

## **PREA HEARING PRESENTATION/TESTIMONY**

My name is Shannon McReynolds. I was the contract monitor for the State of New Mexico at the Torrance County Detention Facility from May of 2005 until September of 2008. It was during my tenure as contract monitor at TCDF that the contractors hired by the Bureau of Justice Statistics conducted the survey of Sexual Victimization in Local Jails Reported by Inmates, 2007.

I have over eighteen years experience in corrections, starting as a corrections officer. I have subsequently worked as the roster manager for the Penitentiary of New Mexico, at that time comprised of four facilities with over four hundred officers. I then successively promoted to classification officer, inmate job coordinator, programs director, and unit administrator for the special controls unit. At the Department's central office, I wrote the Department's training curriculum for unit management and classification. I wrote the department's responses to inmates' habeas writs in the Ayer's case, and I managed the Interstate Corrections Compact office, in which I saved the Department over six hundred thousand dollars annually in the cost of housing inmates. I have performed numerous audits of state prison operations, a task that I have continued to perform.

Because the New Mexico Corrections Department contracts with Adult Detention Facilities to house inmates, I have had the opportunity to monitor operations at the Santa Fe and Torrance County jails over an extended length of time. Additionally, I have

privately contracted to evaluate operations at the jail on the Acoma Pueblo Indian reservation.

Professionally, I hold a B/S in criminal justice and am certified by the New Mexico Law Enforcement Academy to train police officers in criminal procedure and learning skills development. I have provided testimony in court cases defending the Department in lawsuits filed by inmates over good time awards and inmate religious rights. I provided testimony in the trial of twice-convicted murderer John Hovey, and provided testimony that directly resulted in the conviction of accused murderer and gang member Charles Aragon.

Statute 30-9-11 of the New Mexico Statutes Annotated states:

**"Criminal sexual penetration in the second degree consists of all criminal sexual penetration perpetrated:**

- (1) by the use of force or coercion on a child thirteen to eighteen years of age;**
- (2) on an inmate confined in a correctional facility or jail when the perpetrator is in a position of authority over the inmate".**

To give effect to this statute, the Corrections Department on June 5, 1985 promulgated policy CD-150100, entitled "Offender Protection Against Abuse and Sexual Misconduct; Reporting Procedures". This policy defines prohibited sexual behavior and establishes a "zero tolerance" policy regarding abuse and sexual misconduct directed towards offenders. Additionally, the policy mandates that any staff, vendors, contractors or any offenders who witness or are the subject of abuse or sexual misconduct must immediately

report such conduct to the Secretary of Corrections, Office of Special Investigations and Internal Affairs, the Warden, the Shift Supervisor, the institutional investigator, District Supervisor or any other employee of the Corrections Department. Further, the policy requires that at orientation upon arrival at a facility, the inmate be informed about sexual abuse/assault including prevention and intervention, self-protection, reporting sexual abuse/assault, and treatment/counseling. The inmate then signs a form acknowledging that he has been informed about sexual abuse/assault and reporting incidents of sexual abuse and assault.

Inmates are also informed about the Department's grievance policy CD-150500, which also includes instructions for filing emergency medical grievances. This policy provides access to the grievance procedure to all inmates and requires that a grievance mailbox be accessible to all inmates in the general population or that a mailbox be installed in each segregated housing unit pod. Further, the policy's administrative provisions require that no inmate or employee who is named in the grievance shall participate in any capacity in the investigation or resolution of the grievance, except only to the extent required as the grievant, subject of the grievance, or a witness. Neither the institutional grievance officer nor administrator shall act in such a capacity when they are the subject of the grievance or witness to an incident resulting in a grievance. The policy specifically states that Department personnel sexual misconduct is grievable by inmates as an emergency grievance, and also includes a process by which the inmate may appeal the remedy for a grievance. The policy concludes by prohibiting reprisals against inmates for using the

grievance process. As of today, I have never been informed by any inmate that he has been the victim of sexual abuse or assault, nor am I aware of any grievance filed by an inmate during 2007 in which an allegation of sexual abuse, assault, or contact was made.

