



LARIMER COUNTY CRIMINAL JUSTICE SERVICES

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2020
to
2021

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 (2020-2021)

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 2020 and April of 2021 seven (7) 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.

During the 2020-2021 PREA reporting period, there was a significant decrease in the number of reports that were either substantiated, unsubstantiated, or unfounded compared to 2019-2020. This most likely is related to the decrease in our program's population in response to the COVID-19 pandemic. The Alternative Sentencing Department's (ASD) Work Release program worked with the courts and ultimately transitioned most of their population to home confinement status. This change was made to accommodate the placement of about half of the Community Corrections offenders in the Alternative Sentencing Department building to comply with social distancing guidelines. Additionally, the ASD's Workender/Weekender program temporarily stopped all work crews.

There were five (5) reports 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 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 where the victim did not wish to report any details other than it involved unwanted advances from another offender. Most of the reports of prior sexual assault or misconduct were made during PREA screening with staff at intake. By coming forward they are offered resources to assist them in working through past trauma that may have occurred while in another correctional facility. We believe it is a positive that offenders are comfortable enough to be willing to speak with staff and share that they were past victims. There was a marked decrease in reports of prior institutional PREA incidents during this reporting period as compared to the 2019-2020 reporting period. As explained in the above paragraph, this reduction is most likely due to the decrease in our programs' population in this reporting period.

The seven reports listed meet the criteria of offender-on-offender or staff-on-offender sexual harassment or abuse allegations. All victims are offered victim services by our Victim Service Specialists as well as Sexual Assault Victim Advocate (SAVA) Center.

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 seven reports, four 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 8, 2020 Community Corrections

A female offender reported another offender had written a very inappropriate and sexually harassing letter to her. The reporting offender requested law enforcement be contacted. After meeting with the victim and being informed by the victim that the alleged perpetrator had also made physical contact with the victim, law enforcement determined the alleged perpetrator would be charged with Unlawful Sexual Contact. The alleged perpetrator escaped from Community Corrections prior to being arrested for the new charge. The alleged perpetrator was later arrested and charged with Unlawful Sexual Contact. The allegation was determined to be substantiated.

Report 2 Substantiated Abuse October 8, 2020 Community Corrections

Two male offenders reported that another offender had touched the victim without consent. At the victim's request law enforcement was contacted. Law enforcement determined after meeting with the victim that there was enough to charge the alleged perpetrator with Unlawful Sexual Contact, however the victim did not want to press charges. An internal investigation was concluded after all parties were interviewed and the allegation was determined to be substantiated. The alleged perpetrator received a major incident report.

Report 3 Substantiated Abuse January 15, 2021 Alternative Sentencing

A security staff observed a male offender slap a female offender on their backside while working in the kitchen. Initially the victim did not want to speak with law enforcement, so an administrative report was made to have a case number assigned in case later the victim chose to speak with law enforcement. The alleged perpetrator was banned from working in the kitchen, received a major incident report and was reviewed by the Community Corrections Administrative Review Committee and maintained in the program. Once the incident was investigated, all parties interviewed and video footage reviewed, the allegation was determined to be substantiated. The victim later changed their mind and was interviewed by law enforcement and the alleged perpetrator received an Unlawful Sexual Contact charge.

Report 4 Substantiated Abuse January 21, 2021 Alternative Sentencing

During an administrative investigation for a different allegation, the Criminal Justice Services (CJS) PREA investigator discovered video footage of a male offender touching a female offender's genitalia while working in the kitchen. An internal investigation was initiated, and the victim reported the contact was unwanted. All parties were interviewed, the video footage reviewed, and the allegation was determined to be substantiated. Law enforcement was contacted, and ultimately the alleged perpetrator was charged with Unlawful Sexual Contact. The alleged perpetrator was in the Larimer County Jail after being negatively terminated from Community Corrections on an unrelated issue at the time of the investigation.



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 did not 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 seven reports, one was determined to be unsubstantiated. The report is summarized below.

