



LARIMER COUNTY CRIMINAL JUSTICE SERVICES

# PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2018  
to  
2019

An incident overview of sexual misconduct reporting in  
Larimer County Criminal Justice Services Facilities:

**Larimer County Community Corrections Department**

**Larimer County Alternative Sentencing Department**

Including incident synopses, statistics, responses, and findings



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## **Prison Rape Elimination Act Annual Compliance Report (2018-2019)**

### **Background**

In 2003, Congress enacted the Prison Rape Elimination Act (PREA) mandating that correctional facilities nation-wide implement measures to prevent, detect, and respond to sexual misconduct and sexual violence in America's prisons, jails, and community confinement facilities. The Act directed the Attorney General to create national standards applicable to all correctional facilities, public and private, in the United States. In 2013, specific standards required by this legislation were disseminated nationally by the Department of Justice, and a timetable for compliance and a subsequent federal compliance audit were set.

This legislation, along with the national standards and audit requirements, stem from a fundamental belief that American prisons and jails should be as safe as possible, and that no matter the crime committed, being sexually assaulted while in custody is never a part of the sentence.

In late 2013, both the Community Corrections Facility and the Alternative Sentencing Work Release Facility, operated by Larimer County, began the task of forming the policies, procedures, best practices, and community partnerships necessary to meet Federal requirements.

An on-site PREA audit was conducted by Certified PREA Auditors August 7, 2018 through August 9, 2018. The final PREA Audit Report findings were that all standards were met and 1 standard, 115.265 Coordinated Response, exceeded the standard. Due to short sentences in the Workenders/Midweek program they had not previously participated in PREA. An increase in program size necessitated movement of some work release offenders to be housed on the same floor as the Workenders/Midweek offenders and it was due to this change that the Workenders/Midweek became subject to PREA standards and all associated audits.

PREA standards require that an annual report be published detailing statistics regarding sexual harassment, abuse, and assault of offenders in our custody. The annual report is required to aggregate the data collected from PREA-qualifying incidents, provide an explanation of what measures were taken in investigating and responding to the data collected, and indicate what additional measures, if any, are needed and/or being taken to address the safety of offenders from incidents of sexual violence while in custody.

Finally, the annual report is to be published publicly, on the agency's website, for review and comment by interested parties.

The data presented in this annual report was compiled from victim and perpetrator statements and interviews, police reports, witness statements and interviews, video surveillance review, and confidential source statements. All personal identifying information has been redacted from the annual report, as has information which, if disseminated, could pose a threat or danger to the safety and security of offenders in custody and/or the staff responsible for supervising them.





## **Section 1- Reporting Statistics**

- 1.1 Number of Reports
- 1.2 Nature of Reports
- 1.3 Substantiated Reports and Report Characteristics
- 1.4 Unsubstantiated Reports and Report Characteristics
- 1.5 Unfounded Reports and Report Characteristics

### **1.1 Number of Reports**

Between April of 2018 and April of 2019 eight (8) reports of sexual misconduct were reported by offenders which met PREA's reporting guidelines. Other reports were received which did not fall under the requirements of PREA. These reports included consensual sexual behavior within the facility (not permitted by facility rule, but not a violation of PREA standards), horseplay between offenders involving touching, and inappropriate communication between offenders.

In addition, one report was made by an offender alleging he had been sexually assaulted by an offender at another correctional facility. In this case, notification was made to the appropriate staff at the facility where the alleged assault took place. The offender informed staff of the alleged assault during a PREA screening completed at intake.

2018-2019 there was a modest decrease of one in the number of reports that were either substantiated, unsubstantiated or unfounded compared to 2017-2018.

The eight reports listed meet the criteria of offender-on-offender or staff-on-offender sexual harassment or abuse allegations.

