <p>Compliance was determined through review of agency policies and staff interviews.</p>
--	---

115.64	Staff first responder duties
	<p>Auditor Overall Determination: Meets Standard</p> <p>Auditor Discussion</p> <p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • MTC Policy- 903E-02, Ensuring Safe Prisons • Employee PREA Card

- Lesson Plan - PREA - Sexual Assault, Abuse Recognition & Prevention
- PREA Incident Report & Investigation / Still Open

This auditor reviewed the above policies, and all specified procedures to respond to an allegation of sexual abuse for both security and non-security staff. The above policies discussed preventing, detecting and responding to sexual abuse and sexual harassment requires that if the first staff responder is not a security staff member, that responder shall be required to request that the alleged victim not take any actions that could destroy physical evidence and notify security.

Random staff interviews confirm both security and non-security knew what to do upon learning an inmate was sexually abused to include separating the alleged victim and abuser, how to preserve the crime scene, and what actions inmates should not take in order not to destroy physical evidence. This auditor reviewed the training records of certified and non-certified staff. The files' confirmed staff are trained as First Responders.

During the last 12 months there have been thirteen (13) allegations of sexual harassment, and one (1) sexual abuse reported to security or non-security staff. An interview with the PREA Compliance Manager, Warden, Facility Investigator and State Police Criminal Investigator confirmed all allegations of sexual harassment and sexual abuse reported at this facility was investigated.

Auditor interviewed the following staff members to determine compliance:

- Random staff
- Training Manager
- PREA Compliance Manager
- Facility Investigator
- State Police Criminal Investigator

An examination of policies/documentation, interview with all staff interviewed including support staff confirms compliance with this standard.

115.65	Coordinated response
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policy and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Coordinator Response Plan • MTC Policy, 903E-02, Ensuring Safe Prisons

	<p>The above policy specifies the guidelines and procedures that prevent sexual abuse/sexual assault and provide for prompt and effective intervention, in the event a case of abuse or assault occurs. This facility has a plan institutional plan, which outlines what is to take place in response to an incident of sexual abuse among first responders, medical, and mental health practitioners, inspectors, and facility leadership. The auditor read and reviewed the plan signed by the Warden. It describes first responders' response and responsibilities.</p> <p>Medical staff will attempt to make a victim advocate available through the use of a local rape crisis center. If an advocate is not available, qualified staff which has received education/training concerning sexual assault will fill this role. La Pinion Rape Crisis Center will provide advocates as part of their SANE/ SAFE medical forensic examinations.</p> <p>This auditor interviewed specialized staff and confirmed they were knowledgeable about their individual and collaborative responsibilities.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Specialized Staff • Random Staff • PREA Compliance Manager • Facility Investigator • La Pinion Rape Crisis Center Advocate <p>Compliance was confirmed through the interviews with staff and by review of Coordinated Responses Plan, and interviews the Medical Administrator, PREA Compliance Manager and La Pinion Rape Crisis Center Advocate.</p>
--	--

115.66	Preservation of ability to protect inmates from contact with abusers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management and Training Corporation (MTC) Policy 903E.02 Sexual Safety in Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Warden's memo regarding no Collective Bargaining at Otero County Prison Facility <p>The above policy mandates that any collective bargaining agreement or other agreement must comply with PREA standards. The facility has no collective</p>

	<p>bargaining agreements. The Employee Personnel Standards of Conduct mandates employees are subject to administrative action, up to and including termination, for any inappropriate contact or relationship with inmates, regardless of whether such contact constitutes a prosecutable crime.</p> <p>All terminations for violations of sexual abuse/sexual harassment or resignations by staff, facility contractors, and/or inmate volunteers, shall be reported to law enforcement agencies, unless the activity was clearly not criminal, and to any relevant licensing bodies.</p> <p>The Warden, PREA Compliance Manager and Human Resource Manager were interviewed and verified information provided during the Pre- Audit Questionnaire. There were no incidents requiring protection for inmates from staff during the last 12 months.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Warden • PREA Compliance Manager • Human Resources <p>Compliance was confirmed through review of the policies and interviews with administrative staff.</p>
--	---

115.67	Agency protection against retaliation
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • MTC Policy 903E.02 Sexual Safety in Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults <p>The above policies mandate that retaliation by staff or inmates against any staff or inmate for reporting an alleged sexual abuse or sexual harassment case is strictly prohibited. The PREA Compliance Manager, Chief of Security, and Warden shall monitor all reported cases of sexual abuse or sexual harassment for at least 90 days following any such report to ensure retaliation does not occur. In the case of inmates, this monitoring will include thirty-day status checks by PREA Compliance Manager.</p> <p>The facility has several protection and reporting measures for inmates. Policy outlines the protection measures available and requires the prompt re-mediation of any type</p>

of retaliation, any use of involuntary segregated housing for the inmate who alleged suffering sexual abuse shall only be used after an assessment determines there is a form for documenting retaliation. The PREA compliance manager will conduct periodic status interviews with offenders. 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 PREA Compliance Manager 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.

A review of the retaliation monitoring confirmed that all inmates that make an allegation of sexual abuse will be monitored. 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.

Auditor interviewed the following individuals to determine compliance:

- Warden
- PREA Compliance Manager

There has been one (1) allegation of sexual abuse and thirteen (13) harassment cases during the past twelve months. There was no reported retaliation during the past twelve months.

Compliance was determined by review of policies, retaliation monitoring forms, and interviews with the PREA Compliance Manager, and Warden.

115.68 Post-allegation protective custody

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following documentation and policies to determine compliance:

- MTC Policy, 903E.02, Ensuring Safe Prisons
- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)

The agency has policies prohibiting the placement of inmates who alleged sexual abuse in involuntary segregated housing unless an assessment of all available alternatives has been made and a determination has been made that there is no available alternative means of separation from likely abusers. Post-Allegation Protective Custody govern the use of segregation for protection of inmates that have made allegation of sexual abuse.

The Management & Training Center policy allows victims of sexual abuse to immediately indicate their housing preference. When a victim is housed in Restrictive Housing upon their consent. When a sexual abuse victim indicates he wishes to remain in the general population the facility is required to consider available alternatives. If no alternatives exist, the offender can be placed in Restrictive Housing involuntarily for 24 hours until suitable housing is found.

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. The facility would document the reasons for placing the inmate into restrictive housing after considering all other alternatives.

The facility had one (1) allegation of sexual abuse and thirteen (13) sexual harassment allegation during the past twelve months. The facility was able to separate the victim from the alleged abuser by relocating them throughout the facility without using the segregated housing. The inmates would be relocated throughout the facility pending investigation.

Auditor interviewed the following staff members:

- Warden
- PREA Compliance Manager
- Chief of Security
- Restrictive Housing Supervisor

Compliance with this standard was determined by a review of policy and documentation, as well as staff interviews including Restrictive Housing Unit supervisor and Warden.

115.71	Criminal and administrative agency investigations
	<p data-bbox="256 188 959 221">Auditor Overall Determination: Meets Standard</p> <hr/> <p data-bbox="256 264 544 297">Auditor Discussion</p> <p data-bbox="256 340 1174 374">Auditor reviewed the following policies to determine compliance:</p> <ul data-bbox="331 443 1477 600" style="list-style-type: none"> • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • MTC Policy, 903E.02, Ensuring Safe Prisons • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults <p data-bbox="256 642 1477 1048">The above policies provide guidance for investigation of all allegations of sexual abuse or sexual harassment. All allegations of sexual abuse are investigated by the New Mexico State Police Criminal Investigative Unit. The sexual harassment allegations are investigated by the Facility Investigator. They're trained to conduct criminal and administrative investigations. Both investigators received training on PREA. They received specialized training for investigating sex crimes in a correctional facility. An administrative and/or criminal investigation will be completed for all allegations of sexual abuse or sexual harassment. The initial investigation will begin immediately by correctional staff, to ensure preservation of physical and/or circumstantial evidence.</p> <p data-bbox="256 1090 1477 1332">In accordance with contract requirements, the State Police or Facility Investigator will be notified immediately and will assume control of the investigation when appropriate. Administrative Investigations will include an effort to determine whether staff actions or failures to act contributed to the abuse and will be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessment, and investigative facts and findings.</p> <p data-bbox="256 1375 1417 1532">Criminal investigations will be documented in a written report that contains a thorough description of physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible. Substantiated allegations of conduct that appears to be criminal will be referred for prosecution.</p> <p data-bbox="256 1574 1477 1854">Investigators will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated. All written reports of administrative and criminal investigations will be maintained for as long as the alleged abuser is incarcerated or employed by MTC, plus an additional ten years. The departure of an alleged abuser or victim from the employment or control of MTC does not provide a basis for terminating an investigation.</p> <p data-bbox="256 1897 1477 2054">The PREA Compliance Manager tracks sexually abusive or sexual harassment investigations. The facility executive staff will remain informed about the progress of the investigation. If possible, the Warden will request that outside investigative authorities conduct the investigation in accordance with PREA investigation</p>

standards.

If the State Police Criminal Investigative Unit determines that the allegations are Administrative, it can be investigated by the Facility Investigator, who has received special training in sexual abuse investigations, will conduct such investigations.

These investigations will be conducted promptly, thoroughly, and objectively for all allegations, including third-party and anonymous reports. The facility staff will cooperate fully with all outside investigative authorities and when required will: Gather and preserve physical and DNA evidence consistent with evidence gathering/ processing procedures outlined in the coordinated response plan. Investigators will collect available electronic monitoring, interview alleged victims, suspected perpetrators, and witnesses, review prior complaints and reports of sexual abuse involving the suspected perpetrator.

When the quality of evidence appears to support a criminal prosecution, compelled interviews will be conducted only after consulting with prosecuting attorneys to determine whether compelled interviews may be an obstacle for subsequent criminal prosecution.

The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as inmate or staff.

Inmates who allege sexual abuse will not be submitted to a polygraph examination or other truth-telling device as a condition for proceeding with an investigation.

The investigator provided documentation of completions of Sexual Abuse and Harassment investigator's training. Discussion with the investigator validated training included all aspects of the standards for sexual abuse and harassment training. There was one (1) sexual abuse allegation referred for criminal prosecution, and thirteen (13) harassment allegations during the audit period.

Auditor interviewed the following staff members to determine compliance:

- Facility Investigator
- PREA Compliance Manager
- Warden
- Chief of Security

The review of policies and staff interview confirmed compliance with this standard.

