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Prison Rape Elimination Act: Denver Sheriff Department 2014 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 2014.



Background:

The Prison Rape Elimination Act (PREA) was passed unanimously by Congress and signed into law by President George W. Bush in 2003. In 2012, the Department of Justice (DOJ) published final standards to govern implementation of the purposes of PREA which are to enable corrections systems to better detect, prevent, respond, reduce, and punish for sexual violence committed against offenders who are housed in this nation's corrections and confinement systems.

Denver Sheriff Department PREA Implementation:

The Denver Sheriff Department (DSD) takes the safety of the offenders in our custody very seriously. The DSD has a zero-tolerance policy relating to sexual assault, sexual harassment, and sexual misconduct. Sexual conduct between inmates, staff and inmates, and volunteers or contract personnel and inmates is prohibited and subject to administrative disciplinary action and potential criminal prosecution. All allegations are taken seriously and thoroughly investigated with prosecution sought when applicable.

It is the policy of the DSD to create, implement and revise, as necessary, best practices and procedures that support the prevention and elimination of sexual abuse, sexual harassment and sexual misconduct of any offender in its care and custody, including adoption and compliance with the standards of the Prison Rape Elimination Act (PREA).

The DSD has had a departmental policy in place since 2012 with regards to PREA; however, at that time, not all internal processes were directly aligned with the standards to meet total compliance. At the end of 2013, the agency increased efforts to begin to align all internal processes towards full PREA compliance with a goal of having 1/3 of our facilities audited by August 2014 to meet PREA targets.

The DSD provides care and custody to offenders within two facilities, the VanCise-Simonet Detention Center (also called the Downtown Detention Center, or DDC), and the Denver County Jail (COJL).

The DSD chose to have the County Jail Facility (COJL), 10500 Smith Road Denver, Colorado, 80239 audited in 2014. Several dates for the actual audit were chosen; however, after working through the auditor selection process, the DSD was only able to successfully conduct a mock audit in 2014. The mock audit occurred in November.

The actual audit of the COJL occurred the week of February 2-5, 2015 and will be reflected in the 2015 DSD Annual PREA Report. The Van Cise-Simonet Detention Center (DDC) PREA audit is not yet scheduled but anticipated to be conducted during the fourth quarter of 2015 or the first quarter of 2016.

DSD Progress Towards PREA Compliance in 2014:

2014 proved to be a very busy year with regards to PREA within the agency; the following are highlights of DSD's progress:

- ❖ In February, an agency wide PREA Coordinator was named as well as Compliance Managers for both the Van Cise-Simonet Detention Center and County Jail facilities.
- ❖ Several PREA Board meetings were held with the Coordinator, Compliance Managers, and key stakeholders. During these meetings, standards were reviewed for compliance and action items were developed for accomplishing objectives.
- ❖ The DSD PREA Department Order, D.O. 4100, was revised to align with all mandated PREA processes. The Order was finalized in December.
- ❖ A standardized instrument was created and implemented to track all allegations relating to PREA violations.
- ❖ A coordinated response to offender allegations of sexual abuse/misconduct was implemented in all facilities. A coordinated response ensures that all allegations are reported with appropriate notifications made, investigations are conducted, medical and psych services initiated, separations placed on involved parties, as well as on-going reviews of additional processes.
- ❖ The curriculum for staff In-Service training in 2014 was revised to meet the training standards for PREA. In addition, several training sessions were held for agency volunteers as well as the implementation of a PREA insert to the volunteer handbook.
- ❖ A comprehensive education for the offenders was implemented at the DDC in the Classification Unit. The "zero tolerance" policy and offender relevant PREA information are discussed with each offender in a face to face sit down with their understanding acknowledged by signature.
- ❖ PREA education video shown in housing units.
- ❖ PREA posters with information on the zero tolerance policy with contact numbers on how to report violations were placed in all offender housing units as well as other high traffic offender areas throughout the facility.
- ❖ Existing partnerships with victim advocate services were strengthened.
- ❖ Through collaboration with the Denver Police Sex Crimes Unit, a stronger process was created between agencies in how to investigate PREA allegations to ensure compliance with applicable standards.
- ❖ DSD Internal Affairs Staff trained on conducting PREA investigations in a confinement setting.
- ❖ Implementation of PREA Incident Review Team at both the DDC and COJL.
- ❖ Staff PREA First Responder Cards were developed and issued.

PREA Definitions-

Sexual Abuse-

(1) Sexual abuse of an inmate, detainee, or resident by another inmate detainee or resident.