### **1.2 Nature of Reports**

PREA reports are broken down in a manner designed to a) identify who the alleged abuser is, b) identify what type of sexual misconduct occurred, and c) indicate whether the report was substantiated. For the purpose of this report, the alleged abuser will be identified as either staff or offender. The type of sexual misconduct will be identified as either harassment or abuse. Finally, each report will be determined to be either substantiated (a preponderance of evidence exists to show that the incident occurred), unsubstantiated (no determination could be made to determine whether the incident occurred based on available evidence), or as unfounded (preponderance of evidence indicated that the incident reported never took place). Lastly, each report concludes with a review of the incident by a team of experts to determine if changes can be made to policy, procedure, or best practices to prevent a similar event from occurring in the future. This information is presented below in 1.3 through 1.5.

### **1.3 Substantiated Reports**

Of the eight reports, three were determined to be substantiated, indicating that enough evidence was found during the investigation to indicate that the report was made in good faith, was accurate, and actionable. The reports are listed below. Information concerning the names of those involved, and the specific locations at which the event(s) occurred have been redacted for security purposes.

Report 1	Substantiated	Abuse	August 21, 2018	Community Corrections
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A female offender alleged inappropriate sexual touching by another offender on multiple occasions. During the initial interviews with the alleged victim, it was determined that law enforcement should be





contacted. The Larimer County Sheriff's Office took over the investigation. The alleged perpetrator was negatively terminated from the program and taken into custody at the Larimer County Jail.

Report 2	Substantiated	Abuse	September 21, 2018	Alternative Sentencing
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It was discovered during a phone search of a male offender's phone that the offender was possibly having a relationship with a staff member. Law enforcement was contacted, and a criminal investigation was initiated and ultimately the alleged perpetrator was charged with Sexual Conduct in a Correctional Institution.

Report 3	Substantiated	Abuse	January 9, 2019	Alternative Sentencing
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A male offender admitted to having a sexual relationship with a past contract staff member. During the initial interviews with the alleged victim, it was determined that law enforcement should be contacted. Law enforcement was contacted, and a criminal investigation was initiated the alleged perpetrator was charged with Official Misconduct.

#### **1.4 Unsubstantiated Reports**

Unsubstantiated reports are reports which, upon investigation, fail to provide a preponderance of evidence as to whether an alleged event occurred or not. These reports can include third party reports in which not enough information is given to identify a victim and/or a perpetrator, reports in which no evidence exists to support an allegation of one party and a denial by the other, or reports in which conflicting reports, evidence, or data make it impossible to determine if the incident happened as described, happened differently than described, or didn't happen at all.

If an incident is determined to be unsubstantiated, victim services are still offered to the victim, and action will be taken to make sure the victim and alleged assailant are separated, counseled, and monitored closely. Without direct evidence, however, no disciplinary action may be taken, or criminal charges filed, against an alleged perpetrator.

Of the eight reports, two were determined to be unsubstantiated. The reports are summarized below.

Report 1	Unsubstantiated	Abuse	December 11, 2018	Alternative Sentencing
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A female offender reported unwanted sexual touch, being grabbed on her buttocks by another offender three years prior in the Workenders program. She did not feel comfortable reporting it at the time of the alleged misconduct, but after viewing the intake PREA video and completing the PREA screening in 2018, chose to report it to staff. The allegation could not be substantiated due to the alleged victim not knowing the name of the alleged perpetrator, work site, crew leader or any information that could be used to investigate this past allegation. She was given the opportunity to speak Victim Services Specialist.

Report 2	Unsubstantiated	Harassment	December 20, 2018	Community Corrections
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A female offender reported unwanted sexual comments from another offender. Once investigated, the allegations could not be substantiated due to conflicting accounts and not having a clear indication that the comments were directed at the offender reporting the comments. All parties involved were counseled regarding appropriate behavior and expectations





## **1.5 Unfounded Reports**

Unfounded reports are reports which, upon investigation, are deemed to be have no basis in fact, malicious (false reporting), or simply don't meet the criteria to be investigated and reported as an incident under PREA standards.

