



LARIMER COUNTY COMMUNITY JUSTICE ALTERNATIVES

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2021
to
2022

An incident overview of sexual misconduct reporting in
Larimer County Community Justice Alternative 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 (2021-2022)

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 abuse and harassment 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 2021 and April of 2022 ten (10) reports of sexual abuse or harassment 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), inappropriate communication between offenders, and pat down searches conducted by staff on offenders (searches conducted by staff were completed in a manner consistent with policy and training).

During the 2021-2022 PREA reporting period, there was a slight increase in the number of reports that were either substantiated, unsubstantiated, or unfounded compared to 2020-2021. This increase is most likely due to the increase in our programs' population during the current reporting period.

Our agency received one report from an offender alleging that they had experienced sexual assault by a staff member while incarcerated at another correctional facility prior to their placement at Community Justice Alternatives. Notification was made to the appropriate staff at the originating facility where the alleged assault took place. This offender received victim's advocacy services while in custody at Community Justice Alternatives.

The ten 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 Witness Specialists as well as services provided by the Sexual Assault Victim Advocate (SAVA) Center.

An on-site PREA audit was conducted by a certified PREA auditor on December 13th through the 15th. The final PREA audit report findings determined that Community Justice Alternatives met all standards and exceeded five of them. The standards that were exceeded are as follows:

- 115.215 – Limits to cross-gender viewing and searches
- 115.222 – Policies to ensure referrals of allegations for investigations
- 115.263 – Reporting to other confinement facilities
- 115.285 – Sexual abuse incident reviews
- 115.287 – Data collection

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 ten 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 Abuse June 1, 2021 Community Corrections

A female client reported to staff that she had been touched inappropriately by another client. She reported that a client came up behind her and touched her vagina and anus. An administrative PREA investigator substantiated this allegation based on evidence obtained through client and staff interviews and video footage obtained from facility cameras. This incident was also reported to law enforcement. Law enforcement determined enough evidence existed to charge the abuser with Unlawful Sexual Contact, a class 1 misdemeanor. The abuser was remanded to the Larimer County Jail and was terminated from the Community Corrections program.

Report 2 Substantiated Abuse June 4, 2021 Community Corrections

A female client reported to staff that another client grabbed her buttocks and slapped her buttocks with a foreign object. The alleged abuser in this case was the same abuser mentioned in the substantiated abuse allegation from June 1st, 2021. The reporting party came forward after the abuser was terminated from Community Corrections. An administrative PREA investigator substantiated this allegation based on evidence obtained through client interviews and video footage obtained from facility cameras. The victim in this case chose not to report this incident to law enforcement. She received victim's advocacy services through the Sexual Assault Victims Advocacy Center.

Report 3 Substantiated Harassment July 19, 2021 Community Corrections

A male client reported to staff that another client repeatedly came up behind him, gave him a hug, and then pressed his body up against him. The victim chose not to report this incident to law enforcement. An administrative PREA investigator substantiated harassment through client and staff interviews and video footage obtained through facility cameras. The abuser in this case was terminated from Community Corrections during the investigation for an unrelated incident. The client declined victim's advocacy services.

Report 4 Substantiated Abuse November 23, 2021 Community Corrections

Two female clients reported to staff that another client made multiple sexual advances toward them, humped one of their legs, and grabbed their buttocks on multiple occasions. Both ladies declined to report this incident to law enforcement. An administrative PREA investigator substantiated this allegation based on evidence obtained through client interviews. During the investigation the abuser left Community Corrections without authorization and was terminated as an unauthorized absence. Both reporting clients declined victim advocacy services.

Report 5 Substantiated Harassment December 27, 2021 Alternative Sentencing

A staff member overheard two male clients making a sexually inappropriate comment to a female client in a shared common area by the staff desk. The staff member interviewed the female client. The client

reported to the staff member that the two male clients made repeated sexual comments towards her. An administrative PREA investigated substantiated harassment based on interviews with the alleged abusers and with staff members who witnessed the reported behavior. The male clients were revoked from the Work Release program and served out the remainder of their sentences at the Larimer County Jail. The female client declined victim's advocacy services.

