

LARIMER COUNTY COMMUNITY JUSTICE ALTERNATIVES

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2022
to
2023

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 (2022-2023)

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 2022 and April of 2023 nine (9) 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 2022-2023 PREA reporting period, there was a slight decrease in the number of reports that were either substantiated, unsubstantiated, or unfounded compared to 2021-2022.

Our agency received five (5) reports from offenders alleging that they had experienced sexual assault by a staff member while incarcerated at another correctional facility. Notification was made to the appropriate staff at the originating facility where the alleged assault took place. These offenders were offered victim's advocacy services while in custody at Community Justice Alternatives or on Pretrial Supervision.

The nine (9) 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.

On-site PREA audits are conducted by a certified PREA auditor every three (3) years. The most recent PREA audit occurred in December 2021. 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

The next on-site PREA audit is scheduled to occur in 2024.

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 nine (9) reports, three (3) 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/Harassment August 11, 2022 Community Corrections

A female client reported to her addictions therapist that another client had slapped her buttocks and made an inappropriate comment about her while in the bathroom. An administrative PREA investigator substantiated this allegation based on a preponderance of evidence standard. The abuser was issued an IR (Incident Report) for violating section 104 of the Resident Guidebook (Engaging in Sexual Acts/Harassment) and was subsequently terminated from the Community Corrections women's treatment program.

Report 2 Substantiated Abuse/Harassment August 11, 2022 Community Corrections

A female client reported to her case manager that another female client was wrapping her hand around her waist and nuzzling into her neck. She then proceeded to put her hand between her legs in the van on their way to Narcotics Anonymous. The reporting female also indicated she had attempted to set boundaries with the alleged abuser and the behaviors did not stop. Additionally, the abuser had said numerous crude sexual things to her. The alleged abuser in this case was the same abuser mentioned in the substantiated abuse/harassment allegation listed previously. An administrative PREA investigator substantiated these allegations based on a preponderance of evidence standard. The abuser was issued an IR (Incident Report) for violating section 104 of the Resident Guidebook (Engaging in Sexual Acts/Harassment) and was subsequently terminated from the Community Corrections women's treatment program.

Report 3 Substantiated Abuse August, 15, 2022 Community Corrections

Two male clients reported that another male client who resided in the same room, said the perpetrator was engaging in "continually sexually harassing behavior" in the bathroom, shower stall, his bed and dayroom. The perpetrator had grabbed both victim's chest multiple times despite being told to stop. The perpetrator also masturbated loudly in the shower stall and posed in his bed with only a blanket covering his genitals. It was also reported the perpetrator also grabbed multiple resident's crotches and buttocks. The in-house victim witness specialist met with both victims and they both declined victim advocacy services and law enforcement involvement. After consultation with the National PREA Resource Center, the allegation of sexual abuse was substantiated based on a preponderance of evidence standard. The other allegations were determined to be unsubstantiated. The perpetrator was issued a level 100 Incident Report and remained in the program, to continue participating in sex offender treatment, resided in a different dorm and was released September 9th, 2022.



1.4 Unsubstantiated Reports

Of the nine (9) reports, five (5) were identified as unsubstantiated. 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.

Report 1 Unsubstantiated Harassment June 26, 2022 Community Corrections

A female client reported to her case manager that another client made multiple sexually inappropriate comments to her. During the PREA investigation, the reporting client also stated the other client touched her. After the investigation, the PREA team determined that the reported harassment was not PREA qualifying because the harassment was an isolated incident and not repeated. Sexual abuse was unsubstantiated based on a preponderance of evidence standard.

Report 2 Unsubstantiated Harassment October 16, 2022 Community Corrections

A female client made a report of possible sexual harassment to security staff. The client stated another female client make comments to her that were sexual in nature and unwanted. After the administrative PREA investigation, the PREA team determined that this case is unsubstantiated based on a preponderance of evidence standard.

Report 3 Unsubstantiated Harassment October 24, 2022 Community Corrections

A male client reported that another male client touched his legs and back and gets extremely close to him when speaking. The reporting client stated he did not want to participate in an administrative PREA investigation. The investigation was completed and the PREA team determined that this case is unsubstantiated based on a preponderance of evidence standard.