Sexual abuse of an inmate, detainee, or resident by another inmate detainee or resident includes, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- Contact between genitalia or between genitalia and anus including penetration, however slight;
- Contact between the mouth and genitalia or anus;
- Penetration of the anal or genital opening of another person by a hand, finger, object, or other instrument.
- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person, excluding contact incidental to a physical altercation.

(2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer includes any of the following acts, with or without consent of the inmate detainee, or resident:

- Contact between genitalia or between genitalia and anus including penetration, however slight;
- Contact between the mouth and genitalia or anus;
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Penetration of the anal or genital opening, however slight, by a hand, finger, or other instrument, unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described;
- Any display by a staff member, contractor, or volunteer of his or her uncovered genitalia, buttocks, or breast in the presence of an inmate, detainee, or resident;
- Voyeurism by staff member, contractor, or volunteer.

Sexual Harassment-

- (1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate, detainee, or resident towards another.
- (2) Repeated verbal comments and gestures of a sexual nature to an inmate detainee or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Note: If an investigation reveals that an act between inmates was consensual, it is not tracked as a PREA incident; however, the act may still be a violation of facility rules and regulations and would be addressed through the DSD inmate disciplinary process.

Allegation Findings Definitions-

Substantiated- The allegation 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 allegation occurred.

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

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

DSD 2014 Data on PREA Allegations-

I. Internal Affairs Bureau (IAB)-

The following PREA allegations were sent directly to the IAB and are not represented in the facility data in Sections II & III.

A. County Jail (COJL)-

Sexual harassment/abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer,

- *Staff/Inmate- Grievance Received- Sexual Abuse- Unsubstantiated*
- *Staff/Inmate- Grievance Received-Sexual Harassment-Investigation ongoing at end of 2014.*

Sexual harassment/abuse of an inmate, detainee, or resident by another inmate detainee or resident,

- *Inmate/Inmate Sexual Assault (Notification Per 115.63 {a}) - Unfounded*
- *Inmate/Inmate Sexual Abuse (2005 Allegation-Notification Per 115.63 {a})- Unfounded*
- *Inmate/Inmate Sexual Abuse (2012 Allegation-Notification Per 115.63 {a})- Substantiated**
- *Inmate/Inmate Sexual Abuse – Investigation ongoing at end of 2014.*

*The DSD was notified by the DOC that an inmate in their custody had stated they were inappropriately touched by another inmate while incarcerated at our COJL facility in 2012. After investigation, inmate was charged with unlawful sexual contact.

B. Van Cise-Simonet Detention Center (DDC)-

Sexual harassment/abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer,

- *Staff/Inmate- Sexual Contact-Non Abusive- Unfounded*
- *Staff/Inmate- Sexual Contact-Non Abusive- Unfounded*
- *Staff/Inmate- Sexual Abuse- Unfounded*
- *Staff/Inmate- Sexual Abuse- Investigation ongoing at end of 2014.*
- *Staff/Inmate- Sexual Abuse- Investigation ongoing at end of 2014.*

II. County Jail (COJL)

The Average Daily Population (ADP) of the COJL in 2014 was 692.

A. Sexual harassment/abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer

- *Sexual Harassment- 1 Allegation*
 - *Substantiated-0*
 - *Unsubstantiated-0*
 - *Unfounded-1*
- *Sexual Abuse- 2 Allegations*
 - *Substantiated-0*
 - *Unsubstantiated-0*
 - *Unfounded-2*

B. Sexual harassment/abuse of an inmate, detainee, or resident by another inmate detainee or resident,

- *Sexual Harassment- 12 Allegations*
 - *Substantiated-1**
 - *Unsubstantiated-7*
 - *Unfounded-4*
- *Sexual Abuse- 9 Allegations*
 - *Substantiated-0*
 - *Unsubstantiated-4*
 - *Unfounded-4*
 - *Investigation On-Going-1*
- *Sexual Contact Non Abuse- 7 Allegations*
 - *Substantiated-0*
 - *Unsubstantiated-7*
 - *Unfounded-0*

*Inmate made gestures/actions of an offensive nature. After investigation, inmate charged with indecent exposure.

Note- There was an additional 11 allegations made regarding sexual misconduct between inmates which were, after the investigation, determined to be consensual and not a PREA event. A consensual act is a violation of facility rules and regulations and is addressed through our inmate disciplinary process.

III. Van Cise-Simonet Detention Center (DDC)

The Average Daily Population (ADP) of the DDC in 2014 was 1361.