Report 6 Substantiated Abuse March 8, 2022 Community Corrections

A female client reported to staff that another client opened her robe, exposed her naked body to her, and danced around. She also reported that the client kissed her on the forehead. The victim chose to report the incident to law enforcement. An internal PREA investigator substantiated this allegation by evidence obtained through client interviews. The abuser was charged with indecent exposure-expose genitals and harassment. She was subsequently booked into the Larimer County Jail. The abuser was then terminated from Community Corrections for obtaining new criminal charges. The client declined victim's advocacy services.

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 ten reports, four were determined to be unsubstantiated. The report is summarized below.

Report 1 Unsubstantiated Harassment June 8, 2021 Community Corrections

A male client reported that another client made inappropriate sexual comments to him while in the restroom. The victim declined to report this incident to law enforcement. An administrative PREA investigation was conducted. The allegation was determined to be unsubstantiated because evidence obtained during the investigation failed to meet the preponderance of evidence threshold. The client received victim's advocacy services.

Report 2 Unsubstantiated Abuse August 27, 2021 Community Corrections

Staff received a 3rd party report from a family member of a former Community Corrections client. She reported that while in custody, a staff member showed a nude picture of herself to her relative. She further reported that the same staff member made multiple sexual advances toward her relative while he was in custody. This report was received after the employee separated employment with Community Corrections, and after her relative was released from custody. This incident was reported to law enforcement. The Larimer County Sheriff's Office completed a criminal investigation and determined the investigation to be unsubstantiated, because evidence obtained from the investigation failed to

meet the preponderance of evidence threshold. The victim was notified of the results of the law enforcement investigation.

Report 3 Unsubstantiated Abuse November 9, 2021 Community Corrections

A female client reported that another client entered the restroom to watch her while she used the toilet. She also reported that the client touched her buttocks on three occasions. The victim did not want to report the incident to law enforcement. An administrative PREA investigation was conducted. The allegation was determined to be unsubstantiated because evidence obtained from the investigation failed to meet the preponderance of evidence threshold. The client declined victim's advocacy services.

Report 4 Unsubstantiated Abuse December 28, 2021 Community Corrections

A female client reported to staff that while outside on recreation she observed a male client masturbating from a window while watching the females outside. This incident was reported to law enforcement. An administrative PREA investigation was also conducted. The incident was determined to be unsubstantiated because evidence obtained from the investigation failed to meet the preponderance of evidence threshold. The client received victim's advocacy services.

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 ten reports, zero were 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: There were three more reports of abuse in this reporting period (2021-2022) than in the 2020-2021 reporting period. 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 Community Justice Alternatives (CJA) program went down significantly. Five were reported in the 2020-2021 reporting period, while only one was reported for the current period.

Action Taken: Every offender that made a report of experiencing sexual assault or harassment by either offenders or staff while at a correctional facility prior to placement in a Community Justice Alternatives (CJA) program, as well as every victim involved in PREA allegations, was offered victim services by our Victim Witness Specialists and given referral information for Sexual Assault Victim Advocate (SAVA) Center. Each report was thoroughly investigated by administrative PREA investigators.



2.2 Coordination of Response

Analysis CJA 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. Our agency was recently awarded a grant 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. Staff also receive ongoing training on what steps to take when responding to a PREA allegation or incident.

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. The PREA team is working on creating a new PREA educational video for residents to further their understanding of sexual abuse and harassment, their sexual safety rights, and ways to report abuse. Many staff on the PREA team have attended additional training in 2022, such as training on how to conduct trauma informed sexual abuse allegations.

2.3 Offender Education

Analysis: During offender orientations, all residents at Community Corrections and Alternative Sentencing receive information on sexual abuse and harassment. 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: An annual PREA Training Course on PREA policies and sexual assault responses is mandatory for all Community Justice Alternative (CJA) Workers or other persons having direct, unsupervised contact with offenders. Volunteers and contract workers must also complete training at time of hire. The PowerPoint training for volunteers and contract workers is also available in 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 CJA 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.

