



ADMINISTRATIVE REGULATION		REGULATION NUMBER	PAGE NUMBER
		100-40	1 OF 30
COLORADO DEPARTMENT OF CORRECTIONS		CHAPTER: Administration/Organization	
		SUBJECT: Prison Rape Elimination Procedure	
RELATED STANDARDS: ACA Standards: 5-ACI-3D-08, 5-ACI-3D-09, 5-ACI-3D-10, 5-ACI-3D-11, 5-ACI-3D-12, 5-ACI-3D-13, 5-ACI-3D-14, 5-ACI-3D-15, 5-ACI-3D-16, 5-ACI-6C-14		EFFECTIVE DATE: April 15, 2024	
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OPR: EDO/OIG	REVIEW MONTH: APRIL	Moses (André) Stancil Executive Director	

I. POLICY

The Colorado Department of Corrections (DOC) has a zero-tolerance policy regarding sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment [2-CO-1C-11] [4-APPFS-3E-0600] (115.11(a), 115.211(a)). It is the policy of the DOC to provide a coordinated victim-centered response to reports of sexual assault. This includes providing medical and mental health counseling to victims of sexual assault/rape, sexual abuse and sexual harassment and fully investigating and aggressively prosecuting those who are involved in such conduct.

The Department trains all employees, contract workers, and volunteers to recognize sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment and how to take appropriate action. The DOC ensures offenders receive an orientation including information related to sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment and the DOC provides a mechanism for pursuing disciplinary and/or criminal prosecution, when warranted, for those who engage in sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment.

II. PURPOSE

The purpose of this administrative regulation (AR) is to ***provide guidelines to address*** sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment ***and procedures to identify, monitor, counsel, and track offenders who have a propensity for committing*** sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment ***and offenders vulnerable to becoming a victim of sexual abuse, sexual assault/rape or sexual harassment. [5-ACI-3D-08]***

III. DEFINITIONS

- A. Community Confinement Facility: A community treatment center, halfway house, restitution center, mental health facility, alcohol or drug rehabilitation center, or other community correction facility, in which individuals reside as part of a term of imprisonment, while participating in gainful employment search efforts, community service, vocational training treatment, educational programs, or similar facility-approved programs during nonresidential hours.

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- B. Exigent Circumstance: Circumstances that would cause a reasonable person to believe that prompt action is necessary to prevent physical harm, the destruction of relevant evidence, escape, or other emergent consequence.
- C. Forensic Medical Exam: An examination provided to a sexual assault victim by medical personnel trained to gather evidence of a sexual assault in a manner suitable for use in a court of law.
- D. Gender Nonconforming: When a person's gender expression doesn't align with the societal expectations and norms associated with the gender they were assigned at birth.
- E. Intersex: A person whose sexual or reproductive anatomy or chromosomal pattern does not fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development.
- F. Prison Rape Elimination Act (PREA) Lieutenant: An individual assigned to the OIG PREA Administration and Compliance Unit who oversees retaliation monitoring, administrative investigations and training.
- G. PREA Compliance Manager: An individual at each facility with the authority to coordinate the facility's efforts to comply with the Prison Rape Elimination Act (PREA) standards and applicable policies **(115.11(c))**.
- H. Prison Rape Elimination Act (PREA) Administrator: An individual to develop, implement, and oversee DOC efforts to comply with the PREA standards in all its facilities to include directing PREA Compliance Manager's efforts to comply with the PREA standards and applicable policies and to manage the PREA Administration and Compliance Unit, Department of Justice auditors, pre-audit and internal auditors and the pre-audit and internal audit process. **(115.11(b))**. This is referred to as the PREA coordinator in the Federal PREA Standards.
- I. Prison Rape Elimination Act (PREA) First Responder: A shift commander (correctional officer III or above), an investigator, licensed medical staff or a licensed nurse who has completed the PREA first responder training and that may be present to collect and/or assist with trace evidence collection under the direction of an investigator.
- J. Prison Rape Elimination Act (PREA) Program Analyst: An individual assigned to the PREA Administration and Compliance Unit who will maintain statistics on sexual abuse, sexual assault/rape and sexual harassment, and retaliation in the DOC; compile reports and conduct sexually aggressive and sexual vulnerability assessments on offenders involved in PREA incidents.
- K. Prison Rape Elimination Act (PREA): Federal statute 42 U.S.C.A. §15601 enacted in September 2003 requiring all correctional institutions to assess all incarcerated offenders, whether adult or juvenile, for propensity to commit or to be victimized by sexual behavior/activity and to prevent, detect and respond to those crimes.
- L. Prison Rape Elimination Act (PREA) Standards: The Department of Justice released the final rule to prevent, detect and respond to sexual abuse in confinement facilities in accordance with the PREA act of 2003. There are four distinct sets of standards, each apply to a different type of facility: Adult Prisons and Jails; Lockups; Community Confinement facilities and Juvenile facilities. Specific PREA standards are noted in Administrative Regulations by adding the corresponding number and new policy language. Adult Prisons and Jail standards are numbered 115.11 through 115.89 and Community Confinement standards are numbered 115.211 through 115.289.

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M. 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.

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Voyeurism by a staff member, contractor, or volunteer means 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.

- N. Sexual Assault/Rape: The act of unwanted sexual intrusion, touching or penetration however slight, by a hand, finger, object, or other instrument or contact of the anal, oral or genital opening of another person or touching of the breast or other body part however slight, by a hand, finger, object, or other instrument. This also includes contact, by any person on another by force, overt or implied threat, coercion, intimidation, compulsion, inducement, or impairment of one's faculties, pursuant to administrative regulation 150-01, *Code of Penal Discipline (COPD)* and/or Colorado Revised Statutes 18-3-401 through 18-3-415.5.
- O. Sexual Conduct in a Correctional Institution: The act of any employee, contract worker, volunteer, or individual who performs work or volunteer functions for the DOC or private correctional facilities including community confinement facilities who engage in sexual contact, sexual assault or sexual abuse with an offender under the supervision of the DOC, pursuant to Colorado Revised Statute 18-7-701.
- P. Sexual Harassment (PREA): Includes:
 - (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.
- Q. Sexual Misconduct: A person commits this offense when they have active or passive contact, which was not coerced or forced, between the genitals, hand(s), mouth, buttocks, anus, breast or with an object and the genitals, hand(s), mouth, buttocks, anus or breast of another person. Contact can be with or without clothing being worn by one or both parties.
- R. Transgender: The broad spectrum of individuals who transiently or persistently identify with a gender different from their natal gender.
- S. Youthful Inmate: Any person under the age of 18 who is under adult court supervision and incarcerated or detained in a prison or jail.
- T. Zero Tolerance: The practice of not permitting undesirable behavior from offenders or staff to persist by applying immediate consequences for prohibited sexual conduct or incidents of retaliation related to the reporting of any prohibited act of prohibited sexual conduct.

IV. PROCEDURES

A. General Information

- 1. Employees, contract workers and volunteers may not knowingly maintain social, emotional or sexual associations with current offenders, former offenders, or the family and/or friends of offenders. Refer to AR 1450-01, *Code of Conduct*.

