



TITLE Investigations in Juvenile Justice Services (JJS) Facilities Stand Alone Procedure (SAP)	POLICY NUMBER SAP 05
RESPONSIBLE AREA Office of the Investigator General (OIG)	EFFECTIVE DATE February 15, 2026

Table of Contents

1	Policy Statement
2	Scope and Application
3	Statutory Authority and Related NMAC
4	Definitions
5	Purpose of this Procedure
6	Procedure
6.1	Methods to Report
6.2	Screening
6.3	Record Keeping
6.4	Review, Acceptance, and Confirmation of Receipt
6.5	Reports by or Relating to Discharged Clients
6.6	Cross Reporting/Notifications
6.7	JJS Investigation
6.8	OIG Investigation
6.9	Conducting the Investigation
6.10	Staffing
6.11	Outcomes
6.12	Documentation Retention
6.13	Notification
6.14	Confidentiality
7	Training
8	Consequences of Noncompliance
9	Rescinded and Replaced
10	Forms and Additional Documents
11	Authorizing Signatures

1 Policy Statement

- 1.1 CYFD is committed to providing a safe and secure environment, free from all forms of sexual misconduct and retaliation for clients and employees. Juvenile Justice Services (JJS) has zero tolerance for sexual misconduct and maintains comprehensive procedures regarding prevention, detection, and response to such conduct.
- 1.2 All sexual contact between employees and clients; contractors, volunteers, or student interns and clients; and clients on clients, regardless of consensual status, is prohibited and subject to disciplinary action and possible criminal prosecution.
- 1.3 All JJS employees, contractors, volunteers, and student interns are required to report any suspected or witnessed sexual misconduct.

2 Scope and Application

- 2.1 This policy and procedure governs CYFD's compliance with the Federal Prison Rape Elimination Act (PREA) for clients that are currently and previously placed in the care and custody of CYFD's JJS secure facilities and JJS juvenile reintegration centers (JRCs).
- 2.2 The Office of the Inspector General (OIG), Office of Advocacy, JJS, and Employee Relations Bureau (ERB) are charged with ensuring that allegations are promptly and professionally investigated.

3 Statutory Authority and Related NMAC

Prison Rape Elimination Act of 2003, 42 USCA 15601 et seq.
NMAC 8.14.5.24 Safety and Emergency Operations (Prison Rape Elimination Act)

4 Definitions

- 4.1 **Client:** a person who is or was committed to the custody or under the supervision of JJS. Clients include individuals who are up to the age of 21 if they still are in custody or under supervision.
- 4.2 **Employee Relations Bureau (ERB):** the organizational unit within CYFD responsible for personnel matters.
- 4.3 **Facility:** a facility or a JRC operated by JJS for purposes of housing and providing care for clients committed to the custody or under the supervision of JJS.
- 4.4 **Grievance:** a complaint about programming, services, or care provided to clients.
- 4.5 **Juvenile Justice Services (JJS):** the organizational unit within CYFD that staffs, manages, and operates juvenile justice facilities.
- 4.6 **Neglect of a client by an employee, contractor, volunteer, or student intern:** may include, but is not limited to, failing to provide proper subsistence, medical, educational, and/or other care necessary for the client's well-being or failing to protect a client from foreseeable harm.
- 4.7 **Office of Advocacy:** the organizational unit within CYFD that staffs the JJS Facility Confidential Reporting Line and provides the Screener who receives and evaluates reported allegations.
- 4.8 **Office of General Counsel (OGC):** the organizational unit within CYFD that advises and provides legal services to CYFD's Cabinet Secretary.
- 4.9 **Office of the Inspector General (OIG):** the organizational unit within CYFD responsible for conducting investigations of JJS screened-in referrals.
- 4.10 **Office of Performance and Quality Assurance:** the organizational unit within JJS of CYFD that monitors, audits, inspects, reports, and makes recommendations on care and treatment of clients in secure facilities. Additionally, the Office of Performance and Quality Assurance Bureau Chief supervises the PREA Coordinator and JJS grievance officers assigned to secure facilities.
- 4.11 **OIG Special Investigator or Special Investigator:** the person who has been designated by the Inspector General (IG) to receive and investigate JJS screened-in referrals.

