

Prison Rape Elimination Act Annual Compliance Report (2023-2024)

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 department and the Alternative Sentencing department, operated by Larimer County, began the task of forming the policies, procedures, best practices, and community partnerships necessary to meet these Federal requirements.

PREA standards require an annual report to be published detailing statistics regarding sexual abuse and harassment of clients in our custody. The annual report aggregates 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 clients 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 comments 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 clients 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
- 1.4 Unsubstantiated Reports
- 1.5 Unfounded Reports

1.1 Number of Reports

Between April of 2023 and April of 2024 eleven (11) reports of sexual abuse or harassment were reported by clients 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 clients, and pat down searches conducted by staff on clients (searches conducted by staff were completed in a manner consistent with policy and training).

Between April 2023 and April 2024, our agency received one (1) report from a client alleging that they had experienced sexual assault while incarcerated at different correctional facility. Upon receipt of these reports, notification is made to the appropriate staff at the originating facility where the alleged assault took place. Clients are then offered victim advocacy services while in custody at Community Justice Alternatives or on Pretrial Supervision.

The eleven (11) reports listed meet the criteria of client-on-client or staff-on-client 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 October 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 client. The type of sexual misconduct will be identified as either harassment or abuse. 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 to policy, procedure, or best practices to prevent a similar event from occurring in the future should be made. This information is presented below in 1.3 through 1.5.

1.3 Substantiated Reports

Of the eleven (11) reports, four (4) were determined to be substantiated, indicating that enough evidence was found during the investigation to indicate that the report was made in good faith, accurate, and actionable. Of the four (4) substantiated reports, one (1) was staff on client at the



Alternative Sentencing Department, one (1) was kitchen contract worker on client and one (1) was staff on client at Community Corrections. The remaining report was client on client.

1.4 Unsubstantiated Reports

Of the eleven (11) reports, seven (7) 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. Of the seven (7) reports, one (1) was staff on client at Alternative Sentencing Department.

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.

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. None of the reports were determined to be unfounded in this reporting period.

Section 2- Analysis of Data/Actions Taken

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

2.1 Number of Reports

Analysis: The number of PREA qualifying reports for Community Justice Alternatives (CJA) are the same as the last reporting period. There was one (1) report by a client alleging they had experienced sexual assault or misconduct by either clients or staff while at a correctional facility prior to placement in a Community Justice Alternatives (CJA) program or Pretrial Supervision decreased.

Action Taken: Every client who made a report of experiencing sexual assault or harassment by either clients 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 the Sexual Assault Victim Advocate (SAVA) Center. Each report was either investigated by administrative PREA investigators or the Larimer County Sheriff's Office.

2.2 Coordination of Response

Analysis CJA staff remain committed to creating a safe environment for the clients by being vigilant in recognizing situations which may be sexual in nature and immediately intervening and responding to



PREA allegations swiftly, professionally, and compassionately. 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. In addition, staff monitor the video surveillance system routinely as part of their job duties. Staff also receive ongoing training on which 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 incidents occurring. Our SART form was revised to streamline the initial process with the victim and victim services specialists. The PREA team also decided to coordinate efforts where the victim services specialists and investigators are available at the same time when initiating the potential investigation in hopes to limit the number of times the victim is asked questions about the incident. Additionally, if an allegation is made against a CJA employee, contract worker, intern or volunteer, the case is immediately handed over to the Larimer County Sheriff's office, for investigation.

2.3 Client Education

Analysis: During client orientations, all residents at Community Corrections and Alternative Sentencing receive information on sexual abuse and harassment. They have access to a PREA Client Brochure on 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 client 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: Client 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. The staff are trained to immediately upon intake explain to the residents how important this information is and how committed the agency is to prevent sexual violence in our facilities. The client PREA brochure was revised during 2023-2024, with a focus on simplifying the language and content of the English and Spanish documents.

Staff Education

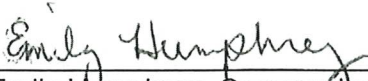
Analysis: An annual PREA Training Course on PREA policies and sexual assault responses is mandatory for all Community Justice Alternative (CJA) Workers or other persons having direct, unsupervised contact with clients. Volunteers, interns, and contract workers must also complete training at time of hire. 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, responding to sexual violence, and promoting a zero-tolerance culture.