Policy CD-032201, the Department's ethics policy, specifically states that it is inappropriate for Department employees to display affection toward or have an intimate or personal relationship with persons under the department's supervision as such relationships interfere with the proper supervision of probationers, parolees, inmates or detainees, and that undue familiarity also includes any behavior or act of a sexual nature towards an offender by a department employee, contractor, volunteer, visitor or department representative. This includes but is not limited to: sexual assault, sexual abuse, sexual contact, conduct of a sexual nature, kissing and or hugging, sexual gratification of any party, obscenity or unreasonable invasion of privacy. Sexual misconduct also includes conversations or correspondence of a romantic, intimate, or sexual nature between an offender and any department employee, contractor, volunteer, visitor, or department representative. Such conduct compromises the professional relationship personnel have with people under their care, custody, supervision or control that can interfere with proper supervision or compromise security. Violation of the ethics policy by an employee may result in termination.

The Bureau of Justice Statistics report shows that of the sixty-seven inmates who responded to the survey, thirteen point four percent (13.4%), representing nine inmates, indicated that they had sexually victimized within six months\*. Of those sixty-seven inmates who responded, the report indicates that six-point-four percent (6.4%), representing four inmates, were victimized by another inmate, and that seven percent, (7.0%), representing five inmates, were victimized by a staff member<sup>a</sup>. In every case, the respondents indicated that the perpetrator was female<sup>2</sup>.

Since the Torrance County Detention Facility does not allow male and female inmates to have contact with one another, and because the New Mexico Corrections Department does not house female offenders at the Torrance County Detention Facility, those four inmates who reported being victimized in an inmate-on-inmate encounter by female perpetrator can be safely identified as inmates who have not been remanded to the custody of the New Mexico Corrections Department, and are thus not under the Department's supervision.

Although, (due to the confidential nature of the survey), the five inmates who reported

---

\* Page two of the report.

<sup>a</sup> Page thirty-one of the report, appendix table 4.

<sup>2</sup> Table three, "Characteristics of sexual victimization incidents alleged by inmates at the Torrance County Detention Facility"

being sexually victimized by a female staff member cannot be conclusively identified as state inmates, I am personally aware that three female staff members<sup>3</sup> have been terminated from employment at the Torrance County Detention Facility for engaging in inappropriate relationships with inmates who are under the jurisdiction of the New Mexico Corrections Department. These incidents were uncovered by monitoring inmate phone calls in which the female staff member, who had given an inmate her phone number where the inmate could call her, was requested to bring in contraband or engage in other prohibited behaviors. Though I have personally heard these recorded phone conversations, I cannot conclude based on the content of the conversation alone that these incidents actually included a sexual encounter between a staff member and an inmate.

The report also states that unlike the 2007 report, the 2008 report will include questions to determine how often sexual contact reported as unwilling occurred in the course of pat downs or strip searches\*. Because the report's definition of "Abusive Sexual Contact" includes "unwanted contracts with another inmate or any contacts with staff that involved touching of the inmate's buttocks or thigh in a sexual way"<sup>a</sup>, touching that may occur during the course of a pat search may have been reported by an inmate as unwanted sexual contact by a female staff member. But due to the confidential nature of the survey, it is impossible to determine whether such contacts were reported as abusive sexual contact.

---

<sup>3</sup> Officers Blake and Piper, and commissary manager Brown,

\* Page seven of the report.

<sup>a</sup> Page eleven of the report.

In summary, sexual abuse, assault, or contact is prohibited by the Department's Ethics policy. Inmates have a process for reporting sexual abuse, assault, or contact to Department officials, and are advised of that process upon receipt at the facility, and staff members who have been found to be engaged in inappropriate relationships with inmates have been removed from employment at the Torrance County Detention Facility.