Report 4 Unsubstantiated Harassment November 12, 2022 Community Corrections

A male client reported other clients are calling him "sexual" names. The investigation was completed and the PREA team determined that his case is unsubstantiated based on a preponderance of evidence standard.



A male client reported that another client touched his foot while he was sleeping. After a PREA investigation was completed, the investigator found no evidence to support the claim. The PREA team determined that this case is unsubstantiated based on a preponderance of evidence standard.

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 nine (9) reports, one (1) was determined to be unfounded.

A male client reported that staff showed the contents of his cell phone (which was confiscated as contraband) with female staff. The victim said he felt exploited, and his girlfriend called the PREA hotline. After a PREA investigation was completed, the investigator found no evidence to support the claim. It was determined that this case is 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 was one less report of abuse in this reporting period (2022-2023) than in the 2021-2022 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 or Pretrial Supervision increased. Five were reported in the 2022-2023 period, while only one was reported last 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 is 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 and where clients feel like they can ask questions and talk to staff. 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. Additionally, staff are trained to reiterate this information in cases where clients demonstrate the need for reminders or additional education.

Staff Education

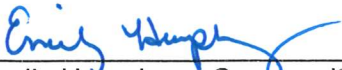
Analysis: An annual PREA Training Course on PREA policies and sexual assault responses is mandatory for all Community Justice Alternative (CJA) Workers or other persons having direct, unsupervised contact with offenders. Volunteers, interns, and contract workers must also complete training at time of hire. The PowerPoint training for volunteers, interns, 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 is very user friendly and easy to find training through, specifically for community confinement facilities. Staff have utilized this site for accessing training, specifically pre-recorded webinars. Additionally, a rotating selection of these webinars are offered on the CJA Departmental website under on-demand training opportunities for staff.



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, Community Justice Alternatives Director

