



# **BERNALILLO COUNTY METROPOLITAN DETENTION CENTER**

## **2015 Prison Rape Elimination Act Annual Report**



## History of PREA

**P**REA was enacted in 2003 by Congress to address the problem of sexual abuse of people in U.S. confinement facilities. The Bureau of Justice created the National Prison Rape Elimination Commission and charged it with developing draft standards to aide in the elimination of prison rape. The draft standards were published in June 2009, and were turned over to the Department of Justice for review and passage as a final rule on August 20, 2012.

### MDC PREA History

**T**he Prison Rape Elimination Act (PREA) implementation began at the Metropolitan Detention Center (MDC) in August 2013. Since that time, the facility has made tremendous strides implementing the PREA standards and has demonstrated significant change towards zero tolerance of sexual abuse at the facility. In 2012 MDC received a 2 year PREA demonstration site grant from the Department of Justice to assist the facility in implementing policy and cultural improvements through education and procedural changes. Just Detention International (JDI) and the University of New Mexico's (UNM) Institute of Social Research (ISR) partnered with MDC to assist in this endeavor. The grant was extended an additional year which allowed the facility to get much closer to the goals and objectives of the project. However, budget constraints prevented the facility from completing all of the project goals, such as staff and inmate training, within the time limit of the grant. Although the grant was not a complete success, it was a good foundation to MDC's commitment to protecting its inmates from sexual abuse and becoming PREA compliant. MDC is dedicated to continuing the fight against prison rape and will continue to strive for compliance certification in 2016.



## PREA Compliance

### Milestones:

- \* MDC has completed training for all uniformed staff and included PREA training to the academy curriculum.
- \* Risk assessment tools are being used at intake and at classification to ensure best efforts are being made for the safe housing of each inmate.
- \* A Sexual Assault Review Team (SART) has been created to include representatives from the Bernalillo County Sheriff's Department, SANE, Rape Crisis of Central New Mexico, District Attorney's Office, Medical and Mental Health contractors, and MDC administration. The SART reviews sexual assault incidents and recommends policy, procedural, supervision, or other deficiency changes to help prevent similar incidents from occurring in the future.
- \* In addition to reporting sexual assault to any staff, contractor, or volunteer, MDC has provided inmates and their loved ones numerous other methods to report sexual assault or sexual harassment. Inmates can utilize the crime tip line, call the Bernalillo County Compliance Office, or use the kiosk to make a report. Family and friends and staff can call the PREA hotline 468-PREA or fill out the report form on the MDC public website. All calls are free to inmates and can be made anonymously.
- \* Privacy shower screens and cell windows have been frosted to provide inmates with privacy while showering and using the toilet. Opposite gender announcement when enter a pod has also been implemented.
- \* Policies have been created or modified to reflect the PREA standards including a zero tolerance policy for sexual assault and sexual harassment.
- \* Hiring and promotional practices have been revised
- \* To address the population of transgender inmates, cross gender pat searches are taught to all uniform staff.
- \* Informational posters have been placed throughout the facility instructing inmates how to report sexual assault.
- \* First responder check lists are available to uniform staff to help ensure all necessary steps are taken in the event of a sexual assault.



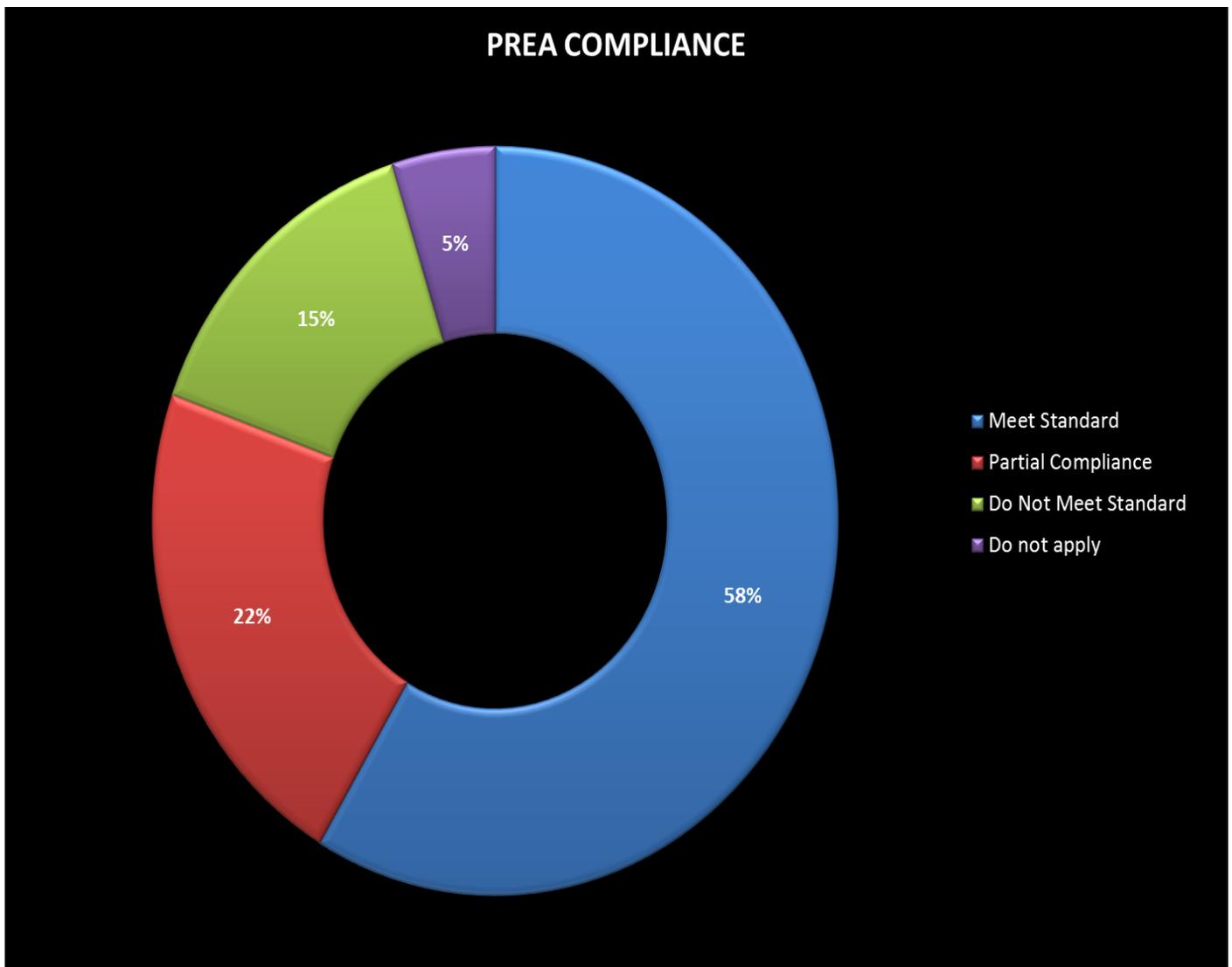
In progress:

