

Prison Rape Elimination Act – New Mexico Corrections Department



Summary and Overview

What is PREA and what are PREA Standards?

Prison Rape Elimination Act (PREA) of 2003: Federal statute 42 U.S.C.A. § 15601 enacted in September 2003 requiring all Correctional Institutions to assess all incarcerated offenders, whether adult or juvenile, for propensity to commit or to be victimized by sexual behavior/activity and to prevent, detect, and respond to those crimes. It is NMCD Policy to Investigate all allegations and prosecute criminal matters. It is a violation of State Law, 30-9-11 to engage in acts with an inmate or offender.

Prison Rape Elimination Act (PREA) Standards: The Department of Justice released the final rule to prevent, detect and respond to sexual abuse in confinement facilities in accordance with the PREA act of 2003. There are four distinct sets of standards, each apply to a different type of facility: Adult Prisons and Jails; Lockups; Community Confinement facilities and Juvenile facilities. Specific PREA standards are noted in Administrative Regulations by the corresponding number and new policy language. Adult Prisons and Jail standards are numbered 115.11 through 115.89 and Community Confinement standards are numbered 115.211 through 115.289. The New Mexico Corrections Department has a ZERO-TOLERANCE for all Forms of Sexual Abuse, Sexual Activity, Sexual Assault and Sexual Harassment. That means that NMCD will investigate and follow through on all allegations are brought forth.

Ways to Report

Staff/Contractors/Volunteers Reporting

- Advise your supervisor
- Advise the PREA Coordinator
- Tell the Warden or Director
- Send Anonymous email to PREAReporting@state.nm.us

Inmate Reporting

- Advise any Staff member, Contractor and Volunteer
- Call the NMCD Hotline at 575-523-3303
- Use our third Party Reporting address at: IG, 1250 Academy Park Loop Colorado Springs, Colorado 80910
- Have a family or friend report to the facility or email address PREAReporting@state.nm.us
- File a grievance



In New Mexico and while in our facilities, all Staff, Volunteers and Contractors are Mandatory Reporters, which means you MUST report all suspicion, signs and knowledge of threatened or actual abuse and harassment. To learn about NMCD and PREA and how to fulfill your responsibilities to prevent, detect, report and respond, please review NMCD policy 150100, at <http://cdweb/policies/docs/CD-150100.pdf>.

Rights

Inmates and staff have the right to be free from retaliation for reporting or participating in an investigation relating to sexual abuse or sexual harassment

Inmates have a right to be free from sexual abuse and harassment

You should always avoid inappropriate relationships with inmates by setting boundaries and remaining consistent with your job duties. Undue familiarity matters will be investigated as PREA matters in most if not all cases. Be confident in your role. If a situation does not feel right, trust your instincts. REPORT.

Inmates involved in incidents may become withdrawn, act out or begin to behave differently. If you notice this, please report and follow up immediately. Victims of sexual abuse or assault, even if it was prior to incarceration, may exhibit signs of PTSD. Report and submit for mental health referrals when necessary.

Effective Communication with Inmate

- Lesbian – a woman who is emotional, romantically and sexually attracted to other women
- Gay - a man who is emotional, romantically and sexually attracted to other men
- Bi-Sexual – a man who is emotionally, romantically and sexually attracted to both men and woman
- Straight – A person who is emotionally, romantically and sexually attracted to the opposite gender
- Asexual – a person who is not attracted to either sex or gender
- Intersex: A term used for people who are born with external genitalia, chromosomes or internal reproductive systems that are not traditionally associated with either a “standard” male or female. (usually has both genitalia).
- Transgender: a person whose gender identity (i.e., internal sense of feeling male or female) is different from the person’s assigned sex at birth.
- Gender Conforming describes a person who expresses their gender in a manner that is consistent with societal norms for one’s gender
- Gender Non-Conforming describes someone whose gender identity and/or expression breaks societal norms

Remember LGBTI individuals are at higher risk of sexual assault and abuse in confinement facilities.

In addition, dynamics in prisons will differ if you are working in a male facility versus a female. When it comes to relationships in men’s prisons, assaults and incidents tend to be based on power and control. In female facilities, we tend to see more nurturing and incidents that are based on personal relationships and perceived friendships.

You WILL learn about these topics and more when you attend the required Correctional Academy, Corrections 101 or Volunteers class when you begin your employment, contract or volunteering. If you have questions at any time, please reach out to our statewide PREA Coordinator.

Inmates and staff who are in need of advocacy can also reach out to the Local Rape Crisis Centers, with who we partner with, for help