7-7-23
Date



Tim Hand, Community Corrections Director

7-5-2023
Date



Jill Fox, Alternative Sentencing Director

07-06-2023
Date



2022-2023 ALL REPORT TYPES AND OUTCOMES- 9 TOTAL REPORTS

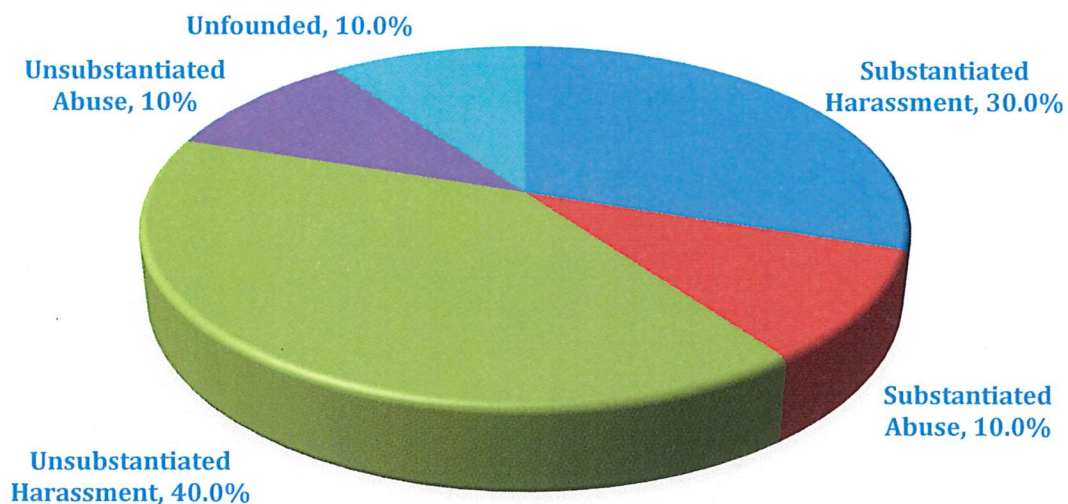


Figure 2- Investigative Outcomes 2021-2022

2021-2022 ALL REPORT TYPES AND OUTCOMES- 10 TOTAL REPORTS

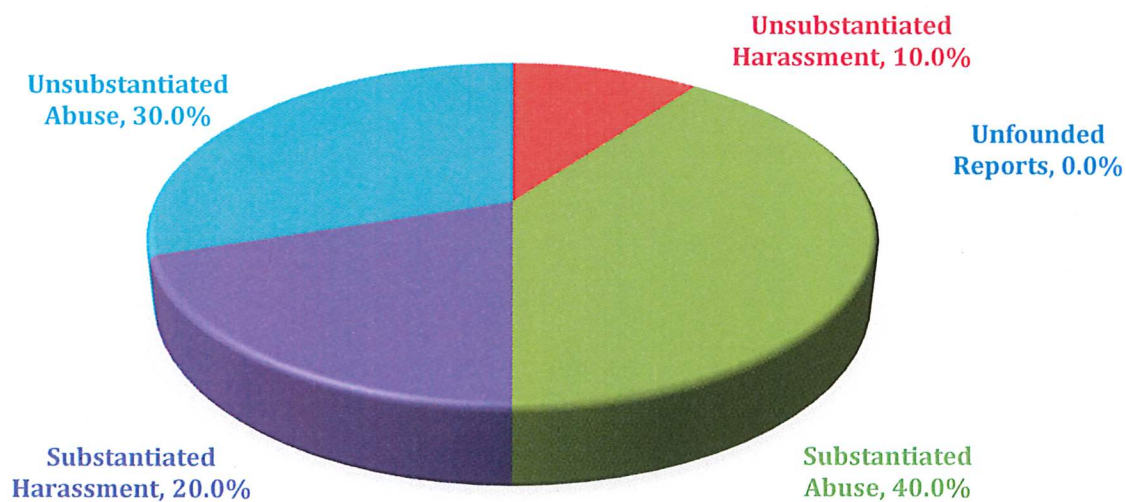