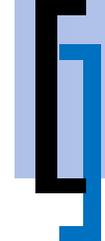
- \* Creating a PREA compliant staffing plan and documentation system
- \* MDC is creating an Office of Professional Standards. The team will be trained in correctional setting sexual assault investigations.
- \* We are currently working on a video to educate inmates about PREA and their right to free from sexual abuse while incarcerated.
- \* Background reviews of all staff who have been employed at MDC for 5 years or longer are in progress
- \* MDC has recently released an RFP for a jail management/data collection system. The new system will make data collection easier, more accurate, and readily available.
- \* MDC developed a team to evaluate several new stationary camera systems to replace our existing panning system.

Though we have not yet accomplished all of the steps necessary to become PREA compliant, MDC continues to move forward to ensure that all staff, contractors, and volunteers are working towards the elimination of sexual assault in our facility.

## Where we stand today:

There are 43 jail and prison PREA standards. Each standard has several sub-parts for a total of 185 individual components we must meet to reach compliance. A few of the standards only apply to specific facilities, those standards are displayed in the graph below as “Do not apply”.





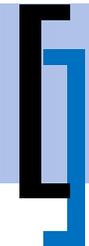
## Data Collection

**D**ata collection and documentation is a significant element of PREA implementation. In years prior to 2015, PREA data was not collected in a way that allowed the facility to easily track the type of incident, whether the alleged perpetrator was staff or inmate, or the outcome of the investigation. In addition, often times the incident “report” was nothing more than a note on a pod log or in the Incident Tracking System (ITS). This method of reporting made it impossible for the PREA staff to get a clear sense of the problem of sexual assaults occurring in the facility.

The ISR worked diligently throughout the grant period to analyze MDC’s data collection practices and to gather information from various locations throughout the facility. Their final report confirmed that the data MDC has been collecting is incomplete. The recommendations made by ISR:

- \* Create a policy on how to collect and report PREA related data as well as all incident data.
- \* Disseminate this policy to all MDC staff, contractors, and volunteers.
- \* Train all staff on how to collect and report PREA related data as well as all incident data.
- \* Implement and maintain a Quality Assurance system to ensure data is accurate and reliable.
- \* Access to all MDC incident data must be granted to all relevant staff to ensure that PREA data, and incident data in general, is being collected and reported accurately.
- \* Have one place to collect and enter all data instead of 3 (incident, discipline and kiosk).

In 2014, the PREA team created a list of “must have” information to be collected based on the Department of Justice Survey of Sexual Victimization (SSV-3). Working together with the Civil Litigation Administrator and IT, a form was created to capture the data necessary to complete the SSV-3 accurately. Since then, we have revised and added additional “must have information” that allows us to capture a broader sense of who, where, and how sexual acts are occurring throughout the facility. The charts in this report reflect some of the differences in data collection between 2012 and 2015. Accurate data is essential in recognizing trends and problem areas, allowing us to more effectively detect, prevent and respond to sexual assault.



## STATISTICS

**T**he charts depicted in this report represent the type of data collected, the number of incidents reported in each category and in total; and the internal investigative findings of the reported incidents. The charts on pages 9-14 are statistics collected in 2015; pages 15 and 16 represent data collected in 2012-2014. The definitions below will assist in understanding the categories of information collected.