115.72	Evidentiary standard for administrative investigations
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • MTC Policy, 903E.02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Investigative Reports <p>The above policies read during the course of investigations; the facility shall impose no standard higher than a preponderance of the evidence when determining whether allegations of sexual abuse or harassment are substantiated. Both above policies provide in-depth clarification of preponderance of the evidence.</p> <p>The auditor interviewed the Criminal and Administrative Investigators, both confirmed the agency imposes no standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment substantiated.</p> <p>Auditor interviewed the following staff to determine compliance:</p> <ul style="list-style-type: none"> • Investigators • PREA Compliance Manager • Warden <p>Compliance was determined by reviewing policies and staff interviews.</p>
--	---

115.73	Reporting to inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • MTC Policy, 903E.02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Sexual Abuse Incident Report & Timelines / Criminal Prosecution Referral • Investigation Release Form • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Inmate Notification Form <p>MTC Policy, 903E.02, Ensuring Safe Prisons mandate that facilities will report to inmates following an investigation into a sexual abuse allegation. The inmate shall be informed as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded. If the investigation was conducted by an outside investigative authority, Investigative staff will request relevant information from such authority in order to inform the inmate.</p>

	<p>An interview with the Facility Investigator and PREA Compliance Manager confirmed the notification process required by policy and the PREA Standards. If the State Police conduct the investigation, PREA Compliance Manager would make the notification to the inmate. When substantiated, this notification will be documented in the inmate's central file. When unsubstantiated or unfounded, this notification will be documented on the Sexual Abuse/Assault or Harassment Follow up Interview Form.</p> <p>Following an inmate's allegation of sexual abuse by another inmate, the inmate will be notified by facility staff as to the charges or conviction of the assailant related to the sexual abuse. This notification will be documented in the central file. Following an inmate's allegation that a staff member has committed sexual abuse against the inmate, PREA Compliance Manager will inform the inmate (unless the allegation is determined to be unfounded) whenever the staff member is no longer posted within the inmate's unit; the staff member is no longer employed at the facility, staff learn that the staff member has been indicted on a charge related to sexual abuse within the facility or the agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility. This notification will be documented in the inmate's central file.</p> <p>All facility obligations to report to the victim will terminate when the victim is released custody.</p> <p>During this auditing period, there was one (1) alleged sexual abuse, and thirteen (13) sexual harassment allegations that required notification in accordance with this standard.</p> <p>Auditor interviewed the following staff members:</p> <ul style="list-style-type: none"> • Investigators • PREA Compliance Manager • Warden • Chief of Security <p>Compliance with this standard was determined by a review of policy, interviews with staff and investigators.</p>
--	--

115.76	Disciplinary sanctions for staff
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Auditor reviewed the following documentation and policies to determine compliance:</p> <ul style="list-style-type: none"> • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults

- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- MTC Policy, 903E.02, Ensuring Safe Prisons
- HR Memo, regarding no staff discipline for sexual abuse & harassment

The above policies mandate all staff, contractors, and volunteers are subject to disciplinary sanctions for violating New Mexico Department of Corrections sexual abuse and sexual harassment policies. Disciplinary sanctions for violations relating to sexual abuse and sexual harassment (other than engaging in sexual abuse) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories. In the case of any other violations relating to sexual abuse and sexual harassment by a contractor or volunteer, appropriate remedial measures and consideration will be taken to determine whether or not to prohibit further contact with inmates.

Termination is the presumptive disciplinary sanction for staff, contractors, and volunteers who have engaged in sexual abuse. All terminations for violations of New Mexico Department of Corrections sexual abuse and sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies and any relevant licensing bodies, unless the activity was clearly not criminal.

The above policies establish system for Wardens to respond to sexual abuse or sexual harassment by staff. The Warden will request, and investigation as outlined in the above policies. Once a criminal investigation is initiated, an administrative investigation shall be initiated as outlined by the above policies and Employee Discipline. There have been no substantiated cases of staff engaging in sexual abuse or sexual harassment in the last twelve months.

Auditor interviewed the following staff members to determine compliance:

- PREA Compliance Manager
- Human Resource Manager
- Contractor
- Volunteer
- Random Staff

Compliance with this standard was determined by a review of policies and staff interviews.

115.77	Corrective action for contractors and volunteers
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

	<p>Auditor reviewed the following policies and documentation:</p> <ul style="list-style-type: none"> • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • MTC Policy, 903E.02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) <p>The above policies address contractor or volunteer who engages in sexual abuse from contact with inmates, or contractor or volunteer who engages in sexual abuse reported to Law enforcement agencies unless it's not criminal, contractor or volunteer who engages in sexual abuse reported to relevant licensing bodies. The above policies mandate all staff, contractors, and volunteers are subject to disciplinary sanctions for violating New Mexico Department of Corrections sexual abuse and sexual harassment policies.</p> <p>Termination is the presumptive disciplinary sanction for staff, contractors, and volunteers who have engaged in sexual abuse.</p> <p>All terminations for violations of Management & Training Center (MTC) sexual abuse and sexual harassment policies, or resignations by staff, contractors or volunteers who would have been terminated if not for their resignation, will be reported to law enforcement agencies and any relevant licensing bodies, unless the activity was clearly not criminal.</p> <p>There have been no substantiated cases of Contractors and Volunteers engaging in sexual abuse or sexual harassment in the last twelve months.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Human Resources • Volunteer • Contractor <p>Compliance with this standard was determined by a review of policy and staff interviews.</p>
--	---

115.78	Disciplinary sanctions for inmates
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated

	<p style="text-align: center;">Response to Sexual Assaults</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • Inmate Handbooks <p>The auditor reviewed the above policies and documentation, it was determined policies and procedures were in place to deal with inmates guilty of sexual abuse or harassment. The inmates that report sexual abuse or harassment will not be disciplined as long as they made it in good faith. Inmates can be punished if they falsely report an incident of sexual abuse. Otero County Prison Facility utilized the New Mexico Department of Corrections Inmate Discipline Program for Inmates.</p> <p>The auditor reviewed the Inmate's Handbook, it clearly prohibits inmates from engaging in sexual acts whether it's consensual or non-consensual. The Inmate Discipline Program defines sexual assault of any person, involving non-consensual touching by force or threat of force. Inmates are subject to disciplinary sanctions pursuant to the formal disciplinary process defined in the Inmate Discipline Program.</p> <p>The disciplinary process considers whether an inmate's mental disabilities or mental illness contributed to the inmate's behavior when determining what type of sanction, if any, should be imposed. Prior to disciplinary hearing mental health staff access the above information. The facility considers the offer of therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse.</p> <p>Auditor interviewed the following individuals to determine compliance:</p> <ul style="list-style-type: none"> • Random Inmates • Random Staff • PREA Compliance Manager <p>Compliance with this standard was determined by a review of policies and the inmate discipline process, as well as staff and inmate interviews.</p>
--	--

115.81	Medical and mental health screenings; history of sexual abuse
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following documents and policies to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults

- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- Mental Health Inmate Tracking Log
- Inmate Follow-up Form
- Informed Consent and Limits of Confidentiality
- Intake Screening Form

The auditor reviewed the above policies and reviewed the screening forms, it was determined procedures were in place for inmates to receive treatment for prior victimizations before confinement. Treatment services will be offered without financial cost to the inmate and a follow-up meeting with a medical or mental health practitioner will be offered. Additionally, inmates who have previously perpetrated sexual abuse, as indicated during the screening, will receive a follow-up meeting with a mental health practitioner.

Inmates answering yes to the PREA Intake Screening Form or medical assessment about being sexually abused or perpetrated sexual abuse are offered follow up counseling with Mental Health within 14 days of screening. This questionnaire is conducted by classification when the inmate arrives from another facility. That information is secure and only given to staff with a need-to-know basis. Treatment services are offered without financial cost to the inmate.

The auditor interviewed one inmate that reported sexual victimization before being incarcerated. He confirmed that he was seen by Medical and Mental Health. This inmate was offered additional treatment services free of charge and given the Victim Advocates number.

The facility does not house inmates under the age of 18. All screenings are recorded in the Medical and Mental Health inmate records.

Auditor interviewed the following individuals to determine compliance:

- Targeted Inmate
- Mental Health
- Medical Supervisor
- PREA Compliance Manager
- Classification Officer

Compliance was also determined by review of the screening instrument, inmate, medical and mental health staff interviews.

115.82	Access to emergency medical and mental health services
	Auditor Overall Determination: Meets Standard
	Auditor Discussion

	<p>Auditor reviewed the following policies and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons • Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA) • New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults • Screening Forms <p>There are policies and procedures in place for the facility medical and mental health personnel provide emergency medical services to inmates.</p> <p>The Medical personnel are on duty 24 hours a day, seven days, and Mental health providers are on-site 8 hours a day and are also available for call-back during off duty hours. Agency policy prohibits inmate co-pays for medical treatment to victims of sexual abuse and all treatment is offered at no financial cost to the inmate. Inmate victims of sexual abuse, while incarcerated, are offered information about and timely access to information on sexually transmitted infection prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate.</p> <p>The auditor interviewed one inmate that alleged sexual abuse, While living in the community, the inmate confirmed during the interview that he received free Medical and Mental Health services. The auditor reviewed the above policies, interviewed Nursing Supervisor, and a Mental Health Supervisor, it was confirmed that inmates sexually abused while in prison receive free Medical and Mental Health treatment. There is no charge per policy for medical services for PREA related incidents. Medical staff will follow the sexual battery protocol as outlined in the above policies. A refusal must be signed should the inmate refuse treatment.</p> <p>There was one allegations of sexual abuse that required referral for forensic examination last year.</p> <p>Auditor interviewed the following staff individuals to determine compliance:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Mental Health • Medical Supervisor • La Pinion Rape Crisis Center Sexual Assault Forensic Nurse <p>Compliance with this standard was determined by a review of policies/documentation, interviews with facility staff, and SANE medical staff with La Pinion Sexual Assault Forensic Nurse.</p>
--	--

115.83	Ongoing medical and mental health care for sexual abuse victims and abusers
	Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following policies to determine compliance:

- Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons
- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults
- Warden's Memo, regarding PREA related pregnancies.

There are policies and procedures in place for Medical and Mental Health treatment of inmate that have been assaulted. The facility will provide sexually abused victims with medical and mental health services consistent with the community level of care.

