



LARIMER COUNTY CRIMINAL JUSTICE SERVICES

PRISON RAPE ELIMINATION ACT ANNUAL REPORT

2017
to
2018

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 (2017-2018)

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 time table 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 web-site, 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 2017 and April of 2018, nine (9) reports of sexual misconduct were reported by offenders which met PREA's reporting guidelines. Other reports were received which did not fall under the requirements of PREA. These reports included consensual sexual behavior within the facility (not permitted by facility rule, but not a violation of PREA standards), horseplay between offenders involving touching, and inappropriate communication between offenders.

In addition, one report was made by an offender alleging sexual misconduct by offenders at another correctional facility. In this case, notification was made to the Director or Warden of the facility at which the alleged misconduct took place.

2017-2018 has seen a marked increase in staff awareness and proper responses to reports of potential sexual harassment, misconduct, and activity. Staff from both Larimer County Criminal Justice Services and the Larimer County Sheriff's Office continue to receive training on PREA related processes and protocol.

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

<u>Report 1</u>	<u>Substantiated</u>	<u>Harassment</u>	<u>June 11, 2017</u>	<u>Alternative Sentencing</u>
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Offender reported inappropriate sexual rumors were being spread by another offender. During the investigation, multiple threats were made by the alleged perpetrator. The alleged perpetrator was removed from the Work Release program based on behavioral issues and completed the remainder of the sentence in the Larimer County Jail.

<u>Report 2</u>	<u>Substantiated</u>	<u>Harassment</u>	<u>Aug 25, 2017</u>	<u>Alternative Sentencing</u>
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Two female offenders reported to staff that a fellow offender was making inappropriate and sexually harassing comments to them. Subsequent interviews provided overwhelming corroboration of the

allegations. The alleged perpetrator was removed from the Work Release program and completed the remainder of the sentence in the Larimer County Jail.

Report 3 Substantiated Abuse Feb 18, 2018 Community Corrections

A male offender alleged inappropriate sexual touching by another offender. During the initial interviews with the alleged victim, it was determined that law enforcement should be contacted. The Larimer County Sheriff's Office took over the investigation and ultimately charged the alleged perpetrator with Unlawful Sexual Contact. The alleged perpetrator was taken into custody at the Larimer County Jail.

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 nine reports, four were determined to be unsubstantiated. The reports are summarized below.

Report 1 Unsubstantiated Harassment Nov 11, 2017 Alternative Sentencing

Two female offenders reported unwanted sexual comments from another offender. Once investigated, the allegations could not be substantiated due to conflicting accounts. All parties involved were counseled regarding appropriate behavior and expectations.

Report 2 Unsubstantiated Harassment Nov 15, 2017 Community Corrections

Three female offenders reported unwanted sexual comments from another offender. Once investigated, the allegations could not be substantiated due to conflicting accounts. All parties involved were counseled regarding appropriate behavior and expectations.

Report 3 Unsubstantiated Harassment Dec 12, 2017 Community Corrections

A female offender reported unwanted sexual comments from another offender. Once investigated, the allegations could not be substantiated due to conflicting accounts. All parties involved were counseled regarding appropriate behavior and expectations.

Report 4 Unsubstantiated Harassment Jan 4, 2018 Community Corrections

A male offender reported observing sexual behavior by another offender. Once investigated, the allegations could not be substantiated due to conflicting accounts. The alleged perpetrator was counseled regarding appropriate behavior and expectations.

1.5 Unfounded Reports

Unfounded reports are reports which, upon investigation, are deemed to be have no basis in fact, malicious (false reporting), or simply don't meet the criteria to be investigated and reported as an incident under PREA standards. According to the Federal Bureau of Investigation's Uniform Crime Index, the false reporting rate for sexual assault is just less than 5 percent- on par with most other violent crimes. Of the nine reports received, two were deemed to be unfounded. The reports are summarized below.

Report 1	Unfounded	Harassment	Nov 30, 2017	Alternative Sentencing
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A male offender reported a staff member was trying to see him naked in the shower. Once the incident was investigated, the allegation was unfounded and policies regarding stand-down counts were reviewed by the management team and communicated to staff.