## DEFINITION OF TERMS

### FINDINGS:

**Substantiated allegation:** An allegation that was investigated and determined to have occurred.

**Unfounded allegation:** An allegation that was investigated and determined not to have occurred.

**Unsubstantiated allegation:** An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

### STAFF SEXUAL ACTS:

**Staff sexual misconduct:** Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual acts include:

- \* Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; **or**
- \* Completed, attempted, threatened, or requested sexual acts; **or**
- \* Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

**Staff sexual harassment:** Verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative; including:

- \* Demining references to gender; or sexually suggestive or derogatory comments about body or clothing; **or**
- \* Repeated profane or obscene language or gestures



INMATE ON INMATE SEXUAL ACTS:

**Nonconsensual sexual acts:** Sexual contact of an inmate without his or her consent, or of an inmate who is unable to consent or refuse; **and**

- \* Contact between the mouth and the penis, vulva, or anus; **or**
- \* Contact between the mouth and the penis, vulva, or anus; **or**
- \* Penetration of the annual or genital opening of another person, however slight, by a hand, finger, object, **or** other instrument.

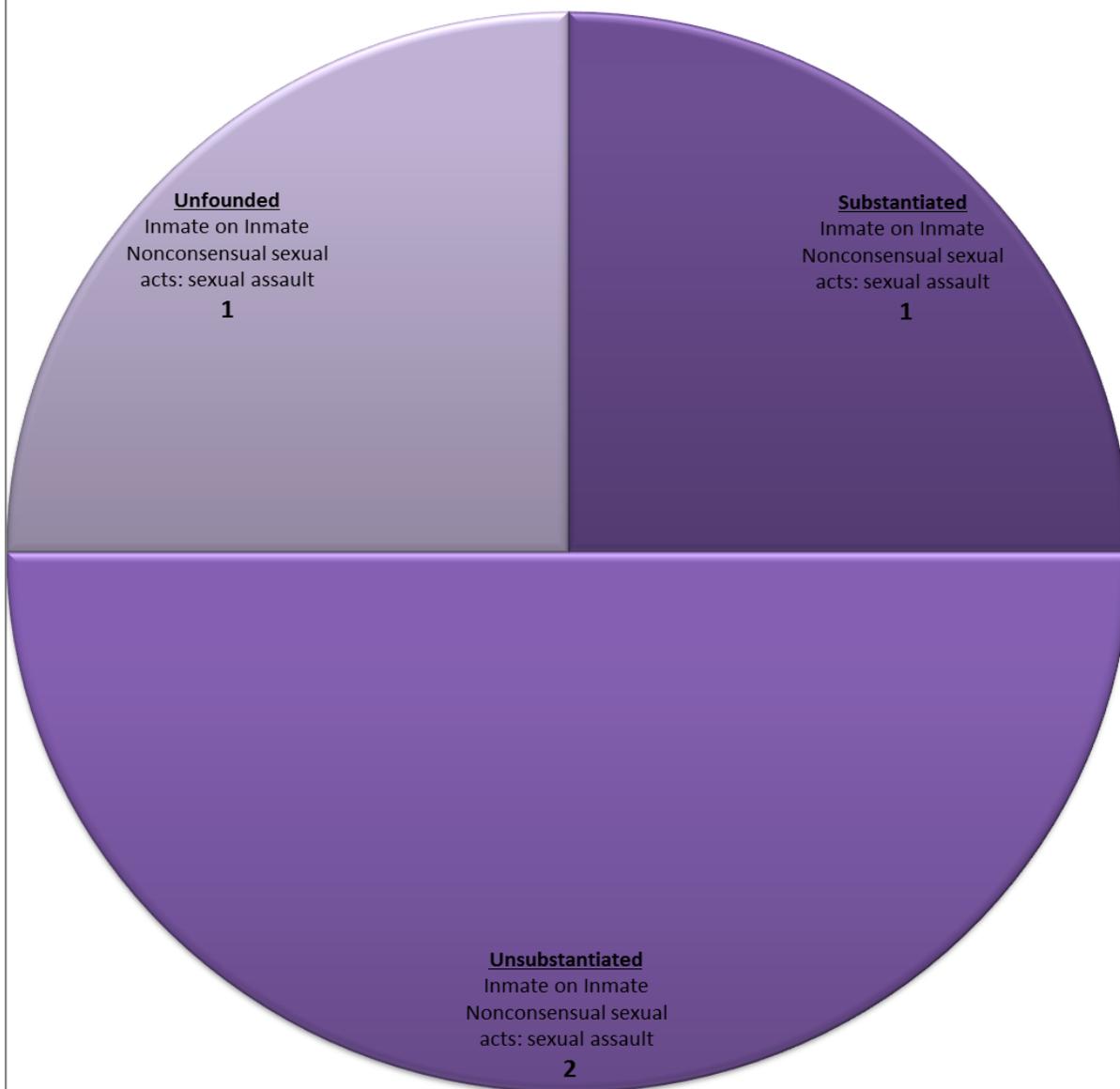
**Abusive sexual contact:** Sexual contact of an inmate without his or her consent, or of an inmate who is unable to consent or refuse; **and**

- \* Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of an inmate.
- \* **EXCLUDING** incidents in which the contact was incidental to a physical altercation.

