



LARIMER COUNTY CRIMINAL JUSTICE SERVICES

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2019
to
2020

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



LARIMER
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Prison Rape Elimination Act Annual Compliance Report (2019-2020)

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.

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 2019 and April of 2020 fourteen (14) 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, and not a violation of PREA standards), horseplay between offenders involving touching, and inappropriate communication between offenders.

In addition, ten (10) reports were made by offenders alleging they had experienced sexual assault or misconduct by either offenders or staff while at a correctional facility prior to placement in a Larimer County Criminal Justice Services program. In all cases except one, notification was made to the appropriate staff at the facility where the alleged assault took place. There was one report that did not have enough details to determine what facility the alleged incident occurred at and when it occurred. Most of the reports of prior sexual assault or misconduct were made during PREA screening with staff at intake. There was a significant increase in reports of prior institutional PREA incidents during this reporting period. It is positive that offenders comfortable enough to be willing to speak with staff and share that they were past victims. By coming forward they are offered resources to assist them in working through past trauma that may have occurred while in another correctional facility.

2019-2020 there was an increase in the number of reports that were either substantiated, unsubstantiated, or unfounded compared to 2018-2019.

The fourteen 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 fourteen reports, six 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	Harassment	July 4, 2019	Community Corrections
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A male offender reported another offender was making inappropriate and sexually harassing type comments to him. Once the incident was investigated and all parties interviewed the allegation was determined to be substantiated. The alleged perpetrator received the highest-level incident report.

Report 2 Substantiated Harassment July 22, 2019 Alternative Sentencing

A female offender reported a male offender was making inappropriate and sexually harassing comments to her while in the kitchen area. Once the incident was investigated, all parties interviewed and video footage reviewed, the allegation was determined to be substantiated. The alleged perpetrator was removed from the Work Release program based on behavioral issues and completed his sentence in the Larimer County Jail.

Report 3 Substantiated Harassment November 7, 2019 Alternative Sentencing

A female offender reported a male offender was making inappropriate and sexually harassing comments to her while working in the kitchen. The reporting offender requested law enforcement be contacted. Law enforcement determined there was not enough for charges. Once the incident was investigated, all parties interviewed and video footage reviewed, the allegation was determined to be substantiated. The alleged perpetrator was removed from the Work Release program based on behavioral issues and completed his sentence in the Larimer County Jail.

Report 4 Substantiated Abuse November 28, 2019 Alternative Sentencing

A female offender reported unwanted sexual touch by another offender in the kitchen dry storage room. Law enforcement was contacted, and a criminal investigation was initiated and ultimately the alleged perpetrator was charged with Unlawful Sexual Contact and taken into custody at the Larimer County Jail.

Report 5 Substantiated Harassment March 10, 2020 Community Corrections

Two female offenders reported unwanted sexual comments from another offender. The allegation was investigated with multiple interviews and video review. The allegation was substantiated, and the alleged perpetrator received a major incident report. He was negatively terminated in Administrative Review for the sexually harassing statements as well as other major program non-compliance.

Report 6 Substantiated Harassment April 20, 2020 Community Corrections

During a search of an offender's phone it was discovered a female offender had nude pictures of another offender on her phone. The offender in the pictures reported that they did not give permission for the pictures to be taken and was not aware they had been taken. The alleged victim did not want to press charges and did not want to participate in the administrative PREA investigation. The alleged perpetrator was removed from the program by the Parole Liaison and transported to the Larimer County Jail after being negatively terminated.

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 fourteen reports, five were determined to be unsubstantiated. The reports are summarized below.

Report 1 Unsubstantiated Abuse July 23, 2019 Alternative Sentencing

A female offender reported unwanted sexual touch by another offender intentionally touching her buttocks with his finger. The alleged perpetrator reported the contact was with his forearm by accident while passing by and he said excuse me. Once investigated, the allegations could not be substantiated due to the video footage not conclusively supporting the alleged victim's description.

Report 2 Unsubstantiated Abuse July 24, 2019 Community Corrections

A male offender reported that another offender touched his genitals while in the dorm room they shared. The alleged perpetrator was moved floors to separate him from the alleged victim. Law enforcement was contacted, and an investigation was initiated. There were no criminal charges made. An administrative investigation was completed and once the incident was investigated with all parties interviewed, the allegation was determined to be unsubstantiated.