Report 2	Unfounded	Abuse	April 10, 2018	Alternative Sentencing
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A female offender alleged that staff was allowing perpetrators from the public into the facility at night to sexually assault her while she was sleeping. Law enforcement was contacted, and a criminal investigation started. After review of video footage and interviews of other offenders, the allegations were unfounded.

Section 2- Analysis of Data/Actions Taken

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

2.1 Number of Reports

Analysis: The number of reports in 2017-2018 are down by three reports from 2016-2017. This marks three consecutive years of declining reports. While not enough of a sample size or enough time to draw conclusions, we are encouraged and hopeful that ongoing education and counseling efforts are helping drive these incidents down.

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

2.2 Coordination of Response

Analysis: First responders have been doing a very good job of recognizing situations which may be sexual in nature and immediately intervening in the situation and reporting it to the Sexual Abuse Response Team (SART). The SART has grown more confident and discerning as each report comes to them. PREA legislation and standards are clear, but cannot provide a provision for every circumstance in every case. Having two trained PREA Investigators coordinate with the PREA Coordinator on each investigation has helped immensely in determining the outcome of each report and investigation.

Action Taken: Continued training for the SART, focusing on the role each plays, continues to be an important issue for the team. Secured communication within the computer system for Criminal Justice Services is key in ensuring each team member is up to date on an incident and all team members have a voice in the outcome.

2.3 Offender Education

Analysis: Every offender that enters as a resident of either Community Corrections or Alternative Sentencing is given an orientation to PREA that includes a video and an assessment for potential victimization. They are also given a brochure 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.

Action Taken: Emphasis continues to be placed on staff interaction with offenders during orientation. A video, assessment, and brochure do not, by themselves, sufficiently educate the offender population concerning sexual violence in a confinement setting. Further, the professional relationship necessary to encourage reporting and vigilance in this area needs to be established immediately upon intake by staff who take the time to explain how important this information is, and how committed the agency is to preventing sexual violence in our facilities.

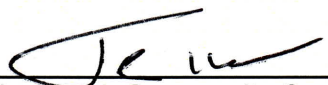
2.4 Staff Education

Analysis: All staff attend a mandatory training on PREA protocols and sexual assault responses upon hire and on an annual basis thereafter. Staff education remains the single most important characteristic of our successful culture in preventing, detecting, and responding to sexual violence.

Action Taken: Annual PREA training is mandatory for all security staff, contractors and volunteers. On-line resources are available for trainings. These trainings focus on the role each person plays in maintaining a safe environment for offenders.

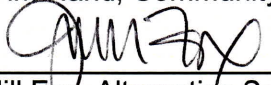
Conclusion

Training for both offenders and staff continue to be paramount to ensure the safety and security of our facilities. Although the overall number of PREA qualifying reports continue to decrease, the PREA team continues to receive reports from a variety of sources, for a variety of reasons. Many of these reports are not PREA qualifying, but this shows progress in the awareness by both staff and offenders. Victims will report to people they trust, and establishing trusting relationships with appropriate boundaries is ultimately the key to getting victims the help they need.



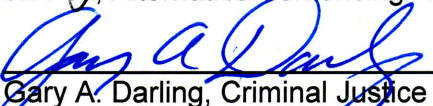
Tim Hand, Community Corrections Director