**Sexual harassment:** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

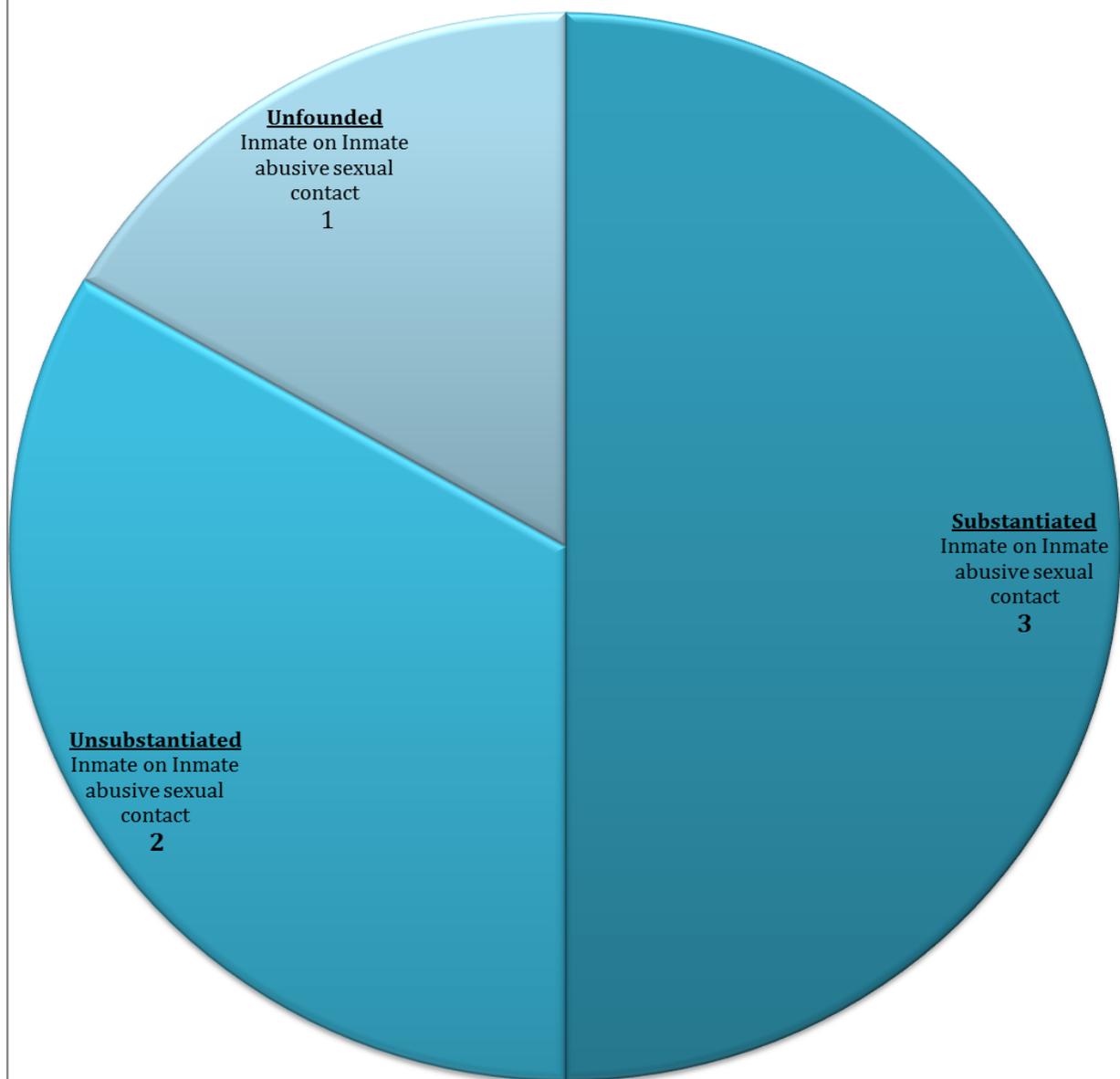


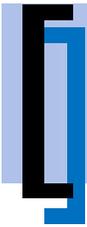
## Reported Inmate on Inmate Nonconsensual Sexual Acts