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2. ***There is no “consensual sex” in a custodial setting or supervisory relationship. All sexual behavior and romantic relationships between employees, contract workers, or volunteers, and offenders are inconsistent with the professional and ethical principles, and policies of the DOC. All allegations of sexual assault/rape, sexual abuse and sexual harassment will be investigated. If applicable, criminal charges will be filed and/or a professional standards investigation will be conducted. Professional standards investigation may result in corrective and/or disciplinary action, up to and including termination.*** Failure of employees, contract workers, and volunteers to report incidents of sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment may result in corrective and/or disciplinary action.

3. The DOC has zero tolerance for retaliation or acts of intimidation. Offenders, employees, contract workers and volunteers have the right to be free from retaliation for reporting sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment and for cooperating with investigations. Any retaliation against individuals because of their involvement in the reporting or investigation will be reported to the Office of the Inspector General (OIG) and a copy sent to the Prison Rape Elimination Act (PREA) administrator. The PREA Lieutenant will initiate retaliation monitoring on offenders who report sexual assault or sexual abuse or cooperate with an investigation of sexual assault or sexual abuse and will notify the PREA Compliance Manager. The PREA Lieutenant will monitor for any disciplinary reports, housing changes, program changes, grievances filed, classification changes and negative chronological entries. Periodic in person status checks for offenders will be completed by the PREA Compliance Manager. For employees, contractors, and volunteers who report sexual assault or sexual abuse retaliation monitoring will be done by the PREA Compliance Manager and will include monitoring for any negative performance reviews or reassignments. Retaliation monitoring will last for at least 90 days but may continue past 90 days if the initial monitoring indicates a continuing need. If a case is determined to be unfounded the retaliation monitoring will be stopped. **(115.67(a), 115.267(a))**.
 - a. If any employee, contract worker or volunteer learns that an offender is subject to a substantial risk of imminent sexual abuse or sexual assault/rape, that person will take immediate action to protect the offender **(115.62, 115.262)**.

4. Any new contracts and revisions to existing contracts with a private agency, government entity or other entities for the confinement of offenders will contain an obligation on the entity to adopt and comply with the PREA standards and allow the DOC to monitor to ensure that the contractor is complying with the PREA standards **(115.12, 115.212)**.

5. In order to enable offenders to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breast, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks, staff of the opposite gender will announce their presence when entering an offender housing unit at the beginning of each shift. If opposite gender status quo changes during that shift another announcement is required **(115.15(d))**. For example, if a female staff member is assigned to a male housing unit for the duration of a shift, only one announcement at the beginning of the shift is required in regards to that gender’s presence. If the opposite gender leaves the area and later reenters the area, an announcement of their presence in the housing unit or area where offenders may be showering, performing bodily functions or changing clothing will be made. The announcement will be made in such a manner that is most likely to be heard, such as the intercom system, and will make it clear that a staff member of the opposite gender has entered the unit (i.e. “A male/female staff member is on the floor/unit.”). Opposite-gender announcements only need to be made based on the gender of the facility or unit overall. However, on

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graveyard shift, the announcement can be made verbally. It should be made loud enough for those offenders who are awake to hear, but not loud enough to disturb those sleeping. Non-routine visits to the unit, to include tours or vendors, will be announced.

6. All employees, contract workers, volunteers and the public may access all DOC PREA related information on the Department website at <https://www.colorado.gov/pacific/cdoc/prison-rape-elimination-act-prea>. **(115.22 (b), 115.222(b))**.
7. It is noted that even non-coerced or non-forced sexual behavior is prohibited and incidents of this nature are violations of the COPD and will be subject to disciplinary actions. Written reports will be generated pursuant to AR 100-07, *Reportable Incidents and Incident Tracking System*.
8. DOC may not rely on offenders for assistance if an offender suspect or victim is deaf or hard of hearing, blind, or low vision or for those who have intellectual, psychiatric or speech disabilities, or are limited English proficient. For information on acquiring appropriate interpretation and translation services see AR 100-19, *Communication with Offenders* **(115.16(a), 115.216(a))**.

B. Categories of Incidents

1. Offender-on-Offender: All sexual activity including sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment between offenders is prohibited and will be referred to the OIG. If appropriate, the OIG will refer such cases to the district attorney for prosecution. Offenders may also be disciplined and/or criminally charged for such activity pursuant to AR 150-01, *Code of Penal Discipline (COPD)*, Colorado Revised Statute (C.R.S.) 18-3-401 through 18-3-414.4 or AR 250-41, *Responding to Parole Violations through the Colorado Violation Decision Making Process*. **(115.78(g), 115.278(g))**
2. Offender-on-DOC Employee/Contract Worker/Volunteer/Visitor: All cases involving sexual assault/rape, sexual abuse and sexual harassment will be referred to the OIG. If appropriate, the OIG will refer such cases to the district attorney for prosecution. Offenders may also be charged pursuant to AR 150-01, *Code of Penal Discipline* or AR 250-41, *Responding to Parole Violations through the Colorado Violation Decision Making Process*, however, offenders may only be disciplined for engaging in sexual assault/rape, sexual abuse or sexual harassment with an employee, contract worker or volunteer upon a finding that the employee, contract worker or volunteer was forced, threatened, or did not consent to such behavior **(115.78(e), 115.278(e))**.
3. Employee/Contract Worker/Volunteer-on-Offender: Acts of sexual assault/rape, sexual abuse and sexual harassment against offenders; retaliation against offenders who refuse to submit to sexual activity, and intimidation of a witness may be a crime. **All cases involving** sexual assault/rape, sexual abuse and sexual harassment will be referred to the OIG. If appropriate, the OIG will refer such cases to the district attorney for prosecution.
 - a. All cases involving sexual assault/rape, sexual abuse and sexual harassment in community confinement facilities will be immediately reported to the OIG or the local law enforcement agency with jurisdiction over the facility at which the incident took place.
 - b. Employees, contract workers and volunteers in state owned prisons, private prisons and community confinement facilities may be criminally charged under C.R.S. 18-7-701 with Sexual Conduct in a Correctional Institution or any other statutory provision.

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- c. Employees, contract workers and volunteers may be subject to corrective and/or disciplinary sanctions up to and including termination for violating department policies, post orders and clinical standards. **(115.76(a), 115.276(a))**. While termination shall be the presumptive disciplinary sanction under PREA for staff who have engaged in sexual abuse, appointing authorities must follow applicable State Personnel Board Rules, including but not limited to Rule 6-10, when determining appropriate discipline for each violation **(115.76(b))**.
- d. Any contract worker or volunteer who engages in sexual assault/rape, sexual abuse or sexual harassment with an offender, or retaliates against an offender who reports sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment or cooperates with the investigation where such behavior rises to the level of criminal behavior, will be prohibited from contact with offenders and reported to the OIG or local law enforcement and to relevant licensing bodies. In the case of any other violation of department policies by a contract worker or volunteer, the facility will take appropriate remedial measures, and will consider whether to prohibit further contact with offenders **(115.77, 115.277)**.
- e. Procedures that are required by department policy or practice such as, but not limited to: staff taking pictures/photographs in the performance of their duties, pat searches or medical exams are not defined as sexual abuse, sexual assault/rape or sexual harassment.
- f. Disciplinary sanctions for violations of department policies relating to sexual abuse, sexual assault or sexual harassment (other than actually engaging in sexual abuse/assault) will be commensurate with the nature and circumstances of the acts committed, the staff member's disciplinary history and the sanctions imposed for comparable offenses by other staff with similar histories **(115.76(e))**.
- g. All terminations for violations of department sexual abuse, sexual assault or sexual harassment policies or resignation by staff who would have been terminated if not for their resignation, will be reported to law enforcement agencies and to any relevant licensing bodies unless the activity was clearly not criminal **(115.76(d))**.
- h. The appropriate director or designee will make notification to the licensing body or agency within 30 days of the resignation or termination.