Conclusion

CJA 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. We are dedicated to continually looking for ways to improve our programs and be in full compliance with all PREA standards.

Emily Humphrey

Emily Humphrey, Community Justice Alternatives Director

07-6-22

Date

Tim Hand

Tim Hand, Community Corrections Director

7-6-2022

Date

Jill Fox

Jill Fox, Alternative Sentencing Director

07.06.22

Date



Figure 1- Investigative Outcomes 2021-2022

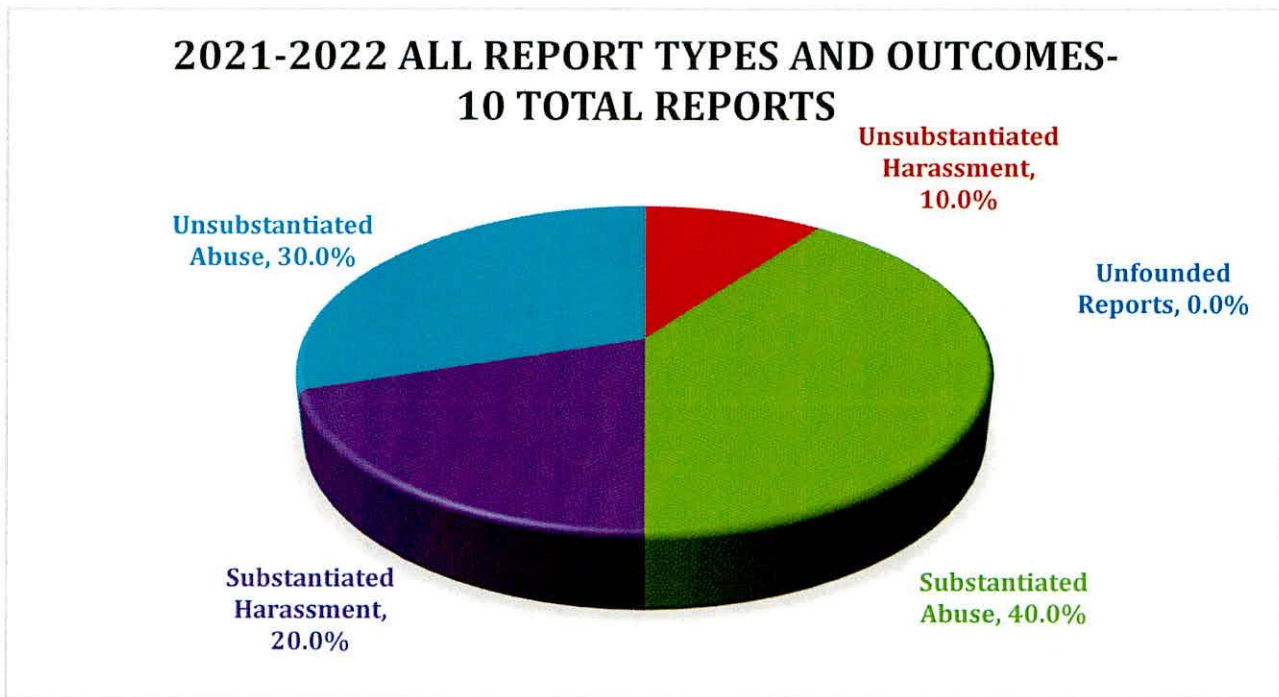


Figure 2- Investigative Outcomes for 2020-2021