Inmate victims of sexual abuse, while incarcerated, will be offered tests for sexually transmitted infections, as medically appropriate. All treatment services are provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. This facility Otero County Prison Facility also houses female inmates for the United States Marshall Services. 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.

The auditor interviewed a Medical Supervisor and Mental Health staff. Both of them confirmed ongoing Medical and Mental Health care is provided to sexual abuse victims and abusers who have been victimized by sexual abuse in any prison, jail.

The evaluations and treatment of victims includes follow-up services, treatment plans, and referrals for continued care following their transfer to, other facilities, or their release from custody. The care is provided at no cost for PREA related incidents.

The Mental Health staff would attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners.

Auditor interviewed the following staff members:

- PREA Compliance Manager
- Medical Supervisor
- Mental Health staff

Compliance with the standard was verified through review of policies and procedures and interviews with the Medical Director.

Auditor Overall Determination: Meets Standard

Auditor Discussion

Auditor reviewed the following policies and documentation to determine compliance:

- Otero County Prison Facility Policy 609 Ensuring Safe Prisons (PREA)
- Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons
- New Mexico Department of Corrections (NMCD) Policy CD-150102 Coordinated Response to Sexual Assaults
- PREA After Action Review
- Email from La Pinion Rape Crisis Center

Within 30 days of the conclusion of the investigation, unless the allegation was determined to be unfounded, a review team, designated by the Chief Administrative Officer, shall review the case and:

- Determine what may have been the motivation for the incident or allegation such as, but not be limited to, race, ethnicity, gender, gender identity, sexual orientation, transgenderism, intersex identification, gang affiliation, etc.
- Determine if there is a need for changes to policy or procedure; or if factors such as physical barriers or staffing may have enabled the abuse.
- Assess whether monitoring technology should be deployed to supplement staff supervision.
- The review team shall prepare and submit to the Chief Administrative Officer and facility PREA Compliance Manager a written report of their findings and any recommendations for improvement.
- Documentation for any recommendation not implemented shall be maintained.

During the last 12 months there have been no allegation of sexual abuse or sexual harassment that happened at the facility that were not determined to be unfounded.

MTC has a specific after-action report that involves facility and cooperate staff in completing the after action report a review of the incident reviews, the Incident Review forms and interviews with the Warden, MTC PREA coordinator, and Otero County Prison Facility PREA compliance manager confirmed compliance with this standard. The warden has established an Incident Review Team. Interviews with the incident review team members were aware of the role they would provide.

The team will conduct a review of the incident within 30 days. The team will review the investigation file, speak with line staff, and medical / mental health staff for input.

Their findings and recommendations will be forwarded to the Warden. The Warden reviews this information and starts the implementation process of the findings. The report is then forwarded to the MTC Corporation and New Mexico Department of Corrections, or United States Marshalls. This facility holds inmates for New Mexico Department of Corrections and United States Marshalls. New Mexico requires a report

	<p>involving New Mexico Offenders utilizing a NMCD report.</p> <p>During the last 12 months there has been 1 allegation of sexual abuse. This investigation once completed will require an after-action review.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • Warden • Chief of Security • Health Service Administrator • PREA Compliance Manager <p>Compliance with this standard was determined by a review of policies/documentation, interviews with facility staff.</p>
--	---

115.87	Data collection
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policy and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons • MTC PREA Webpage / PREA Public Records • MTC 2022 Annual Report <p>The auditor reviewed the above policies, it was confirmed policies were in place to collect yearly data of PREA related incidents for the Department of Justice. A review of documentation supports the finding that New Mexico Department of Corrections collected accurate, uniform data for every allegation of sexual abuse at all facilities.</p> <p>The data is collected by the Facility PREA Compliance Manager and sent to the New Mexico Department of Corrections PREA Coordinator. This facility data is reviewed and forwarded to the Department of Justice for publications. The agency would provide all such data from the previous calendar year to the Department of Justice no later than June 30. This data includes case records associated with claims of sexual abuse including investigative reports, resident information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment, if necessary. The Investigative team must maintain secure investigative files and data, which include:</p> <ul style="list-style-type: none"> • The victim(s) and perpetrator(s) of sexually abusive behavior. • A factual description of the events. • Formal and informal action(s) taken.

	<ul style="list-style-type: none"> • All collateral reports, supporting memoranda, and videotapes. • Medical forms (e.g., injury assessments). • Any other evidentiary materials pertaining to the allegation. <p>The previous PREA Annual Reports were reviewed by the Auditor prior to the audit. The 2022 Annual PREA Report is posted for review on the agency’s website just prior to the on-site audit and were reviewed by the Auditor.</p> <p>Auditor interviewed the following staff members to determine compliance:</p> <ul style="list-style-type: none"> • PREA Compliance Manager • Management Training Corporation PREA Coordinator • New Mexico Department of Corrections PREA Coordinator <p>Compliance with this standard was determined by a review of policies/ documentations, MTC and NMDOC websites and an interview with the PREA Compliance Manager and MTC PREA coordinator.</p>
--	--

115.88	Data review for corrective action
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policy and documentation to determine compliance:</p> <ul style="list-style-type: none"> • Management & Training Center (MTC) Policy, 903E.02, Ensuring Safe Prisons • MTC Annual PREA Report <p>The auditor reviewed the above policies and documentation, it was determined policy and procedure were in place for the agency at the end of the calendar year, to prepare a corrective action plan to improve the effectiveness of sexual abuse prevention, detention, and response. The corrective action plan will take into consideration all PREA allegations that have been reported. A comparison of the current year's data is to be completed.</p> <p>The agency and facility review and assess all sexual abuse/sexual harassment data at least annually to improve the effectiveness of its sexual abuse prevention, detection and response policies, to identify any trends, issues or problematic areas and to take corrective action if needed. The PREA Compliance Manager forwards data to the agency PREA Coordinator. The New Mexico Department of Corrections PREA coordinator indicated that Otero County Prison Facility send monthly and yearly reports to his office along with corrective actions plans. This information will be compiled for New Mexico Department of Corrections annual report.</p>

	<p>A review of MTC report for 2022 included all allegations of sexual abuse or sexual harassment and the findings of each allegation. The New Mexico Department of Corrections annual report also includes all allegations of sexual abuse or sexual harassment for Otero County Prison Facility. Auditor interviewed the following staff to determine compliance:</p> <ul style="list-style-type: none"> • MTC PREA Coordinator • PREA Compliance Manager • NMDOC PREA Coordinator <p>Compliance with this standard was determined by a review of policy / documentation, interviews with facility staff.</p>
--	---

115.89	Data storage, publication, and destruction
	<p>Auditor Overall Determination: Meets Standard</p> <hr/> <p>Auditor Discussion</p> <p>Auditor reviewed the following policy and documentation:</p> <ul style="list-style-type: none"> • MTC Policy 903E.02 Sexual Safety in Prisons • MTC Website - Annual PREA Reports • New Mexico Department of Corrections Annual PREA Reports <p>The auditor reviewed the above documentation, it was determined policies were in place for the secure data storage, publication, and destruction. This was confirmed by interviewing the PREA Compliance Manager, and MTC PREA Coordinator.</p> <p>The department ensures that incident based, and aggregate data are securely retained. The departmental policy requires that aggregated sexual abuse data from facilities under its direct control and private facilities with which it contracts be made readily available to the public at least annually through its website. The agency will remove all personal identifiers before making the sexual abuse publicly. The Department maintains sexual abuse data collected following state statute. The up-to-date survey information is submitted and verified by the PREA Coordinator. In addition to keeping paper documents according to retention schedule a retention folder is located on the computer.</p> <p>The final report does not contain any personal identifiers and policy requires that the statistical data be retained for a period of no less than 10 years, unless federal, state, or local law requires otherwise. The agency makes the information available on the MTC website.</p> <p>Auditor interviewed the following staff members:</p>

	<ul style="list-style-type: none"> • PREA Compliance Manager • MTC PREA Coordinator • NMDOC PREA Coordinator • Warden <p>Compliance with this standard was determined by a review of policy/documentation and interviews with MTC PREA coordinator, NMDOC PREA Coordinator, PREA Compliance Manager and Warden.</p>
--	---

115.401	Frequency and scope of audits
	Auditor Overall Determination: Meets Standard
	Auditor Discussion
	<p>Auditor reviewed the following policy and documentation:</p> <ul style="list-style-type: none"> • MTC Policy 903E.02 Sexual Safety in Prisons • MTC Annual Report <p>The Otero County Prison Facility previous PREA Audit was successfully completed November 2020. The previous audit documentation was made available for auditor review as needed. Any documentation that was pertinent to the audit was made available to the auditor. All interviews with staff and inmates were conducted in a private setting. The Agency has followed the PREA Standards since inception.</p> <p>Notifications of the audit (posted throughout the facility) allowed inmates to send confidential letters to the auditor prior to the audit. Auditor received two correspondences from inmates, but no correspondence from staff was received by the auditor.</p> <p>Auditor interviewed the following to determine compliance:</p> <ul style="list-style-type: none"> • Three inmates sending correspondence. • PREA Manager • Chief of Security <p>Compliance was determined by reviewing policy and documentation. Auditor also interviewed inmates and staff members.</p>

115.403	Audit contents and findings
	Auditor Overall Determination: Meets Standard

	<p>Auditor Discussion</p> <p>A review of the agency's website MTC.com PREA Page confirms that the agency publishes PREA final reports and makes them available through the website to the public. The auditor observed on the agency's website final reports of the agency's other facilities.</p> <p>The public has access to reporting mechanisms and PREA trends data via the website.</p> <p>Compliance was determined by reviewing MTC website.</p>
--	---

