



Pecos Municipal Criminal Justice Center

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To: Town of Pecos City-City Council
From: Chief of Police Lisa Tarango
Date: November 13, 2024
Subject: Pecos Municipal Criminal Justice Center

Synopsis: The Pecos Municipal Criminal Justice Center has implemented procedures to help prevent sexual abuse of those who are in our custody. We have a Zero Tolerance Policy. Reports of sexual abuse are taken seriously and are investigated fully including turning investigations over to police investigations if criminal charges are appropriate. In 2023 the Pecos Municipal Criminal Justice Center processed 796 book-ins. **We had no reported PREA violations in 2023.**

PREA Report Results and Analysis:

In 2023 there were no reported incidents of sexual abuse of any kind. No inmate reported abuse, no staff reported witnessing any sexual abuse and we did not receive any third party notification of sexual abuse in the Pecos Municipal Criminal Justice Center. The results are attributed to several reasons; the jail staff diligently preserves the safety of the offender population through and through, frequent jail checks, contacts, and offender contacts. The Pecos Municipal Criminal Justice Center also makes use of a classification system which prevents housing inmates that are likely to be victimized with inmates that have a history of violence or abuse.

Background:

The Prison Rape Elimination Act (PREA) was passed by Congress on September 4, 2003. The Pecos Municipal Criminal Justice Center has established a zero-tolerance philosophy and policy regarding inmate sexual assault/abuse. Sexual violence investigations shall be actively pursued by the Pecos Municipal Criminal Justice Center and the agency's response shall not vary on basis of the characteristics, status or profession of the victim or perpetrator. It is the policy of this department to reduce the incidents and severity of sexual violence, protect victims of sexual violence, and promote safety for the inmates and staff.

The Pecos Municipal Criminal Justice Center has a "Zero Tolerance" policy for sexual abuse as described in 28 C.F.R. 115. This includes sexual abuse of inmates and sexual

acts involving inmates, regardless of consensual status. All incidents of sexual assault/abuse shall be reported promptly and investigated thoroughly. Consequences of sexual assault/abuse range from Major Infractions, segregated housing, and criminal charges.

The Pecos Municipal Criminal Justice Center uses the definition of “sexual abuse” provided by 28 C.F.R. {115.6 in the National Standards to Prevent, Detect and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of tracking, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization. These categories are:

- 1) Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident.**
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva or anus;
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument; and
 - d. 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.

Sexual Abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, in the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- 2) Sexual Abuse of an inmate, detainee, or resident by a staff member, contractor or volunteer**
 - a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
 - b. Contact between the mouth and the penis, vulva or anus;
 - c. Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - d. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - e. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
 - f. Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in activities described in paragraphs (1) through (5) of this definition;
- 3) Sexual Abuse of an inmate, detainee, resident, by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate, detainee, or resident**
 - a. 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 and
 - b. Voyeurism by a staff member, contractor, or volunteer defined as: An invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a

toilet in his/her cell to perform bodily functions; requiring an inmate to expose his/her buttocks, genitals, or breasts; or taking images of all or part of an inmate's naked body or any inmate performing bodily functions.

4) Sexual Harassment includes:

- a. Repeated and unwelcomed sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed toward another; and
- b. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

General Information:

All claims of sexual abuse as described above are investigated in one of two ways, and administrative investigation conducted by a corrections supervisor or a criminal investigation with a detective.

Sexual abuse allegations are heard at the administrative level until such time it is determined that the incident is a criminal matter. Some cases may initially present as a criminal event and will therefore be entirely a criminal investigation. Any criminal PREA investigation in which a member of the Peos Municipal Criminal Justice Center is the suspect will be conducted by an outside agency.

Investigations, regardless of the type, will include interviews of the victim, accused and any witnesses. They will include all available evidence to include video, biological, photographic, or any other that is available.

The conclusion of an administrative investigation will include a finding by the investigator. The three (3) possible outcomes to a PREA investigation, they are:

Unfounded-The allegation is false or not factual.

Unsubstantiated-There is insufficient factual evidence either to prove or disprove the allegations.

Substantiated-The allegations are supported by sufficient factual evidence.

Respectfully submitted,

Lisa Tarango