

DEFINITIONS:

- A. Abuse: The unlawful or unjustified use of force or other actions that jeopardize the physical or mental well-being of an inmate.
- B. Criminal Sexual Penetration: The unlawful and intentional causing of a person to engage in sexual intercourse, cunnilingus, fellatio, or anal intercourse or the causing of penetration, to any extent and with any object, of the genitalia or anal openings of another, whether or not there is any emission.
- C. Criminal Sexual Contact: The unlawful and intentional touching of or application of force, without consent, to the unclothed intimate parts of another who has reached his eighteenth birthday, or intentionally causing another who has reached his eighteenth birthday to touch one's intimate parts.
- D. False allegations: Any false report or falsification during an investigation of sexual assault, sexual contact, sexual harassment or sexual misconduct. Knowingly making a false statement or knowingly swearing or affirming the truth of a false statement previously made.
- E. Investigation: The process of gathering, obtaining, collecting, compiling, and reporting all evidence surrounding an alleged incident of sexual misconduct.
- F. Offender: An adult placed under, or made subject to, supervision, probation and/or parole, as the result of the commission of a criminal offense and released to the community under the jurisdiction of courts, paroling authorities, corrections, or other criminal justice agencies, and who is required to request transfer of supervision under the provisions of the Interstate Compact for Adult Offender Supervision.
- G. Serious Incident Report (SIR): A comprehensive written report of a serious incident that is completed by the shift supervisor of the shift during which a serious incident occurs.
- H. Sexual Abuse: Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact (under NM Law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution or other form of sexual exploitation) or subjecting another person to any sexual act or contact between an inmate, detainee, or resident by another inmate, detainee, or resident by force or implied threats of violence, persuasion, inducement, or enticement or if unable to consent or refuse.

Sexual acts include but are not limited to;

- (1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- (2) Contact between the mouth and the penis, vulva or anus
- (3) Contact between the mouth and any body part that is unrelated to official duties, where the staff member, contractor or volunteer has the intent to abuse, arouse, or gratify sexual desire
- (4) Penetration of the anal or genital opening of another person, however slight, by a hand, a finger, object or other instrument
- (5) Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
- (6) Any display by a staff member, contractor or volunteer of his or her uncovered genitalia, buttocks or breast in the presence of an inmate, detainee, or resident

- I. Sexual Assault: Includes, but is not limited to, subjecting another person to any sexual act or contact between an employee, volunteer, contractor, or agency representative, and an inmate by force, persuasion, inducement, or enticement; any criminal sexual penetration or contact, (under New Mexico law; subjecting another person who is incapable of giving consent by reason of their custodial status, physical or mental state to sexual contact; or rape, sexual molestation, prostitution, or other form of sexual exploitation)
- J. Sexual Coercion: Compelling or inducing another person to engage in sexual activity by deceit, threats, force or intimidation or for personal favors.
- K. Sexual Contact: Behavior that includes, but is not limited to, all forms of sexual contact, intentional sexual touching or physical contact in a sexual manner, either directly or through clothing, of the genitalia, anus, groin, breasts, thighs or buttocks, with or without the consent of the person; or any touching or inappropriate viewing with intent to arouse, humiliate, harass, degrade, or gratify the sexual desire of any person. Sexual contact does not include searches of the person, to include strip searches.
- L. Sexual Harassment: Includes, but is not limited to, all of the following, whether by staff, volunteers, contractors, other agency representatives, or inmates: repeated or unwelcome sexual advances; sexually offensive language, comments or gestures; influencing, promising or threatening any inmate's (or staffs') safety, custody status, privacy, housing, privileges, work or program status, in exchange for personal gain or favor of a sexual nature; creating or encouraging an atmosphere of intimidation, hostility or offensiveness as perceived by any individual who observes the sexually offensive behavior or language.

- M. Sexual Misconduct: Any behavior or act of a sexual nature directed towards an offender by another offender, a department employee, contractor, volunteer, visitor or department representative. This includes acts or attempt to commit acts including, but not limited to: criminal sexual penetration, sexual abuse, sexual harassment, and sexual contact, conduct of a sexual nature or implication, kissing, hugging, sexual gratification of any party, obscenity or unreasonable invasion of privacy by the act of observing, attempting to observe, or interfering in an offender's personal, intimate routines unrelated to the necessary performance of required job duties. Sexual misconduct also includes, but is not limited to: conversations or correspondence of a romantic or sexual nature between an offender and any department employee, contractor, volunteer, visitor, or department representative.
- N. NPSAMFE: National Protocol for Sexual Assault Medical Forensic Examinations Adult/Adolescent.
- O. Voyeurism: when a staff member, contractor or volunteer invades the privacy of an inmate, detainee, or resident by staff for reason unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or of an inmate performing bodily function.