<u>Report 1</u>	<u>Unsubstantiated</u>	<u>Harassment</u>	<u>March 24, 2021</u>	<u>Alternative Sentencing</u>
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A male offender reported that years prior while in the Work Release program, they were not a victim themselves, but they witnessed another offender make a comment about a different offender's backside and there was concern that something may have occurred that was not consensual. They had not reported it at the time it allegedly occurred. An internal investigation was initiated and the CJS PREA investigator worked with the reporting offender to determine which offenders they thought might be involved in the alleged incident to identify any possible victim. Once investigated, the allegations could not be substantiated due to not having an identified victim or anything to conclusively support the reporting offender's account.

1.5 Unfounded Reports

Unfounded reports are reports which, upon investigation, are deemed to 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 seven reports, two were determined to be unfounded. The reports are summarized below.

<u>Report 1</u>	<u>Unfounded</u>	<u>Abuse</u>	<u>May 7, 2020</u>	<u>Community Corrections</u>
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A case manager of a female offender found a current picture of another offender kissing. One of the offenders reported the contact was unwelcome. An internal investigation was initiated to determine if the contact was consensual. Once the incident was investigated with numerous parties interviewed, the allegation was determined to be unfounded. During the investigation it was discovered that both parties were engaging in inappropriate contact and the picture had been planned. Based on the findings of the investigation it was determined that a false report had been made and the offender who made the false report received an incident report.

<u>Report 2</u>	<u>Unfounded</u>	<u>Harassment</u>	<u>February 11, 2021</u>	<u>Community Corrections</u>
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Two male offenders reported that another offender had invaded their privacy in the bathroom and had made unwanted sexual comments. Law enforcement was contacted to have an administrative report made since the victims did not want law enforcement involved. An internal investigation was initiated, and all parties were interviewed. It was discovered that one of the reporting offenders had made efforts

to get others to go along with a false PREA allegation to get the alleged perpetrator in trouble and moved out of the room he was in. 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: There were half the number of reports in 2020-2021 as there were in 2019-2020. 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 also half that of the previous reporting period.

Action Taken: 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, as well as every victim involved in PREA allegations, was offered victim services by our Victim Services Specialists and given referral information for Sexual Assault Victim Advocate (SAVA) Center. Criminal Justice Services continues to have a strong relationship with the SAVAs Center. When COVID-19 restrictions decrease and we can have outside treatment providers on campus, SAVAs will have an increased presence in the CJS campus buildings by having the newly created SAVAs PREA Specialist and Victim Services Coordinator have drop-in times for offenders to speak with her. This will provide offenders an opportunity to speak with a SAVAs staff member without having to call the SAVAs Center. Providing easy access may be the difference of a victim coming forward and speaking with a SAVAs staff member.

2.2 Coordination of Response

Analysis CJS staff remain 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. We are actively seeking funding opportunities to restore and improve our video monitoring system. Whenever applicable video footage is reviewed when PREA investigators are completing internal administrative investigations. Video footage is shared with law enforcement when the PREA incident becomes a criminal investigation. Also, staff monitor the video surveillance system routinely as part of their job duties. This last PREA reporting year one of the substantiated sexual abuse incidents was discovered by staff monitoring the video surveillance system. It is imperative that staff are trained on what steps to take when responding to a PREA allegation or incident, however it is also extremely important that they know and understand the effects of trauma and how best to respond and interact with a victim of a traumatic event. There have been numerous training opportunities for staff to receive training on victim-centered and trauma informed approaches. They are easily accessible for staff through the CJS Bulletin Board Training Page.

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. Last reporting year a camera was added to the dry storage closet in the kitchen where

PREA incidents had taken place. It is an area that is not easily visible for staff and kitchen workers and adding a camera increased offender safety. This last reporting year there was no PREA incidents that were reported to have occurred in the kitchen dry storage or observed by staff monitoring the video surveillance system. As stated above we are actively seeking funding opportunities to restore and improve our video monitoring system. The addition of a Victim Services Specialist position and an additional staff being trained to complete internal PREA investigations last reporting year has been very beneficial. Both staff members are part of the PREA team, and the addition not only creates better coverage responding to PREA allegations with staff vacations, but it has also brought additional experience and insight to the PREA team.