Report 3 Unsubstantiated Abuse October 10, 2019 Community Corrections

A male offender reported that a past offender had forced him to touch his genitals multiple times when they were in the dorm room that they shared during a period from the middle of 2018 to early 2019. The alleged victim stated he had not reported it prior because he did not want the alleged perpetrator to get in trouble. The victim did not want the alleged perpetrator to know that he reported it. Law enforcement was contacted, and an investigation was initiated. No criminal charges were made. The allegation could not be substantiated with no witnesses to interview and the alleged perpetrator no longer in Community Corrections.

Report 4 Unsubstantiated Abuse December 2, 2019 Community Corrections

A female offender reported her suspicion that a staff member was in an inappropriate relationship with another offender because the offender knew personal details about the staff member and spent time talking with the staff member. Law enforcement was contacted, and an investigation was initiated. It was determined that there was not a criminal violation or an inappropriate relationship.

Report 5 Unsubstantiated Harassment December 2, 2019 Community Corrections

A male offender reported overhearing an offender talking with another offender about how he was going to perform an act sexual in nature to him. The alleged perpetrator was moved dorm rooms away from the alleged victim. Once investigated, the allegations could not be substantiated due to conflicting accounts and no witnesses corroborating that the statements were made. 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 do not meet the criteria to be investigated and reported as an incident under PREA standards.

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

Report 1 Unfounded Harassment June 18, 2019 Alternative Sentencing

A female offender reported another offender had made an unwanted sexual comment directed towards her. Once the incident was investigated and all parties interviewed, the allegation was determined to be unfounded. During the investigation it was discovered that both parties were engaging in inappropriate sexual talk. This was the second violation of making inappropriate comments to or about female offenders by the alleged perpetrator. The alleged perpetrator was removed from the Work Release program based on behavioral issues and completed his sentence in the Larimer County Jail.

Report 2 Unfounded Abuse August 30, 2019 Community Corrections

A female offender reported to her DHS caseworker while she was on escape status, being sexually assaulted by a staff member while in Community Corrections. Law enforcement was contacted, and an investigation was initiated. When interviewed by law enforcement in the Larimer County Jail after she was arrested, she informed the deputies that “nothing had happened at ComCor”. When she returned to programming with Community Corrections, she reported that the DHS caseworker made an error and she had informed them that it was another Community Corrections offender who assaulted her. A PREA investigation was initiated for the alleged assault by another offender. Victim Services were offered to the victim.

Report 3 Unfounded Abuse February 24, 2020 Alternative Sentencing

A male offender reported that a staff member touched his calf while he was sleeping in his dorm room. Law enforcement was contacted after speaking to the alleged victim determined there was no crime. An administrative investigation was initiated with numerous interviews and review of video footage. The investigation uncovered several inconsistencies in the information the victim reported, and video footage contradicting the details reported by the alleged victim. The allegation was determined to be unfounded with information suggesting it was a false allegation.

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 2019-2020 increased from the number reports in 2018-2019. The number of reports by an offender alleging they had experienced sexual assault or misconduct by either offenders or staff while at a correctional facility prior to placement in a Criminal Justice Services (CJS) program was ten times higher than the previous reporting period and twice as high as any year since CJS began tracking (2014-2015) prior PREA allegations. Although it is unknown if the creation of a dedicated form for staff to document reported prior PREA allegations is a direct cause and effect for the marked increase in number of reports, it is possible that having a form dedicated to the documentation of prior PREA allegations and the training of staff in regards to the new form that occurred in the summer of 2019 had an impact on the number of reports received.

Action Taken: Criminal Justice Services programs continues to place a high priority on education efforts for offenders. 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. Criminal Justice Services continues to have a strong relationship with Sexual Assault Victim Advocate (SAVA) Center. They facilitate in-house groups for offenders and co-facilitates the PREA training for all new staff and interns. Every offender that made a report of experiencing sexual assault or misconduct by either offenders or staff while at a correctional facility prior to placement in a Criminal Justice Services (CJS) program was offered victim services by our Victim Services Specialists and given referral information for Sexual Assault Victim Advocate (SAVA) Center.