Figure 3- Investigative Outcomes for 2020-2021

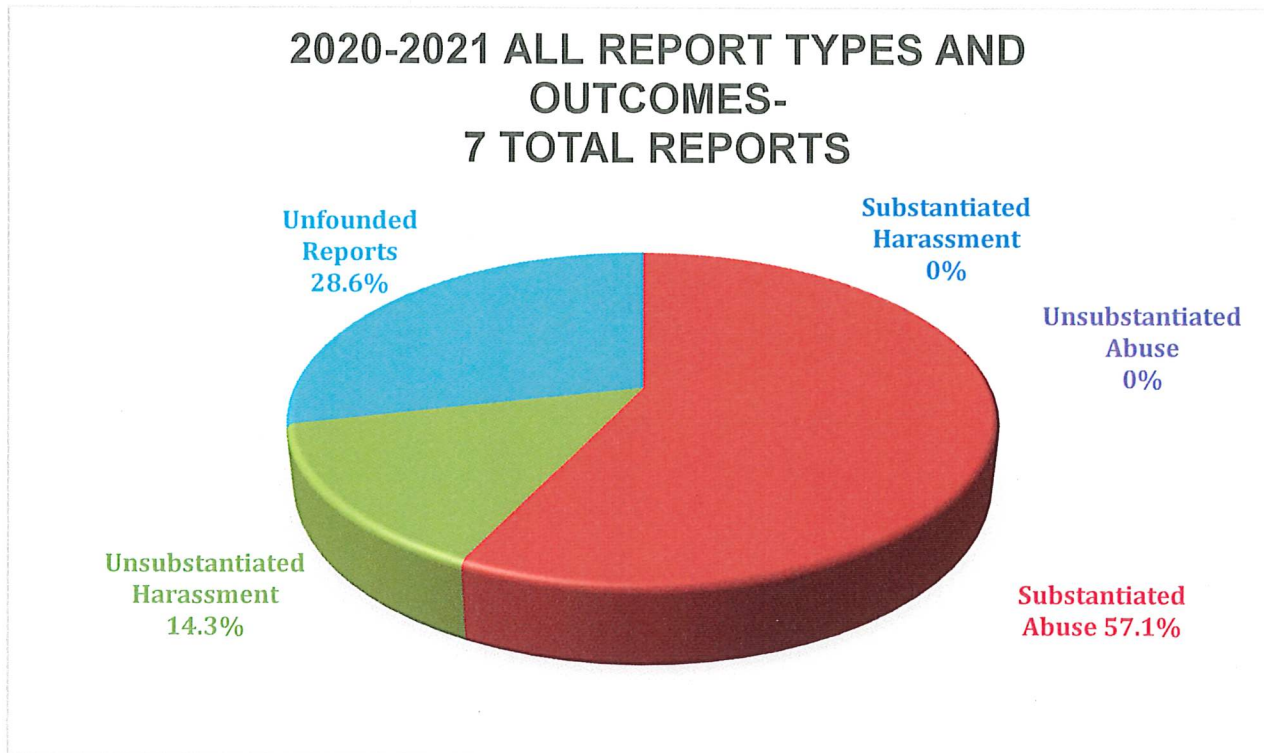


Figure 4- Investigative Outcomes for 2019-2020

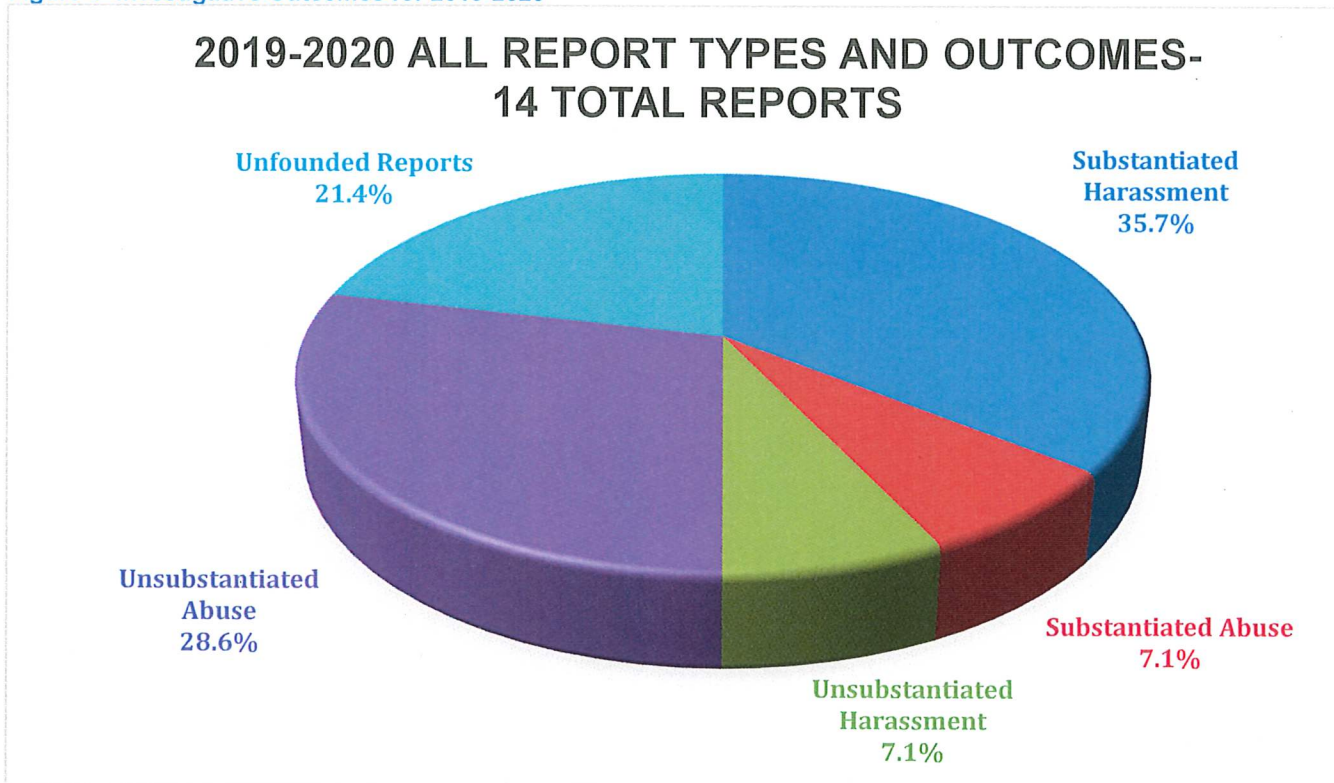