Of the eight reports, three were determined to be unfounded. The reports are summarized below.

Report 1	Unfounded	Abuse	July 12, 2018	Community Corrections
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A staff member reported observing a female offender kiss another female offender forcefully via the video camera system. The alleged victim maintained that she was not kissed by the other female. Once the incident was investigated and all parties interviewed, and video footage reviewed, the allegation was determined to be unfounded.

Report 2	Unfounded	Harassment	August 29, 2018	Community Corrections
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A male offender reported another male offender had made an unwanted sexual comment directed at him. Once the incident was investigated and all parties interviewed the allegation was determined to be unfounded.

Report 3	Unfounded	Abuse	December 17, 2018	Community Corrections
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A male offender reported another male offender and a kitchen staff member were in a relationship. Once the incident was investigated and all parties interviewed, and video footage reviewed, the allegation was determined to be unfounded.

## **Section 2- Analysis of Data/Actions Taken**

- 2.1 Number of Reports
- 2.2 Coordination of Response
- 2.3 Offender Education
- 2.4 Staff Education

### **2.1 Number of Reports**

**Analysis:** The number of reports in 2018-2019 are down by one report from 2017-2018. This marks four consecutive years of declining reports. Although a minimal decrease, we are encouraged by the downward trend in number of reported PREA incidents and are hopeful that the continued education and counseling efforts are helping reduce these incidents.

**Action Taken:** Education efforts for offenders continues to be identified as a high priority. Classes and programs designed to elicit character, healthier lifestyles, stronger decision making, and better problem solving are offered throughout offenders' sentences. Building self-esteem and increasing awareness about the damage that sexual misconduct can cause is a high priority for our offender population.

### **2.2 Coordination of Response**

**Analysis:** First responders continue to do well at recognizing situations which may be sexual in nature and immediately intervening in the situation and reporting it to the Sexual Abuse Response Team





(SART). The SART has grown more confident at discerning as each report that comes to them. PREA legislation and standards are clear but cannot provide a provision for every circumstance in every case. Having two trained PREA Investigators coordinate with the PREA Coordinator on each investigation has helped immensely in determining the outcome of each report and investigation.

**Action Taken:** At the conclusion of every PREA incident, the SART evaluates if additional measures such as additional cameras or mirrors could reduce the likelihood of the PREA incident from occurring. The PREA Auditors recommended one additional mirror be installed in housing areas at both facilities. They were both purchased and installed soon after the recommendation was received. Secured communication within the computer system for Criminal Justice Services is key in ensuring each team member is up to date on an incident and all team members have a voice in the outcome. All PREA response forms that First Responders use have been revised significantly to be more user friendly, include PREA definitions and provide clear direction for staff as well as examples of PREA qualifying incidents.

## **2.3 Offender Education**

**Analysis:** During offender orientations, all residents at Community Corrections and Alternative Sentencing receive information on sexual misconduct. They receive the PREA Offender Brochure on self-protection, prevention and intervention which advises them of the agency's zero tolerance policy towards sexual abuse and harassment, as well as different reporting options if they are, or have knowledge of, a victim of sexual abuse or harassment. In addition, they are all required to watch the PREA video at orientation. A PREA Screening assessment is completed by a staff member meeting with each new offender within the first 72 hours of arrival to assess potential for abusiveness and/or victimization. The PREA video is also shown quarterly throughout each facility.

**Action Taken:** Offender education is paramount in creating a culture where expectations are clear and consistent about the agency's zero tolerance policy towards sexual abuse and harassment. PREA information was added to the ASD handbook in both the Work Release and Workender/Midweek programs. The importance of the staff's interaction at orientation and throughout the offender's stay continues to be emphasized. A video, assessment, and brochure do not, by themselves, sufficiently educate the offender population concerning sexual violence in a confinement setting. Further, the professional relationship necessary to encourage reporting and vigilance in this area needs to be established immediately upon intake by staff who take the time to explain how important this information is, and how committed the agency is to prevent sexual violence in our facilities. Prior PREA incidents that occurred at other correctional facilities continue to be reported by offenders during their PREA screening with staff. This is encouraging that offenders show willingness to share past experiences and know they will be offered services to assist in prior victimization.