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. The PREA brochure was updated and also made available in Spanish. 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

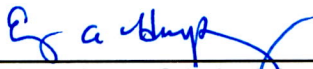
Analysis: PREA Training Course on PREA protocols and sexual assault responses is mandatory for all Criminal Justice Services (CJS) Workers or other persons having direct, unsupervised contact with offenders. Due to the safety restrictions for COVID-19, the PREA training for new staff has looked differently than in years prior. Rather than an in-person training, staff viewed a pre-recorded version of the full PREA Training Course. In addition to the full PREA Training Course, all CJS Workers either receive PREA refresher information or attend an annual PREA refresher training. Due to the restrictions on gatherings, this past reporting year staff received The Moss Group, Inc. PowerPoint training Prevention and Detection of Sexual Abuse and Sexual Harassment for their PREA refresher information. Volunteers and contract workers must complete training at time of hire. The PowerPoint training for Volunteers and contract workers was translated into Spanish. Staff education will remain a top priority in creating a successful culture in preventing, detecting, and responding to sexual violence.

Action Taken: The staff at CJS are required to seek out meaningful, job-related training opportunities for their professional development. Staff are highly encouraged that in addition to the annual PREA refresher information/PREA training that they have a portion of their annual required professional training hours consist of PREA related topics. The National PREA Resource Center recently updated their site making it very user friendly and easy to find training specifically for community confinement

facilities. Staff have utilized this site for accessing training, specifically pre-recorded webinars. This past quarter, CJS created a Bulletin Board that staff access while on duty for work related resources and information. There is a link to both the PREA Resource Center and National Institute of Corrections that has many PREA trainings available on the CJS Bulletin Board Training Page.

Conclusion

CJS will remain strongly committed to our zero-tolerance policy and maintaining a culture that promotes the operation of safe facilities that protect individuals from sexual abuse and sexual harassment. Staff continue to take their role as first responders seriously and ongoing training is offered to increase staff's knowledge about interacting with individuals that have experienced trauma in addition to their training on how to identify, prevent and respond to and sexual abuse or harassment. In 2021 CJS will participate in a regularly scheduled PREA audit. We are dedicated to continually looking for ways to improve our programs and be in full compliance with all PREA standards.