C. Employee, Contract Worker, and Volunteer Training

- 1. PREA training will be provided to all employees during the basic training academy. Contract workers, temporary staff, and interns will receive the training through an on-line training system. Volunteers and chaplains will receive the training in the Basic Volunteer Training. All staff will take a refresher course on an annual basis thereafter. Training will include, but is not limited to **(115.31(a) 115.231(a), 115.35 (d),115.235(d))**:
 - a. Review of this AR, the Prison Rape Elimination Act of 2003, and any other applicable state or federal laws.
 - b. Information on DOC's policy of zero tolerance for sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment.
 - c. How to fulfill their requirements under DOC's sexual assault, sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures. **(115.32(a), 115.232(a))**.

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- d. Information on reporting and responding to such incidents.
 - e. Recognition of warning signs that someone has been a victim of sexual assault/rape, sexual abuse and sexual harassment and regarding available medical and mental health treatment.
 - f. Information related to the investigation of incidents of sexual assault/rape, sexual abuse and sexual harassment and the prosecution of perpetrators.
 - g. In addition to the above, training will cover the following:
 - 1) Common reactions of victims;
 - 2) Sensitivity to offender allegations of sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment;
 - 3) Offenders right to be free from sexual assault/rape, sexual abuse and sexual harassment and to be free from retaliation for reporting such behavior;
 - 4) How to communicate effectively with offenders, including lesbian, gay, bisexual, transgender, intersex or gender nonconforming offenders;
 - 5) Confidentiality;
 - 6) Dynamics of sexual assault/rape, sexual misconduct, sexual abuse and sexual harassment in confinement;
 - 7) Recognition of signs of predatory offenders and potential victims;
 - 8) Employee, contract worker, or volunteer involvement with offenders and how to avoid inappropriate relationships with offenders;
 - 9) Compliance with relevant laws related to mandatory reporting of sexual assault/rape, sexual abuse and sexual harassment; and
 - 10) Consequences for failure to report **(115.31, 115.231)**.
 - h. Each employee, contract worker and volunteer will document through signature or electronic verification that they understand the training they have received **(115.31(d), 115.231(d), 115.32(c), 115.232 (c))**.
 - i. Employees will be trained in how to conduct a universal pat search which includes searches of transgender and intersex offenders. **(115.15(f), 115.215(f))**.
2. Additional specialized training is required for PREA first responders, including, but not limited to, shift commanders (correctional officer III or above), investigators, a licensed nurse, or licensed medical staff. This training may include, but is not limited to: crime scene management, elimination of trace evidence cross-contamination, evidence collection protocol, and sexual assault crisis intervention.

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3. All full-and part-time medical health care professionals and mental health clinicians who work regularly in facilities will be trained in:
 - a. How to detect and assess signs of sexual assault/rape, sexual abuse and sexual harassment;
 - b. How to preserve physical evidence;
 - c. How to respond effectively and professionally to victims of sexual assault/rape, sexual abuse and sexual harassment; and
 - d. How and to whom to report allegations or suspicions of sexual assault/rape, sexual abuse and sexual harassment **(115.35(a), 115.235(a))**.
 - e. Medical health care professionals will attend ‘PREA First Responders’ training and mental health clinicians will attend ‘Mental Health Services for Sexual Trauma’ training. Documentation of completion of this training will be recorded in each individual’s Training Information System (TIS) record. **(115.35(c), 115.235(c))**

4. Investigators will be trained in:
 - a. Conducting investigations of sexual assault/rape, sexual abuse and sexual harassment in confinement settings;
 - b. Interview techniques;
 - c. Trace evidence collection in confinement settings;
 - d. Criteria required to substantiate a case for administrative action or prosecution referral; and
 - e. Proper use of Miranda and Garrity advisements.
 - f. Documentation verifying completion of the specialized training will be recorded in each investigator’s Training Information System (TIS) record **(115.34, 115.234, 115.71(b), 115.271(b))**.

D. Offender Screening

1. All offenders will be screened within 72 hours of their arrival into a facility for potential risk of sexual vulnerability or potential risk of sexually aggressive behavior utilizing the Sexually Aggressive Behavior (SAB) and Sexually Vulnerability Risk (SVR) Assessment in PCDCIS.**(115.41(a), 115.241(a))**. The screening will be in person and conducted in a private location. Information obtained during the orientation, assessment, and screening process along with the SAB and SVR assessment report will be used to determine appropriate housing, bed, program, and work assignments. The assessment will be completed by a case manager, CO III or equivalent or appropriately trained staff designated by the appointing authority and approved by the PREA administrator.

Transition units will verify previously gathered information in the SVR assessment and ask the offender if there is any sexual victimization not previously reported or if the offender fears being sexually victimized. An SVR assessment will be generated in PCDCIS. The facility will rely upon the previous SAB assessment when making housing and bed assignments.

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- a. The SAB or SVR assessments will include, at a minimum:
 - 1) Whether the inmate has a mental, physical, or developmental disability;
 - 2) The age of the inmate;
 - 3) The physical build of the inmate;
 - 4) Whether the inmate has previously been incarcerated;
 - 5) Whether the inmate's criminal history is exclusively nonviolent;
 - 6) Whether the inmate has prior convictions for sex offenses against an adult or child;
 - 7) Whether the inmate is or is perceived to be gay, lesbian, bisexual, transgender, intersex, or gender nonconforming;
 - 8) Whether the inmate has previously experienced sexual victimization;
 - 9) The inmate's own perception of vulnerability; and
 - 10) Whether the inmate is detained solely for civil immigration purposes.

- b. Offenders will not be disciplined for refusing to answer, or for not disclosing complete information, in response to questions asked in the SAB/SVR assessment **(115.41(h), 115.241(h))**.

- c. Appropriate controls will be used on the dissemination of information in order to ensure that sensitive information contained in responses to SAB/SVR assessments is not exploited by staff or other offenders **(115.41(i), 115.241(i))**. SAB/SVR score is confidential and not to be released to offenders.

- d. Any information related to sexual victimization or aggressiveness occurring in an institutional setting will be confidential and strictly limited to medical and mental health clinicians and other staff, as necessary, to inform treatment plans and security and management decisions, including housing, bed, work, education, and program assignments or as otherwise required by law **(115.81(d))**.

- e. The SAB/SVR assessment is considered a classification and thus a non-grievable issue.

- f. If the initial SAB/SVR assessment indicates the offender has experienced prior sexual victimization or previously perpetrated sexual aggressiveness, whether in an institutional setting or in the community, the offender will be offered a follow-up meeting with a mental health or SOTMP clinician within 14 days of the initial intake assessment **(115.81(a), 115.81(b))**. The referral will be entered into the PREA behavioral health referral system.