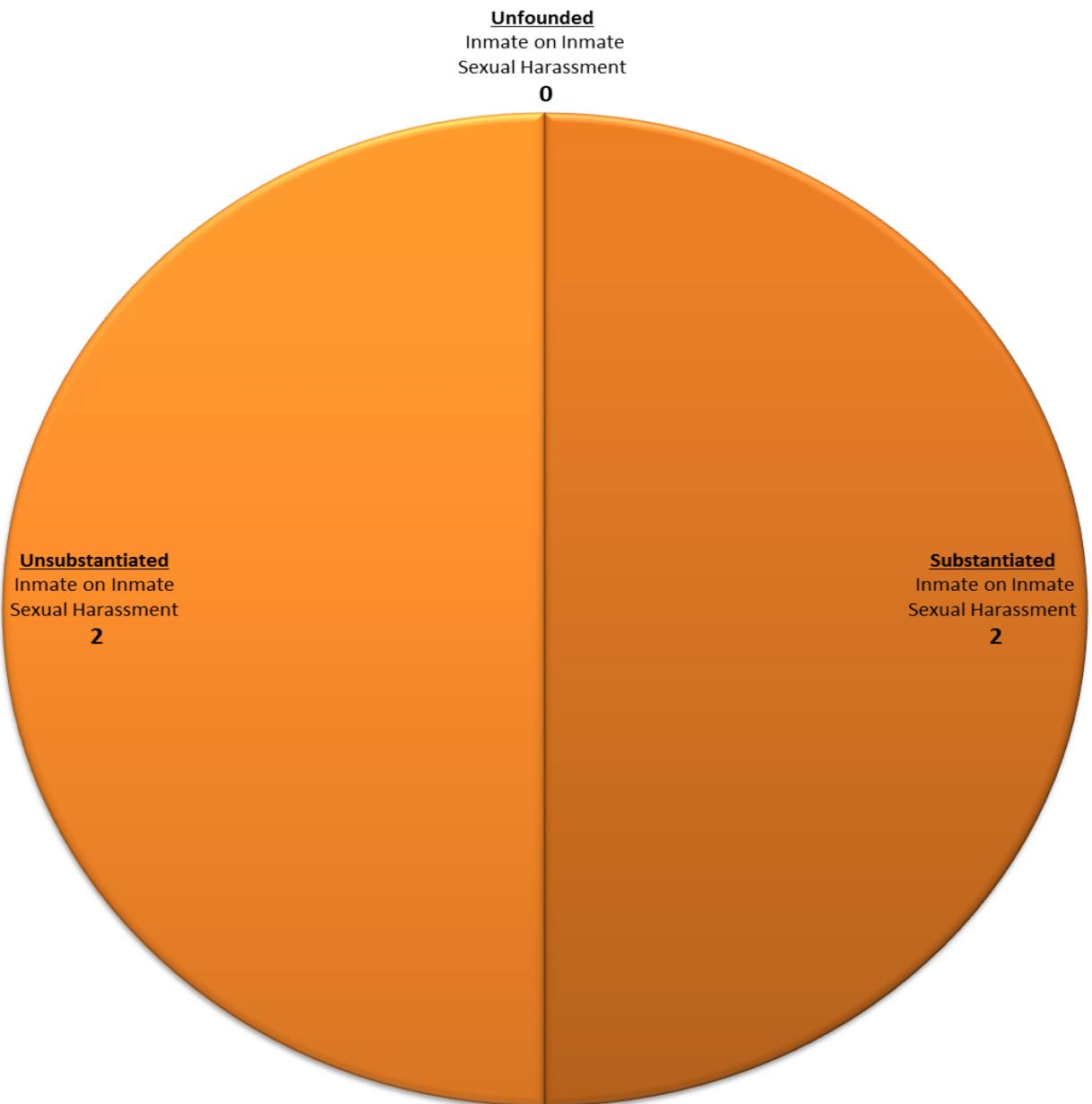


## Reported Inmate on Inmate Abusive Sexual Contact



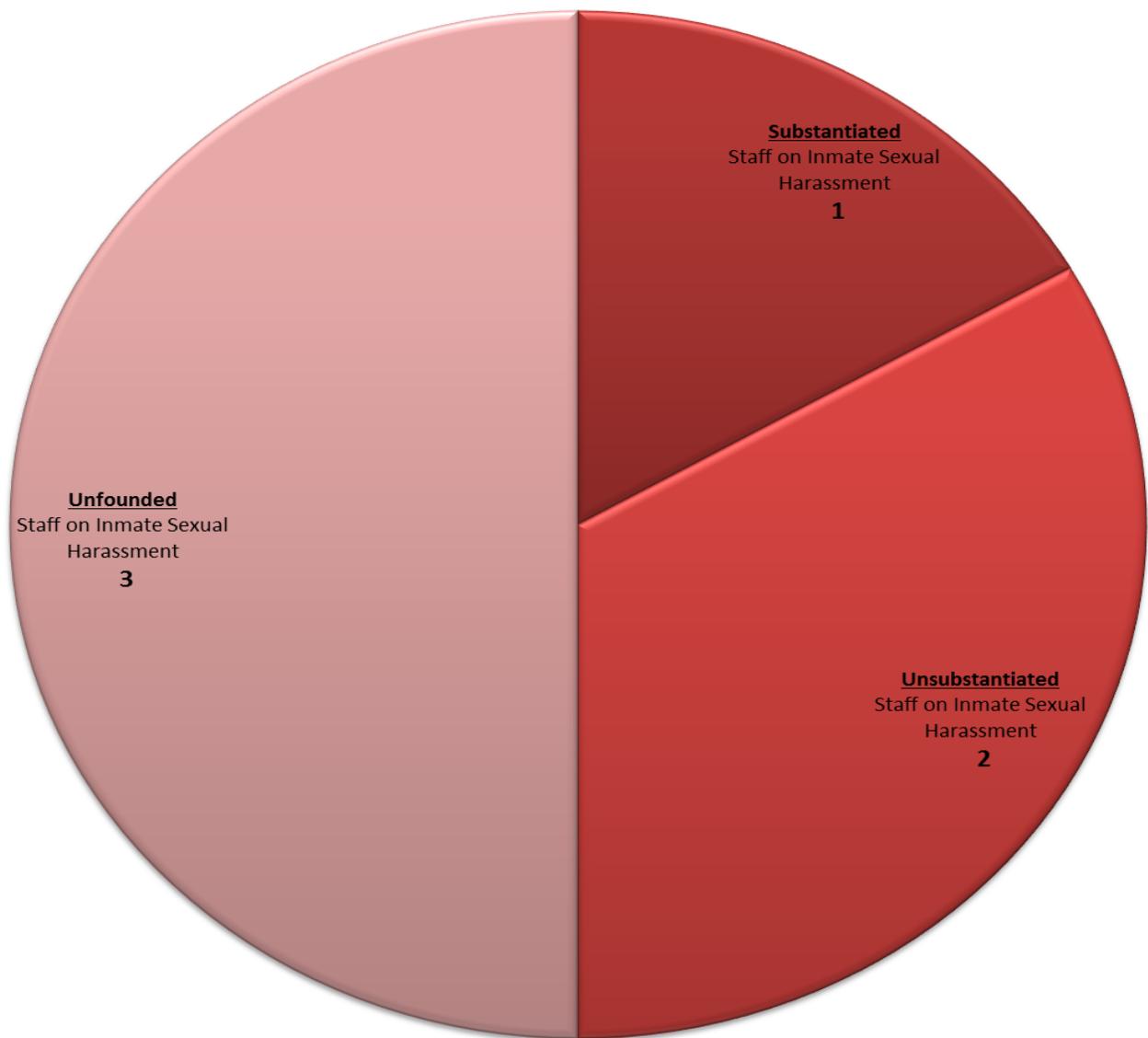