Emily Humphrey, Criminal Justice Services Director

5-17-21

Date



Tim Hand, Community Corrections Director

5-17-2021

Date



Jill Fox, Alternative Sentencing Director

05.17.2021

Date

Appendix A: Data Reporting



Figure 1- Investigative Outcomes for 2020-2021

2020-2021 ALL REPORT TYPES AND OUTCOMES- 7 TOTAL REPORTS

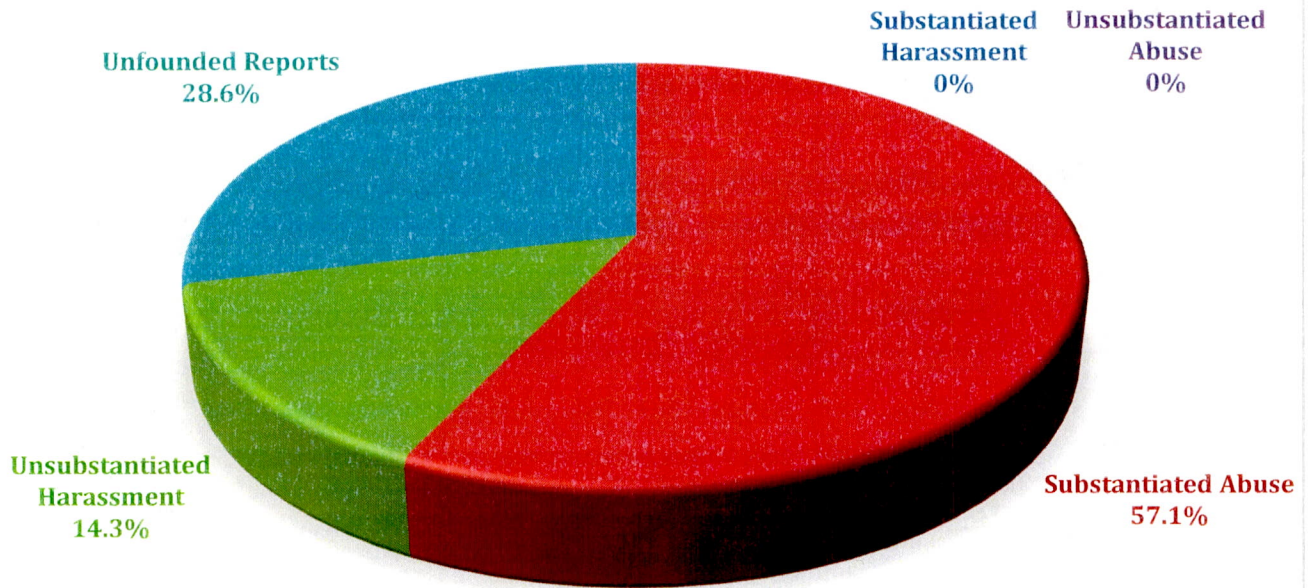


Figure 2- Investigative Outcomes for 2019-2020

2019-2020 ALL REPORT TYPES AND OUTCOMES- 14 TOTAL REPORTS