2. Within 30 days from the date of arrival at the facility, the living unit supervisor, case manager or CO III or equivalent will reassess the offender's risk of sexual victimization or sexual aggressiveness creating an updated SAB and SVR assessment in PCDCIS for both DOC and private prisons. The screening will be in person and conducted in a private location. **(115.41(f), 115.241(f))**

3. Anytime a new assessment is entered the staff completing it shall enter thorough notes into the comments section in PCDCIS which shall include which assessment is being completed (72-hour, 30-

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day, 6-month transgender, annual etc), any new information provided by the offender or information found in documentation reviewed, and notate if they refused to participate.

4. The living unit supervisor, case manager, CO III or equivalent for DOC and private prisons will re-assess the offender's risk level annually and update the SAB/SVR assessment. Transgender and intersex offenders will be re-assessed every six months using the SVR assessment to review placement and programming assignments to review any threats to safety experienced by the offender (115.42(d)) (115.42(d)) The screening will be in person and conducted in a private location.
 - a. Living unit supervisor, case manager, CO III or equivalent will meet individually with offenders who identify as transgender or intersex at least every six months. The meeting is to review placement and programming assignments and review any threats to safety experienced by the offender. In addition, living unit supervisor or CO III or equivalent will inquire about the offender's opportunity to shower separately from other offenders. **(115.42(f))** Information from the meetings will be thoroughly documented in the offender's SVR assessment notes and include the questions asked as well as the offenders' responses.
5. If the staff member conducting the assessment receives information that the offender has experienced prior sexual victimization or previously perpetrated sexual aggressiveness, whether in an institutional setting or in the community, the offender will be offered a follow-up meeting with a mental health or a SOTMP clinician to occur within 14 days **(115.81(a), (115.81(b))**.
6. An offender's risk level will be reassessed when warranted by the PREA program analyst due to a referral, request, or incident of sexual abuse, sexual assault/rape, sexual harassment or sexual misconduct or receipt of additional information that bears on the offender's risk of sexual victimization or abusiveness **(115.41(g), 115.241(g))**.
7. If an offender is suspected of being a potential sexual victim or potentially sexually aggressive at any time during their incarceration; is convicted of a Code of Penal Discipline (COPD) for Rape or Sexual Misconduct/Sexual Harassment; or if the offender is involved in an incident of sexual assault/rape, sexual abuse, sexual harassment or sexual misconduct during their incarceration, an SAB/SVR re-assessment in person and in a private location will be completed to determine the appropriate risk level and the following will occur:
 - a. When an offender is identified as the victim in an incident of sexual assault/rape, sexual abuse or sexual harassment, the living unit supervisor, case manager, CO III or equivalent, or the PREA program analyst will update the offender's SVR assessment. If the victim is self-identified as transgender or intersex, the PREA Program Analyst will not make the update but will send the information to the PREA Compliance Manager to have the facility conduct an in-person assessment with the victim.
 - b. When an offender is identified as the aggressor in an incident of sexual assault/rape, sexual abuse or sexual harassment or receives a felony conviction for an institutional sexual assault, the living unit supervisor, case manager, CO III or equivalent or the PREA program analyst will update the offender's SAB assessment.
 - c. When an offender is identified as being involved in an incident of sexual misconduct where no victim or aggressor is identified, the living unit supervisor, case manager, CO III or equivalent or the PREA program analyst will update the offender's SVR/SAB assessment on all offenders involved in the incident.

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- d. In incidents with confidential information or involving employees, contract workers, or volunteers, the PREA compliance manager or the PREA program analyst will update the appropriate offender's SAB and/or SVR assessment.
8. Offenders newly identified as a SAB level 3 or higher who have not already been referred, will be referred for review by the SOTMP to address and correct underlying reasons or motivations for the abuse. This referral will be done by the living unit supervisor, case manager, CO III or equivalent or the PREA program analyst, the offender's PREA Compliance Manager or when the SAB is updated. This referral will be documented in the SAB comments.
9. Offenders newly identified as being sexually vulnerable, SVR level 3 or higher, will be referred to mental health by the PREA program analyst, the offender's PREA Compliance Manager or designee, when the SVR is updated. This referral will be documented in the SVR comments.
10. When there are extenuating circumstances that would lead to a higher or lower SAB or SVR assessment level on an offender than would otherwise be given, a PREA administrative override can be requested on the offender.
 - a. PREA administrative override requests must go through the PREA Compliance Manager.
 - b. It is the responsibility of the PREA Compliance Manager to forward the documentation to the PREA program analyst.
 - c. The PREA program analyst will be responsible to update the offender's assessment after the administrative override review.
11. SOTMP will initiate an evaluation of all known offender-on-offender sexual aggressors within 60 days of learning of such sexually aggressive or abusive history and offer treatment when deemed appropriate **(115.83(h), 115.283(h))**. SOTMP will consider whether to require the offender to participate in such treatment, while incarcerated and/or in the community **(115.78(d), 115.278(d))**.
12. Offenders with SAB or SVR levels of 3 or higher, transitioning to community corrections, Intensive Supervision Program (ISP), Parole, and YOS Phase II will be assessed for continued treatment and appropriately referred for mental health counseling by the community parole officer.
13. The SAB and SVR assessment information regarding sexually aggressive offenders or sexually vulnerable offenders with a level 3 or higher will be available in the DCIS ETMOVES and ETMOVE screens when the identified offender is transferred from one facility to another or when released to community corrections, ISP, YOS Phase III, or parole.
14. The PREA Compliance Manager will be responsible for all oversight to ensure SAB/SVR assessments are completed within the specified timeframes and ensure the information from the SAB/SVR assessments is used to inform housing, bed, work, education and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually abusive.

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E. Offender Placement

1. Information obtained during the intake assessment and reassessment processes will be used to assist in the classification and facility assignment of the offender, pursuant to AR 600-01, Offender Classification, and AR 650-03, Restrictive Housing.
2. A report of the offenders with SAB and SVR levels of 3 or higher is sent weekly to the appointing authority/designee and will be used to assist with facility housing, bed, work, education, and programming assignments. Individualized determinations will be made for each offender. **(115.42(b), 115.242(b))**.
3. Employees will use information from the SAB/SVR assessments to determine housing, bed, work, education, and program assignments with the goal of keeping separate those offenders at high risk of being sexually victimized from those at high risk of being sexually aggressive **(115.42(a), 115.242(a))**.
 - a. Offenders with SAB and SVR levels of 3 or higher will be reviewed by the facility internal classification committee to determine appropriate facility work, education and programming assignments. The facility will make individual determinations considering the safety of each offender.
 - b. Offenders with SAB and SVR levels of 3 or higher will be reviewed by designated housing assignment staff to determine appropriate facility housing/bed assignment. The facility will make individual determinations considering the safety of each offender by not generally housing offenders with a SVR level 3 or higher with an offender with an SAB level 3 or higher. SAB and SVR levels are one factor to assist the housing assignment staff in making facility housing, bed, program, or work assignments.
 - c. Youthful inmates will not be placed in housing units in which they will have sight, sound, or physical contact with any adult offender through use of a shared dayroom or other common space, shower area, or sleeping quarters **(115.14(a))**.
 - 1) In areas outside of housing units, DOC will either: maintain sight and sound separation between youthful inmates and adult offenders, or provide direct staff supervision when youthful inmates and adult offenders have sight, sound, or physical contact **(115.14(b))**.
 - 2) Facilities will make best efforts to avoid placing youthful inmates in isolation to comply with this provision. Absent exigent circumstances, facilities will not deny youthful inmates daily large-muscle exercise or any legally required special education services to comply with this provision. Youthful inmates will also have access to other programs and work opportunities to the extent possible **(115.14(c))**.
 - d. In making facility, cell/unit housing and programmatic assignments for transgender or intersex offenders the DOC will consider on a case-by-case basis whether the assignment would ensure the offender's health and safety, and whether the assignment would present management or security problems **(115.42(c), 115.242(c))**.
 - 1) A transgender or intersex offender's own views with respect to their own safety will be given serious consideration **(115.42(e), 115.242(d))**. A transgender or intersex offender can notify living unit staff of any safety issues verbally or in writing. Living unit staff will notify the PREA Compliance Manager so that the offender's safety issues can be addressed.

