

20
13

Prison Rape Elimination Act (PREA): Denver Sheriff Department 2013 Annual Report

The Denver Sheriff Department is committed to meeting the requirements of the Prison Rape Elimination Act of 2003 and enhancing the safety of the offenders entrusted into our care. This report is a summary of the agency's efforts in 2013.



Denver Sheriff Department (DSD) Prison Rape Elimination Act (PREA) Annual Report 2013

****Note-** The DSD began a complete and thorough review of the PREA processes in late 2013. The identification of a PREA Coordinator and Compliance Manager(s) along with a full standard review to align internal process did not begin until the late 1st and early 2nd Quarter of 2014, respectively. A PREA annual report had not been completed for 2013 as the DSD was just beginning the review and alignment of processes with regards to PREA in 2014. During a mock PREA audit in November of 2014, it was suggested that an annual report be completed for 2013. The DSD believed our first PREA annual report would be for 2014 and completed in 2015. During our PREA audit for the County Jail facility in February of 2015, the auditors requested an analysis for 2013. This 2013 annual report has been prepared on the recommendations provided during the mock audit and by the request made by the auditors during the actual audit in February 2015. ******

2013 Data

****Note-** The data provided herein was researched and provided to the Department of Justice (DOJ) for the 2013 Survey of Sexual Victimization and will be utilized here to detail allegations of sexual misconduct in our facilities and the findings of such. The DSD did not begin utilizing a standard instrument and set of definitions to fully track and monitor PREA allegations or tracking mechanisms consistent with the standards set forth in the act until 2014. As such, the definitions set forth by the DOJ for the federal survey were used for the 2013 data herein******

History

The Denver Sheriff Department created and implemented a department order on the Prison Rape Elimination Act (PREA) in 2012. Although jails at the local level are not mandated to comply with the act, the DSD strongly believes that the safety of the offenders is paramount; as such, the DSD welcomed the opportunity to strengthen internal processes through compliance with the PREA standards.

DSD's internal PREA policy can be found in Department Order (D.O.) 4100.. When the order was created in 2012, it was a good start in beginning to align internal processes with the PREA Act in an attempt to work towards full agency compliance through the processes. However, the agency did not thoroughly embed all PREA standards and processes into the internal policy until late 2014.

In the 4th Quarter of 2013, the DSD identified the need to align D.O. 4100 with all PREA standards and processes and to achieve having a third of our facilities audited by August 19, 2014. As part of our internal 2014 Strategic Plan, the DSD added a goal of having a third of our facilities audited in 2014.

A self assessment began during this period to examine the DSD's current compliance level with the PREA standards.

The remaining pages in this report will show the definitions used for reporting allegations of sexual misconduct in our facilities as well as a breakdown of the data for 2013 as provided to the DOJ.

DOJ Definitions

Inmate on Inmate

The Department of Justice for the Survey of Sexual Victimization survey utilizes the definition of “sexual abuse” as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into three categories of inmate-on-inmate sexual victimization.

These categories are:

NONCONSENSUAL SEXUAL ACTS

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

Contact between the penis and the vulva or the penis and the anus including penetration, however slight;

OR

Contact between the mouth and the penis, vulva, or anus;

OR

Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

ABUSIVE SEXUAL CONTACT

Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse;

AND

Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person.

SEXUAL HARASSMENT

Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another.

Staff on Inmate

The survey utilizes the definition of “sexual abuse” by a staff member, contractor or volunteer as provided by 28 C.F.R. §115.6 in the National Standards to Prevent, Detect, and Respond to Prison Rape (under the Prison Rape Elimination Act of 2003). For purposes of SSV, sexual abuse is disaggregated into two categories of staff-on-inmate sexual abuse. These categories are

STAFF SEXUAL MISCONDUCT

Any behavior or act of a sexual nature directed toward an inmate by an employee, volunteer, contractor, official visitor or other agency representative (exclude family, friends or other visitors).

Sexual relationships of a romantic nature between staff and inmates are included in this definition. Consensual or nonconsensual sexual acts include—

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire;

OR, Completed, attempted, threatened, or requested sexual acts;

OR Occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

STAFF SEXUAL HARASSMENT

Repeated verbal statements, comments or gestures of a sexual nature to an inmate by an employee, volunteer, contractor, official visitor, or other agency representative (exclude family, friends, or other visitors). Include—

- Demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing;

OR Repeated profane or obscene language or gestures.

2013 DSD Findings Definitions-

Substantiated- The event was investigated and determined to have occurred, based on a preponderance of the evidence.

Unsubstantiated- The investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Unfounded- The investigation determined that the event did NOT occur.

Investigation Ongoing- Evidence is still being gathered, processed or evaluated, and a final determination has not yet been made.

Inmate on Inmate-2013--Allegations & Findings-

Inmate Nonconsensual Sexual Acts-

For the period January 1, 2013 through December 31, 2013, the DSD had 11 allegations of inmate on inmate nonconsensual sexual acts within our facilities. Of that 11, seven were unsubstantiated and four were unfounded.

- Substantiated- 0
- Unsubstantiated-7
- Unfounded-4

Inmate Abusive Sexual Contact-

There were no allegations of abusive sexual contact for the period January 1, 2013 through December 31, 2013.

- Substantiated-0
- Unsubstantiated-0
- Unfounded-0

Inmate Sexual Harassment-

There were eight reported allegations of inmate on inmate sexual harassment for the period January 1, 2013 through December 31, 2013. Of the eight, two were substantiated, four unsubstantiated, and two unfounded.

- Substantiated- 2*
- Unsubstantiated-4
- Unfounded-2

*In both substantiated cases, the perpetrator admitted to making comments of a sexual nature.

Allegations & Findings-Staff on Inmate -2013

Staff Sexual Misconduct -

For the period January 1, 2013 through December 31, 2013, there were eight allegations of staff sexual misconduct. There were no substantiated cases deriving from the eight allegations. Three of the allegations were unsubstantiated; five were unfounded.

- Substantiated- 0
- Unsubstantiated-3
- Unfounded-5

Staff Sexual Harassment -

There were two allegations of staff sexual harassment for the period January 1, 2013 through December 31, 2013. Both allegations were unfounded.

- Substantiated- 0
- Unsubstantiated-0
- Unfounded-2


Conclusion-

As 2014 was the year that DSD finalized revisions to internal policies to align with the PREA processes, a review of the 2013 data to assess and improve the effectiveness of the department's sexual abuse prevention, detection, and response policies, practices, and training was not conducted pursuant to PREA standards. Although the DSD reviewed data and policies in the aforementioned areas for effectiveness, it was not specific to PREA as the internal policy was not yet aligned with PREA.

For these reasons, this report will not compare the 2013 data and any corrective actions with those from prior years in which to provide an assessment of the department's progress towards addressing sexual abuse.

The 2014 annual report will include data and reviews consistent with 115.87 and 115.88 with the exception of 115.88 (b) as this 2013 report was not completed with utilizing a standard instrument and set of definitions but rather the definitions set forth by the DOJ for the federal survey.


Sheriff Elias Diggins


Major Rick Guerrero PREA Coordinator