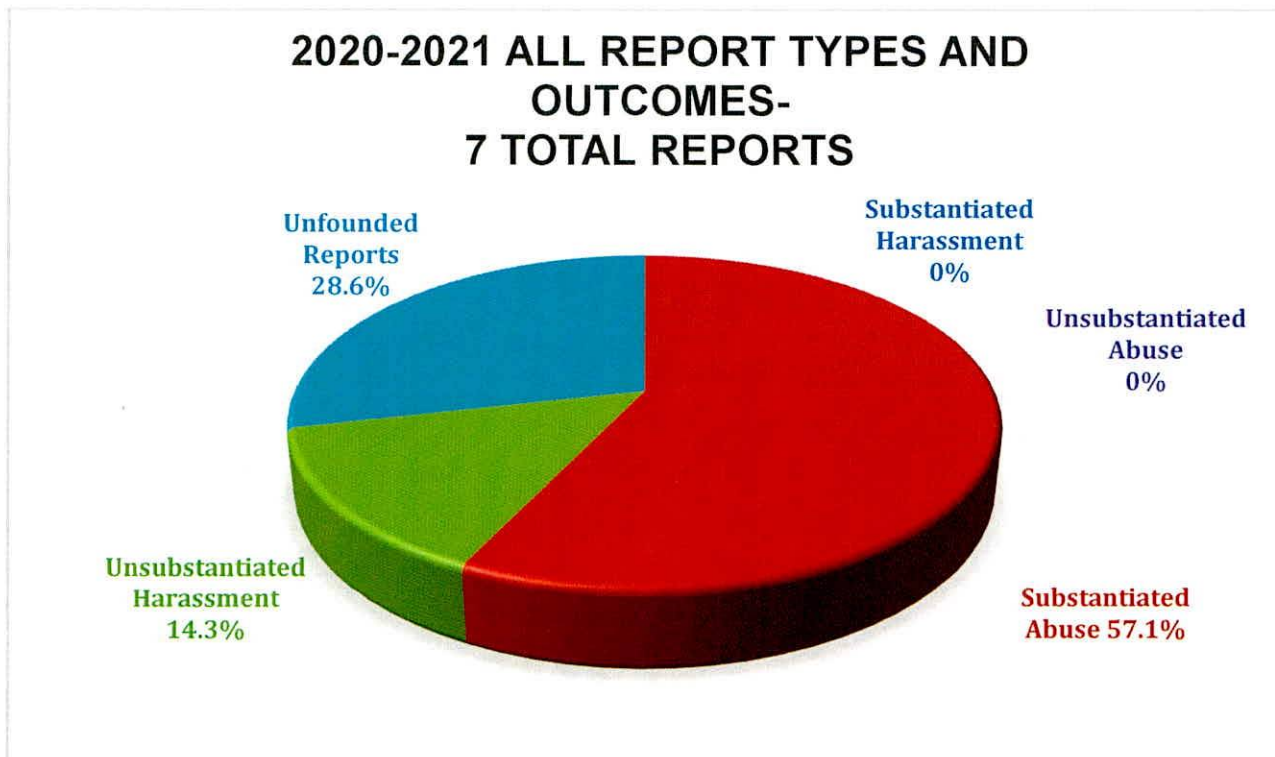


Figure 3- Investigative Outcomes for 2019-2020

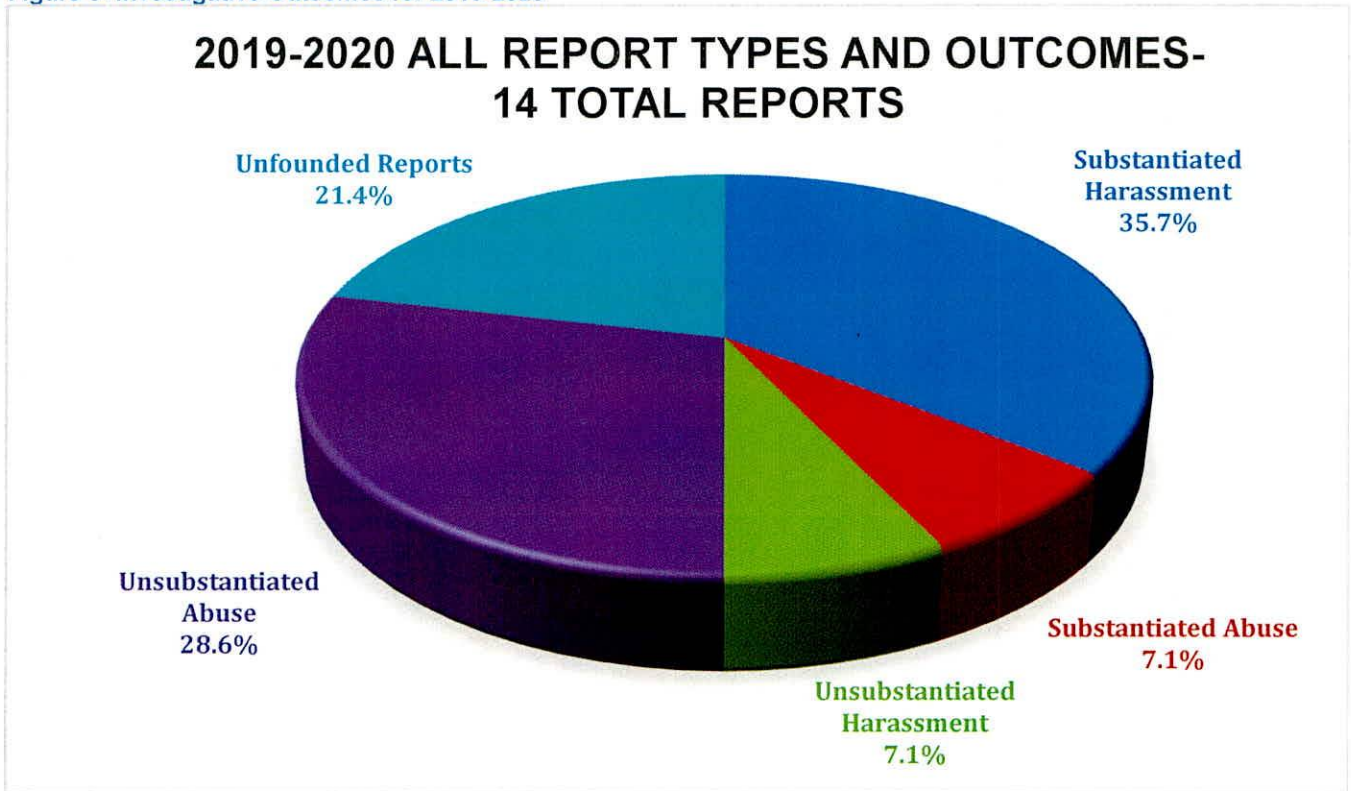


Figure 4 - Investigative Outcomes for 2018-2019