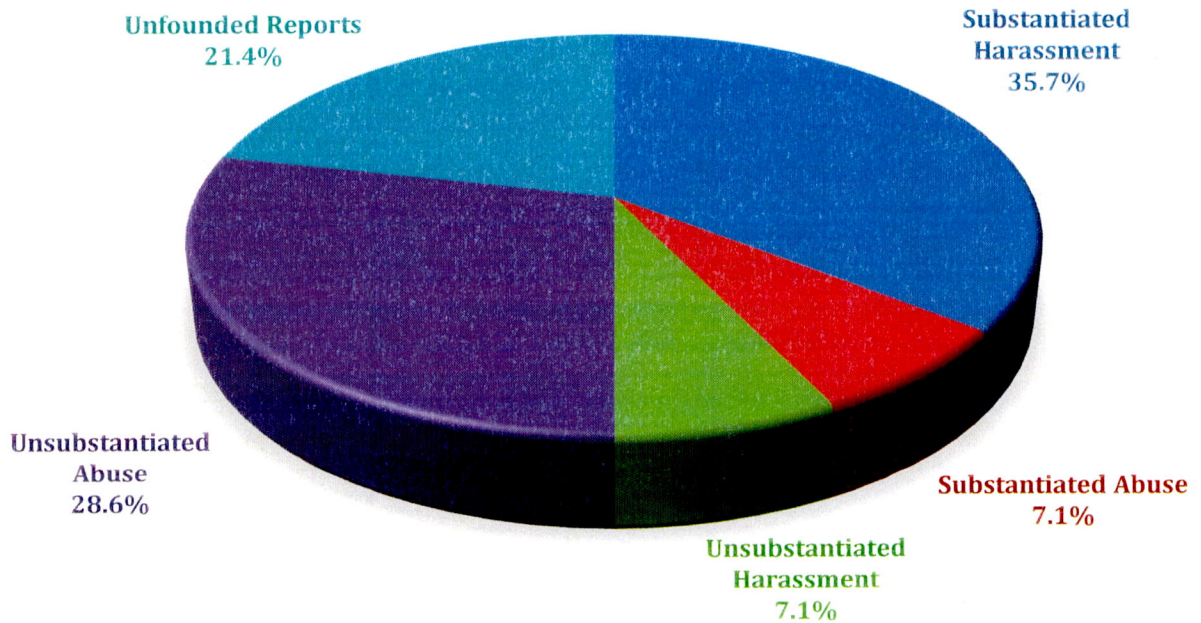


Figure 3 - Investigative Outcomes for 2018-2019

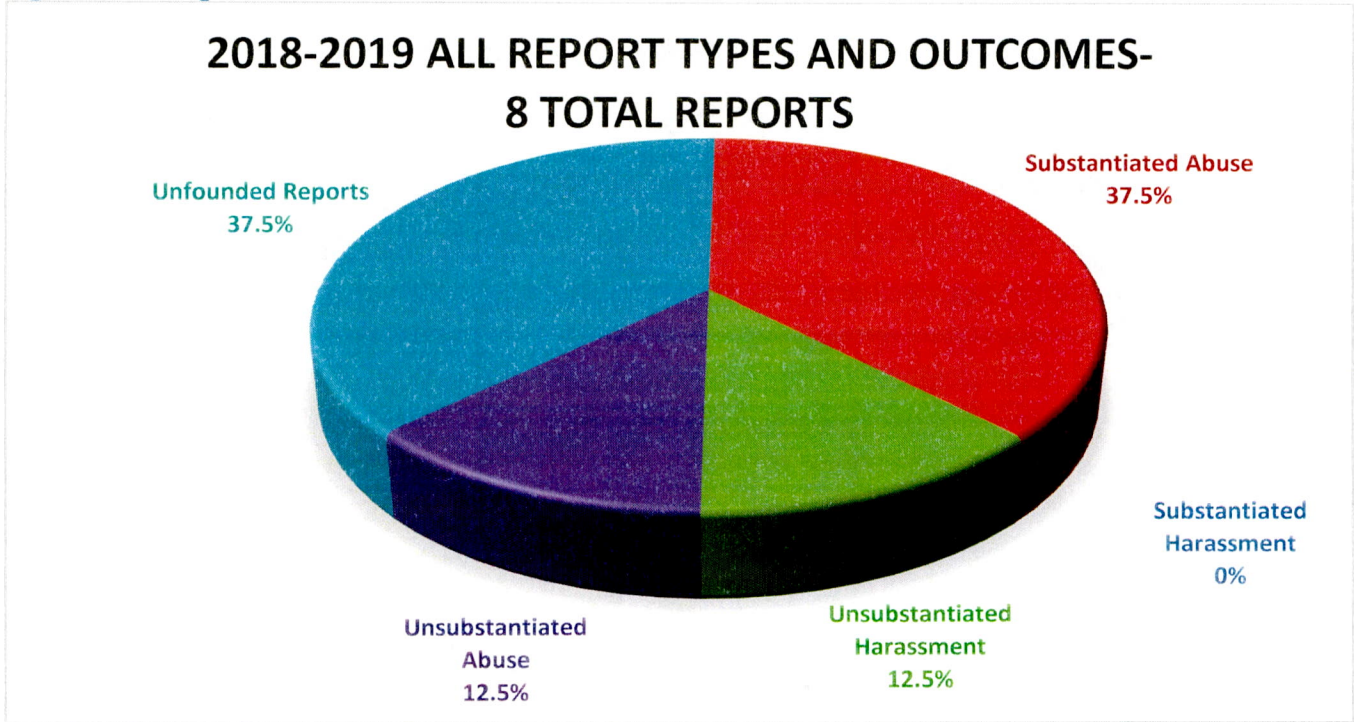


Figure 4- Investigative Outcomes for 2017-2018

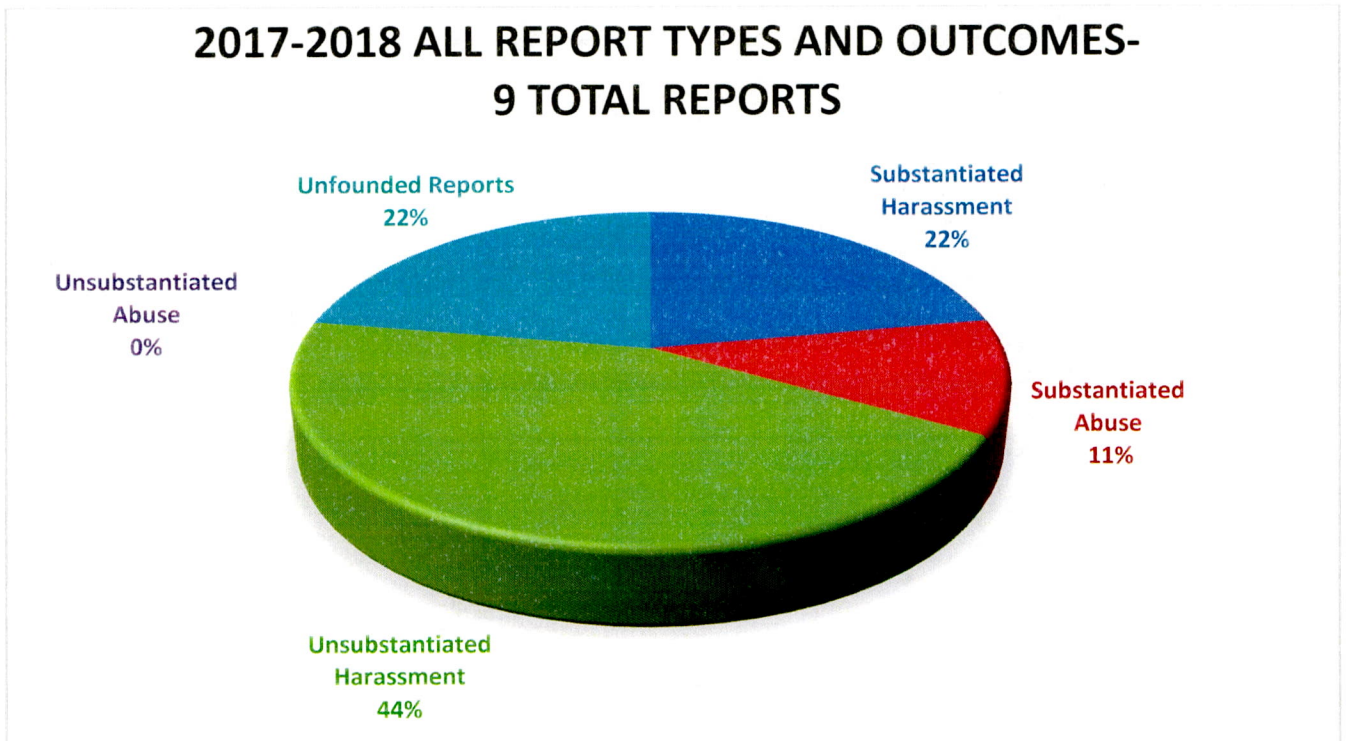