Appendix: Provision Findings		
115.11 (a)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Does the agency have a written policy mandating zero tolerance toward all forms of sexual abuse and sexual harassment?	yes
	Does the written policy outline the agency's approach to preventing, detecting, and responding to sexual abuse and sexual harassment?	yes
115.11 (b)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	Has the agency employed or designated an agency-wide PREA Coordinator?	yes
	Is the PREA Coordinator position in the upper-level of the agency hierarchy?	yes
	Does the PREA Coordinator have sufficient time and authority to develop, implement, and oversee agency efforts to comply with the PREA standards in all of its facilities?	yes
115.11 (c)	Zero tolerance of sexual abuse and sexual harassment; PREA coordinator	
	If this agency operates more than one facility, has each facility designated a PREA compliance manager? (N/A if agency operates only one facility.)	yes
	Does the PREA compliance manager have sufficient time and authority to coordinate the facility's efforts to comply with the PREA standards? (N/A if agency operates only one facility.)	yes
115.12 (a)	Contracting with other entities for the confinement of inmates	
	If this agency is public and it contracts for the confinement of its inmates with private agencies or other entities including other government agencies, has the agency included the entity's obligation to comply with the PREA standards in any new contract or contract renewal signed on or after August 20, 2012? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	na
115.12 (b)	Contracting with other entities for the confinement of inmates	
	Does any new contract or contract renewal signed on or after August 20, 2012 provide for agency contract monitoring to ensure	na

	that the contractor is complying with the PREA standards? (N/A if the agency does not contract with private agencies or other entities for the confinement of inmates.)	
115.13 (a)	Supervision and monitoring	
	Does the facility have a documented staffing plan that provides for adequate levels of staffing and, where applicable, video monitoring, to protect inmates against sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Generally accepted detention and correctional practices?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any judicial findings of inadequacy?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from Federal investigative agencies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any findings of inadequacy from internal or external oversight bodies?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: All components of the facility's physical plant (including "blind-spots" or areas where staff or inmates may be isolated)?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The composition of the inmate population?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The number and placement of supervisory staff?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The institution programs occurring on a particular shift?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into	yes

	consideration: Any applicable State or local laws, regulations, or standards?	
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: The prevalence of substantiated and unsubstantiated incidents of sexual abuse?	yes
	In calculating adequate staffing levels and determining the need for video monitoring, does the staffing plan take into consideration: Any other relevant factors?	yes
115.13 (b)	Supervision and monitoring	
	In circumstances where the staffing plan is not complied with, does the facility document and justify all deviations from the plan? (N/A if no deviations from staffing plan.)	yes
115.13 (c)	Supervision and monitoring	
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The staffing plan established pursuant to paragraph (a) of this section?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The facility's deployment of video monitoring systems and other monitoring technologies?	yes
	In the past 12 months, has the facility, in consultation with the agency PREA Coordinator, assessed, determined, and documented whether adjustments are needed to: The resources the facility has available to commit to ensure adherence to the staffing plan?	yes
115.13 (d)	Supervision and monitoring	
	Has the facility/agency implemented a policy and practice of having intermediate-level or higher-level supervisors conduct and document unannounced rounds to identify and deter staff sexual abuse and sexual harassment?	yes
	Is this policy and practice implemented for night shifts as well as day shifts?	yes
	Does the facility/agency have a policy prohibiting staff from alerting other staff members that these supervisory rounds are occurring, unless such announcement is related to the legitimate operational functions of the facility?	yes

115.14 (a)	Youthful inmates	
	Does the facility place all youthful inmates in housing units that separate them from sight, sound, and physical contact with any adult inmates through use of a shared dayroom or other common space, shower area, or sleeping quarters? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (b)	Youthful inmates	
	In areas outside of housing units does the agency maintain sight and sound separation between youthful inmates and adult inmates? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	In areas outside of housing units does the agency provide direct staff supervision when youthful inmates and adult inmates have sight, sound, or physical contact? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.14 (c)	Youthful inmates	
	Does the agency make its best efforts to avoid placing youthful inmates in isolation to comply with this provision? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Does the agency, while complying with this provision, allow youthful inmates daily large-muscle exercise and legally required special education services, except in exigent circumstances? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
	Do youthful inmates have access to other programs and work opportunities to the extent possible? (N/A if facility does not have youthful inmates (inmates <18 years old).)	na
115.15 (a)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting any cross-gender strip or cross-gender visual body cavity searches, except in exigent circumstances or by medical practitioners?	yes
115.15 (b)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from conducting cross-gender pat-down searches of female inmates, except in exigent circumstances? (N/A if the facility does not have female inmates.)	yes
	Does the facility always refrain from restricting female inmates' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision? (N/A if the	yes

	facility does not have female inmates.)	
115.15 (c)	Limits to cross-gender viewing and searches	
	Does the facility document all cross-gender strip searches and cross-gender visual body cavity searches?	yes
	Does the facility document all cross-gender pat-down searches of female inmates (N/A if the facility does not have female inmates)?	yes
115.15 (d)	Limits to cross-gender viewing and searches	
	Does the facility have policies that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility have procedures that enables inmates to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks?	yes
	Does the facility require staff of the opposite gender to announce their presence when entering an inmate housing unit?	yes
115.15 (e)	Limits to cross-gender viewing and searches	
	Does the facility always refrain from searching or physically examining transgender or intersex inmates for the sole purpose of determining the inmate's genital status?	yes
	If an inmate's genital status is unknown, does the facility determine genital status during conversations with the inmate, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner?	yes
115.15 (f)	Limits to cross-gender viewing and searches	
	Does the facility/agency train security staff in how to conduct cross-gender pat down searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes
	Does the facility/agency train security staff in how to conduct searches of transgender and intersex inmates in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs?	yes

115.16 (a)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency 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, including: inmates who are deaf or hard of hearing?	yes
	Does the agency 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, including: inmates who are blind or have low vision?	yes
	Does the agency 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, including: inmates who have intellectual disabilities?	yes
	Does the agency 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, including: inmates who have psychiatric disabilities?	yes
	Does the agency 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, including: inmates who have speech disabilities?	yes
	Does the agency 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, including: Other (if "other," please explain in overall determination notes.)	yes
	Do such steps include, when necessary, ensuring effective communication with inmates who are deaf or hard of hearing?	yes
	Do such steps include, when necessary, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication	yes

	with inmates with disabilities including inmates who: Have intellectual disabilities?	
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: Have limited reading skills?	yes
	Does the agency ensure that written materials are provided in formats or through methods that ensure effective communication with inmates with disabilities including inmates who: are blind or have low vision?	yes
115.16 (b)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to inmates who are limited English proficient?	yes
	Do these steps include providing interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary?	yes
115.16 (c)	Inmates with disabilities and inmates who are limited English proficient	
	Does the agency always refrain from relying on inmate interpreters, inmate readers, or other types of inmate assistance except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the inmate's safety, the performance of first-response duties under §115.64, or the investigation of the inmate's allegations?	yes
115.17 (a)	Hiring and promotion decisions	
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the hiring or promotion of anyone who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the hiring or promotion of anyone who	yes

	may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997)?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse?	yes
	Does the agency prohibit the enlistment of services of any contractor who may have contact with inmates who has been civilly or administratively adjudicated to have engaged in the activity described in the two bullets immediately above?	yes
115.17 (b)	Hiring and promotion decisions	
	Does the agency consider any incidents of sexual harassment in determining whether to hire or promote anyone who may have contact with inmates?	yes
	Does the agency consider any incidents of sexual harassment in determining whether to enlist the services of any contractor who may have contact with inmates?	yes
115.17 (c)	Hiring and promotion decisions	
	Before hiring new employees who may have contact with inmates, does the agency perform a criminal background records check?	yes
	Before hiring new employees who may have contact with inmates, does the agency, consistent with Federal, State, and local law, make its best efforts to contact all prior institutional employers for information on substantiated allegations of sexual abuse or any resignation during a pending investigation of an allegation of sexual abuse?	yes
115.17 (d)	Hiring and promotion decisions	
	Does the agency perform a criminal background records check before enlisting the services of any contractor who may have contact with inmates?	yes

115.17 (e)	Hiring and promotion decisions	
	Does the agency either conduct criminal background records checks at least every five years of current employees and contractors who may have contact with inmates or have in place a system for otherwise capturing such information for current employees?	yes
115.17 (f)	Hiring and promotion decisions	
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in written applications or interviews for hiring or promotions?	yes
	Does the agency ask all applicants and employees who may have contact with inmates directly about previous misconduct described in paragraph (a) of this section in any interviews or written self-evaluations conducted as part of reviews of current employees?	yes
	Does the agency impose upon employees a continuing affirmative duty to disclose any such misconduct?	yes
115.17 (g)	Hiring and promotion decisions	
	Does the agency consider material omissions regarding such misconduct, or the provision of materially false information, grounds for termination?	yes
115.17 (h)	Hiring and promotion decisions	
	Does the agency provide information on substantiated allegations of sexual abuse or sexual harassment involving a former employee upon receiving a request from an institutional employer for whom such employee has applied to work? (N/A if providing information on substantiated allegations of sexual abuse or sexual harassment involving a former employee is prohibited by law.)	yes
115.18 (a)	Upgrades to facilities and technologies	
	If the agency designed or acquired any new facility or planned any substantial expansion or modification of existing facilities, did the agency consider the effect of the design, acquisition, expansion, or modification upon the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not acquired a new facility or made a substantial expansion to existing facilities since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.18 (b)	Upgrades to facilities and technologies	

	If the agency installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology, did the agency consider how such technology may enhance the agency's ability to protect inmates from sexual abuse? (N/A if agency/facility has not installed or updated a video monitoring system, electronic surveillance system, or other monitoring technology since August 20, 2012, or since the last PREA audit, whichever is later.)	na
115.21 (a)	Evidence protocol and forensic medical examinations	
	If the agency is responsible for investigating allegations of sexual abuse, does the agency follow a uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (b)	Evidence protocol and forensic medical examinations	
	Is this protocol developmentally appropriate for youth where applicable? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
	Is this protocol, as appropriate, adapted from or otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations.)	yes
115.21 (c)	Evidence protocol and forensic medical examinations	
	Does the agency offer all victims of sexual abuse access to forensic medical examinations, whether on-site or at an outside facility, without financial cost, where evidentiarily or medically appropriate?	yes
	Are such examinations performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible?	yes
	If SAFEs or SANEs cannot be made available, is the examination performed by other qualified medical practitioners (they must have been specifically trained to conduct sexual assault forensic exams)?	yes