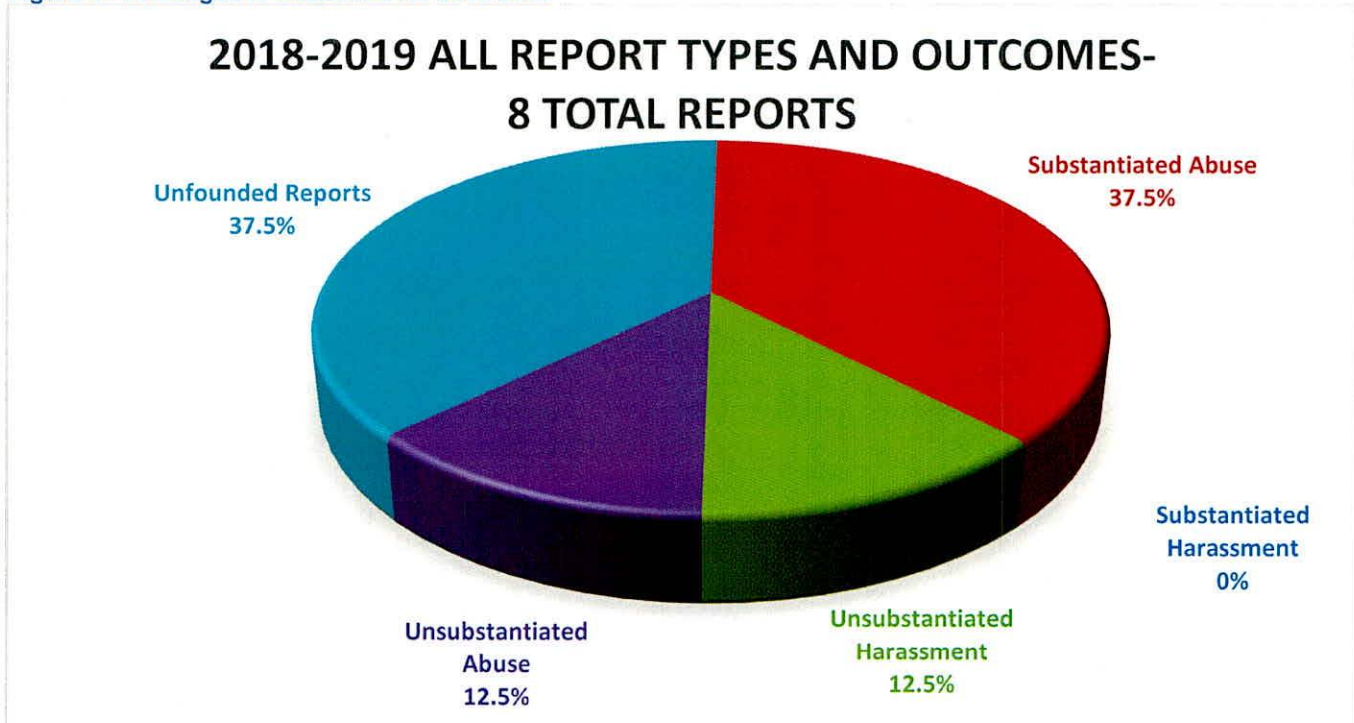


Figure 5- Investigative Outcomes for 2017-2018

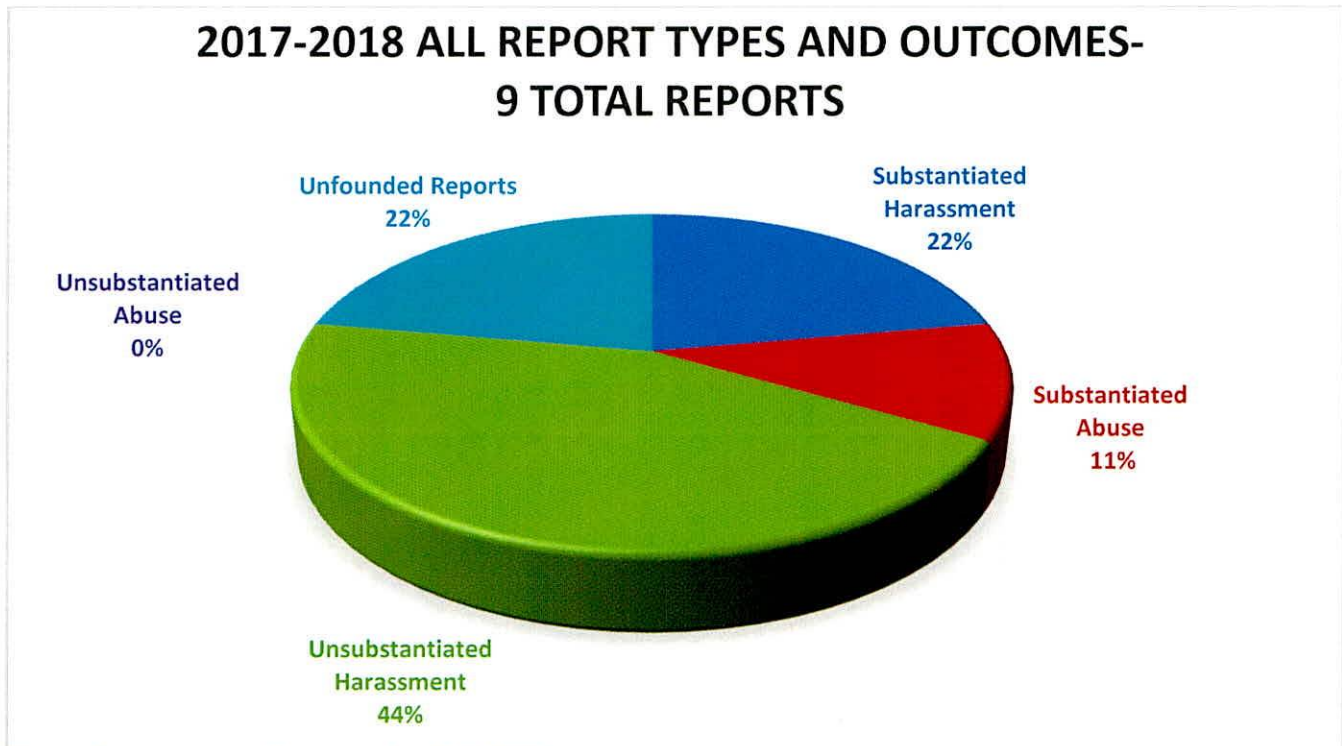


Figure 6- Investigative Outcomes for 2016-2017