## **2.4 Staff Education**


**Analysis:** A comprehensive PREA Training Course on PREA protocols and sexual assault responses is mandatory for all Criminal Justice Services (CJS) Workers or other persons having direct, unsupervised contact with offenders. In addition, all CJS Workers attend an annual PREA refresher training. Volunteers and contract workers must complete training at time of hire. Staff education will remain a top priority in creating a successful culture in preventing, detecting, and responding to sexual violence. As stated in 2.2 Coordination of Response, all First Responder forms were revised in order to be more user friendly for staff. There continues to be a high number of incidents reviewed with SART members to determine if the event they become aware of meets PREA qualifications. This exemplifies the alertness and commitment staff have to the identification of PREA incidents



**Action Taken:** All staff will be trained on the new First Responder forms in their annual refresher training. Two additional PREA Investigators completing administrative investigations will be added to the SART. The addition was made in order to increase the availability of PREA Investigators to complete investigations after a PREA incident occurs and an investigation has been requested by the PREA Manager. This will be beneficial as it will reduce possible times when all PREA Investigators are on vacation. The new PREA investigators will complete the National Institute of Corrections online Prison Rape Elimination Act (PREA) Investigating Sexual Abuse in a Confinement Setting Course. In addition, they will attend the instructor led Prison Rape Elimination Act (PREA) Investigating Sexual Abuse in a Confinement Setting Course that will be offered in 2019, date to be determined

### **Conclusion**

The number of PREA qualifying reports continue to decrease, however the PREA team continues to receive reports from a variety of sources, for a variety of reasons. Many of these reports are not PREA qualifying, but this shows progress in the awareness by both staff and offenders. Victims will report to people they trust and establishing trusting relationships with appropriate boundaries is ultimately the key to getting victims the help they need. The focus will continue to be education for both offenders and staff. We are pleased with the outcome of the PREA Audit and will continue to strive for ways CJS can make improvements to ensure the safety and security of our facilities.

  
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Mary Shaw, PREA Coordinator

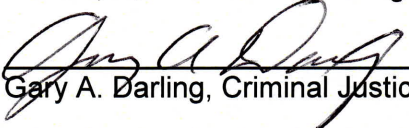
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Tim Hand, Community Corrections Director

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Jill Fox, Alternative Sentencing Acting Director

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Gary A. Darling, Criminal Justice Services Director