9-12-18
Date



Jill Fox, Alternative Sentencing Acting Director

09.11.18
Date



Gary A. Darling, Criminal Justice Services Director

09/18/18
Date

Figure 1- Investigative Outcomes for 2014-2015

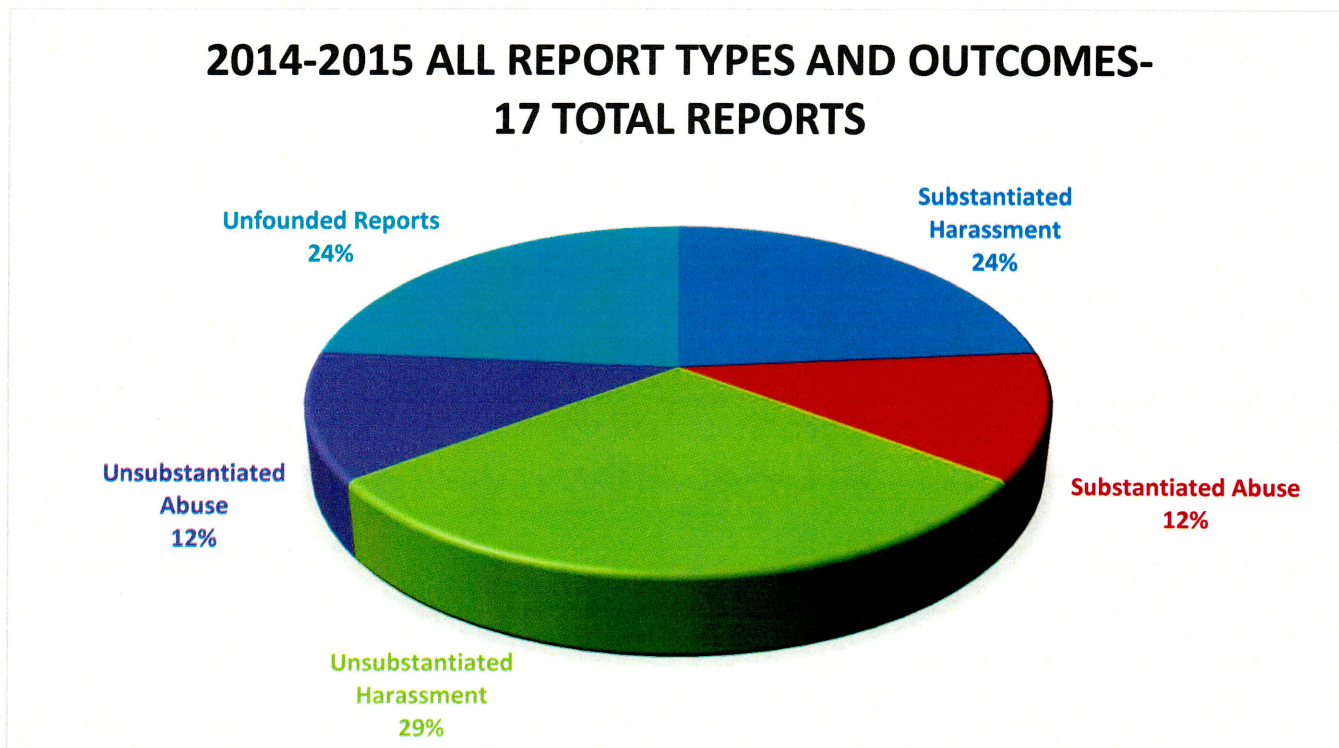


Figure 2- Investigative Outcomes for 2015-2016