Figure 5- Investigative Outcomes for 2016-2017

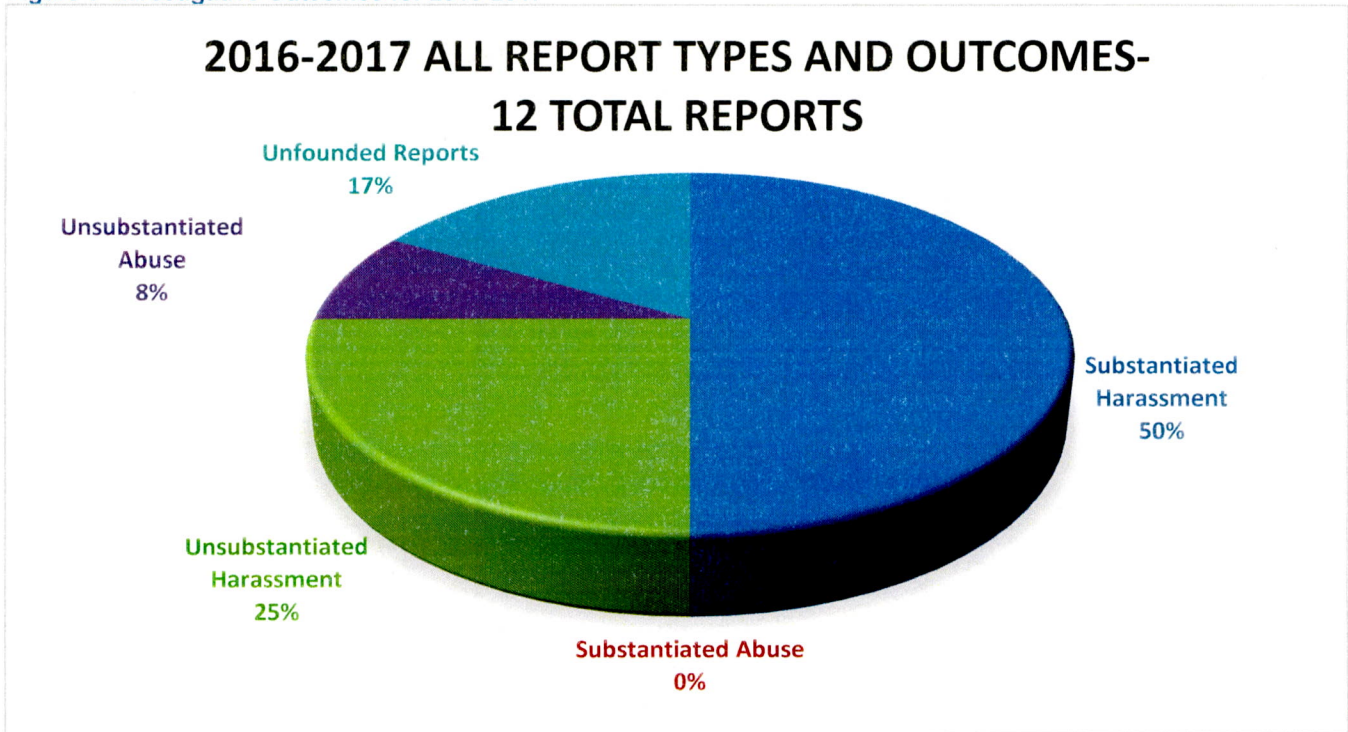


Figure 6- Investigative Outcomes for 2015-2016

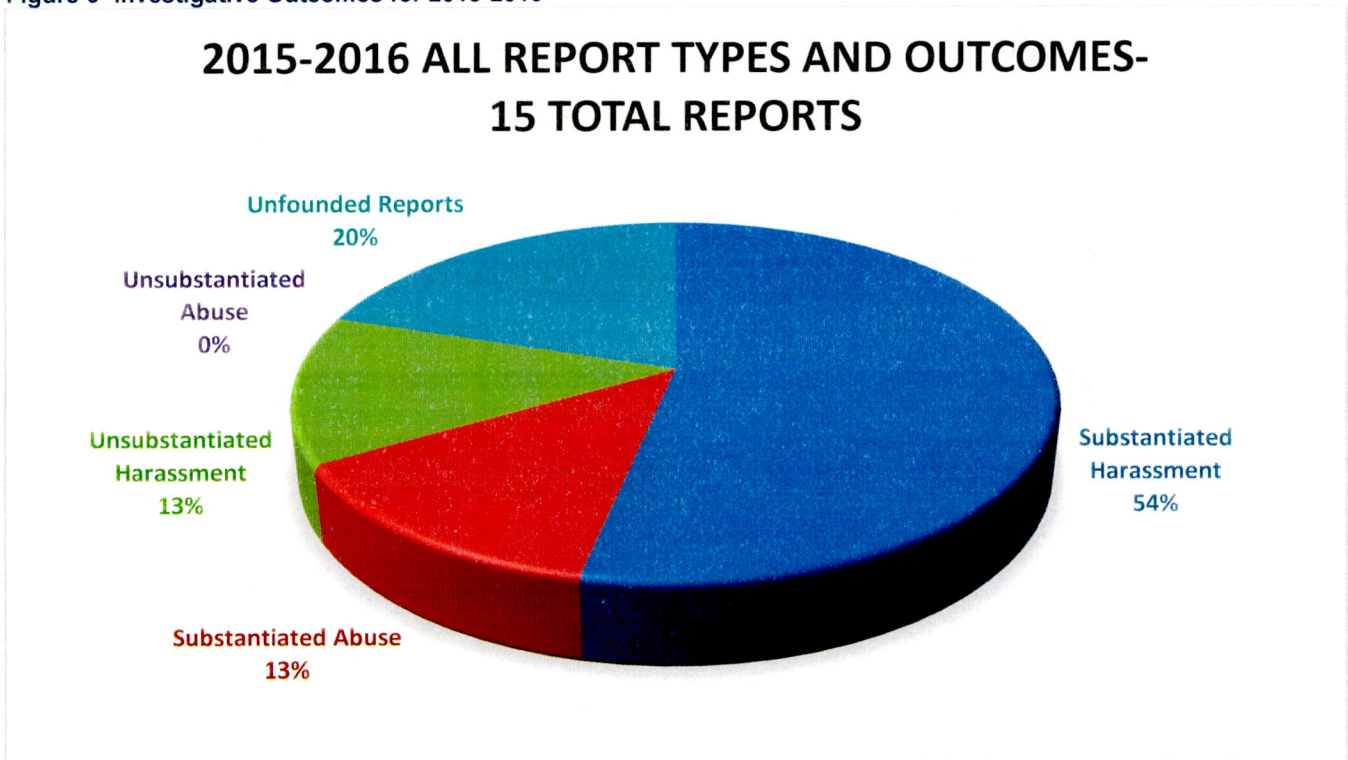


Figure 7- Investigative Outcomes for 2014-2015

