

2022 Embrave Prison Rape Elimination Act Annual Report

Background

The Prison Rape Elimination Act (PREA) was passed by Congress and signed into federal law by President George W. Bush in 2003 to prevent, detect and respond to sexual abuse and sexual harassment occurring in confinement settings. The National Prison Rape Elimination Commission developed national standards which apply to adult prisons and jails, juvenile facilities, lockups, and community confinement facilities

Embrave's Zero Tolerance Policy

Embrave has ZERO TOLERANCE for all forms of sexual abuse and sexual harassment within its facilities. It is the policy of the executive director or designee to respond to, and administratively and/or criminally investigate, all alleged incidents of a sexual nature. Every reported incident or allegation of a sexual nature will be taken seriously, investigated fully, and appropriate action will be taken as warranted. Procedures are in place to prevent, detect, and respond to sexual abuse and harassment in accordance with federal PREA standards.

Embraves Approach

Embrave. supports the principals associated with PREA. To comply with PREA requirements Embrave efforts include:

- Mandatory annual sexual misconduct training, specific to the prevention, identification, reporting, and handling of inmate sexual misconduct/sexual assault, including common indicators of misconduct to all staff, contractors, and volunteers
- Specialized investigative and mental health training for required staff
- Collaboration with the Colorado Springs Police Department, Colorado Springs Police Department Victims Services Unit, Colorado Department of Corrections, and the Division of Criminal Justice Office of Community Corrections
- Collaboration with a contract rape crisis counselor
- A memorandum of understanding for forensic exams
- Utilization of an anonymous reporting hotline
- Assessment for risk of victimization or aggressiveness during initial intake
- Utilization of a video monitoring systems • Appropriate staffing and maintaining minimum staffing levels
- Compliant hiring and promotion standards
- Appropriate classification and housing of all clients
- Coordinated response to all incidents by first responders, mental health practitioners, investigators, facility leadership and when necessary, law enforcement
- An assigned PREA coordinator who is responsible to ensure compliance with the PREA standards by continual development of policies, implementation, training, and constant review of the PREA policies and procedures
- Thorough investigations of all complaints of sexual misconduct

2021 PREA Annual Report Data

Pursuant to §115.287-8 of the PREA standard, data is collected, aggregated, and reviewed of all reports of sexual abuse incidents to improve the effectiveness of the sexual abuse and harassment prevention, detection, and response policies, practices, and training. The information collected for this report will be used to identify problem areas and to take corrective action on an ongoing basis. This data must also be reported to the U.S. Department of Justice, Bureau of Justice Statistics, when requested.

These statistics are published in an annual report and made public on the Embrave website as mandated by PREA standard §115.288. In compliance with this standard, the statistics below detail the incidents of sexual abuse from June 1, 2020 to July 31, 2021, and includes the following:

Definitions:

Once a report of sexual abuse has been initiated and investigated, the incident is assigned a number and entered into a database maintained by the PREA coordinator. The incident will be classified using one of the following findings:

- Substantiated: An allegation that was investigated and determined to have occurred.
- Unsubstantiated: An allegation that was investigated and the investigation produced insufficient evidence to make a final determination as to whether or not the event occurred.
- Unfounded: An allegation that was investigated and determined not to have occurred.

• **Sexual Abuse:**

- 1) Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident; and
- 2) Sexual abuse of an inmate, detainee, or resident by a staff member, contractor, or volunteer.

Sexual abuse of an inmate, detainee, or resident by another inmate, detainee, or resident includes any of the following acts, 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:

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

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:

- 1) Contact between the penis and the vulva or the penis and the anus, including penetration, however slight;
- 2) Contact between the mouth and the penis, vulva, or anus;
- 3) 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;
- 4) Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire;
- 5) 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;

6) Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described in paragraphs (1)-(5) of this section;

7) 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, and 8)

Voyeurism by a staff member, contractor, or volunteer

- **Voyeurism:** An invasion of privacy of an inmate, detainee, or resident by staff for reasons unrelated to official duties, such as peering at an inmate who is using a toilet in his or her cell to perform bodily functions; requiring an inmate to expose his or her buttocks, genitals, or breasts; or taking images of all or part of an inmate’s naked body or of an inmate performing bodily functions.

- **Sexual harassment**

- 1) 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, detainee, or resident directed toward another; and

- 2) Repeated verbal comments or 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

Sexual Abuse Report Activity

Clients may confidentially disclose incidents of sexual abuse and sexual harassment in the following ways:

1. Directly to any Embrave employee, contractor, or volunteer either verbally or in writing. Embrave staff are available for confidential reporting by clients 24 hours per day, 7 days per week.
2. By contacting the DOC Tips line at 1-877-DOC-TIPS
3. By contacting the TESSA Crisis Hotline 719-633-3819

Embrave takes all allegations of sexual assault and harassment seriously. All allegations will be formally reported and documented within 30 days of the initial grievance. If the grievance is an emergency in nature, local authorities will be notified, and an internal investigation report will be completed within 5 days.

Prison Rape Elimination Act Annual Report January 1st, 2022- December 31st, 2022.

Client on Client

<u>Sexual Assault/Harassment</u>	<u>Claims 2022</u>	<u>Claims 2021</u>
<u>Substantiated</u>	<u>0</u>	<u>0</u>
<u>Unsubstantiated</u>	<u>3</u>	<u>4</u>
<u>Unfounded</u>	<u>2</u>	<u>2</u>
<u>Total</u>	<u>5</u>	<u>6</u>

Staff on Client

<u>Sexual Assault/Harassment</u>	<u>Claims 2022</u>	<u>Claims 2021</u>
<u>Substantiated</u>	<u>0</u>	<u>0</u>
<u>Unsubstantiated</u>	<u>2</u>	<u>0</u>
<u>Unfounded</u>	<u>2</u>	<u>1</u>
<u>Total</u>	<u>4</u>	<u>1</u>

2023 Goals

For 2023, Embrace will maintain the increased attentiveness and collaboration with all allegations of sexual assault and harassment. Embrace will continue to reinforce the PREA standards to maintain client and staff safety, along with open communication through training programs and raising awareness. All investigations will be conducted in a unilateral manner to ensure the best service for all members of the facility. Annual training will continue, including training on maintaining professional boundaries, the duty to report all suspected violations and common indicators of misconduct to all staff, contractors, and volunteers.

During the calendar year of 2022, 3 reports were received of potential PREA violations involving other facilities. The appropriate personnel were notified at each of the alleged locations and referred for investigation following PREA standards and regulations.

Embrace conducted a PREA audit in December of 2022. Per the recommendations of the auditor a check-in, check-out system has been implemented at the 3950 North Nevada Ave. location. Embrace has also analyzed potential areas for target hardening and will continue to conduct PREA related staffing plans and security considerations per PREA guidelines in an ongoing manner.

X 

Jenner Behan
Quality Assurance Coordinator

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Mark Wester
Executive Director