2.2 Coordination of Response

Analysis: CJS staff are committed to creating a safe environment for the offenders by being vigilant in recognizing situations which may be sexual in nature and immediately intervening and responding to PREA allegations swiftly, professionally, and compassionately. The revised PREA First Responder form has been well received by staff and has been successful in assisting staff gather the critical elements of documenting a first response to a PREA allegation. CJS added an additional Victim Services Specialist (VSS) position allowing for an assigned VSS for each program and better coverage when one is on vacation. The VSS meets with each offender making either a PREA allegation or when an offender shares that they experienced sexual assault or misconduct by either offenders or staff while at a correctional facility prior to placement in a Criminal Justice Services (CJS)

Action Taken: At the conclusion of every PREA incident, the PREA team evaluates if additional measures, such as additional cameras or mirrors, could reduce the likelihood of the PREA incident from occurring. A camera was added to the dry storage closet in the kitchen where several PREA incidents took place. The CJS PREA team selected two additional staff members to be trained to complete PREA administrative investigations to accommodate the increasing number of offenders in our programs and increase the availability of PREA Investigators to complete investigations after a PREA incident occurs. The staff members completed the National Institute of Corrections PREA: Investigating Sexual Abuse in a Confinement Setting and shadowed both PREA Administrative Investigators. In addition, the format for administrative investigation was made uniform for all investigations.

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 continues to be crucial in creating a culture where expectations are clear and consistent about the agency's zero tolerance policy towards sexual abuse and harassment. Although the PREA video, assessment, and brochure provide information to educate the offender population concerning sexual violence in a confinement setting, it is also critical that the culture in the programs support the zero-tolerance policy. The staff are trained to immediately upon intake, take the time to explain how important this information is and how committed the agency is to prevent sexual violence in our facilities.

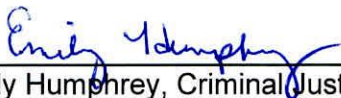
2.4 Staff Education

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 either receive PREA refresher information or attend an annual PREA refresher training. Volunteers and contract workers must complete PREA 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.

Action Taken: The staff are highly encouraged to have a portion of their annual required professional training hours consist of PREA related topics. This past reporting year there has been an increase in staff that received training time for PREA related courses. The most recent PREA training was recorded which will make it easier for staff working overnights to receive the training. Training the staff on the revised PREA First Responder forms provided a setting for a refresher training for all staff and an opportunity to answer any PREA related questions.

Conclusion

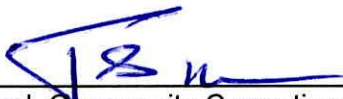
The PREA team has been enhanced with the addition of two staff trained to complete administrative investigations and with the additional VSS position. They all bring knowledge and experience to the PREA team which has been beneficial when staffing cases. Two additional staff were trained to complete administrative investigations with the intent to have a quicker response time to complete administrative investigations and meet with offenders after they have a current PREA allegation or report a past incident. Staff continue to take their role as first responders very seriously and as an agency we continue to communicate a zero-tolerance policy to create as safe an environment as we know how.