Figure 5 - Investigative Outcomes for 2018-2019

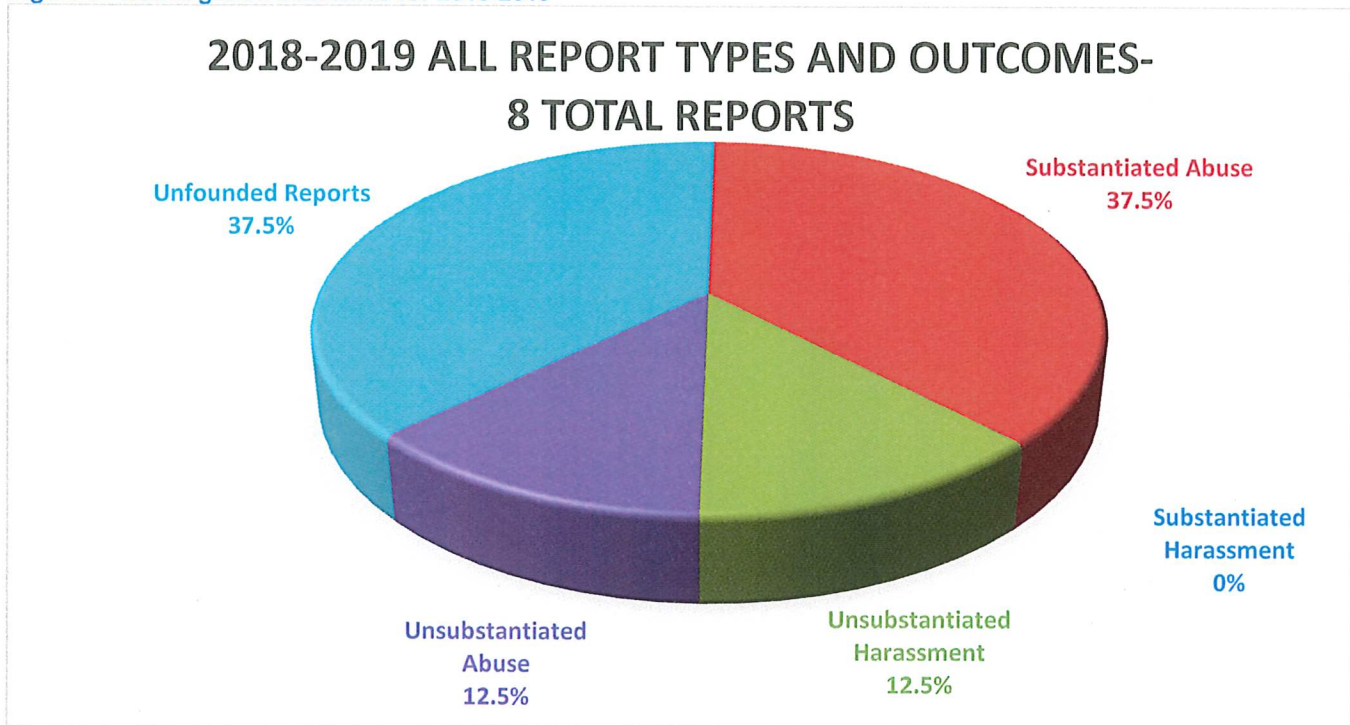


Figure 6- Investigative Outcomes for 2017-2018

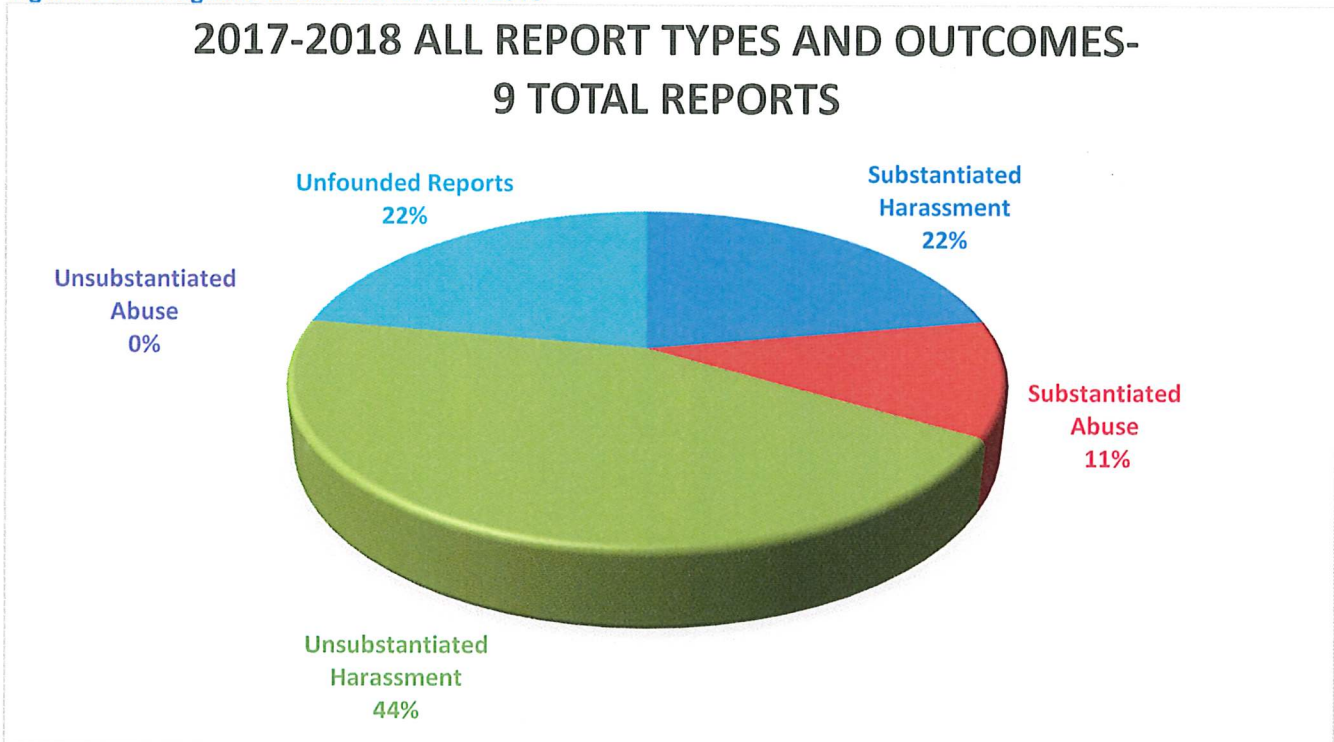


Figure 7- Investigative Outcomes for 2016-2017