	Has the agency documented its efforts to provide SAFEs or SANEs?	yes
115.21 (d)	Evidence protocol and forensic medical examinations	
	Does the agency attempt to make available to the victim a victim advocate from a rape crisis center?	yes
	If a rape crisis center is not available to provide victim advocate services, does the agency make available to provide these services a qualified staff member from a community-based organization, or a qualified agency staff member? (N/A if the agency always makes a victim advocate from a rape crisis center available to victims.)	na
	Has the agency documented its efforts to secure services from rape crisis centers?	yes
115.21 (e)	Evidence protocol and forensic medical examinations	
	As requested by the victim, does the victim advocate, qualified agency staff member, or qualified community-based organization staff member accompany and support the victim through the forensic medical examination process and investigatory interviews?	yes
	As requested by the victim, does this person provide emotional support, crisis intervention, information, and referrals?	yes
115.21 (f)	Evidence protocol and forensic medical examinations	
	If the agency itself is not responsible for investigating allegations of sexual abuse, has the agency requested that the investigating agency follow the requirements of paragraphs (a) through (e) of this section? (N/A if the agency/facility is responsible for conducting criminal AND administrative sexual abuse investigations.)	na
115.21 (h)	Evidence protocol and forensic medical examinations	
	If the agency uses a qualified agency staff member or a qualified community-based staff member for the purposes of this section, has the individual been screened for appropriateness to serve in this role and received education concerning sexual assault and forensic examination issues in general? (N/A if agency always makes a victim advocate from a rape crisis center available to victims.)	na
115.22 (a)	Policies to ensure referrals of allegations for investigations	

	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual abuse?	yes
	Does the agency ensure an administrative or criminal investigation is completed for all allegations of sexual harassment?	yes
115.22 (b)	Policies to ensure referrals of allegations for investigations	
	Does the agency have a policy and practice in place to ensure that allegations of sexual abuse or sexual harassment are referred for investigation to an agency with the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior?	yes
	Has the agency published such policy on its website or, if it does not have one, made the policy available through other means?	yes
	Does the agency document all such referrals?	yes
115.22 (c)	Policies to ensure referrals of allegations for investigations	
	If a separate entity is responsible for conducting criminal investigations, does the policy describe the responsibilities of both the agency and the investigating entity? (N/A if the agency/facility is responsible for criminal investigations. See 115.21(a).)	yes
115.31 (a)	Employee training	
	Does the agency train all employees who may have contact with inmates on its zero-tolerance policy for sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on how to fulfill their responsibilities under agency sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures?	yes
	Does the agency train all employees who may have contact with inmates on inmates' right to be free from sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the right of inmates and employees to be free from retaliation for reporting sexual abuse and sexual harassment?	yes
	Does the agency train all employees who may have contact with inmates on the dynamics of sexual abuse and sexual harassment in confinement?	yes

	Does the agency train all employees who may have contact with inmates on the common reactions of sexual abuse and sexual harassment victims?	yes
	Does the agency train all employees who may have contact with inmates on how to detect and respond to signs of threatened and actual sexual abuse?	yes
	Does the agency train all employees who may have contact with inmates on how to avoid inappropriate relationships with inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to communicate effectively and professionally with inmates, including lesbian, gay, bisexual, transgender, intersex, or gender nonconforming inmates?	yes
	Does the agency train all employees who may have contact with inmates on how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities?	yes
115.31 (b)	Employee training	
	Is such training tailored to the gender of the inmates at the employee's facility?	yes
	Have employees received additional training if reassigned from a facility that houses only male inmates to a facility that houses only female inmates, or vice versa?	yes
115.31 (c)	Employee training	
	Have all current employees who may have contact with inmates received such training?	yes
	Does the agency provide each employee with refresher training every two years to ensure that all employees know the agency's current sexual abuse and sexual harassment policies and procedures?	yes
	In years in which an employee does not receive refresher training, does the agency provide refresher information on current sexual abuse and sexual harassment policies?	yes
115.31 (d)	Employee training	
	Does the agency document, through employee signature or electronic verification, that employees understand the training they have received?	yes
115.32 (a)	Volunteer and contractor training	

	Has the agency ensured that all volunteers and contractors who have contact with inmates have been trained on their responsibilities under the agency's sexual abuse and sexual harassment prevention, detection, and response policies and procedures?	yes
115.32 (b)	Volunteer and contractor training	
	Have all volunteers and contractors who have contact with inmates been notified of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and informed how to report such incidents (the level and type of training provided to volunteers and contractors shall be based on the services they provide and level of contact they have with inmates)?	yes
115.32 (c)	Volunteer and contractor training	
	Does the agency maintain documentation confirming that volunteers and contractors understand the training they have received?	yes
115.33 (a)	Inmate education	
	During intake, do inmates receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment?	yes
	During intake, do inmates receive information explaining how to report incidents or suspicions of sexual abuse or sexual harassment?	yes
115.33 (b)	Inmate education	
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from sexual abuse and sexual harassment?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Their rights to be free from retaliation for reporting such incidents?	yes
	Within 30 days of intake, does the agency provide comprehensive education to inmates either in person or through video regarding: Agency policies and procedures for responding to such incidents?	yes
115.33 (c)	Inmate education	
	Have all inmates received the comprehensive education referenced in 115.33(b)?	yes

	Do inmates receive education upon transfer to a different facility to the extent that the policies and procedures of the inmate's new facility differ from those of the previous facility?	yes
115.33 (d)	Inmate education	
	Does the agency provide inmate education in formats accessible to all inmates including those who are limited English proficient?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are deaf?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are visually impaired?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who are otherwise disabled?	yes
	Does the agency provide inmate education in formats accessible to all inmates including those who have limited reading skills?	yes
115.33 (e)	Inmate education	
	Does the agency maintain documentation of inmate participation in these education sessions?	yes
115.33 (f)	Inmate education	
	In addition to providing such education, does the agency ensure that key information is continuously and readily available or visible to inmates through posters, inmate handbooks, or other written formats?	yes
115.34 (a)	Specialized training: Investigations	
	In addition to the general training provided to all employees pursuant to §115.31, does the agency ensure that, to the extent the agency itself conducts sexual abuse investigations, its investigators receive training in conducting such investigations in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (b)	Specialized training: Investigations	
	Does this specialized training include techniques for interviewing sexual abuse victims? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include proper use of Miranda and	yes

	Garrity warnings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	
	Does this specialized training include sexual abuse evidence collection in confinement settings? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
	Does this specialized training include the criteria and evidence required to substantiate a case for administrative action or prosecution referral? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.34 (c)	Specialized training: Investigations	
	Does the agency maintain documentation that agency investigators have completed the required specialized training in conducting sexual abuse investigations? (N/A if the agency does not conduct any form of administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.35 (a)	Specialized training: Medical and mental health care	
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to detect and assess signs of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to preserve physical evidence of sexual abuse? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how to respond effectively and professionally to victims of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
	Does the agency ensure that all full- and part-time medical and mental health care practitioners who work regularly in its facilities have been trained in how and to whom to report allegations or	yes

	suspicious of sexual abuse and sexual harassment? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	
115.35 (b)	Specialized training: Medical and mental health care	
	If medical staff employed by the agency conduct forensic examinations, do such medical staff receive appropriate training to conduct such examinations? (N/A if agency medical staff at the facility do not conduct forensic exams or the agency does not employ medical staff.)	na
115.35 (c)	Specialized training: Medical and mental health care	
	Does the agency maintain documentation that medical and mental health practitioners have received the training referenced in this standard either from the agency or elsewhere? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners who work regularly in its facilities.)	yes
115.35 (d)	Specialized training: Medical and mental health care	
	Do medical and mental health care practitioners employed by the agency also receive training mandated for employees by §115.31? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners employed by the agency.)	yes
	Do medical and mental health care practitioners contracted by or volunteering for the agency also receive training mandated for contractors and volunteers by §115.32? (N/A if the agency does not have any full- or part-time medical or mental health care practitioners contracted by or volunteering for the agency.)	yes
115.41 (a)	Screening for risk of victimization and abusiveness	
	Are all inmates assessed during an intake screening for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
	Are all inmates assessed upon transfer to another facility for their risk of being sexually abused by other inmates or sexually abusive toward other inmates?	yes
115.41 (b)	Screening for risk of victimization and abusiveness	
	Do intake screenings ordinarily take place within 72 hours of arrival at the facility?	yes
115.41 (c)	Screening for risk of victimization and abusiveness	
	Are all PREA screening assessments conducted using an objective	yes

	screening instrument?	
115.41 (d)	Screening for risk of victimization and abusiveness	
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (1) Whether the inmate has a mental, physical, or developmental disability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (2) The age of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (3) The physical build of the inmate?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (4) Whether the inmate has previously been incarcerated?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (5) Whether the inmate's criminal history is exclusively nonviolent?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (6) Whether the inmate has prior convictions for sex offenses against an adult or child?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming (the facility affirmatively asks the inmate about his/her sexual orientation and gender identity AND makes a subjective determination based on the screener's perception whether the inmate is gender non-conforming or otherwise may be perceived to be LGBTI)?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (8) Whether the inmate has previously experienced sexual victimization?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (9) The inmate's own perception of vulnerability?	yes
	Does the intake screening consider, at a minimum, the following criteria to assess inmates for risk of sexual victimization: (10)	yes

	Whether the inmate is detained solely for civil immigration purposes?	
115.41 (e)	Screening for risk of victimization and abusiveness	
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior acts of sexual abuse?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: prior convictions for violent offenses?	yes
	In assessing inmates for risk of being sexually abusive, does the initial PREA risk screening consider, as known to the agency: history of prior institutional violence or sexual abuse?	yes
115.41 (f)	Screening for risk of victimization and abusiveness	
	Within a set time period not more than 30 days from the inmate's arrival at the facility, does the facility reassess the inmate's risk of victimization or abusiveness based upon any additional, relevant information received by the facility since the intake screening?	yes
115.41 (g)	Screening for risk of victimization and abusiveness	
	Does the facility reassess an inmate's risk level when warranted due to a referral?	yes
	Does the facility reassess an inmate's risk level when warranted due to a request?	yes
	Does the facility reassess an inmate's risk level when warranted due to an incident of sexual abuse?	yes
	Does the facility reassess an inmate's risk level when warranted due to receipt of additional information that bears on the inmate's risk of sexual victimization or abusiveness?	yes
115.41 (h)	Screening for risk of victimization and abusiveness	
	Is it the case that inmates are not ever disciplined for refusing to answer, or for not disclosing complete information in response to, questions asked pursuant to paragraphs (d)(1), (d)(7), (d)(8), or (d)(9) of this section?	yes
115.41 (i)	Screening for risk of victimization and abusiveness	
	Has the agency implemented appropriate controls on the dissemination within the facility of responses to questions asked pursuant to this standard in order to ensure that sensitive	yes