Emily Humphrey, Criminal Justice Services Director

7-16-20

Date



Tim Hand, Community Corrections Director

7-16-2020

Date



Jill Fox, Alternative Sentencing Acting Director

07.16.2020

Date

Figure 1- Investigative Outcomes for 2019-2020

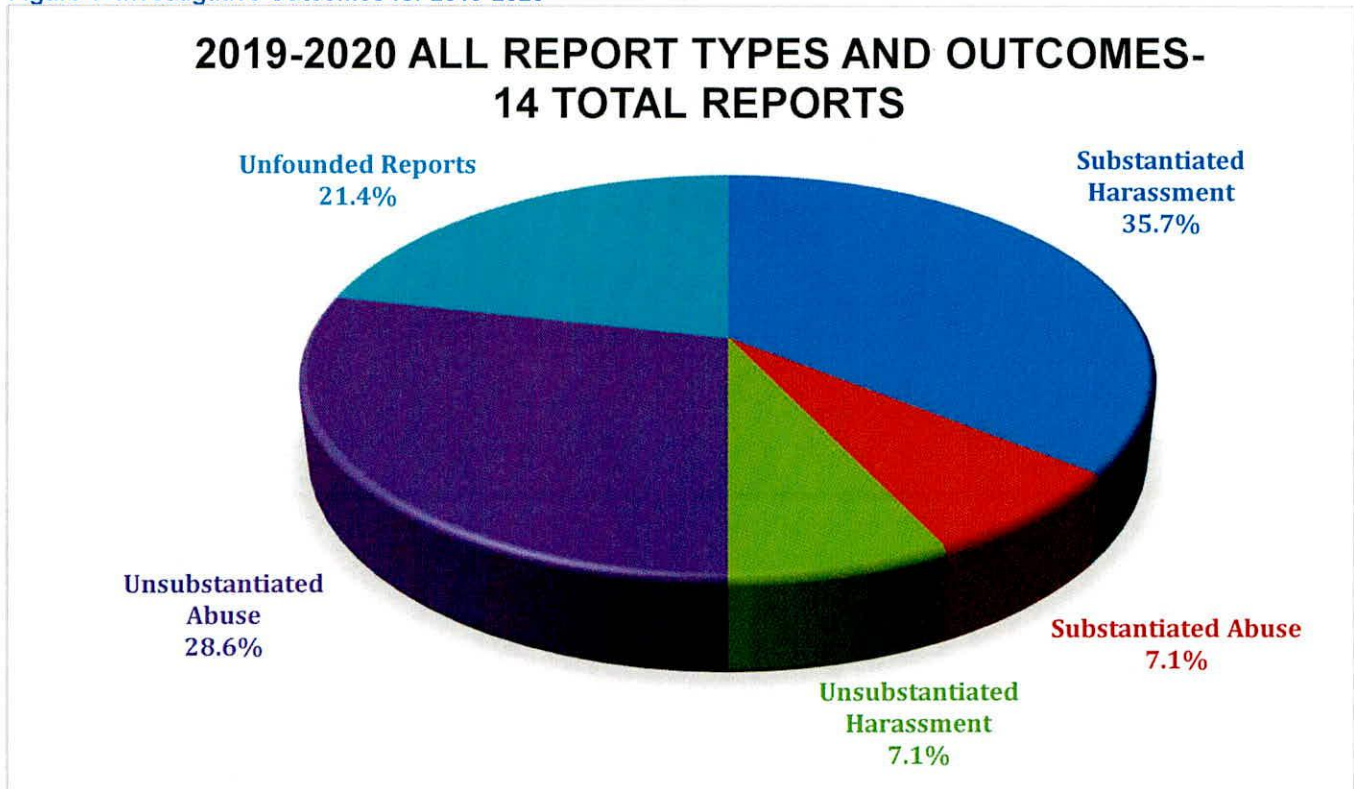


Figure 22- Investigative Outcomes for 2018-2019