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- 2) Self-identified transgender and intersex offenders will be given the opportunity to request waterproof stall screens, if available, or the opportunity to shower separately from other offenders **(115.42(f), 115.242(e))**.
- 3) DOC will not place lesbian, gay, bisexual, transgender, or intersex offenders in dedicated facilities, units, or wings solely on the basis of such identification or status, unless such placement is in a dedicated facility, unit, or wing established in connection with a consent decree, legal settlement, or legal judgment for the purpose of protecting such offenders. **(115.42(g), 115.242(f))**
- 4) The facility will not search or physically examine a transgender or intersex offender for the sole purpose of determining the offender's genital status. If the offender's genital status is unknown, it may be determined during conversations with the offender, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner **(115.15(e), 115.215(e))**.
- 5) An offender that identifies as transgender or intersex, may request to be strip searched and pat searched by an employee of the gender the offender identifies with. The request will be honored if an employee of the designated gender is available and willing to conduct the search, unless exigent circumstances dictate the need for an immediate search by available personnel. If the requested gender is not available or willing to conduct the search, an incident report shall be written in PCDCIS.
- 6) Offenders will be placed in facilities based upon collaboration between the Gender Dysphoria Management and Treatment Committee, the health services administrator, and the office of Offender Services on a case-by-case basis.
- 7) A transgender or intersex offender may submit health issues in writing to the Gender Dysphoria Management and Treatment Committee to address individual circumstances in accordance with AR 700-14, *Practices Concerning Transgender Offenders*, Clinical Standards and Procedures, *Treatment of Offenders with Gender Dysphoria*.

F. Offender Orientation and Education

1. During the intake process all offenders entering DOC at DRDC, Denver Women's Correctional Facility (DWCF), and YOS and upon subsequent transfer between facilities and community confinement facilities will receive orientation material regarding their rights to be free from sexual assault/rape, sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents or behavior, and regarding agency policies and procedures for responding to sexual abuse, sexual assault/rape, sexual harassment or sexual misconduct **(115.33(b)(c))**.
2. ***The orientation information will be communicated orally, either in person or by video, and in written form in a manner that is clearly understood by the offender. In accordance with AR 100-19 Communication with Offenders and AR 750-04, Americans with Disabilities Act – Offender Request for Accommodation, appropriate provisions will be made to ensure effective communication for offenders not fluent in English, those with low literacy levels, and persons with disabilities.*** DOC will provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled, as well as to offenders who have

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limited reading skills. DOC will maintain documentation of offender participation in these education sessions. **(115.33(d-e), 115.233(d-e))** *Information provided will include, but not be limited to:*

- a. *DOC's zero tolerance policy.*
 - b. *Self-protection.*
 - c. *Prevention/intervention.*
 - d. *Reporting procedures.*
 - e. *Treatment and counseling.*
 - f. *Protection against retaliation.*
 - g. *Disciplinary actions for making false allegations.*
3. Offenders will be shown a PREA education video and receive a copy of the "Facts You Should Know" brochure at intake (DRDC/Denver Women's Correctional Facility (DWCF)/YOS). Upon transfer to another facility, offenders will be shown a PREA education video and receive supporting materials, such as the "Facts You Should Know" brochure or facility handbook that includes the agency's zero-tolerance policy regarding sexual abuse, sexual harassment and reporting options.
 - a. Intake staff will provide offender education in formats accessible to all offenders, including those who are limited English proficient, deaf, visually impaired or otherwise disabled as well as to offenders who have limited reading skills. **(115.33 (d))**. Peer Educators may be used after the PREA Intake Orientation is completed to provide additional information about PREA.
 - b. Upon transfer to a community corrections facility, offenders will be provided PREA Offender Education information.
 4. Offenders will be required to sign AR Form 850-07A, Offender Orientation Verification acknowledging receipt of this information. A copy of the offender orientation verification form will be maintained in the offender's electronic file.
 5. Key information is continuously and readily available or visible to offenders through brochures, posters, policies, offender handbook and the offender PREA resource guide **(115.33 (f), 115.233(f))**.
 6. Any additional, PREA orientation will be developed and approved in conjunction with the PREA administrator.

G. Data Collection/Tracking

1. All allegations of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment will be forwarded to the facility OIG investigator within 72 hours of notification of an incident.
2. For tracking purposes, any written documentation regarding alleged sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment that has not been entered into the PCDCIS Incident Tracking System, pursuant to AR 100-07, *Reportable Incidents and Incident Tracking System*, will be forwarded to the PREA administrator by the next business day following the incident or notification. The PREA

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Administration and Compliance Unit will collect, review, and maintain data as needed from all available incident-based documents, including reports, investigation files, and facility PREA incident reviews (**115.87(d), 115.287(d)**). This data collected will be maintained in a secure area and will only be shared on a need to know basis by the PREA Administration and Compliance Unit.

3. Case Records: In accordance with the Department of Personnel & Administration State Archives and Public Records – Record Disposition Schedule, Archives No. 09-28 and any subsequent updates or supersessions thereof, all case records associated with claims of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment, including incident reports, investigative reports, offender information, case disposition, medical and counseling evaluation findings, and recommendations for post-release treatment and/or counseling, are retained by the OIG or DOC forever. Information required as part of the offender’s medical care will be maintained in their medical record in accordance with AR 950-02, *Health Records/Confidentiality/Access* (**115.89(d), 115.289(d)**).
4. The PREA Administration and Compliance Unit and the Office of Planning and Analysis will be responsible to aggregate and report on incident-based sexual assault/rape, sexual abuse and sexual harassment at least annually (**115.87(b), 115.287(b)**). DOC also will obtain incident-based and aggregated data from every private facility with which it contracts for the confinement of its offenders.
5. The Office of Planning and Analysis will make all aggregated sexual abuse, sexual assault and sexual harassment data, from facilities under its direct control and private facilities with which it contracts, readily available to the public at least annually through its website after removal of all personal identifiers (**115.87(e), 115.287(e), 115.89 (b-c), 115.289(b-c)**).
6. The PREA Administration and Compliance Unit and the Office of Planning and Analysis will be responsible for compiling records and reporting statistical data to the Federal Bureau of Justice Statistics, as required by PREA of 2003 and the Colorado judiciary committees, pursuant to C.R.S. 17-1-115.5. Upon request, DOC will provide all such data from the previous calendar year at the date requested by the Department of Justice. (**115.87(f), 115.287(f)**).