	information is not exploited to the inmate's detriment by staff or other inmates?	
115.42 (a) Use of screening information		
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Housing Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Bed assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Work Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Education Assignments?	yes
	Does the agency use information from the risk screening required by § 115.41, with the goal of keeping separate those inmates at high risk of being sexually victimized from those at high risk of being sexually abusive, to inform: Program Assignments?	yes
115.42 (b) Use of screening information		
	Does the agency make individualized determinations about how to ensure the safety of each inmate?	yes
115.42 (c) Use of screening information		
	When deciding whether to assign a transgender or intersex inmate to a facility for male or female inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would present management or security problems (NOTE: if an agency by policy or practice assigns inmates to a male or female facility on the basis of anatomy alone, that agency is not in compliance with this standard)?	yes
	When making housing or other program assignments for transgender or intersex inmates, does the agency consider, on a case-by-case basis, whether a placement would ensure the inmate's health and safety, and whether a placement would	yes

	present management or security problems?	
115.42 (d)	Use of screening information	
	Are placement and programming assignments for each transgender or intersex inmate reassessed at least twice each year to review any threats to safety experienced by the inmate?	yes
115.42 (e)	Use of screening information	
	Are each transgender or intersex inmate's own views with respect to his or her own safety given serious consideration when making facility and housing placement decisions and programming assignments?	yes
115.42 (f)	Use of screening information	
	Are transgender and intersex inmates given the opportunity to shower separately from other inmates?	yes
115.42 (g)	Use of screening information	
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: lesbian, gay, and bisexual inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: transgender inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing solely for the placement of LGBT or I inmates pursuant to a consent decree, legal settlement, or legal judgement.)	yes
	Unless placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting lesbian, gay, bisexual, transgender, or intersex inmates, does the agency always refrain from placing: intersex inmates in dedicated facilities, units, or wings solely on the basis of such identification or status? (N/A if the agency has a dedicated facility, unit, or wing	yes

	solely for the placement of LGBT or I inmates pursuant to a consent degree, legal settlement, or legal judgement.)	
115.43 (a)	Protective Custody	
	Does the facility always refrain from placing inmates at high risk for sexual victimization in involuntary segregated housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers?	yes
	If a facility cannot conduct such an assessment immediately, does the facility hold the inmate in involuntary segregated housing for less than 24 hours while completing the assessment?	yes
115.43 (b)	Protective Custody	
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Programs to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Privileges to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Education to the extent possible?	yes
	Do inmates who are placed in segregated housing because they are at high risk of sexual victimization have access to: Work opportunities to the extent possible?	yes
	If the facility restricts any access to programs, privileges, education, or work opportunities, does the facility document the opportunities that have been limited? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the duration of the limitation? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
	If the facility restricts access to programs, privileges, education, or work opportunities, does the facility document the reasons for such limitations? (N/A if the facility never restricts access to programs, privileges, education, or work opportunities.)	yes
115.43 (c)	Protective Custody	

	Does the facility assign inmates at high risk of sexual victimization to involuntary segregated housing only until an alternative means of separation from likely abusers can be arranged?	yes
	Does such an assignment not ordinarily exceed a period of 30 days?	yes
115.43 (d) Protective Custody		
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The basis for the facility's concern for the inmate's safety?	yes
	If an involuntary segregated housing assignment is made pursuant to paragraph (a) of this section, does the facility clearly document: The reason why no alternative means of separation can be arranged?	yes
115.43 (e) Protective Custody		
	In the case of each inmate who is placed in involuntary segregation because he/she is at high risk of sexual victimization, does the facility afford a review to determine whether there is a continuing need for separation from the general population EVERY 30 DAYS?	yes
115.51 (a) Inmate reporting		
	Does the agency provide multiple internal ways for inmates to privately report: Sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Retaliation by other inmates or staff for reporting sexual abuse and sexual harassment?	yes
	Does the agency provide multiple internal ways for inmates to privately report: Staff neglect or violation of responsibilities that may have contributed to such incidents?	yes
115.51 (b) Inmate reporting		
	Does the agency also provide at least one way for inmates to report sexual abuse or sexual harassment to a public or private entity or office that is not part of the agency?	yes
	Is that private entity or office able to receive and immediately forward inmate reports of sexual abuse and sexual harassment to agency officials?	yes
	Does that private entity or office allow the inmate to remain	yes

	anonymous upon request?	
	Are inmates detained solely for civil immigration purposes provided information on how to contact relevant consular officials and relevant officials at the Department of Homeland Security? (N/A if the facility never houses inmates detained solely for civil immigration purposes.)	na
115.51 (c)	Inmate reporting	
	Does staff accept reports of sexual abuse and sexual harassment made verbally, in writing, anonymously, and from third parties?	yes
	Does staff promptly document any verbal reports of sexual abuse and sexual harassment?	yes
115.51 (d)	Inmate reporting	
	Does the agency provide a method for staff to privately report sexual abuse and sexual harassment of inmates?	yes
115.52 (a)	Exhaustion of administrative remedies	
	Is the agency exempt from this standard? NOTE: The agency is exempt ONLY if it does not have administrative procedures to address inmate grievances regarding sexual abuse. This does not mean the agency is exempt simply because an inmate does not have to or is not ordinarily expected to submit a grievance to report sexual abuse. This means that as a matter of explicit policy, the agency does not have an administrative remedies process to address sexual abuse.	no
115.52 (b)	Exhaustion of administrative remedies	
	Does the agency permit inmates to submit a grievance regarding an allegation of sexual abuse without any type of time limits? (The agency may apply otherwise-applicable time limits to any portion of a grievance that does not allege an incident of sexual abuse.) (N/A if agency is exempt from this standard.)	yes
	Does the agency always refrain from requiring an inmate to use any informal grievance process, or to otherwise attempt to resolve with staff, an alleged incident of sexual abuse? (N/A if agency is exempt from this standard.)	yes
115.52 (c)	Exhaustion of administrative remedies	
	Does the agency ensure that: An inmate who alleges sexual abuse may submit a grievance without submitting it to a staff member who is the subject of the complaint? (N/A if agency is exempt from	yes

	this standard.)	
	Does the agency ensure that: Such grievance is not referred to a staff member who is the subject of the complaint? (N/A if agency is exempt from this standard.)	yes
115.52 (d)	Exhaustion of administrative remedies	
	Does the agency issue a final agency decision on the merits of any portion of a grievance alleging sexual abuse within 90 days of the initial filing of the grievance? (Computation of the 90-day time period does not include time consumed by inmates in preparing any administrative appeal.) (N/A if agency is exempt from this standard.)	yes
	If the agency claims the maximum allowable extension of time to respond of up to 70 days per 115.52(d)(3) when the normal time period for response is insufficient to make an appropriate decision, does the agency notify the inmate in writing of any such extension and provide a date by which a decision will be made? (N/A if agency is exempt from this standard.)	yes
	At any level of the administrative process, including the final level, if the inmate does not receive a response within the time allotted for reply, including any properly noticed extension, may an inmate consider the absence of a response to be a denial at that level? (N/A if agency is exempt from this standard.)	yes
115.52 (e)	Exhaustion of administrative remedies	
	Are third parties, including fellow inmates, staff members, family members, attorneys, and outside advocates, permitted to assist inmates in filing requests for administrative remedies relating to allegations of sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Are those third parties also permitted to file such requests on behalf of inmates? (If a third party files such a request on behalf of an inmate, the facility may require as a condition of processing the request that the alleged victim agree to have the request filed on his or her behalf, and may also require the alleged victim to personally pursue any subsequent steps in the administrative remedy process.) (N/A if agency is exempt from this standard.)	yes
	If the inmate declines to have the request processed on his or her behalf, does the agency document the inmate's decision? (N/A if agency is exempt from this standard.)	yes
115.52 (f)	Exhaustion of administrative remedies	

	Has the agency established procedures for the filing of an emergency grievance alleging that an inmate is subject to a substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance alleging an inmate is subject to a substantial risk of imminent sexual abuse, does the agency immediately forward the grievance (or any portion thereof that alleges the substantial risk of imminent sexual abuse) to a level of review at which immediate corrective action may be taken? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency provide an initial response within 48 hours? (N/A if agency is exempt from this standard.)	yes
	After receiving an emergency grievance described above, does the agency issue a final agency decision within 5 calendar days? (N/A if agency is exempt from this standard.)	yes
	Does the initial response and final agency decision document the agency's determination whether the inmate is in substantial risk of imminent sexual abuse? (N/A if agency is exempt from this standard.)	yes
	Does the initial response document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
	Does the agency's final decision document the agency's action(s) taken in response to the emergency grievance? (N/A if agency is exempt from this standard.)	yes
115.52 (g)	Exhaustion of administrative remedies	
	If the agency disciplines an inmate for filing a grievance related to alleged sexual abuse, does it do so ONLY where the agency demonstrates that the inmate filed the grievance in bad faith? (N/A if agency is exempt from this standard.)	yes
115.53 (a)	Inmate access to outside confidential support services	
	Does the facility 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, of local, State, or national victim advocacy or rape crisis organizations?	yes
	Does the facility provide persons detained solely for civil immigration purposes mailing addresses and telephone numbers,	yes

	including toll-free hotline numbers where available of local, State, or national immigrant services agencies? (N/A if the facility never has persons detained solely for civil immigration purposes.)	
	Does the facility enable reasonable communication between inmates and these organizations and agencies, in as confidential a manner as possible?	yes
115.53 (b)	Inmate access to outside confidential support services	
	Does the facility inform inmates, prior to giving them access, of the extent to which such communications will be monitored and the extent to which reports of abuse will be forwarded to authorities in accordance with mandatory reporting laws?	yes
115.53 (c)	Inmate access to outside confidential support services	
	Does the agency maintain or attempt to enter into memoranda of understanding or other agreements with community service providers that are able to provide inmates with confidential emotional support services related to sexual abuse?	yes
	Does the agency maintain copies of agreements or documentation showing attempts to enter into such agreements?	yes
115.54 (a)	Third-party reporting	
	Has the agency established a method to receive third-party reports of sexual abuse and sexual harassment?	yes
	Has the agency distributed publicly information on how to report sexual abuse and sexual harassment on behalf of an inmate?	yes
115.61 (a)	Staff and agency reporting duties	
	Does the agency require all staff to report immediately and according to agency 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 part of the agency?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding retaliation against inmates or staff who reported an incident of sexual abuse or sexual harassment?	yes
	Does the agency require all staff to report immediately and according to agency policy any knowledge, suspicion, or information regarding any staff neglect or violation of responsibilities that may have contributed to an incident of sexual	yes

	abuse or sexual harassment or retaliation?	
115.61 (b)	Staff and agency reporting duties	
	Apart from reporting to designated supervisors or officials, does staff always refrain from revealing any information related to a sexual abuse report to anyone other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions?	yes
115.61 (c)	Staff and agency reporting duties	
	Unless otherwise precluded by Federal, State, or local law, are medical and mental health practitioners required to report sexual abuse pursuant to paragraph (a) of this section?	yes
	Are medical and mental health practitioners required to inform inmates of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services?	yes
115.61 (d)	Staff and agency reporting duties	
	If the alleged victim is under the age of 18 or considered a vulnerable adult under a State or local vulnerable persons statute, does the agency report the allegation to the designated State or local services agency under applicable mandatory reporting laws?	yes
115.61 (e)	Staff and agency reporting duties	
	Does the facility report all allegations of sexual abuse and sexual harassment, including third-party and anonymous reports, to the facility's designated investigators?	yes
115.62 (a)	Agency protection duties	
	When the agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, does it take immediate action to protect the inmate?	yes
115.63 (a)	Reporting to other confinement facilities	
	Upon receiving an allegation that an inmate was sexually abused while confined at another facility, does the head of the facility that received the allegation notify the head of the facility or appropriate office of the agency where the alleged abuse occurred?	yes
115.63 (b)	Reporting to other confinement facilities	
	Is such notification provided as soon as possible, but no later than 72 hours after receiving the allegation?	yes