- 4.12 OIG Investigation: the process by which the Special Investigator collects and reviews information concerning JJS screened-in referrals to determine whether there is a factual basis to the allegations.
- 4.13 Physical Abuse of a client by an employee, contractor, volunteer, or student intern: may include, but is not limited to, any of the following:
- Suspected non-accidental injuries that may include evidence of visible or non-visible signs of injury like skin bruising, bleeding, burns, fractures of any bones, subdural hematoma, or soft tissue swelling;
 - Excessive and/or inappropriate physical acts used on a client that may include excessive and/or inappropriate discipline, excessive force during a restraint, kicking, hitting with an object, biting, slapping, and any kind of corporeal punishment; and
 - Death of a client suspected to be the result of physical abuse.
- 4.14 Preponderance of Evidence Standard: a burden of proof standard whereby an allegation is proven by evidence to be more likely than not a fact.
- 4.15 Prohibited Room Confinement: the involuntary isolation, segregation, separation of a client for non-safety concerns and any confinement of a client for non-compliance, discipline, or for employee convenience.
- 4.16 Referral or Screened-in Referral: a report that the Screener refers to the OIG for investigation. The referral includes the name of the client victim and alleged perpetrator(s), the type of allegation (physical abuse, sexual abuse, sexual exploitation, sexual harassment, neglect, or a room confinement complaint), a description of the incident, date and time of the incident, location, names of potential witnesses, and the existence and location of any other pertinent information.
- 4.17 Room Confinement Complaint: a report by or on behalf of a client alleging solitary confinement, segregation, isolation, and/or prohibited room confinement.
- 4.18 Screened-out Referral: an allegation that the Screener does not refer to OIG for investigation but rather refers to JJS administration for assignment, investigation, and/or remediation.
- 4.19 Screener: the CYFD employee who receives and evaluates reported allegations. This individual is responsible for staffing the JJS Facility Confidential Reporting Line and has sufficient training and experience to properly evaluate the reported allegation. The Screener is a non-JJS employee with appropriate qualifications.
- 4.20 Sexual Abuse of a client by an employee, contractor, volunteer, or student intern: may include, but is not limited to, any of the following acts, with or without consent of the client:
- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight; contact between the mouth and the penis, vulva, or anus;
 - Contact between the mouth and any body part where the employee, contractor, volunteer, or student intern has the intent to abuse, arouse, or gratify sexual desire;
 - Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the employee, contractor, volunteer, or student intern has the intent to abuse, arouse, or gratify sexual desire;
 - Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or buttocks, that is unrelated to official duties



Children, Youth & Families Department

STATE OF NEW MEXICO

or where the employee, contractor, volunteer, or student intern has the intent to abuse, arouse, or gratify sexual desire;

- Any attempt, threat, or request by an employee, contractor, volunteer, or student intern utilizing power, influence, or authority to develop a sexual relationship with a client or perpetrate a sexual act on a client;
- Any display by an employee, contractor, volunteer, or student intern of uncovered genitalia, buttocks, or breast in the presence of a client; and
- Voyeurism by an employee, contractor, volunteer, or student intern means an invasion of privacy of a client for reasons unrelated to official duties, such as peering at a client who is using a toilet to perform bodily functions; requiring a client to expose buttocks, genitals, or breasts; or taking images of all or part of a client's naked body or of a client performing bodily functions.

4.21 Sexual Exploitation of a client by an employee, contractor, volunteer, or student intern: may include, but is not limited to, any of the following acts:

- Allowing, permitting, or encouraging a client to engage in prostitution;
- Allowing, permitting, encouraging, or engaging a client in obscene or pornographic photographing; and
- Filming or depicting a client for obscene or pornographic commercial purposes.