Action Taken: The staff at CJA are required to seek out meaningful, job-related training opportunities for their professional development. In addition to the annual PREA refresher information/PREA training, staff are encouraged to have a portion of their annual required professional training hours consist of PREA related topics. Staff often refer to the National PREA Resource Center to access 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. In 2023, our Training Coordinator added a quizzing component to the annual training to assess staff's understanding of the material, where staff are required to pass the quiz to complete the training.



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 pursuing new ways to improve our programs and be in full compliance with PREA standards.



Emily Humphrey, Community Justice Alternatives Director

Sept 18, 2024
Date



Jill Fox, Alternative Sentencing Director

09/23/2024
Date

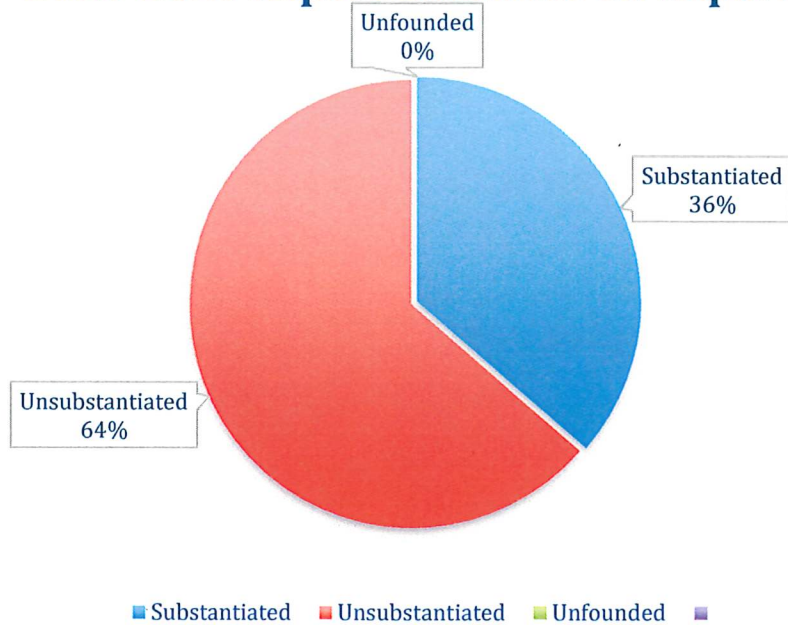


Tim Hand, Community Corrections Director

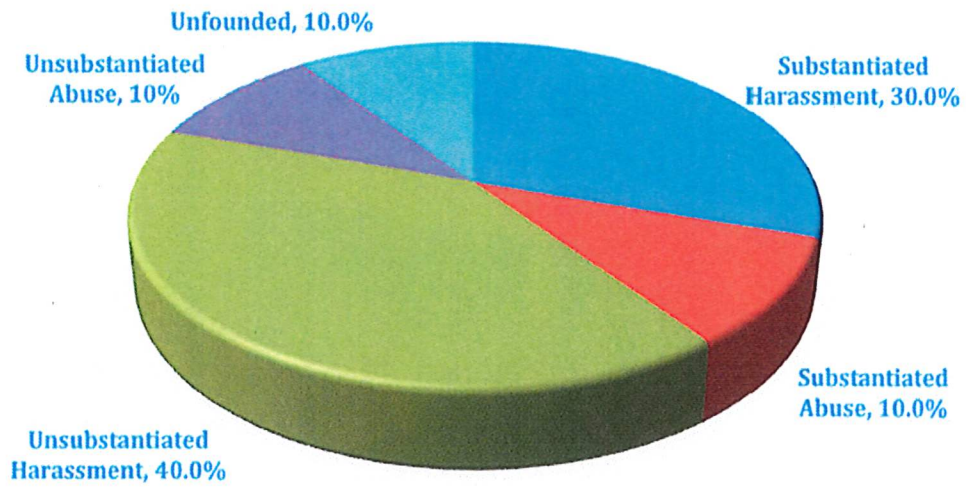
9-23-2024
Date



2023-2024 Report Outcomes 10 Reports



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



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