H. Reporting PREA Incidents

1. Offender Reporting Methods:

a. ***Offenders incarcerated in a DOC facility or contract private prison may report any act of sexual assault/rape, sexual abuse, sexual misconduct or sexual harassment or retaliation for reporting such behavior by the following means (115.51(a), 115.251(a)):***

- 1) Tell a DOC employee, contract worker or volunteer
- 2) Call the CIPS pre-programmed number 1-877-DOC-TIPS-0 (362-8477-0). TTY accessible. The CIPS number is located on posters throughout DOC and private prisons in areas such as medical, visiting rooms, libraries, offender work areas and housing units. These phone calls are confidential.
- 3) Mail a letter to the PREA administrator at 1250 Academy Park Loop, Colorado Springs, CO 80910.
- 4) Send a Request for Interview (kite) or give a note directly to any DOC employee, contract worker, or volunteer.

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- 5) Request to talk to mental health or medical.
- 6) Send a note or letter in a sealed envelope to the facility investigator, intelligence officer, or administrative head.
- 7) Call the PREA reporting line at CIPS 006. These calls are at no cost to the offender and reports can be left anonymously. These calls are answered by an agency outside of DOC who will report the information provided to the OIG or by calling 1-855-855-0611 to report it to the Division of Adult Parole. Calls are recorded by the PREA reporting line answering service. Abuse or misuse of the PREA reporting line will be reported to the OIG by the answering agency and may result in disciplinary action. **(115.51(b))**.
- 8) Offenders can report sexual abuse, sexual assault or sexual harassment to an agency that is not part of DOC. To do so, offenders can report in writing using AR Form 100-40G, Report of Prison Rape Elimination Act (PREA) Allegation to an Outside Agency. The outside PREA reporting agency will immediately forward written reports of sexual abuse, sexual assault or sexual harassment to the DOC PREA administrator. Offenders can remain anonymous by not identifying themselves on the form. Correspondence addressed to this address will be treated as confidential. **(115.51(b))**.

PREA Reporting
P.O. Box 41118
Olympia WA 98504-1118
- 9) Information on how to report sexual assault, sexual abuse, sexual harassment or retaliation for reporting an incident is available on posters.
 - b. Reports of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment made in good faith based upon a reasonable belief that the alleged conduct occurred will not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation **(115.78(f), 115.278(f))**.
 - c. COPD charges may be filed by the facility and/or criminal charges may be filed by the OIG on offenders who intentionally make false allegations.
 - d. Community confinement offender reporting procedure:
 - 1) All offenders in a community confinement facility, Intensive Supervision Program, YOS Phase III, parolees and the general public may report any incident of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment by calling the toll-free DOC TIPS line at 1-877-DOC-TIPS (362-8477) (TTY accessible), calling the toll-free PREA reporting line at 1-855-855-0611, or contacting local law enforcement. **115.251(b)**.
 - 2) Posters with the confidential toll-free DOC TIPS line number will be available in all DOC parole office visiting rooms.
 - 3) Reports of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment can be made by a third-party on behalf of an offender by calling the DOC Tips line, PREA reporting

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line or mailing a letter to the PREA administrator at the address mentioned above **(115.54, 115.254)**.

- 4) Additional information on how to report sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment is located at <https://cdoc.colorado.gov/> under the “about” tab then Prison Rape Elimination Act (PREA) link.

2. DOC Employee/Contract Worker/Volunteer Reporting Procedure:

- a. DOC employees, contract workers and volunteers will accept reports made verbally, in writing, anonymously, and from third parties and will promptly document any verbal reports and will immediately and confidentially report to their supervisor or the shift commander **(115.51(c), 115.251(c))**:
 - 1) Any knowledge, suspicion, or information (including third party and anonymous kites, letters, and reports), regarding incidents of sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment in a correctional setting, (including DOC prisons, private prisons and community confinement facilities);
 - 2) Any incidents of retaliation against offenders or DOC employees, contract workers or volunteers who reported such incidents; and
 - 3) Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. **(115.61(a), 115.261(a))**.
- b. If a DOC employee, contract worker or volunteer believes they cannot go through their normal facility protocol to make a report, DOC provides a private phone message reporting line at 719-226-4621 **(115.51(d))**.
- c. The shift commander will notify the appointing authority or designee, the PREA Compliance Manager and the facility OIG investigator **(115.61(e), 115.261(e))**. A detailed report should be completed pursuant to AR 100-07, *Reportable Incidents and Incident Tracking System* and a copy of this report sent to the PREA administrator by emailing DOC_PREA_Program@state.co.us.
- d. DOC employees, contract workers and volunteers will not reveal any information related to a sexual assault/rape, sexual abuse, sexual misconduct or sexual harassment report to anyone other than to supervisors, investigators and designated officials. Such information will be limited to information necessary to make treatment, investigation, and other security and management decisions **(115.61(b), 115.261(b))**.
- e. If the alleged sexual assault/rape, sexual abuse, sexual misconduct or sexual harassment involves a return to custody offender, the community parole officer will immediately notify the OIG investigator, otherwise local law enforcement will be contacted. A detailed report will be completed by the community parole officer pursuant to AR 100-07, *Reportable Incidents and Incident Tracking System* and a copy sent to the PREA administrator. In a community corrections facility, any letter or kite will immediately be referred to the community parole officer who will notify the OIG investigator or request the local law enforcement agency be contacted. The community parole officer will send copies of all documents to the PREA administrator by emailing DOC_PREA_Program@state.co.us.

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- f. Upon receiving an emergency grievance alleging imminent risk of sexual abuse, the staff member in receipt of the grievance will immediately forward the grievance to the facility's appointing authority/designee for review in compliance with AR 850-04, *Grievance Procedure*.
 - g. All incidents or information involving **only offenders** will be reported pursuant to AR 100-07, *Reportable Incidents and Incident Tracking System*.
 - h. If the incident involves an offender and a DOC employee, contract worker, volunteer or employee of a private prison the information is to be immediately and confidentially reported using facility protocol. Each facility will have in place an Implementation Adjustment (IA) or written protocol establishing their facility's procedures to ensure a detailed report is sent to the shift commander, duty officer, or appointing authority, who will in turn notify the OIG investigator. A detailed report is to be sent to the OIG investigator, the PREA Compliance Manager and the PREA administrator by emailing DOC_PREA_Program@state.co.us .
 - i. If the incident involves a community corrections facility employee, contract worker or volunteer, the information is to be immediately reported using facility protocol which includes the community parole officer. The community parole officer will notify the OIG investigator or local law enforcement and the appointing authority. A detailed report is to be written and sent to the PREA administrator by emailing DOC_PREA_Program@state.co.us and the facility PREA coordinator.
 - j. C.R.S. 17-1-115.5(1)(a) requires disciplinary action for DOC employees who fail to report incidents of sexual assault/rape, sexual abuse, or sexual harassment in a correctional setting to the OIG.
 - k. If the alleged victim is under the age of 18 or considered a vulnerable adult in accordance with C.R.S. 18-6.5-103 Crimes Against At-Risk Adults and At-Risk Juveniles – Classification, DOC will report the allegation to the designated state or local services agency under applicable mandatory reporting laws (**115.61(d)**, **115.261(d)**).
 - l. Medical practitioners and mental health practitioners will be required to report sexual abuse and sexual assault and to inform offenders of the practitioner's duty to report, and the limitations of confidentiality, at the initiation of services (**115.61(c)**, **115.261(c)**).
3. Reporting to other confinement facilities (115.63, 115.263):
- a. Upon receiving an allegation that an offender was sexually assaulted or sexually abused while confined at another facility, the administrative head will notify the administrative head of the facility or appropriate office where the alleged sexual assault or sexual abuse occurred. Such notification will be provided as soon as possible, but no later than 72 hours after receiving the allegation. The PREA Compliance Manager, OIG investigator, and mental health staff at the facility where the incident was reported will also be notified. A written report will be generated pursuant to AR 100-07, *Reportable Incidents and Incidents Management System* and a copy will be sent to DOC_PREA_Program@state.co.us.
 - b. The administrative head that receives any such notification will ensure that the allegation is investigated.
- I. Immediate Response Procedures: Each facility, including private prisons will use the PREA Response Plan