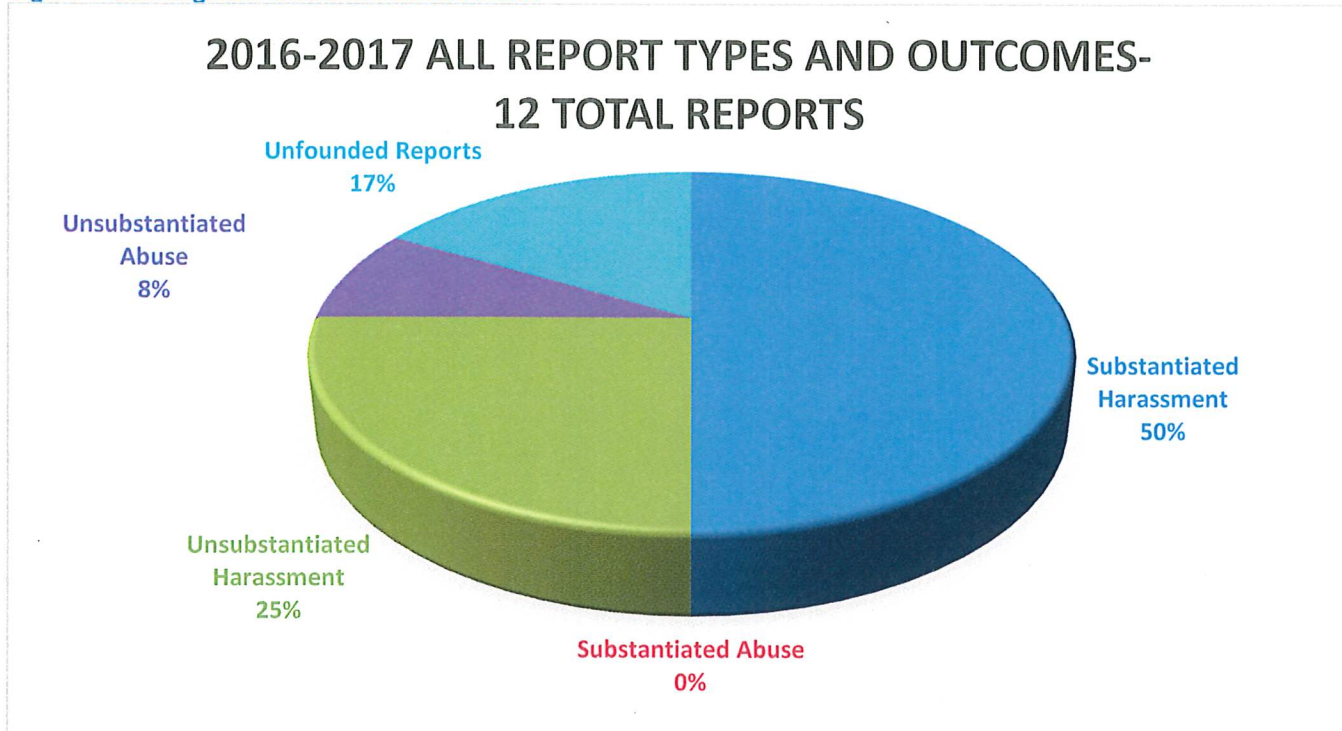


Figure 8- Investigative Outcomes for 2015-2016

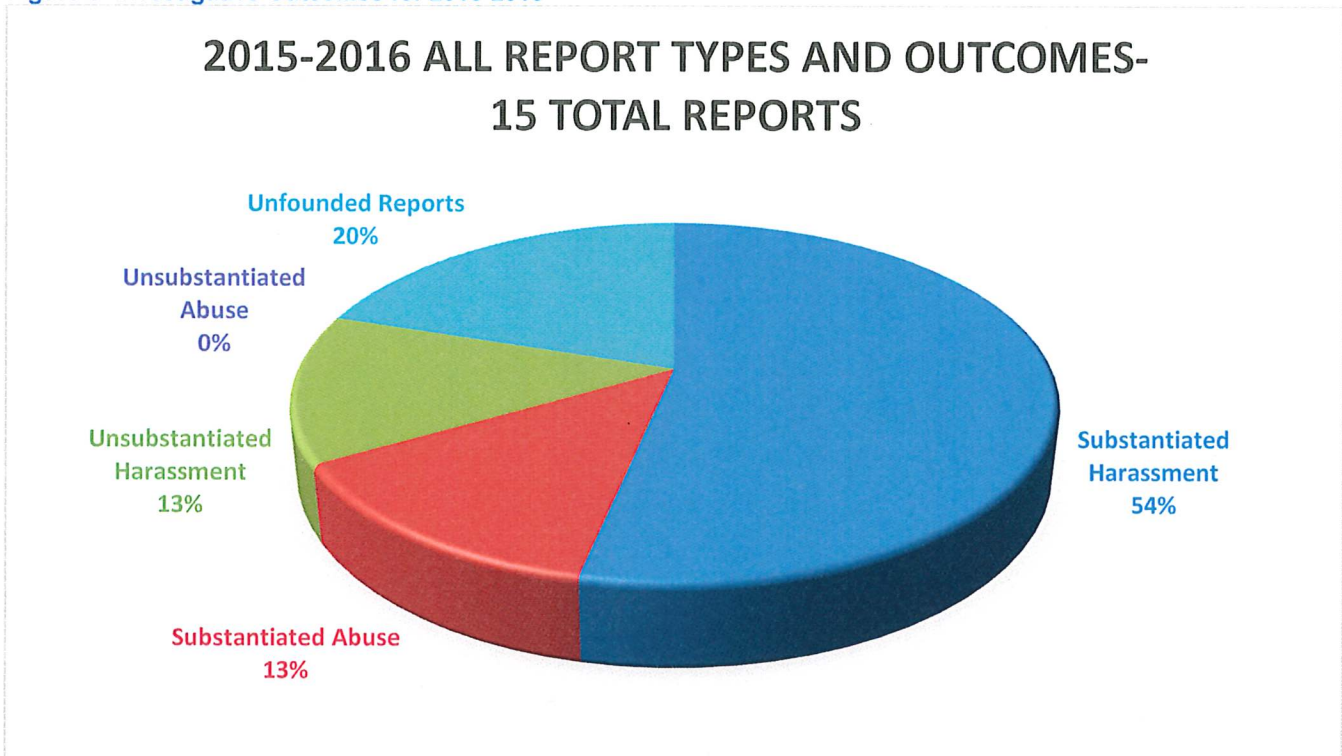


Figure 9- Investigative Outcomes for 2014-2015