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Appendix A: Data Reporting



Figure 1- Investigative Outcomes for 2018-2019

## 2018-2019 ALL REPORT TYPES AND OUTCOMES- 8 TOTAL REPORTS

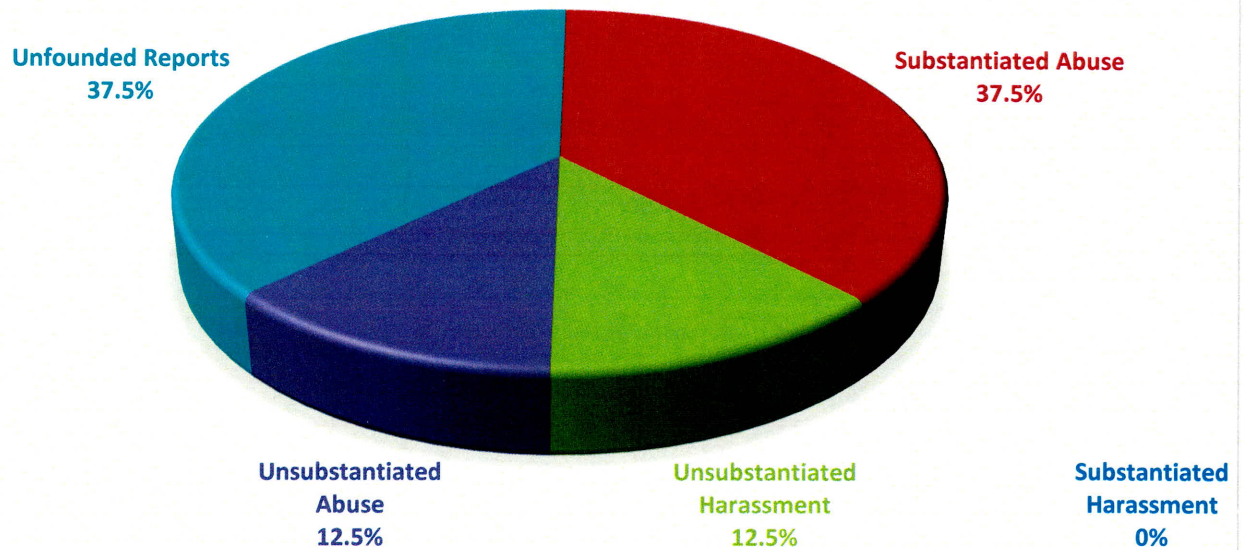




Figure 2- Investigative Outcomes for 2017-2018

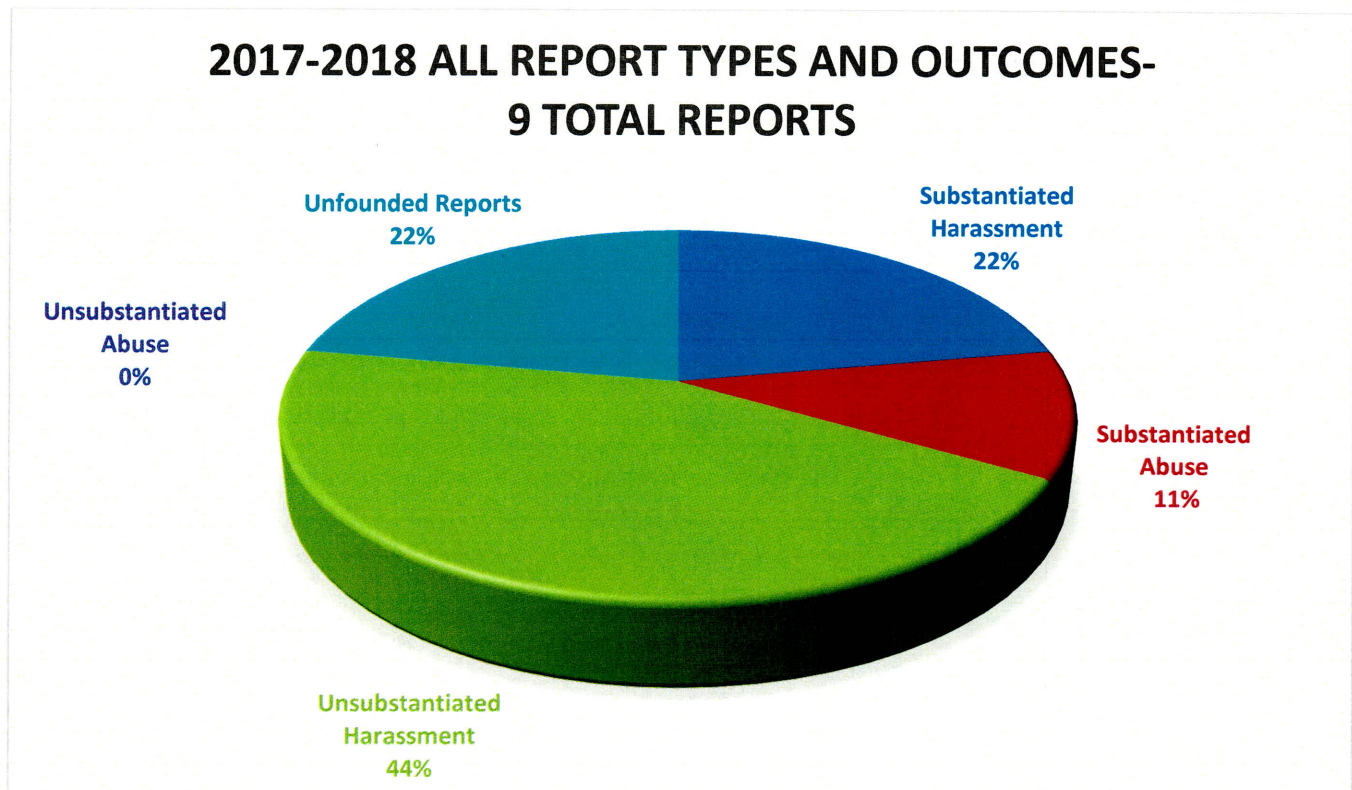


Figure 3- Investigative Outcomes for 2016-2017