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template for Sexual Assault or Sexual Abuse, (AR Form 100-40E), to develop a written PREA facility response plan **(115.65, 115.265)** The facility-specific PREA response plan will coordinate actions among first responders, medical professionals, mental health clinicians, OIG investigations, or local law enforcement, facility leadership, victim rights and advocacy in response to an incident of sexual assault or sexual activity. **(116.64, 116.264)** The completed facility PREA response plan will be emailed to DOC_PREA_Program@state.co.us. Appropriate security procedures will include, at a minimum:

1. Separate the perpetrator and victim.
2. Secure the crime scene, isolate and cordon off the crime scene until further direction from the OIG investigator.
3. Instruct the suspect and request the victim not to shower, wash, brush their teeth, urinate, defecate, eat, drink, and change clothing or anything else that might destroy evidence. **(115.64(b), 115.264(b))**.
4. The first responding staff will notify the shift commander who will follow their facility PREA response plan for an incident of sexual assault or sexual activity.
5. The shift commander or trained PREA first responder will conduct threshold questioning and then contact the OIG investigator following facility protocol. The shift commander will relay information to the OIG investigator describing the sexual activity or behavior. The OIG investigator will direct the shift commander on what actions, to take, if any. In the event that sexual assault or sexual abuse is not suspected, the shift commander will only complete the appropriate sections (e.g. sexual harassment or sexual misconduct) of the response plan.
6. An OIG investigator will immediately respond if there is any reasonable suspicion that a sexual assault or sexual activity has occurred. It is the responsibility of the OIG investigator to determine whether a victim is transported for a forensic medical exam.
7. Notify the health services administrator (HSA), who will in turn notify mental health staff. If no qualified medical professional or mental health clinician is on duty at the time a report of sexual assault is made, security staff/first responders will take preliminary steps to protect the victim and will immediately notify the appropriate HSA or designee and the on-call mental health clinician for immediate response **(115.82(b), 115.282(b))**.
 - a. Transport the victim to Clinical Services for a cursory medical assessment.
 - b. Secure perpetrator, under supervision, in holding cell and ensure the perpetrator is not allowed to wash, shower, brush their teeth, urinate, defecate, eat, drink, change clothes or anything else that might destroy evidence. Assign an employee to secure the perpetrator, if necessary.
 - c. Under the instruction of the OIG investigator, a qualified PREA first responder will collect trace evidence at the facility. This will be conducted prior to transport for a SANE exam as instructed by the OIG investigator.
8. An OIG investigator is required to conduct a follow-up interview with both offenders the next day following the incident. The offenders will be kept separate until the OIG Investigator interviews them.
9. Delayed Reporting Response Procedures:

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- a. When anonymous information (kite or letter) regarding sexual abuse, sexual assault/rape or sexual activity is received, the shift commander or trained PREA first responder will conduct threshold questioning. The on-call OIG investigator will be immediately notified if the shift commander determines there is a reasonable suspicion that a sexual abuse, sexual assault/rape or sexual activity is actively occurring. In the event that sexual assault or sexual abuse is not suspected, the shift commander will only complete the appropriate sections (e.g. sexual harassment or sexual misconduct) of the response plan.
- b. If through observation or credible information, the OIG investigator has determined that offenders have engaged in non-coerced or non-forced sexual misconduct, it may not be treated as a sexual assault or sexual abuse. The crime scene will remain secured until released by an OIG investigator.
- c. During the investigation or at any point thereafter, if an offender reports being forced or coerced, protocols for sexual assault will be taken immediately.

J. Treatment for Victims of Sexual Assault

1. Treatment:

- a. ***Acute trauma care will be provided to victims of sexual assault including but not limited to: prophylactic measures, testing for sexually transmitted diseases including Human Immunodeficiency Virus (HIV)/ Acquired Immune Deficiency Syndrome (AIDS), and treatment of injuries. When appropriate, prophylactic therapy will immediately be administered for infectious disease exposures [5-6C-4406] (115.83(f), 115.283(f)).***
- b. Clinical Services will conduct a cursory assessment of any victim of a sexual assault. Emergent medical care will be provided at the facility, as needed. Any non-emergent additional medical care will be provided during or after the forensic exam. Victims of sexual assault will receive timely, unimpeded access to emergency medical treatment and immediate crisis intervention services, the nature and scope of which will be determined by clinical services according to their professional judgment **(115.82(a), 115.282(a))**.
- c. Victims of sexual assault while incarcerated will be offered timely information from clinical services about access to emergency contraception and sexually transmitted infections prophylaxis, in accordance with professionally accepted standards of care **(115.82(e), 115.282(e))**.
- d. Clinical Services will consider any treatment of the victim of sexual assault as a medical emergency. The victim of sexual assault will be provided outside medical treatment pursuant to DOC clinical protocols, when necessary, and transported to a medical facility for a forensic medical exam with a sexual assault nurse examiner (SANE), upon request by the OIG investigator. When an OIG investigator is not responsible for investigating allegations of sexual assault, the DOC will request that the investigating law enforcement agency follow the requirements outlined in this policy as well as the PREA standards **(115.21(f), 115.221(f))**.
 - 1) Victims of sexual assault are referred under appropriate security provisions to a community medical facility for treatment and gathering of forensic evidence.