A. Sexual harassment/abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer

- *Sexual Harassment- 2 Allegations*
 - *Substantiated-0*
 - *Unsubstantiated-2*
 - *Unfounded-0*
- *Sexual Abuse- 11 Allegations*
 - *Substantiated-0*
 - *Unsubstantiated-0*
 - *Unfounded-6*
 - *Investigation ongoing at end of 2014- 5*
- *Sexual Contact-Non Abuse- 1 Allegation*
 - *Substantiated-1**
 - *Unsubstantiated-0*
 - *Unfounded-0*

*An employee of the Public Defender's Office was observed in mutual kissing and touching with an inmate during an attorney/client interview. After investigation, it was deemed consensual; however, consent of the inmate has no bearing when staff, contractor, or volunteer are involved. The employee was terminated. While an employee of the Public Defender's Office is not a staff member, contractor, or volunteer with the DSD, they are a guest in the facility there to conduct official business, as such this incident has been included in this category.

B. Sexual abuse of an inmate, detainee, or resident by another inmate detainee or resident,

- *Sexual Harassment- 22 Allegations*
 - *Substantiated-4**
 - *Unsubstantiated-16*
 - *Unfounded-1*
 - *Investigation On-Going-1*
- *Sexual Abuse- 16 Allegations*
 - *Substantiated-1***
 - *Unsubstantiated-10*
 - *Unfounded-3*
 - *Investigation On-Going-2*

*All four substantiated cases of sexual harassment were due to an inmate making gestures/actions of a derogatory or offensive nature to another inmate.

**An inmate inappropriately touched another inmate's genitalia.

Note- There was an additional 6 allegations made regarding sexual misconduct between inmates which were, after the investigation, determined to be consensual and not a PREA event. A consensual act is a violation of facility rules and regulations and is addressed through our inmate disciplinary process.

Corrective Actions-

In 2014, the DSD worked to implement best practice and the requirements of the PREA standards in order to better address allegations of sexual abuse and sexual harassment of offenders. The DSD is dedicated to on-going monitoring and corrective action in order to reach full PREA compliance in 2015, and most importantly to safeguard those entrusted into our care. As an agency, DSD continues to make progress toward systemic change that fully integrates the intent of the PREA standards with internal processes to achieve a “zero tolerance” culture.

The following is a snapshot of problem areas identified and the corrective action taken:

- ✦ During the mock audit at the COJL facility in November, a blind spot in one of the offender housing units was observed. A large mirror was installed to provide the appropriate visibility.
- ✦ The Incident Review Team at the COJL identified through incident review that the night lighting was not adequate in several COJL offender housing units. A different bulb was installed to increase visibility.
- ✦ Although PREA training occurred, staff records were not fully electronic and were not separated within the hard files. Adjustments were made to quickly identify the PREA training.
- ✦ The announcement of cross gender staff was not consistent agency wide. Reinforcement training reminders as well as increased accountability were implemented.

Comparison to 2013-

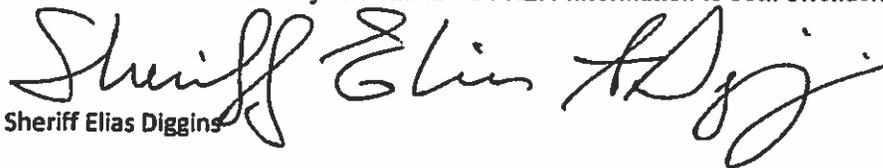
A full comparison between the 2013 and 2014 data would not be appropriate as DSD had not yet begun to utilize a standardized instrument or set of definitions for PREA tracking until 2014. Although all allegations in 2013 were investigated fully with appropriate services provided, the data is not easily extracted due to lack of a standardized process. A more reasonable comparison can be conducted after the completion of the 2015 report as the agency will have two complete years of PREA data that was collected using a standardized instrument or set of definitions.

Although a full comparison and review between 2013 and 2014 would be limited in providing beneficial data in which to improve processes, the data is provided herein with potential causes for the increase. During the calendar year of 2014, 111 allegations were received and investigated. This was a significant increase from the 29 allegation in 2013.

18 of the 111 allegations, after investigation, were determined to be consensual and thus not PREA events and as such, the number of actual PREA allegations decreases to 93. Additionally, there were three allegations reported from other facilities that did not occur in 2014. This brings the total number of actual PREA allegations that occurred in DSD facilities in 2014 to 90.

The Department attributes the increase to the emphasis and reinforcement of a “zero tolerance” policy with regards to sexual misconduct throughout our facilities in 2014. In addition, the increase may also be attributed to greater education on PREA being provided to the offender population through posters in the

housing units detailing how to report, the showing of a PREA video, comprehensive education provided to each offender individually and enhanced PREA information to both offenders and staff in 2014.

A handwritten signature in cursive script that reads "Sheriff Elias Diggins".

Sheriff Elias Diggins

A handwritten signature in cursive script that reads "Major Rick Guerrero".

Major Rick Guerrero PREA Coordinator