4.22 Sexual Harassment of a client by an employee, contractor, volunteer, or student intern: may include, but is not limited to, verbal comments or gestures of a sexual nature, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, and obscene language or gestures.

4.23 Substantial Threat: a report that a client is subject to substantial risk of imminent physical abuse and/or sexual abuse. In the Prison Rape Elimination Act (PREA), this is defined as an emergency grievance.

4.24 Substantiated: an allegation that was investigated and based on the Preponderance of Evidence Standard, was determined to have occurred.

4.25 Unsubstantiated: an allegation that was investigated and based on the Preponderance of Evidence Standard, the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.

4.26 Unfounded: an allegation that was investigated and determined not to have occurred.

5 Purpose of this Procedure

5.1 The purpose of this procedure is to encourage JJS facility clients, clients' families and direct others (including employees, contractors, volunteers, and student interns) to report to a CYFD Office of Advocacy employee substantial threats, allegations of physical abuse, sexual abuse, sexual exploitation, sexual harassment, neglect, and room confinement complaints.

5.2 To ensure that all allegations are promptly and professionally investigated.

6 Procedure

6.1 Methods to Report

6.1.1 Reports to the JJS Facility Confidential Reporting Line can be made in three ways:

- Call 1-855-563-5065;
- Email JJS.Confidential@cyfd.nm.gov; and

- Use a kiosk, an interactive device that provides another confidential method for reporting.
- 6.1.2 Reports to the JJS Facility Confidential Reporting Line are privileged and are not monitored, in the same manner as when clients have telephone access to their attorneys (which may include reasonable limitations based on security needs and the need to avoid disruption in programming). Clients are permitted to make such reports in a location that preserves confidentiality.
- 6.2 Screening
 - 6.2.1 The Screener checks the JJS Facility Confidential Reporting Line (voicemails and emails) at least once every 24 hours.
 - 6.2.2 If a report indicates a substantial threat or that a client is at risk of ongoing abuse, the Screener immediately (within 24 hours of receipt) notifies the facility Superintendent/Officer in Charge (OIC) or the JRC Program Manager/OIC so that safety can be assured. The Screener provides the name of the client victim and any other individuals(s) allegedly involved in the incident. If appropriate, the Screener may additionally notify law enforcement.
 - 6.2.3 The Screener documents all received reports on the "JJS Facility Referral Form."
 - 6.2.4 Within one business day of receipt, the Screener uses the "JJS Facility Screening Tool" to determine whether any received allegations meet the screening criteria: physical abuse, sexual abuse, sexual exploitation, sexual harassment, neglect, and/or a room confinement complaint.
 - 6.2.5 If the Screener determines that the allegation meets the screening criteria, the "JJS Facility Referral Form" is scanned and emailed to OIGreferral@cyfd.nm.gov. An OIG employee is responsible for ensuring that the email address for referrals is reviewed each business day.
 - 6.2.6 If the Screener determines that the allegation does not meet the screening criteria and the incident occurred in a JJS secure facility, the "JJS Facility Referral Form" is scanned and emailed to JPTC.grievance@cyfd.nm.gov or YDDC.grievance@cyfd.nm.gov (based on the location of the incident). The Performance and Quality Assurance Bureau Chief is responsible for ensuring that the email addresses for facility grievances are reviewed each business day.
 - 6.2.7 If the Screener determines that the allegation does not meet the screening criteria and the incident occurred at a JRC, the "JJS Facility Referral Form" is scanned and emailed to the JRC Superintendent.
 - 6.2.8 If the identity and contact information of the reporter is known, the Screener notifies the reporter that the allegation has been received and will be reviewed.
- 6.3 Record Keeping

The Screener logs all calls, voicemails, emails, and actions taken on every report received and keeps such records available for the Office of Advocacy and JJS Directors' Offices.



