

	PREA 27.04	PREA Response	Effective Date:	JULY 10, 2020
			Revised Date:	May 28, 2020

Purpose:

The purpose of this policy is to establish a uniform procedure for a coordinated response to PREA allegations.

Field of Application:

New Mexico, Bernalillo County, Metropolitan Detention Center.

Policy:

The policy of the Bernalillo County Metropolitan Detention Center (MDC) is to have a coordinated response to an allegation of sexual abuse and sexual harassment.

Definitions:

Definitions used in this policy are defined in PREA Policy [27.00 Prohibition of Sexual Abuse, Sexual Harassment, and Definitions.](#)

Responsibility:

The requirements and processes described in this document apply to all staff members, contractors, volunteers, and inmates at MDC. Area Managers and Supervisors are responsible for ensuring that staff members have access to up-to-date information and policies, ensuring that staff members are trained in all policy updates and ensuring all staff members login in to PowerDMS on a regular basis to acknowledge and/or complete items in their inbox.

Procedure:

A. Mandatory Reporter

1. All staff, contractors, and volunteers are required to immediately report any knowledge, suspicion, or information regarding an allegation of sexual abuse, sexual harassment, or retaliation.

B. Non-Security First Responder Duties

1. Sexual assault in progress
 - a. Upon witnessing a sexual assault in progress immediately notify a security staff member.
 - b. Security will take appropriate actions to end the assault.
 - c. Provide a written statement of what you witnessed to the Unit Supervisor the same day that you witnessed the incident.
2. Receiving a report of sexual abuse
 - a. Upon receiving a report of sexual abuse from an alleged victim, inform the inmate that you are a mandatory reporter.
 - b. Request the alleged victim not to take any action that could destroy physical evidence.
 - c. Ask the alleged victim for the basics:
 1. When did it happen?
 2. Who was involved?

3. Where did it happen?
- d. Notify any security staff member.
- e. Provide a written statement to the Unit Supervisor the same day that you received the report.
3. Receiving a report of sexual harassment
 - a. Upon receiving a report of sexual harassment from an alleged victim, inform the inmate that you are a mandatory reporter
 - b. Ask the alleged victim for the basics:
 1. When did it happen?
 2. Who was involved?
 3. Where did it happen?
 - c. Notify any security staff member.
 - d. Provide a written statement to the Unit Supervisor the same day that you received the report.

C. Security First Responder Duties

1. Upon learning of an allegation that an inmate was sexually abused, the first security staff member to respond to the report shall be required to:
 - a. If the abuse is assault in progress take the appropriate action to end the assault and call a code;
 - b. Ensure the victim's safety by separating the alleged victim from the alleged aggressor;
 - c. If there is a reasonable assumption that evidence may be collected from the scene, preserve and protect that crime scene until appropriate steps can be taken to collect any evidence. Only the PREA Captain and/or BCSO can clear the crime scene.
 - d. If the alleged abuse occurred within 5 days or 120 hours request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, drinking, or eating;
 - e. If the alleged abuse occurred within 5 days or 120 hours 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, drinking, or eating; and
 - f. The first responder must immediately report any allegation of sexual abuse to the on duty Security Supervisor for the unit unless the Security Supervisor is the first responder.

D. Security Supervisor Duties

1. The Unit Supervisor shall immediately initiate necessary actions, or verify that actions have been taken, to protect all physical evidence and the safety and welfare of the inmates.
2. The Unit Supervisor or designee shall speak to the alleged victim or reporting party to gather the basic information unless this information was obtained by the first responder, which is listed below:
 - a. When did it happen?
 - b. Who was involved?
 - c. Where did it happen?

3. Medical and PSU shall be notified of the allegation of sexual abuse and Medical shall determine if the alleged victim needs to be seen immediately or at a later time.
 - a. Medical will schedule the appointments if it is determined the alleged victim can be seen at a later time.
 - b. Medical shall be responsible for contacting SANE and determining if a SANE exam is needed.
4. The alleged victim shall be notified on how to contact an advocate or to obtain advocacy services.
5. If the alleged aggressor is an inmate and the allegation of sexual abuse occurred within 5 days or 120 hours, the inmate shall be placed in a dry cell following the procedure outlined in policy SEC 8.54 Dry Cell and if after 5 days or 120 hours the inmate shall be moved to RHU pending reclass.
6. Classification shall be notified of the allegation of sexual abuse to consider reclassification of all inmates involved and conduct PREA risk assessments.
 - a. The alleged victim shall only be relocated from his/her current house location if there is creditable concern for the alleged victim's safety.
7. The Unit Supervisor shall notify local law enforcement when there is an allegation of sexual abuse unless there is no potentially criminal behavior.
8. The Unit Supervisor shall initiate an incident report and conduct the following before the end of shift:
 - a. Collect written statements from the alleged victim, alleged aggressor, first responder, and witnesses; and
 - b. Document the response to the allegation and collect any supporting document such as MDC 42s, Dry Cell forms, and other similar documents.
9. The Unit Supervisor shall notify the PREA Administrator, PREA Captain, the Unit Captain, Major of Security, and Deputy Chief of Security of the allegation of sexual abuse.

E. Security's Response to an Allegation of Sexual Harassment

1. Upon a Unit Supervisor receiving a report of allegation of sexual harassment, the Unit Supervisor shall speak to the alleged victim or reporting party to gather the basic information unless this information was obtained by the first responder, which is listed below:
 - a. When did it happen?
 - b. Who was involved?
 - c. Where did it happen?
2. The Unit Supervisor shall ensure the victim's safety by separating the alleged aggressor from the alleged victim.
3. The Unit Supervisor shall refer the alleged victim to PSU services
4. The Unit Supervisor shall initiate an incident report and notify the PREA Administrator, PREA Captain, and the Unit Captain before the end of shift.

F. Allegation Occurring Outside of MDC

1. Upon receiving allegation of sexual abuse that occurred at another correctional facility or outside of a correctional facility the following procedures shall be followed:
 - a. Ensure the safety and security of the alleged victim.
 - b. Notify Medical and PSU of the allegation of sexual abuse and Medical shall

determine if the alleged victim needs to be seen immediately or at a later time.

1. Medical will schedule the appointments if it is determined the alleged victim can be seen at a later time.
 2. Medical shall be responsible for contacting SANE and determining if a SANE exam is needed.
- c. If the alleged abuse occurred within 5 days or 120 hours 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, or eating.
 - d. If the alleged abuse occurred at another correctional facility, follow reporting procedures in policy PREA policy 27.03 – Reporting
 - e. If the alleged abuse occurred outside of a correctional facility, notify law enforcement with jurisdictional authority to investigate the allegation of sexual abuse.
 - f. Initiate an incident report before the end of shift and notify the PREA Administrator, PREA Captain, the Unit Captain, and Major of Security.

G. Allegation of Substantial Risk of Imminent Sexual Abuse

1. When any staff member, contractor, or volunteer learns an inmate is subject to a substantial risk of imminent sexual abuse shall immediately report this information to the On Duty Security Supervisor for the unit the inmate is currently housed in.
2. The Security Supervisor shall immediately take the appropriate actions to protect the inmate.
3. The Security Supervisor shall email a briefing to the Major, PREA Captain, and PREA Administrator informing them of the inmate that was at substantial risk and the actions taken to protect the inmate.

Standards & References:

A. ACA:

1. N/A

B. Court Order:

1. N/A

C. Cross-Referenced Documentation:

1. PREA policy 27.03 – Reporting
2. SEC 8.54 Dry Cell

D. Forms:

1. N/A

F. Other:

1. PREA §115.64 - 66