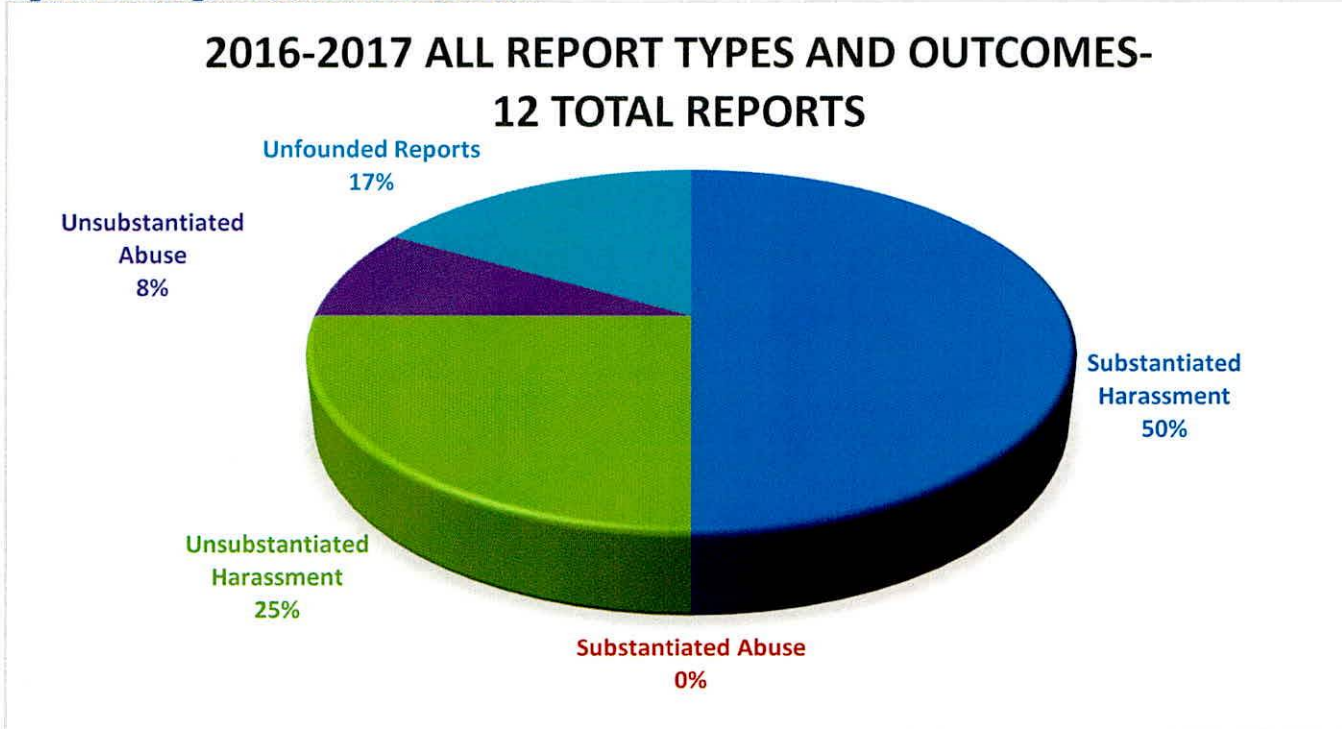


Figure 7- Investigative Outcomes for 2015-2016

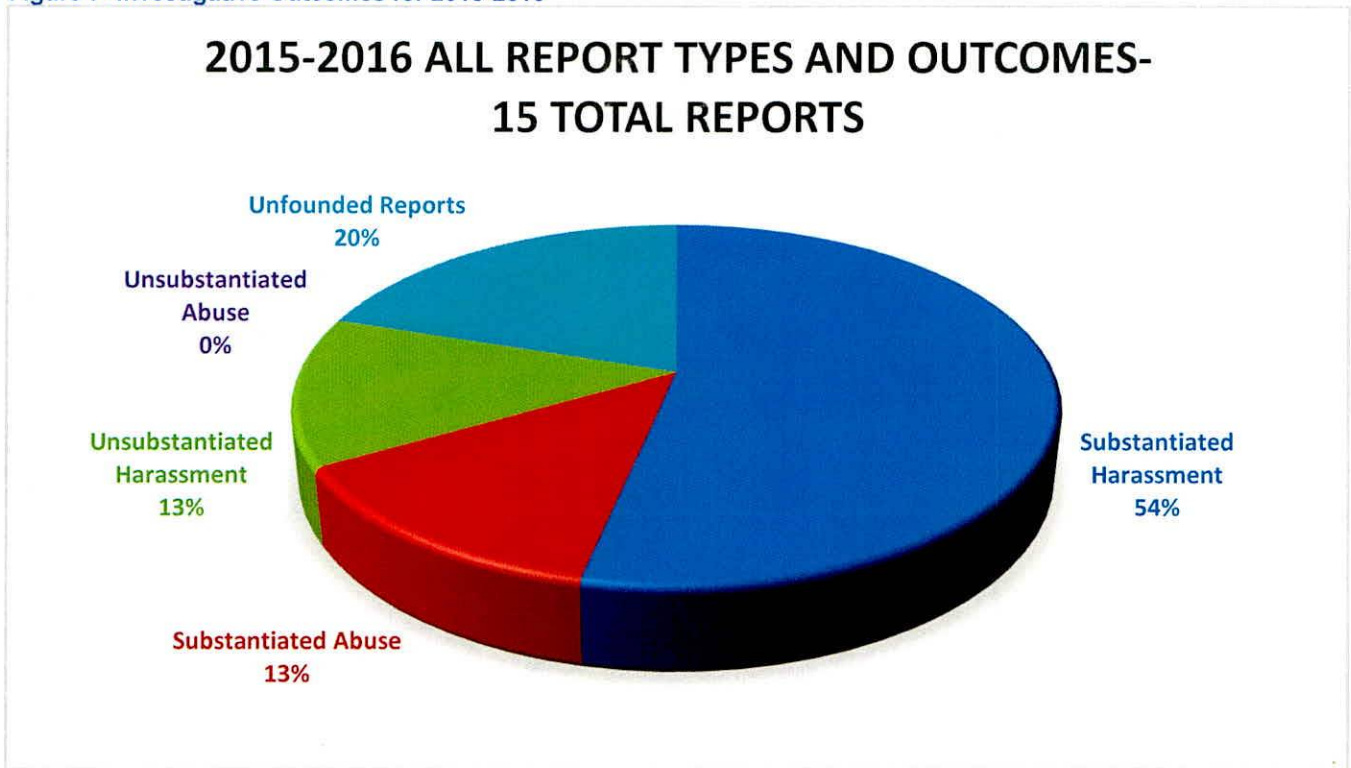


Figure 8- Investigative Outcomes for 2014-2015