Children, Youth & Families Department

STATE OF NEW MEXICO

- 6.4 **Review, Acceptance, and Confirmation of Receipt**
An OIG special investigator reviews the "JJS Facility Referral Form" and sends a confirmation email to the Screener acknowledging receipt of any screened-in referral.
- 6.5 **Reports by or Relating to Discharged Clients**
A client or someone acting on a client's behalf may make a report after the client has been discharged from a facility or JRC. Reports made by former clients or on their behalf are handled by the same process outlined in this Procedure.
- 6.6 **Cross Reporting/Notifications**
- 6.6.1 The Screener reports all screened-in referrals to law enforcement and the JJS Director by emailing the scanned "JJS Facility Referral Form".
- 6.6.2 The Screener reports all allegations to the Deputy Director of Facilities by emailing the scanned "JJS Facility Referral Form".
- 6.6.3 The Screener reports all PREA-related allegations to JJSPREA.Coordinator@cyfd.nm.gov by emailing the scanned "JJS Facility Referral Form".
- 6.7 **JJS Investigation**
JJS administration ensures all screened-out allegations are assigned, investigated, and/or remediated.
- 6.8 **OIG Investigation**
The Special Investigator conducts an investigation of all screened-in referrals.
- 6.9 **Conducting the Investigation**
- 6.9.1 The Special Investigator, in coordination with the facility Superintendent or the JRC Program Manager, arranges face-to-face contact with the client victim within two business days of receiving a referral.
- 6.9.2 The Special Investigator cooperates with law enforcement and, if requested, conducts a joint investigation or suspends the OIG investigation to allow for law enforcement to complete its investigation. The Special Investigator notifies those being interviewed that, as part of the investigation, information may be shared with law enforcement. Any materials reviewed or collected as part of the investigation are provided to law enforcement upon request. The Special Investigator documents the information that was provided, the date the information was provided, and to whom the information was provided.
- 6.9.3 All investigations may include the following components:
- The interview of the client victim(s);
 - The interview of the alleged perpetrator(s);
The interview of any individual who witnessed the alleged incident(s), or who may provide additional, relevant information;
 - The interview of the medical provider who conducted the examination or evaluation and a review of any medical documentation concerning the alleged incident(s);
 - A review of any electronic data, in digital format, on video, or otherwise recorded concerning the alleged incident(s);



Children, Youth & Families Department

STATE OF NEW MEXICO

- A review of any other material or documentation relevant to the alleged incident(s), including JJS policies, procedures, and directives; and
 - Protocols that oblige Department of Justice standards (especially standards for interviewing victims of sexual abuse).
 - Special Investigators do not have the authority to impose criminal sanctions or employee disciplinary actions; therefore, they do not cite Miranda or Garrity warnings.
- 6.9.4 All interactions with client victims and client witnesses are conducted in a manner that takes into consideration any special needs, abilities, age, and maturity. The interview is conducted in a place within the facility that maintains the client's privacy. The interview is conducted in a language that the client uses and understands. Clients may request that another CYFD employee of their choosing be present during the interview. Clients may also request an outside victim advocate be present during the interview.
- 6.9.5 All interviews with employees, contractors, volunteers, and student interns are coordinated with facility management. The interviews may also be coordinated with law enforcement, when appropriate. Interviews are conducted in a confidential manner and in the individual's primary language. All CYFD employees are required to cooperate with investigations.
- 6.9.6 The Special Investigator notifies every CYFD employee who is interviewed that retaliation against current or former clients, employees, contractors, volunteers, or student interns for reporting any allegations or room confinement complaints, submitting grievances, or providing information during the course of an investigation is a violation of this Procedure and the CYFD Code of Conduct and may be grounds for discipline up to and including termination.
- 6.9.7 Any new or additional allegations discovered during an OIG investigation are reported by the Special Investigator to the Screener, who completes a new "JJS Facility Referral Form" and follows the same process as required for any new allegations: receiving, screening, logging, and reporting.
- 6.9.8 The Special Investigator makes a finding of "substantiated", "unsubstantiated", or "unfounded" for each allegation contained in the OIG investigation. The "JJS Facility Investigation Summary" is emailed to the following administrators:
- JJS Director,
 - JJS Deputy Director for Facilities,
 - JJS Performance and Quality Assurance Bureau Chief,
 - IG,
 - JJS PREA Coordinator (as necessary), and
 - A representative from the OGC.
- 6.9.9 The Special Investigator will impose no standard higher than a preponderance of the evidence in determining the finding.
- 6.9.10 The Special Investigator's investigation is completed within a reasonable timeframe, not to exceed 30 calendar days of receipt of the referral. The IG may grant an extension for completion based upon good cause. Any extension granted and the basis for the extension is documented in writing and approved by the IG. Completion of the Special Investigator's investigation entails completing the "JJS Facility Investigation