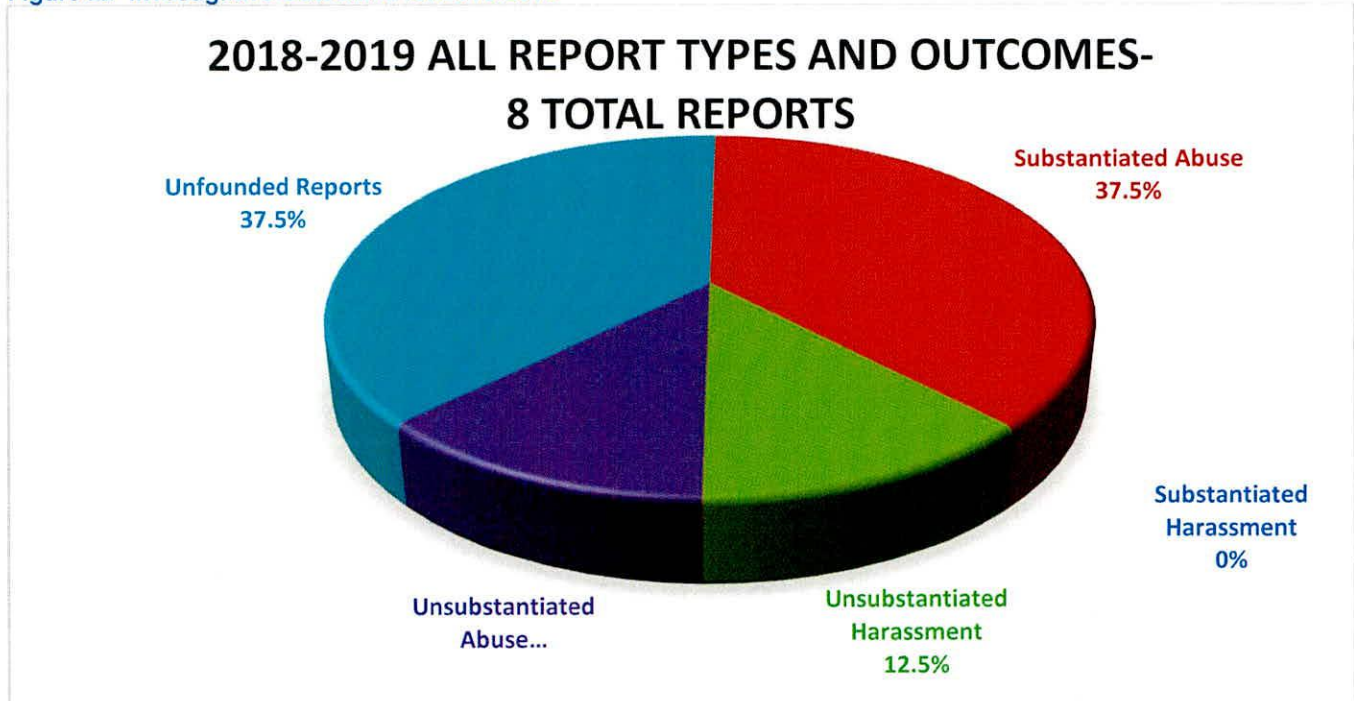


Figure 3- Investigative Outcomes for 2017-2018

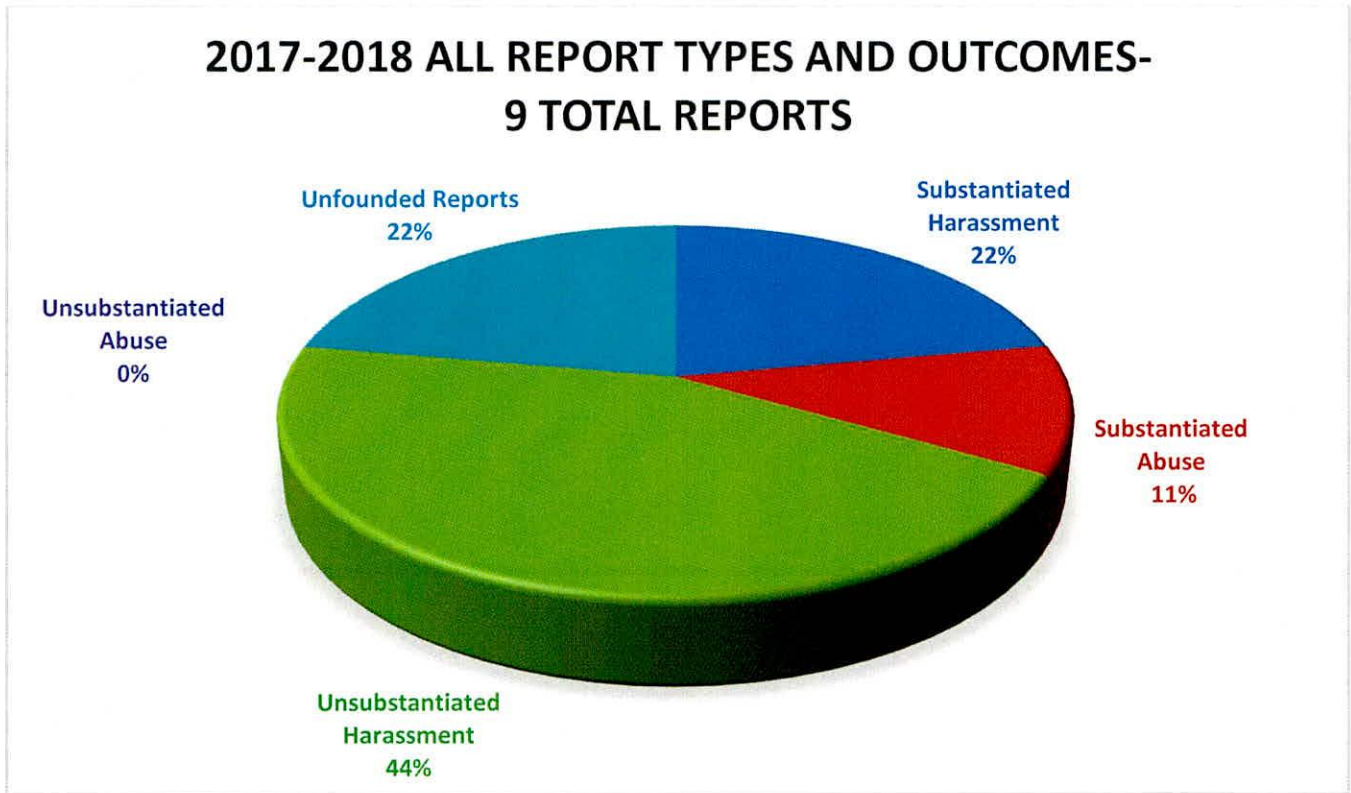


Figure 4- Investigative Outcomes for 2016-2017

