

	PREA 27.05	PREA Medical and Mental Health	Effective Date:	August 1, 2019
			Revised Date:	May 28, 2019

Purpose:

The purpose of this policy is to establish uniform protocol and procedures to ensure medical and mental health staff provide a standard level of care to inmates who are involved in PREA-related allegations that are consistent with the standards of the Prison Rape Elimination Act (PREA).

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 uniformed coordinated response to any PREA allegation, which includes medical and mental health services

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 the Responsible Health Authority (RHA), Health Care Staff, staff members at MDC, and to the Chief of Corrections, or designee, who are responsible for the prevention, detection, reporting, intervention, and treatment for victims of sexual abuse at MDC. RHA and the Chief of Corrections, or designee, are responsible for maintaining associated documents and records, for ensuring that their staff members have access to up-to-date information and policies, and for ensuring that staff members are trained in all policy updates.

Procedure:

A. Training

1. All newly hired medical and mental health staff shall attend a PREA training that is outlined in PREA policy 20.02 PREA Training & Education.
2. All medical and mental health staff must attend the PREA training before delivery of services within the MDC facility.
 - a. If attendance prior to delivery of services is impossible, the medical or mental health staff member shall attend the next training offered by MDC.
3. All medical and mental health staff shall attend any refresher or newly established PREA training offered by MDC.

B. Response to any Allegation of Sexual Harassment

1. Any allegation of sexual harassment shall be handled by medical and mental health staff as if the allegation is truthful and shall be taken as a serious allegation that requires full compliance with this policy and procedure.
2. If a medical or mental staff member receives a report, witnesses, or suspects any type of sexual harassment that occurred in a correctional setting, he or she shall follow the procedures outlined in policy PREA Policy 27.04 – Response and PREA

Policy 27.03 – Reporting.

3. Mental health staff shall provide alleged victims of sexual harassment timely, unimpeded access to mental health treatments, the nature and scope of which are determined by mental health practitioners according to their professional judgement and consistent with the community level of care.
 - a. The evaluation and treatment of such victims shall 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.
4. All mental health services shall be provided to alleged victim at no cost.

C. Response to any Allegation of Sexual Abuse

1. Any allegation of sexual abuse shall be handled by medical and mental health staff as if the allegation is truthful and shall be taken as a serious allegation that requires full compliance with this policy and procedure.
2. If a medical or mental staff member receives a report, witnesses, or suspects any type of sexual abuse that occurred in a correctional setting, he/she shall follow the procedures outlined in policy PREA Policy 27.04 – Response and PREA Policy 27.03 – Reporting.
3. Medical and mental health staff shall provide alleged victims of sexual abuse timely, unimpeded access to medical and mental health treatments, the nature and scope of which are determined by medical and mental health practitioners according to their professional judgement and consistent with the community level of care.
 - a. The evaluation and treatment of such victims shall 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.
4. All treatment services shall be provided to the alleged victims without financial cost and regardless of whether the victim names the aggressor or cooperates with any investigation arising out of the incident.

D. Response to an Allegation of Sexual Abuse that Occurred within 5 days or 120 Hours

1. MDC medical staff shall;
 - a. Request 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 until they have been initially evaluated by a SANE provider, unless necessary for treating acute medical injuries;
 - b. Notify the on-call Physician and/or Responsible Physician;
 - c. Immediately assess the Inmate to identify any acute medical and/or mental health needs;
 - d. Document the general appearance (presence or absence of cuts, scratches, bruises, etc.) and demeanor of the alleged victim, as well as the condition of clothes, i.e. torn or stained;
 - e. In the event that the inmate is in need of emergent care beyond the capabilities of medical staff on site, the inmate shall receive the necessary treatment to stabilize in order to be transferred to a local emergency room

- for evaluation and treatment;
- f. Medical staff shall offer timely information about and timely access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professional accepted standards of care, where medically appropriate;
 - g. Medical staff shall offer the alleged victim a forensic medical examination. If the alleged victim declines the exam, the decline shall be documented; and
 - h. If the alleged victim accepts, the offer for a forensic medical examination the medical staff, PREA Administrator, PREA Captain and security supervisors shall have the responsibility of coordinating the forensic medical examination.

E. Forensic Examination

1. The Deputy Chief of Security or designee shall ensure that alleged victims are promptly transferred to a community health care facility for treatment and gathering of evidence. It shall be at the discretion of SANE to accept or not to accept the inmate.
2. A uniformed evidence protocol shall be followed that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions.
3. The examiner shall establish the medical forensic history, photograph medical evidence, perform the examination and collect medical evidence, gather toxicology samples for drug testing perform sexually transmitted infection evaluation and provide for treatment, pregnancy risk evaluation and schedule follow up care if deemed appropriate.
4. A victim advocate, qualified MDC staff member, or qualified community-based organization member shall be offered to accompany and support the victim through any forensic medical examination process and investigatory interviews.
5. Upon returning from the forensic medical examination, the medical staff shall:
 - a. Thoroughly review the discharge instructions and carry out orders as appropriate;
 - b. Validate if measures have been taken to prevent sexually transmitted diseases, HIV and Hepatitis. If preventive measures have not been taken, preventive measures shall be offered; and
 - c. Refer the alleged victim to mental health for counseling.

F. Ongoing care

1. Medical and mental health staff shall develop a treatment plan for all victims of sexual abuse as deemed necessary.
2. Victims shall be provided medical and mental health services consistent with the community level of care.
3. Victims of sexually abusive vaginal penetration shall be offered pregnancy tests.
 - a. If pregnancy tests results in a positive pregnancy, the inmate shall receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services.
4. Victims of sexual abuse shall be offered tests for sexually transmitted infections as medically appropriate.

5. All treatment services related to the sexual abuse shall be provided at no cost to the inmate.

G. Received Report of an Allegation of Sexual Abuse Outside of a Correctional Facility

1. Medical and mental health staff shall obtain written consent from inmates before reporting information about prior sexual victimization that did not occur in a correctional setting, unless the inmate is under the age of 18.

H. Continuous Quality Improvement

1. The Health Services Administrator shall work with the PREA Unit to regularly assess compliance with PREA standards and to address any deficiencies
2. The Health Services Administrator or designee shall attend all Sexual Abuse Incident Review meetings.

I. Medical Records

1. The medical records of the alleged victim shall include documentation of:
 - a. The Inmate's name and identification number;
 - b. A statement by the Inmate indicating the date and time of the alleged incident;
 - c. Type or description of abuse (i.e., oral, anal, vaginal);
 - d. The presence of all cuts, scratches, bruises and any trauma;
 - e. Any results of the mental health assessment, including a detailed risk assessment to aid in suicide prevention;
 - f. Any counseling provided; and
 - g. Will not reflect any conclusions as to whether a crime occurred.

Standards & References:

A. ACA:

1. 4-ALDF-4D-22-2
2. 4-ALDF-4D-22-6
3. 4-ALDF-4D-22-7
4. 4-ALDF-4D-22-8

B. Court Order:

1. N/A

C. Cross-Referenced Documentation:

1. PREA Policy #6 – Response
2. PREA Policy #5 - Reporting

D. Forms:

1. N/A

F. Other:

1. PREA §115.21
2. PREA §115.81-83