## Reported Inmate on Inmate Sexual Harassment



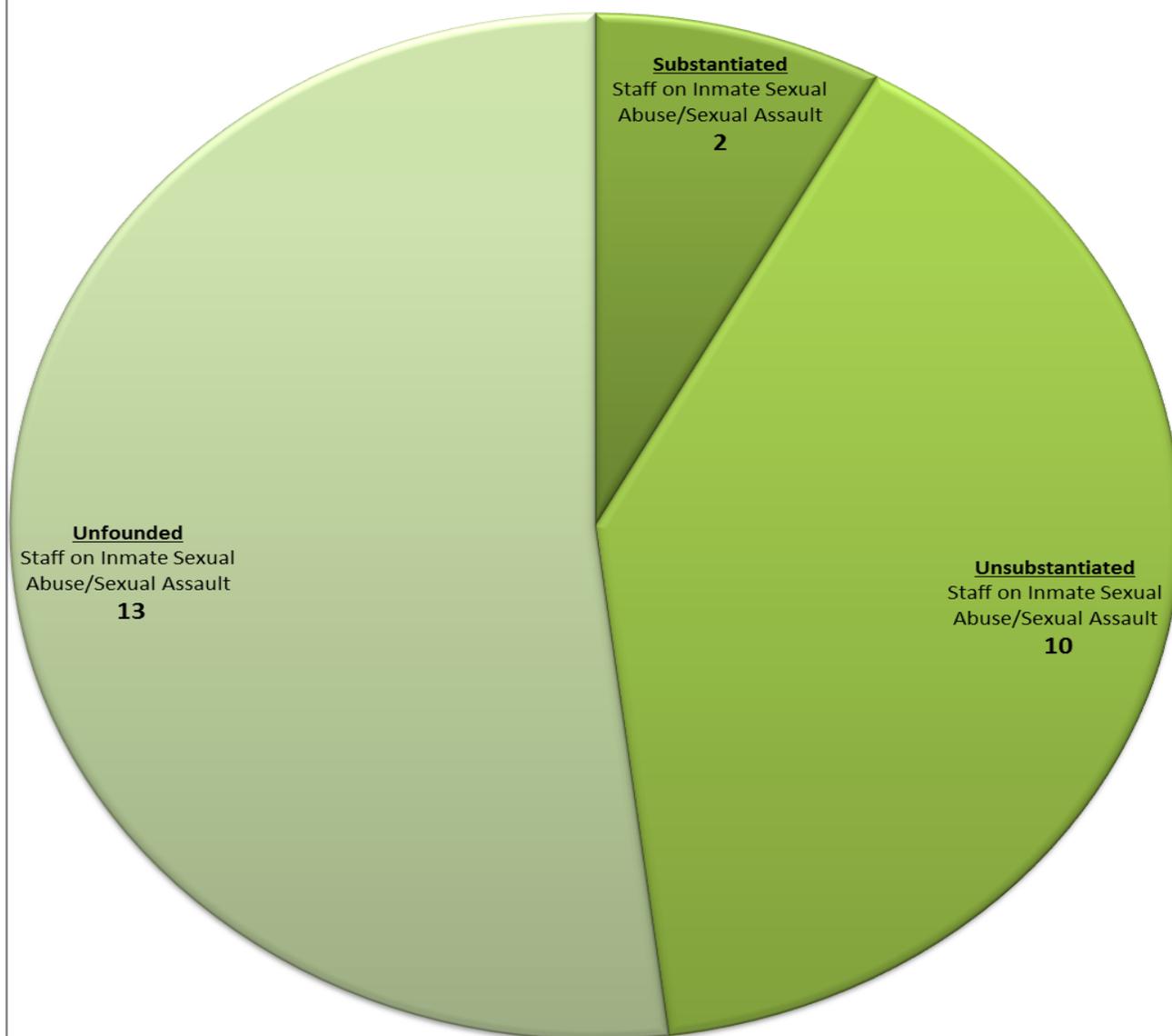


## Reported Staff Sexual Harassment

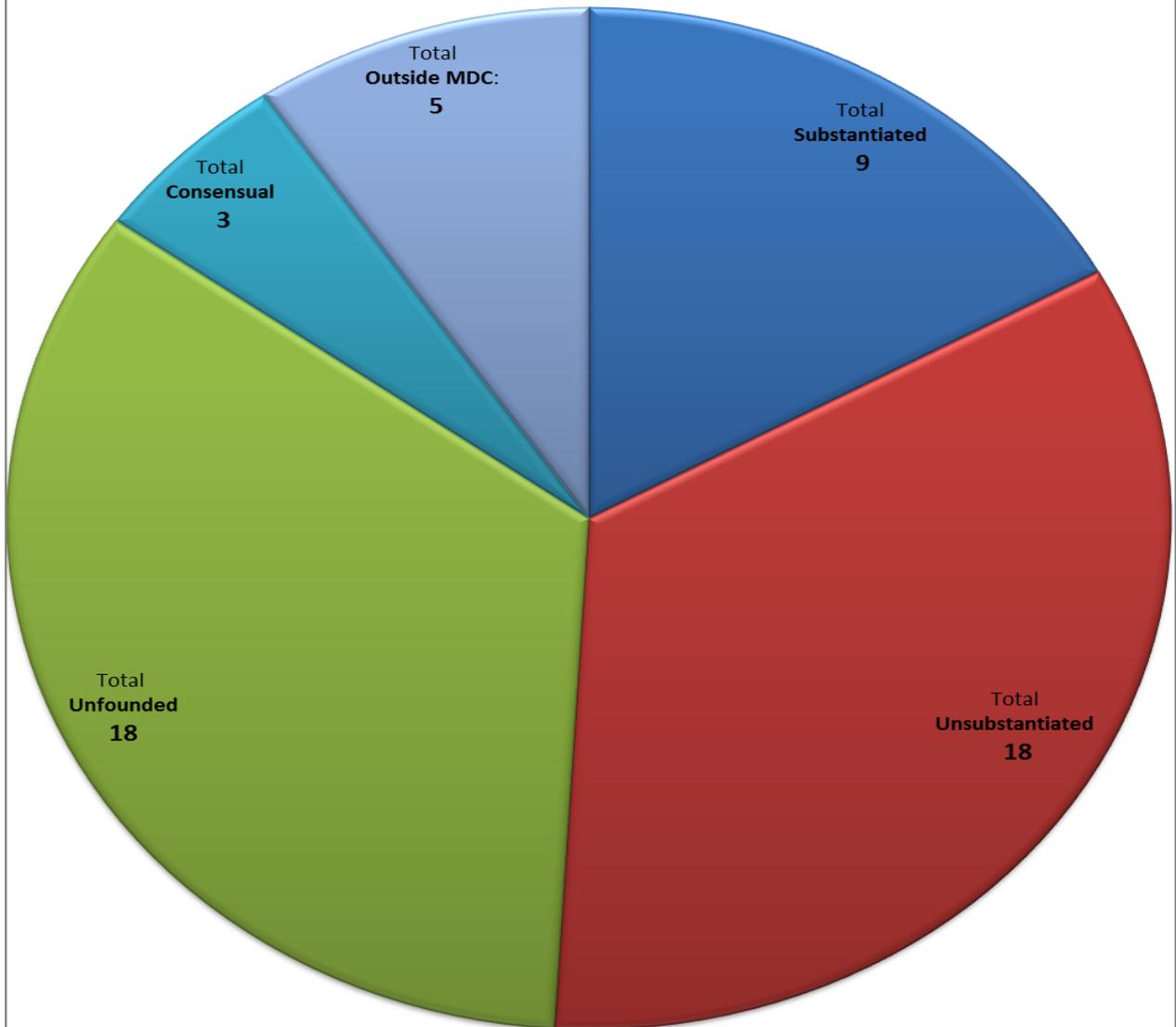