Children, Youth & Families Department

STATE OF NEW MEXICO

Summary(s)", which the IG approves. Regardless of any time extensions, the investigation and exit staffing is completed within 90 calendar days of the initial referral.

6.10 Staffing

6.10.1 The Special Investigator staffs the progress of each open investigation with the IG to:

- Review the progress of the investigation;
- Ensure the thoroughness of the investigation;
- Strategize to address any challenges; and
- Review decisions, including the finding(s) of the investigation.

6.10.2 The Special Investigator schedules an exit staffing at the conclusion of the OIG investigation. The following administrators are invited:

- JJS Director,
- JJS Deputy Director for Facilities,
- JJS Performance and Quality Assurance Bureau Chief,
- IG,
- JJS PREA Coordinator (as necessary), and
- A representative from the OGC.

6.11 Outcomes

Administrators consider and initiate follow-up actions that may include:

- Review the evidence against the employee(s), and potentially initiate an ERB investigation;
- Alert the PREA team of appropriate debriefing and training needs for involved employees at the facility level;
- Review the evidence against the contractor(s), volunteer(s), or student intern(s) and take appropriate action(s).
- Consider any physical plant or monitoring technology modifications that might better protect clients; and/or
- Recommend potential policy or procedure modifications to the JJS Policy Manager that might better protect clients.

6.12 Document Retention

6.12.1 Documentation is retained and may be evaluated for trending and accountability purposes.

6.12.2 The Screener retains all documentation on all reports to the JJS Facility Confidential Reporting Line for at least 10 years.

6.12.3 The Special Investigator retains all documentation on all screened-in referrals for at least 10 years.

6.13 Notification

The Office of Advocacy Director notifies the JJS Director and the OIG immediately if there is a change in the identity and/or contact information of the Screener.

6.14 Confidentiality

Information obtained during the course of an OIG investigation is confidential and is released only as allowed by law. "JJS Facility Screening Tool(s)", "JJS Facility Referral Form(s)", "JJS Facility Investigation Summary(s)", and all other relevant forms, notes, and documentation are confidential and not subject to public inspection or disclosure.



Children, Youth & Families Department

STATE OF NEW MEXICO

7 Training

Supervisors are responsible for ensuring their team members understand and follow policy and procedures on PREA compliance.

8 Consequences of Noncompliance

An employee who fails to follow this Policy and Procedure may be subject to disciplinary action in accordance with the CYFD Code of Conduct, New Mexico Administrative Code (or its successor), and other relevant statutes, regulations, rules, policies, and procedures.

9 Rescinded and Replaced

SAP 04 Investigations in Juvenile Justice Services Facilities, 08/28/2019
2023-006 Juvenile Justice Services (JJS) Directive

10 Forms and Additional Documents

JJS Facility Screening Tool
JJS Facility Referral Form
JJS Facility Investigation Summary

11 Authorizing Signature

A handwritten signature in black ink, appearing to read "Valerie Sandoval", written over a horizontal line.

Valerie Sandoval, Acting Cabinet Secretary of Children, Youth and Families Department

Date