



House Memorial 40/Senate Memorial 37
Compliance with Federal Prison Rape Elimination Act (PREA) Legislative Task Force
Summary of Current and Future Work

Goals of HM 40/SM 37: provide recommendations for policy and legislative changes—if any are necessary—to improve compliance with the federal Prison Rape Elimination Act of 2003 in New Mexico.

Problems identified by task force in 2023:

- Training of facility staff on PREA is under-resourced and underprioritized. Training ensures those in PREA compliance roles understand their positions and those of partners, reduces burnout, assists to change the overall culture around PREA at facilities, and promotes transparency and accountability.
- Inconsistencies between facilities' approaches to ensuring compliance with PREA. This creates confusion and a lack of transparency around what is happening. The confusion is heightened by large rates of turnover in these positions.
- PREA is financially burdensome to implement, as it requires important yet costly facility updates.

Human Impact of Failure to Protect Individuals in Detention and Correctional Facilities:

- Short-term and long-term trauma to victims.
- Intergenerational trauma and violence.
- Cultures of fear within detention and corrections facilities.
- Professional and personal isolation.
- Intimidation of officers responsible for investigating violence in detention and corrections facilities.

The taskforce has identified that many solutions to the problems identified center around financial resources. For this reason, the taskforce is requesting funding for the following initiatives:

- Funding for training of staff around PREA compliance (please see attached budget).
- Facility modifications and updates needed to support PREA compliance— physical costs are needed for everything from signage to shower curtains to security. This would promote PREA compliance, decrease the likelihood of sexual assault and help shift the culture around sexual assault in facilities.

In 2024, the taskforce will be introducing a second memorial to continue its work. With this memorial, the taskforce hopes to continue examining the following issues:

- Exploring county level needs. More specifically, assess whether a statewide or regional PREA coordinator for county facilities would promote standardization and accountability for county facilities.
- Identify facility/state policies that could be changed to promote reporting and discourage retaliation.
- Perform statewide evaluation of barriers around PREA in facilities across state.
- Identify other specialized training needs.
- Analyze conflicts that exist between state criminal and federal PREA law that limit the ability to punish under state law those who commit sexual assault in facilities.

Task Force Members

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