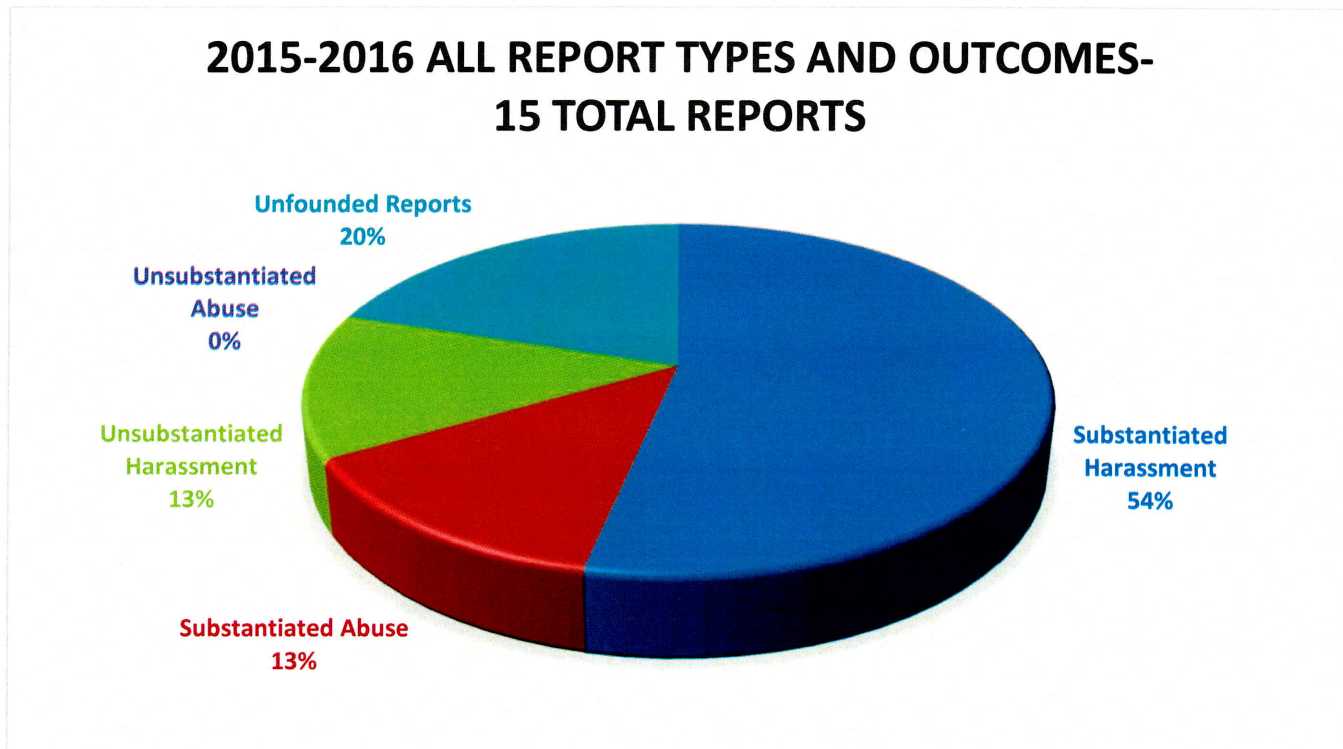


Figure 3- Investigative Outcomes for 2016-2017

2016-2017 ALL REPORT TYPES AND OUTCOMES- 12 TOTAL REPORTS

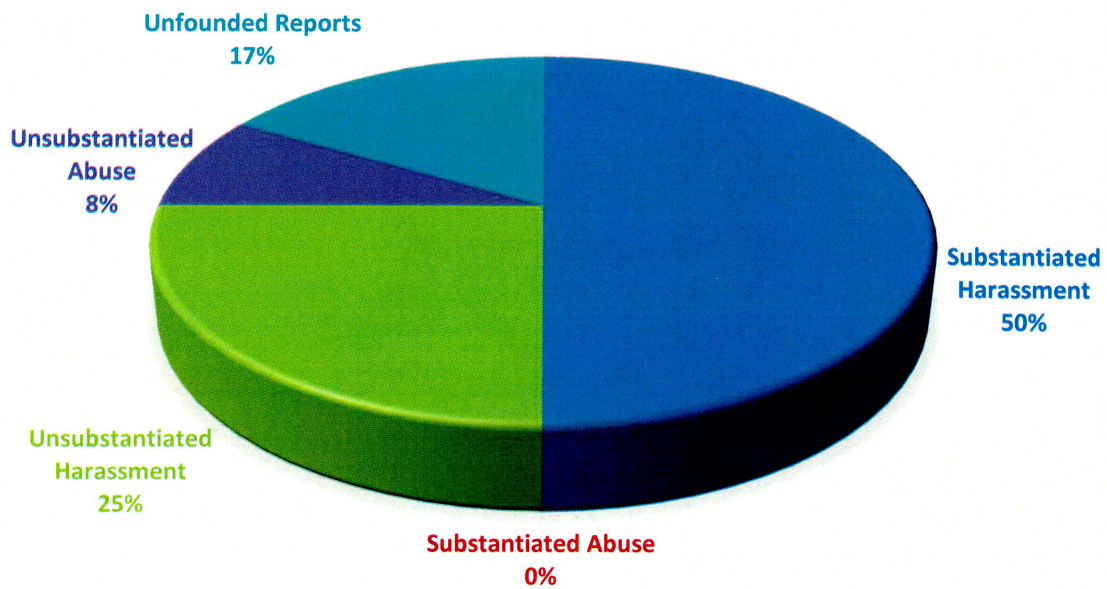


Figure 4- Investigative Outcomes for 2017-2018

2017-2018 ALL REPORT TYPES AND OUTCOMES- 9 TOTAL REPORTS