115.63 (c)	Reporting to other confinement facilities	
	Does the agency document that it has provided such notification?	yes
115.63 (d)	Reporting to other confinement facilities	
	Does the facility head or agency office that receives such notification ensure that the allegation is investigated in accordance with these standards?	yes
115.64 (a)	Staff first responder duties	
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Separate the alleged victim and abuser?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Preserve and protect any crime scene until appropriate steps can be taken to collect any evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: Request that the alleged victim 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 abuse occurred within a time period that still allows for the collection of physical evidence?	yes
	Upon learning of an allegation that an inmate was sexually abused, is the first security staff member to respond to the report required to: 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 abuse occurred within a time period that still allows for the collection of physical evidence?	yes
115.64 (b)	Staff first responder duties	
	If the first staff responder is not a security staff member, is the responder required to request that the alleged victim not take any actions that could destroy physical evidence, and then notify security staff?	yes
115.65 (a)	Coordinated response	
	Has the facility developed a written institutional plan to coordinate actions among staff first responders, medical and mental health practitioners, investigators, and facility leadership taken in	yes

	response to an incident of sexual abuse?	
115.66 (a)	Preservation of ability to protect inmates from contact with abusers	
	Are both the agency and any other governmental entities responsible for collective bargaining on the agency's behalf prohibited from entering into or renewing any collective bargaining agreement or other agreement that limit the agency's ability to remove alleged staff sexual abusers from contact with any inmates pending the outcome of an investigation or of a determination of whether and to what extent discipline is warranted?	yes
115.67 (a)	Agency protection against retaliation	
	Has the agency established a policy to protect 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?	yes
	Has the agency designated which staff members or departments are charged with monitoring retaliation?	yes
115.67 (b)	Agency protection against retaliation	
	Does the agency 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 for inmates or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations?	yes
115.67 (c)	Agency protection against retaliation	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates or staff who reported the sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor the conduct and treatment of inmates who were reported to have suffered sexual abuse to see if there are changes that may suggest possible retaliation by inmates or staff?	yes
	Except in instances where the agency determines that a report of	yes

	sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Act promptly to remedy any such retaliation?	
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor any inmate disciplinary reports?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate housing changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor inmate program changes?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor negative performance reviews of staff?	yes
	Except in instances where the agency determines that a report of sexual abuse is unfounded, for at least 90 days following a report of sexual abuse, does the agency: Monitor reassignments of staff?	yes
	Does the agency continue such monitoring beyond 90 days if the initial monitoring indicates a continuing need?	yes
115.67 (d)	Agency protection against retaliation	
	In the case of inmates, does such monitoring also include periodic status checks?	yes
115.67 (e)	Agency protection against retaliation	
	If any other individual who cooperates with an investigation expresses a fear of retaliation, does the agency take appropriate measures to protect that individual against retaliation?	yes
115.68 (a)	Post-allegation protective custody	
	Is any and all use of segregated housing to protect an inmate who is alleged to have suffered sexual abuse subject to the requirements of § 115.43?	yes
115.71 (a)	Criminal and administrative agency investigations	
	When the agency conducts its own investigations into allegations	yes

	of sexual abuse and sexual harassment, does it do so promptly, thoroughly, and objectively? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	
	Does the agency conduct such investigations for all allegations, including third party and anonymous reports? (N/A if the agency/facility is not responsible for conducting any form of criminal OR administrative sexual abuse investigations. See 115.21(a).)	yes
115.71 (b)	Criminal and administrative agency investigations	
	Where sexual abuse is alleged, does the agency use investigators who have received specialized training in sexual abuse investigations as required by 115.34?	yes
115.71 (c)	Criminal and administrative agency investigations	
	Do investigators gather and preserve direct and circumstantial evidence, including any available physical and DNA evidence and any available electronic monitoring data?	yes
	Do investigators interview alleged victims, suspected perpetrators, and witnesses?	yes
	Do investigators review prior reports and complaints of sexual abuse involving the suspected perpetrator?	yes
115.71 (d)	Criminal and administrative agency investigations	
	When the quality of evidence appears to support criminal prosecution, does the agency conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution?	yes
115.71 (e)	Criminal and administrative agency investigations	
	Do agency investigators assess the credibility of an alleged victim, suspect, or witness on an individual basis and not on the basis of that individual's status as inmate or staff?	yes
	Does the agency investigate allegations of sexual abuse without requiring an inmate who alleges sexual abuse to submit to a polygraph examination or other truth-telling device as a condition for proceeding?	yes
115.71 (f)	Criminal and administrative agency investigations	
	Do administrative investigations include an effort to determine whether staff actions or failures to act contributed to the abuse?	yes

	Are administrative investigations documented in written reports that include a description of the physical evidence and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings?	yes
115.71 (g)	Criminal and administrative agency investigations	
	Are criminal investigations documented in a written report that contains a thorough description of the physical, testimonial, and documentary evidence and attaches copies of all documentary evidence where feasible?	yes
115.71 (h)	Criminal and administrative agency investigations	
	Are all substantiated allegations of conduct that appears to be criminal referred for prosecution?	yes
115.71 (i)	Criminal and administrative agency investigations	
	Does the agency retain all written reports referenced in 115.71(f) and (g) for as long as the alleged abuser is incarcerated or employed by the agency, plus five years?	yes
115.71 (j)	Criminal and administrative agency investigations	
	Does the agency ensure that the departure of an alleged abuser or victim from the employment or control of the agency does not provide a basis for terminating an investigation?	yes
115.71 (l)	Criminal and administrative agency investigations	
	When an outside entity investigates sexual abuse, does the facility cooperate with outside investigators and endeavor to remain informed about the progress of the investigation? (N/A if an outside agency does not conduct administrative or criminal sexual abuse investigations. See 115.21(a).)	yes
115.72 (a)	Evidentiary standard for administrative investigations	
	Is it true that the agency does not impose a standard higher than a preponderance of the evidence in determining whether allegations of sexual abuse or sexual harassment are substantiated?	yes
115.73 (a)	Reporting to inmates	
	Following an investigation into an inmate's allegation that he or she suffered sexual abuse in an agency facility, does the agency inform the inmate as to whether the allegation has been determined to be substantiated, unsubstantiated, or unfounded?	yes

115.73 (b)	Reporting to inmates	
	If the agency did not conduct the investigation into an inmate's allegation of sexual abuse in an agency facility, does the agency request the relevant information from the investigative agency in order to inform the inmate? (N/A if the agency/facility is responsible for conducting administrative and criminal investigations.)	yes
115.73 (c)	Reporting to inmates	
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the inmate has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer posted within the inmate's unit?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The staff member is no longer employed at the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been indicted on a charge related to sexual abuse in the facility?	yes
	Following an inmate's allegation that a staff member has committed sexual abuse against the resident, unless the agency has determined that the allegation is unfounded, or unless the resident has been released from custody, does the agency subsequently inform the resident whenever: The agency learns that the staff member has been convicted on a charge related to sexual abuse within the facility?	yes
115.73 (d)	Reporting to inmates	
	Following an inmate's allegation that he or she has been sexually abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been indicted on a charge related to sexual abuse within the facility?	yes
	Following an inmate's allegation that he or she has been sexually	yes

	abused by another inmate, does the agency subsequently inform the alleged victim whenever: The agency learns that the alleged abuser has been convicted on a charge related to sexual abuse within the facility?	
115.73 (e)	Reporting to inmates	
	Does the agency document all such notifications or attempted notifications?	yes
115.76 (a)	Disciplinary sanctions for staff	
	Are staff subject to disciplinary sanctions up to and including termination for violating agency sexual abuse or sexual harassment policies?	yes
115.76 (b)	Disciplinary sanctions for staff	
	Is termination the presumptive disciplinary sanction for staff who have engaged in sexual abuse?	yes
115.76 (c)	Disciplinary sanctions for staff	
	Are disciplinary sanctions for violations of agency policies relating to sexual abuse or sexual harassment (other than actually engaging in sexual abuse) commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history, and the sanctions imposed for comparable offenses by other staff with similar histories?	yes
115.76 (d)	Disciplinary sanctions for staff	
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes
	Are all terminations for violations of agency sexual abuse or sexual harassment policies, or resignations by staff who would have been terminated if not for their resignation, reported to: Relevant licensing bodies?	yes
115.77 (a)	Corrective action for contractors and volunteers	
	Is any contractor or volunteer who engages in sexual abuse prohibited from contact with inmates?	yes
	Is any contractor or volunteer who engages in sexual abuse reported to: Law enforcement agencies (unless the activity was clearly not criminal)?	yes