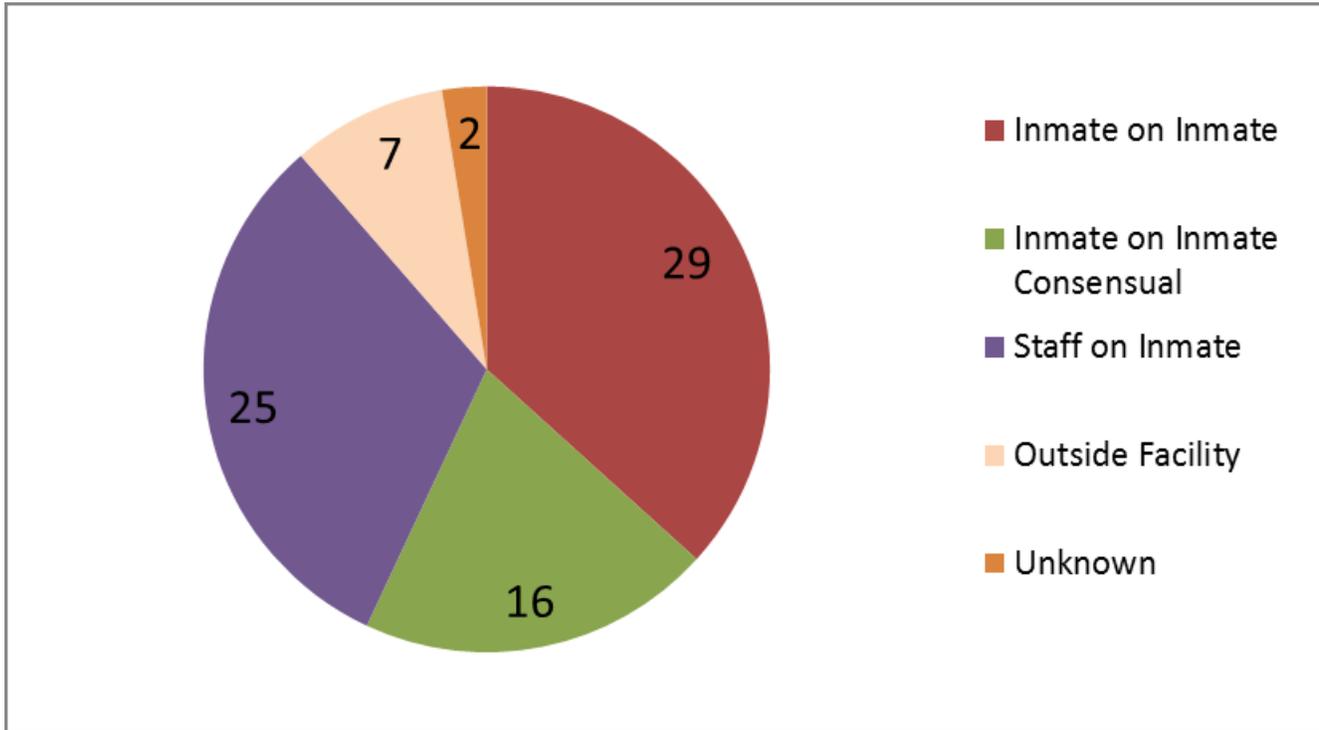
## Reported Staff Sexual Misconduct



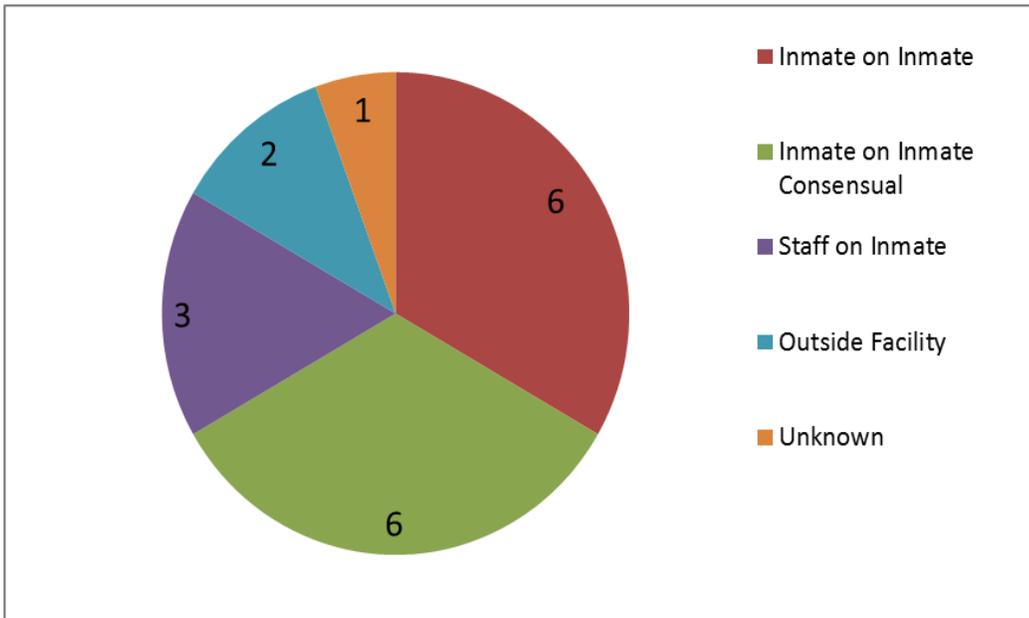
## 53 Total Reported Sexual Acts in 2015



## 2014 Reported PREA Incidents by Type



## 2013 Reported PREA Incidents by Type



## 2012 Reported PREA Incidents by type