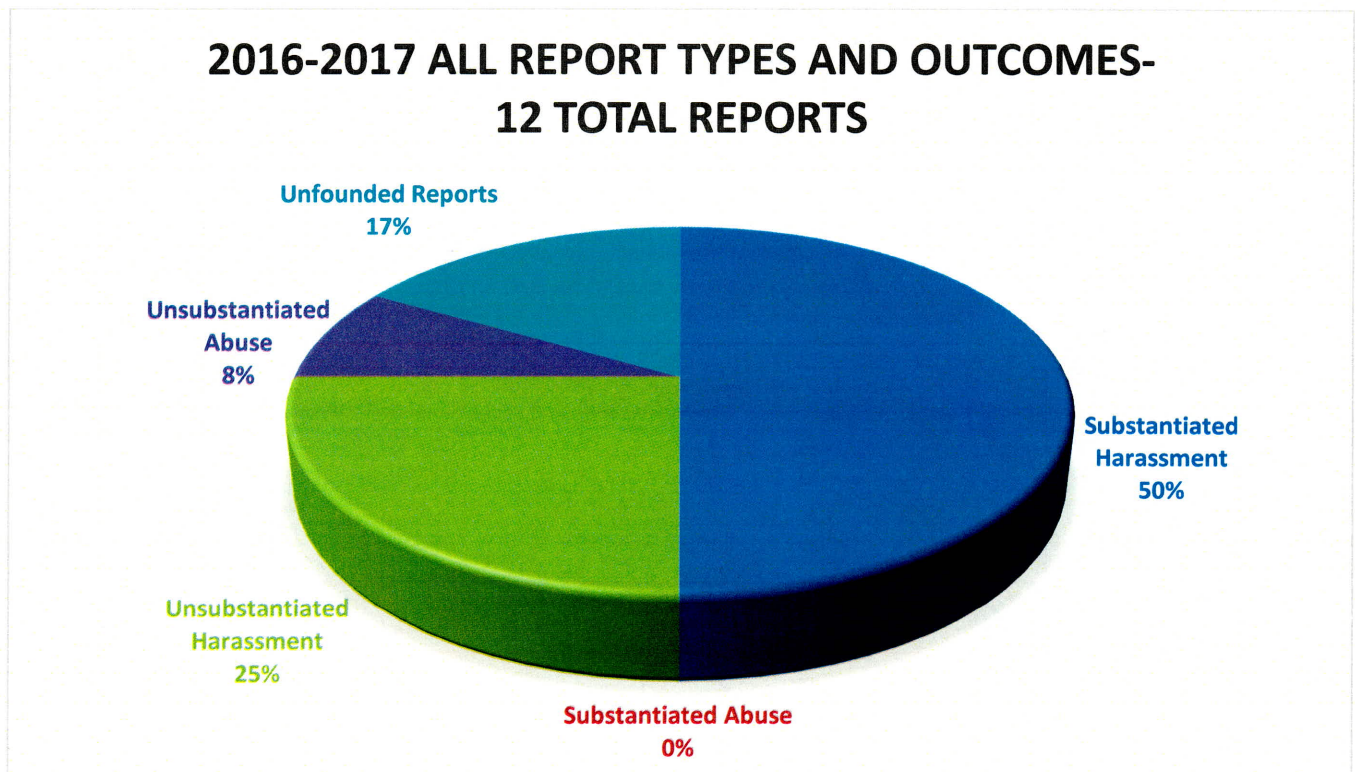




Figure 4- Investigative Outcomes for 2015-2016

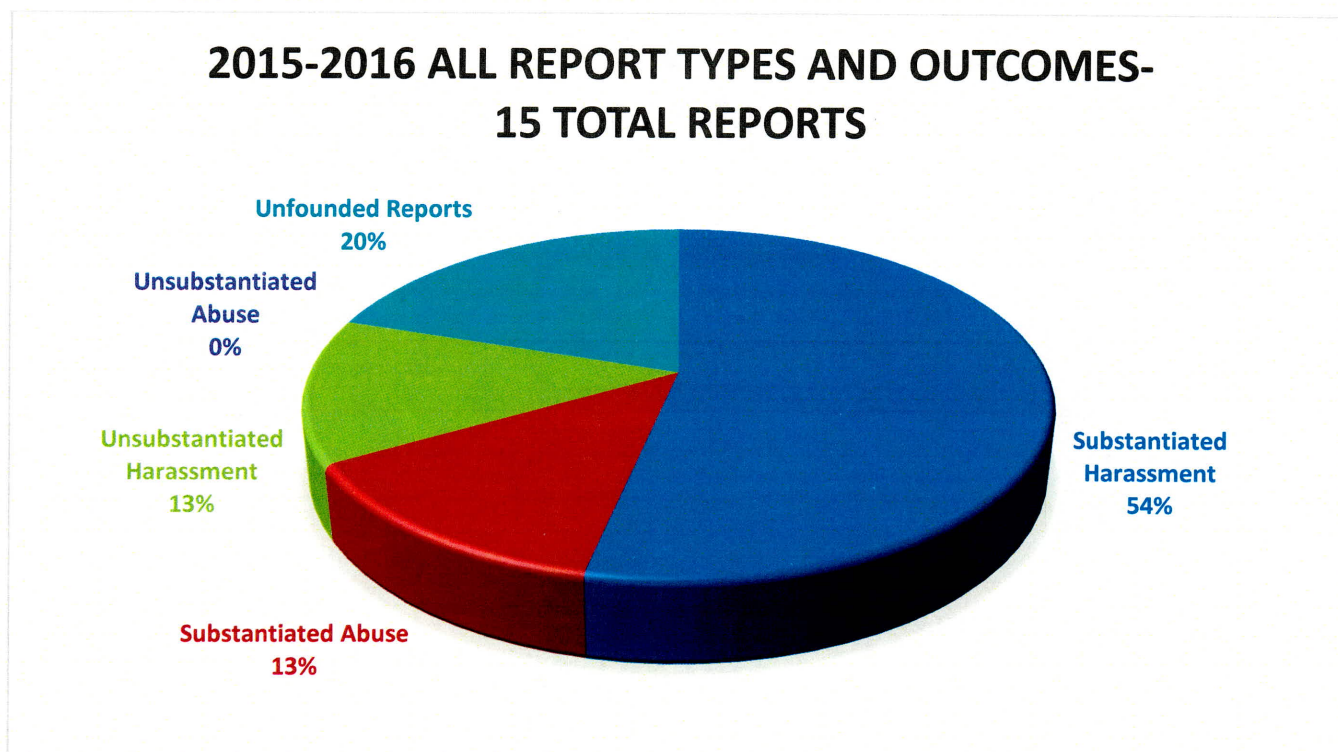


Figure 5- Investigative Outcomes for 2014-2015