	Is any contractor or volunteer who engages in sexual abuse reported to: Relevant licensing bodies?	yes
115.77 (b)	Corrective action for contractors and volunteers	
	In the case of any other violation of agency sexual abuse or sexual harassment policies by a contractor or volunteer, does the facility take appropriate remedial measures, and consider whether to prohibit further contact with inmates?	yes
115.78 (a)	Disciplinary sanctions for inmates	
	Following an administrative finding that an inmate engaged in inmate-on-inmate sexual abuse, or following a criminal finding of guilt for inmate-on-inmate sexual abuse, are inmates subject to disciplinary sanctions pursuant to a formal disciplinary process?	yes
115.78 (b)	Disciplinary sanctions for inmates	
	Are sanctions commensurate with the nature and circumstances of the abuse committed, the inmate's disciplinary history, and the sanctions imposed for comparable offenses by other inmates with similar histories?	yes
115.78 (c)	Disciplinary sanctions for inmates	
	When determining what types of sanction, if any, should be imposed, does the disciplinary process consider whether an inmate's mental disabilities or mental illness contributed to his or her behavior?	yes
115.78 (d)	Disciplinary sanctions for inmates	
	If the facility offers therapy, counseling, or other interventions designed to address and correct underlying reasons or motivations for the abuse, does the facility consider whether to require the offending inmate to participate in such interventions as a condition of access to programming and other benefits?	yes
115.78 (e)	Disciplinary sanctions for inmates	
	Does the agency discipline an inmate for sexual contact with staff only upon a finding that the staff member did not consent to such contact?	yes
115.78 (f)	Disciplinary sanctions for inmates	
	For the purpose of disciplinary action does a report of sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred NOT constitute falsely reporting an incident or lying, even if an investigation does not establish	yes

	evidence sufficient to substantiate the allegation?	
115.78 (g)	Disciplinary sanctions for inmates	
	If the agency prohibits all sexual activity between inmates, does the agency always refrain from considering non-coercive sexual activity between inmates to be sexual abuse? (N/A if the agency does not prohibit all sexual activity between inmates.)	yes
115.81 (a)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison).	yes
115.81 (b)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a prison inmate has previously perpetrated sexual abuse, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a prison.)	yes
115.81 (c)	Medical and mental health screenings; history of sexual abuse	
	If the screening pursuant to § 115.41 indicates that a jail inmate has experienced prior sexual victimization, whether it occurred in an institutional setting or in the community, do staff ensure that the inmate is offered a follow-up meeting with a medical or mental health practitioner within 14 days of the intake screening? (N/A if the facility is not a jail).	yes
115.81 (d)	Medical and mental health screenings; history of sexual abuse	
	Is any information related to sexual victimization or abusiveness that occurred in an institutional setting strictly limited to medical and mental health practitioners and other staff as necessary to inform treatment plans and security management decisions, including housing, bed, work, education, and program assignments, or as otherwise required by Federal, State, or local law?	yes
115.81 (e)	Medical and mental health screenings; history of sexual abuse	
	Do medical and mental health practitioners obtain informed consent from inmates before reporting information about prior	yes

	sexual victimization that did not occur in an institutional setting, unless the inmate is under the age of 18?	
115.82 (a)	Access to emergency medical and mental health services	
	Do inmate victims of sexual abuse receive timely, unimpeded access to emergency medical treatment and crisis intervention services, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgment?	yes
115.82 (b)	Access to emergency medical and mental health services	
	If no qualified medical or mental health practitioners are on duty at the time a report of recent sexual abuse is made, do security staff first responders take preliminary steps to protect the victim pursuant to § 115.62?	yes
	Do security staff first responders immediately notify the appropriate medical and mental health practitioners?	yes
115.82 (c)	Access to emergency medical and mental health services	
	Are inmate victims of sexual abuse offered timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care, where medically appropriate?	yes
115.82 (d)	Access to emergency medical and mental health services	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (a)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the facility offer medical and mental health evaluation and, as appropriate, treatment to all inmates who have been victimized by sexual abuse in any prison, jail, lockup, or juvenile facility?	yes
115.83 (b)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Does the evaluation and treatment of such victims include, as appropriate, follow-up services, treatment plans, and, when necessary, referrals for continued care following their transfer to, or placement in, other facilities, or their release from custody?	yes
115.83 (c)	Ongoing medical and mental health care for sexual abuse	

	victims and abusers	
	Does the facility provide such victims with medical and mental health services consistent with the community level of care?	yes
115.83 (d)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexually abusive vaginal penetration while incarcerated offered pregnancy tests? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (e)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If pregnancy results from the conduct described in paragraph § 115.83(d), do such victims receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services? (N/A if "all male" facility. Note: in "all male" facilities there may be inmates who identify as transgender men who may have female genitalia. Auditors should be sure to know whether such individuals may be in the population and whether this provision may apply in specific circumstances.)	yes
115.83 (f)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are inmate victims of sexual abuse while incarcerated offered tests for sexually transmitted infections as medically appropriate?	yes
115.83 (g)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	Are treatment services provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident?	yes
115.83 (h)	Ongoing medical and mental health care for sexual abuse victims and abusers	
	If the facility is a prison, does it attempt to conduct a mental health evaluation of all known inmate-on-inmate abusers within 60 days of learning of such abuse history and offer treatment when deemed appropriate by mental health practitioners? (NA if the facility is a jail.)	yes

115.86 (a)	Sexual abuse incident reviews	
	Does the facility conduct a sexual abuse incident review at the conclusion of every sexual abuse investigation, including where the allegation has not been substantiated, unless the allegation has been determined to be unfounded?	yes
115.86 (b)	Sexual abuse incident reviews	
	Does such review ordinarily occur within 30 days of the conclusion of the investigation?	yes
115.86 (c)	Sexual abuse incident reviews	
	Does the review team include upper-level management officials, with input from line supervisors, investigators, and medical or mental health practitioners?	yes
115.86 (d)	Sexual abuse incident reviews	
	Does the review team: Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse?	yes
	Does the review team: Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; gang affiliation; or other group dynamics at the facility?	yes
	Does the review team: Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse?	yes
	Does the review team: Assess the adequacy of staffing levels in that area during different shifts?	yes
	Does the review team: Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff?	yes
	Does the review team: Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to §§ 115.86(d)(1)-(d)(5), and any recommendations for improvement and submit such report to the facility head and PREA compliance manager?	yes
115.86 (e)	Sexual abuse incident reviews	
	Does the facility implement the recommendations for improvement, or document its reasons for not doing so?	yes

115.87 (a)	Data collection	
	Does the agency collect accurate, uniform data for every allegation of sexual abuse at facilities under its direct control using a standardized instrument and set of definitions?	yes
115.87 (b)	Data collection	
	Does the agency aggregate the incident-based sexual abuse data at least annually?	yes
115.87 (c)	Data collection	
	Does the incident-based data include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence conducted by the Department of Justice?	yes
115.87 (d)	Data collection	
	Does the agency maintain, review, and collect data as needed from all available incident-based documents, including reports, investigation files, and sexual abuse incident reviews?	yes
115.87 (e)	Data collection	
	Does the agency also obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its inmates? (N/A if agency does not contract for the confinement of its inmates.)	na
115.87 (f)	Data collection	
	Does the agency, upon request, provide all such data from the previous calendar year to the Department of Justice no later than June 30? (N/A if DOJ has not requested agency data.)	yes
115.88 (a)	Data review for corrective action	
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Identifying problem areas?	yes
	Does the agency review data collected and aggregated pursuant to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Taking corrective action on an ongoing basis?	yes
	Does the agency review data collected and aggregated pursuant	yes

	to § 115.87 in order to assess and improve the effectiveness of its sexual abuse prevention, detection, and response policies, practices, and training, including by: Preparing an annual report of its findings and corrective actions for each facility, as well as the agency as a whole?	
115.88 (b)	Data review for corrective action	
	Does the agency's annual report include a comparison of the current year's data and corrective actions with those from prior years and provide an assessment of the agency's progress in addressing sexual abuse?	yes
115.88 (c)	Data review for corrective action	
	Is the agency's annual report approved by the agency head and made readily available to the public through its website or, if it does not have one, through other means?	yes
115.88 (d)	Data review for corrective action	
	Does the agency indicate the nature of the material redacted where it redacts specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility?	yes
115.89 (a)	Data storage, publication, and destruction	
	Does the agency ensure that data collected pursuant to § 115.87 are securely retained?	yes
115.89 (b)	Data storage, publication, and destruction	
	Does the agency make all aggregated sexual abuse data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website or, if it does not have one, through other means?	yes
115.89 (c)	Data storage, publication, and destruction	
	Does the agency remove all personal identifiers before making aggregated sexual abuse data publicly available?	yes
115.89 (d)	Data storage, publication, and destruction	
	Does the agency maintain sexual abuse data collected pursuant to § 115.87 for at least 10 years after the date of the initial collection, unless Federal, State, or local law requires otherwise?	yes
115.401 (a)	Frequency and scope of audits	

	During the prior three-year audit period, did the agency ensure that each facility operated by the agency, or by a private organization on behalf of the agency, was audited at least once? (Note: The response here is purely informational. A "no" response does not impact overall compliance with this standard.)	yes
115.401 (b)	Frequency and scope of audits	
	Is this the first year of the current audit cycle? (Note: a "no" response does not impact overall compliance with this standard.)	no
	If this is the second year of the current audit cycle, did the agency ensure that at least one-third of each facility type operated by the agency, or by a private organization on behalf of the agency, was audited during the first year of the current audit cycle? (N/A if this is not the second year of the current audit cycle.)	na
	If this is the third year of the current audit cycle, did the agency ensure that at least two-thirds of each facility type operated by the agency, or by a private organization on behalf of the agency, were audited during the first two years of the current audit cycle? (N/A if this is not the third year of the current audit cycle.)	yes
115.401 (h)	Frequency and scope of audits	
	Did the auditor have access to, and the ability to observe, all areas of the audited facility?	yes
115.401 (i)	Frequency and scope of audits	
	Was the auditor permitted to request and receive copies of any relevant documents (including electronically stored information)?	yes
115.401 (m)	Frequency and scope of audits	
	Was the auditor permitted to conduct private interviews with inmates, residents, and detainees?	yes
115.401 (n)	Frequency and scope of audits	
	Were inmates permitted to send confidential information or correspondence to the auditor in the same manner as if they were communicating with legal counsel?	yes
115.403	Audit contents and findings	

(f)		
	<p>The agency has published on its agency website, if it has one, or has otherwise made publicly available, all Final Audit Reports. The review period is for prior audits completed during the past three years PRECEDING THIS AUDIT. The pendency of any agency appeal pursuant to 28 C.F.R. § 115.405 does not excuse noncompliance with this provision. (N/A if there have been no Final Audit Reports issued in the past three years, or, in the case of single facility agencies, there has never been a Final Audit Report issued.)</p>	yes