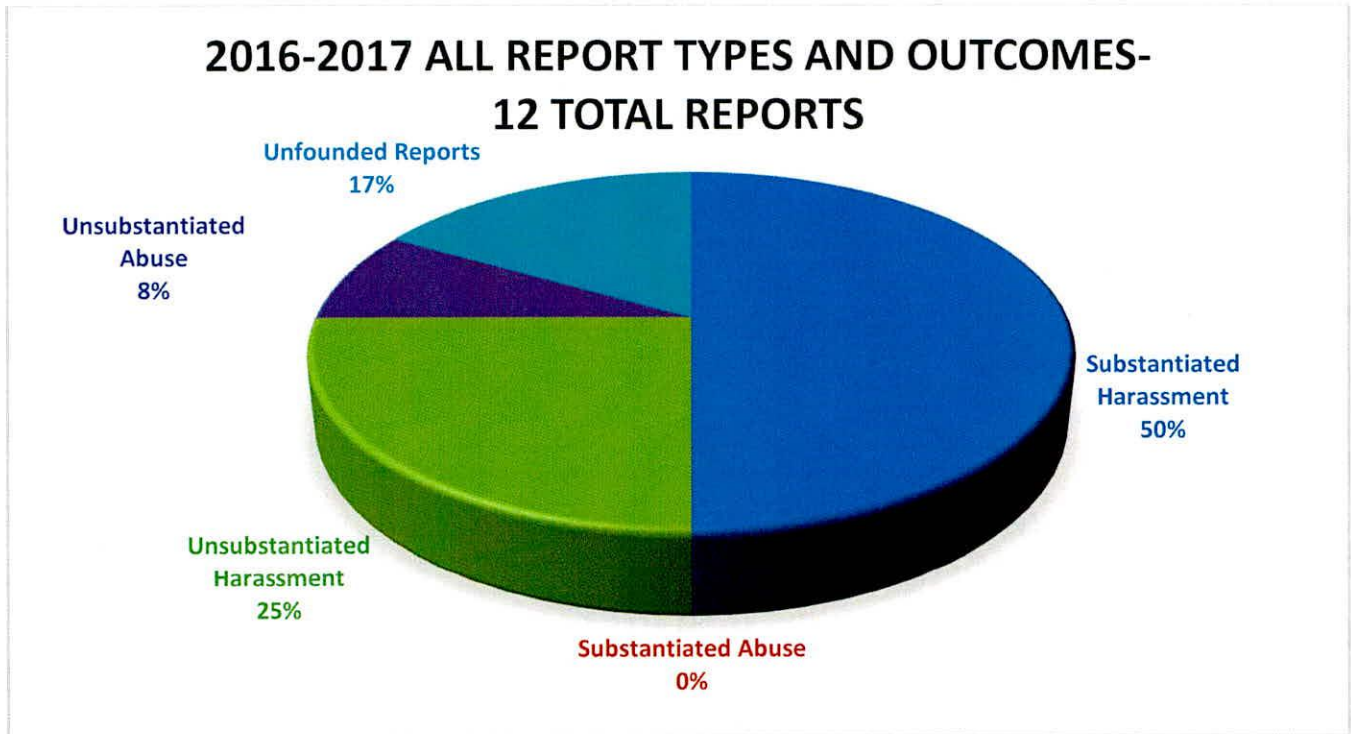


Figure 5- Investigative Outcomes for 2015-2016

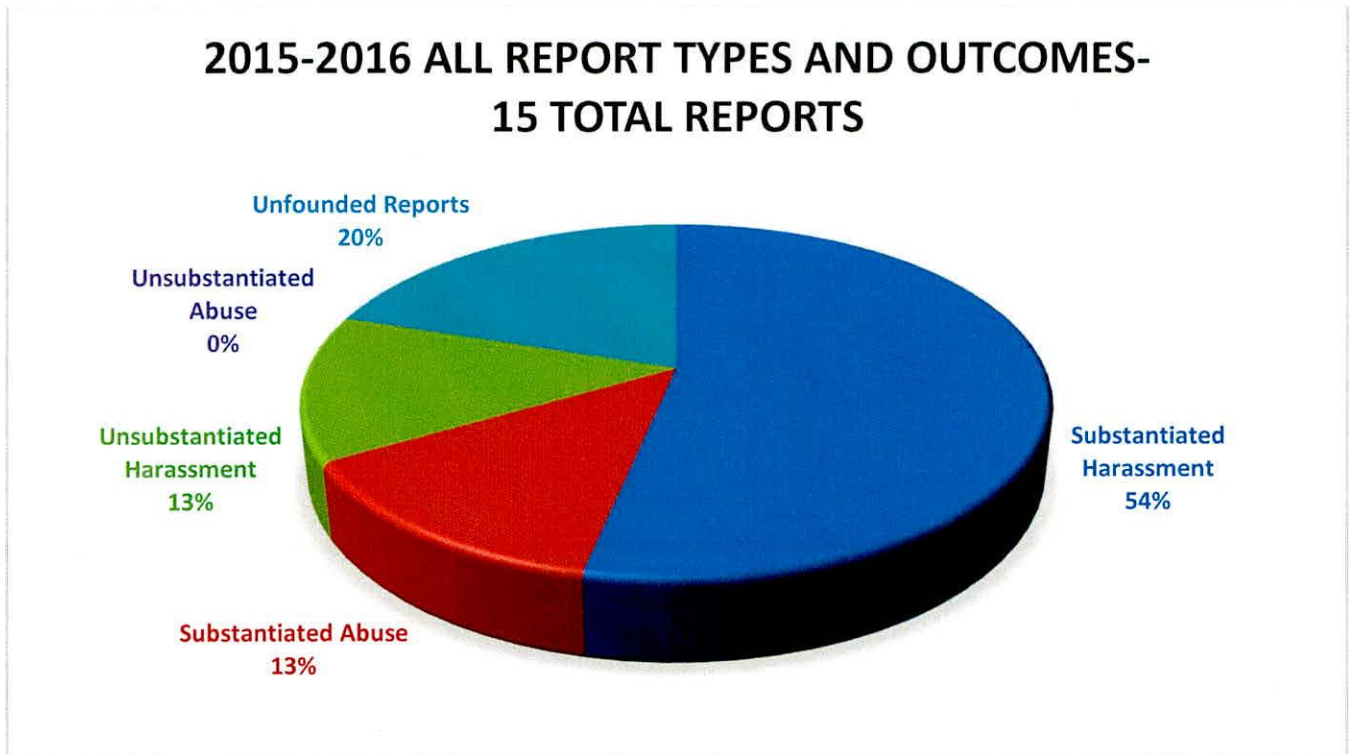


Figure 6- Investigative Outcomes for 2014-2015

