

## Annual PREA Report 2019

The Prison Rape Elimination Act of 2003(PREA) was set forth in an effort to fight against and prevent prison rape as well its commitment to change prison culture. This Act is very clear in its dedication to protect federal, state, and local prisoners Eighth Amendments rights.

The effects of prison rape not only cause physical injuries to the victims, but also can lead to varying degrees of psychological trauma. Rape victims are more than likely to attempt suicide, due to an increased sense of helplessness, loss of self-esteem, and fear of contracting sexually transmitted diseases. Victims are plagued by nightmares, shame and a continuous sense of vulnerability. Yet, the individuals who are the first-hand victims are not the only victims of prison rape. The prison environment can become violent in nature when an individual acts out in order to establish a reputation so not to be approached by others. This can lead to an increase in facility disturbances.

The effects of prison rape and sexual assaults go beyond the confines of the prison walls, when individuals are release into the community. There are obstacles for any individual who is released from the prison system, such as employment, social support, and setting up residency, but the added effects prison rape cause more difficulty for the victim and the community. The community is then exposed to high risk behaviors from psychological trauma and the spread of diseases which increases the health care costs in treating them.

Washington County Justice Center is dedicated to being compliant with the Prison Rape Elimination Act of 2003 (PREA). It has established a zero-tolerance policy toward all forms of sexual abuse and sexual harassment. Washington County has implemented facility wide training in an effort to prevent, detect, respond and investigate all cases of sexual abuse and sexual harassment. This policy addresses sexual assault or rape and sexual misconduct, but it also addresses the following types of offenses:

- Sexual assault or rape of an inmate by another inmate
- Sexual misconduct between inmates
- Sexual assault or rape of an inmate by a Washington County employee, contractor, or volunteer
- Sexual misconduct perpetuated by an inmate toward staff
- Sexual assault or rape of a Washington County employee, contractor, or volunteer by an inmate
- Sexual misconduct perpetuated by a staff toward and inmate

PREA encompasses acts, in which an inmate sexually offends against another inmate or staff member **without** consent, or a staff member is involved sexually with an inmate **with or without** his or her consent. All cases of sexual assault, rape, sexual misconduct, or sexual harassment that are reported to Washington County are referred to the investigator for investigation. PREA investigations result in one of three outcomes. Substantiated is there is enough evidence to prove the incident occurred, Unsubstantiated if there is reason to believe the incident occurred but there is not enough evidence to file charges, and Unfounded if there is not existing evidence the incident occurred and/or there is evidence that the incident was falsified.

### **PREA Incidents**

Washington County had three cases of sexual abuse within the Washington County Justice Center reported during the last year, 2018. One case of Inmate on Inmate abusive sexual contact which was found to be unsubstantiated. One case of Inmate on Inmate Sexual Harassment which was found to be unsubstantiated. One case of Staff Sexual harassment on Inmate which was found to be substantiated.

See attached Case Summaries and Statistics

### **PREA Prevention**

Washington County has been proactive in screening every individual at intake with a Vulnerability Assessment Instrument for Risk of Victimization and/or Sexually Aggressive Behavior. Partnered with the Initial Medical Intake, it has been effective in identifying individuals of need. During the intake process, everyone watches a PREA orientation video, which explains about PREA and gives them information on how to report an incident, and provides ways to assist in keeping themselves safe. This video is for both genders and it is in closed caption as well. Each individual following the video is asked to sign a sheet acknowledging that they received the PREA video training and verified that they understand their rights. PREA handouts are given to every inmate that explains reporting options and services.

Washington County provides training to all employees, contractors, and volunteers who have any contact with the inmate population. The initial PREA Training is approximately 3-4 hour class that addresses the PREA policy and program. Every year thereafter, all staff will receive 1 hour refresher training. These training will address all of the following areas:

- Federal and State PREA legislation
- Zero-tolerance policy and definitions of sexual assault/rape and sexual misconduct
- Understand how PREA affects Washington County
- Recognize the characteristics of victims and predators
- How to intervene in PREA incidents
- Crime scene management
- Changing prison culture in the effort to minimize prison rape

### **PREA Response**

Washington County activates the PREA Response Protocol in the event that an incident occurs immediately. The victim and perpetrator are separated and the crime scene is secured for investigation. Medical staff is called to the Washington County Justice Center to provide an assessment of the victim, and to advise whether to transport to a medical facility. The PREA Investigator and Victim Advocate are notified to respond to the facility. Victim Advocate assists the victim with any confidential call at a private location. The Medical HAS provides an update to the condition of the victim and the SANE is contacted to respond if necessary. The SANE collects all forensic evidence and gathers any health history and information regarding the assault. The investigator interviews the victim and perpetrator separately. Reports are collected from all staff involved and they are turned over to the investigator as part of the case file. The medical staff provides follow up care and provides Mental Health follow up. All reports are investigated. Making false allegations shall result in Disciplinary Sanctions and may result in criminal charges being filed to the District Attorney's Office.

## **Conclusion and Recommendations**

Washington County is striving to become compliant with the PREA. It is imperative that a safe environment be provided to the inmate population, employees, volunteers, and contractor within the Washington County Justice Center. There are many challenges of providing and evaluating the PREA Program as this is a new process for Washington County. During this process we have educated the entire inmate population, developed a screening process to recognize high risks, and provided different ways to access assistance. Training has been provided to every employee, volunteer, and contractor, as it requires 100 percent of everyone's efforts to accomplish this goal. The facility has undergone modifications to provide ongoing information for the population and allowing the population privacy and safety.

PREA requires constant training, modification and implementation. Washington County will begin the process of annual training, in which other curriculums from the National PREA Resource Center will be implemented. These trainings will involve more participation to achieve a better understanding which will assist in the recognition and prevention of sexual assault and misconduct. Washington County will be providing pamphlets and literature from the Colorado Coalition Against Sexual Assault (CCASA) throughout the facility and available on weekly book cart for the inmate populations education. Washington County will implement a Review Team meeting prior to yearly Budgetary Meeting, in order to assess all areas of needs. The Review Team would review the Staffing Plan, all MOUs, Policy and Procedures for possible updates or modification.

February 8, 2019