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- 2) In cases where outside medical treatment including forensic evidence collection is required, sign language or language interpreters must be obtained for offenders requiring these services per AR 100-19, *Communication with Offenders*.
 - 3) Each facility clinical services area will provide supplies for trace evidence collection for use on offenders during a PREA incident.
 - 4) At no time will the staff leave the victim alone until the victim is evaluated by mental health staff. A referral to mental health may be made by any DOC employee, contract worker, or volunteer during any step of this process.
 - 5) The HSA or designee will ensure that offenders will be referred to mental health and/or medical for immediate crisis intervention, treatment/counseling, and long term follow-up care.
 - 6) Offenders identified as being a victim of DOC employee, contract worker, or volunteer sexual assault/rape, sexual abuse, or sexual harassment will be referred to mental health for treatment/counseling by HSA or designee.
- e. Treatment services will be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident. **(115.82 (d), 115.282(d), 115.83(g), 115.283(g))**
 - f. Offender victims of vaginal penetration while incarcerated will be offered pregnancy tests **(115.83(d), 115.283(d))**. If pregnancy results, such victims will receive timely and comprehensive information about and timely access to all lawful pregnancy-related medical services, to include prophylactic treatment. Refer to AR 700-12, Pregnancy, Newborn Placement, and Family Planning. **(115.83(e), 115.283(e))**
 - g. Forensic medical examinations conducted by a SANE nurse will not be completed without the victim's consent.
2. Housing:
- a. The shift commander or duty officer will arrange housing for victims and perpetrators of any sexual assault. All housing options should be considered. Following a report of sexual assault/abuse, the involved offenders may be removed from population within the guidelines of AR 600-1, *Offender Classification*, pending further review of the incident.
 - b. Offenders at high risk for sexual victimization or alleged to have suffered sexual abuse or sexual assault will not be placed in involuntary restrictive housing unless an assessment of all available alternatives has been made, and a determination has been made that there is no available alternative means of separation from likely abusers. If a facility cannot conduct such an assessment immediately, the facility may hold the offender in involuntary restrictive housing for less than 24 hours while completing the assessment. **(115.43(a) 115.68)**
 - 1) The facility will document the basis for this housing determination and the reason why no alternative can be arranged. Offenders placed in restrictive housing for this purpose will have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the

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facility will document the opportunities limited, the reason for such limitations, and the duration of the limitation **(115.43(b), 115.68)**.

- 2) The facility will assign such offenders to involuntary removal from population(RFP) housing only until an alternative means of separation from likely abusers can be arranged, and such an assignment will not ordinarily exceed a period of 30 days **(115.43(c), 115.68)**.
 - 3) If an involuntary restrictive housing assignment is made for this purpose the facility will clearly document, utilizing the PREA RFP Offender Housing Review form 100-40F, the basis for the facility's concern for the offender's safety; and the reason why no alternative means of separation can be arranged **(115.43(d), 115.68)**. The PREA Compliance Manager will monitor the offender's removal from population and document the reason for the limitations such as restricted access to programs, privileges, education or work opportunities and the duration of the limitations. All efforts to restore program, privileges, education, and work opportunities should be made as soon as possible, but no longer than 30-days. Once the offender is removed from involuntary restrictive housing and access to opportunities have been restored, the PREA Compliance Manager can stop the monitoring.
 - 4) Offenders at high risk for sexual victimization or alleged to have suffered sexual abuse or sexual assault requiring RFP housing beyond 30 days will be held and reviewed in accordance with AR 650-02, *Protective Custody*, **(115.43 (e), 115.68)**.
- c. A housing and programming plan will be developed to identify potential threats or risks to an offender's safety. Those involved in identifying housing and programming placement and/or needs include, but are not limited to, security, housing, case management, medical, mental health, intelligence officer, PREA Compliance Manager, administrative head or designee. If an offender is transferred to another facility, the PREA Compliance Manager will ensure information is provided to the receiving facility's PREA Compliance Manager.

3. Victim Advocacy:

- a. The OIG Investigator will determine if there is a victim. If the allegation involves sexual assault or sexual abuse, the OIG investigator will initiate victim advocate services. The PREA Administrator, investigator, chief investigator or designee will be contacted who will attempt to make available to the victim of a suspected sexual assault or sexual abuse a victim advocate from a rape crisis center. If a victim advocate from a rape crisis center is not available to provide victim advocate services, a qualified staff member or a victim advocate from a community-based organization will respond **(115.21(d), 115.221(d))**.
- b. If requested by the victim, the victim advocate or qualified staff member will accompany and support the victim through the forensic medical examination process and investigatory interviews and will provide emotional support, crisis intervention, information, and referrals **(115.21(e), 115.221(e))**.
- c. Additional information on victim advocacy can be found in AR 1150-18, *Offender Crime Victim Rights*.

K. Investigation Procedures

1. General Procedures

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- a. Except where otherwise provided in statutes and/or local law enforcement agreements, the OIG will conduct all criminal investigations into allegations of sexual crimes that occur in, DOC facilities, private prisons and correctional facilities operated by or pursuant to a contract with the DOC (including return to custody offenders in community confinement facilities). **(115.22(c), 115.222(c))**. Allegations that are not criminal will be referred back to the originating facility to conduct an administrative investigation.
 - 1) For facilities in the City and County of Denver, Denver Police will be contacted to investigate allegations of sexual abuse and sexual assault.
 - 2) Community confinement facilities have an obligation to contact local law enforcement.
- b. Investigation into allegations, including third-party and anonymous reports, will be conducted promptly, thoroughly, and objectively **(115.71(a), 115.271(a))**.
- c. The DOC will ensure that an investigation is completed for all allegations of sexual abuse, sexual assault and sexual harassment and will ensure that for all cases alleging criminal behavior, they are referred for investigation to an agency with the legal authority to conduct criminal investigations **(115.22(a) (b),115.222(a)(b))** When outside agencies conduct investigations, the facility will cooperate with outside investigators and will endeavor to remain informed about the progress of the investigation **(115.71(l), 115,271(l))**.
- d. Criminal investigations will be documented in a written report containing a thorough description of physical, testimonial and documentary evidence with copies of all documentary evidence attached where feasible **(115.71 (g), 115.271(g))**.
- e. Administrative investigations shall be conducted on all allegations of sexual harassment and sexual abuse to determine if there were any rule violations by offenders or policy violations by staff. They shall include an effort to determine whether staff actions or failures to act contributed to the abuse and shall be documented in written reports that include a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings **(115.71(f))**.
- f. Investigations will be completed in accordance with AR 1150-07, *Crime Scene Management and Criminal Evidence Handling*, AR 1150-15 *Responsibility and Authority of the Office of the Inspector General*, AR 1150-04 *Professional Standards Investigation* and C.R.S. 18-3-401 thru 18-3-415.5.
- g. The use of a sign language interpreter for offenders whose primary means of communication is through sign language is required during the investigation. DOC will not rely on offender interpreters, offender readers, or other types of offender assistants except in limited circumstances where an extended delay in obtaining an effective interpreter could compromise the offender's safety or impede the performance of first-response duties **(115.16(c), 115.216(c))**. If an offender interpreter, offender reader, or other type of offender assistant was used, the OIG investigator will document it in their report.
- h. Investigations involving DOC employee, contract worker, or volunteer sexual assault/rape sexual abuse, or sexual harassment and for retaliation for reporting or cooperating with the investigation may be handled by the OIG, in accordance with ARs 1450-01, *Code of Conduct*, 1450-05,

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Unlawful Discrimination/Discriminatory Harassment, and 1150-04, *Professional Standards Investigations*.

- i. The OIG investigator will provide a PREA victim brochure to victims of sexual abuse, sexual assault or sexual harassment and victims of retaliation related to the reporting of such behavior. If the crime also falls under the Colorado Crime Victims' Rights Act C.R.S. 24-4.1-302 an Offender victims' Rights brochure will also be given. The OIG investigator will explain the right(s) the offender has concerning the investigation and prosecution.
- j. The credibility of an alleged victim, suspect, or witness will be assessed on an individual basis and will not be determined by the person's status as offender or staff. DOC will not require an offender who alleges an act of sexual assault/rape, sexual abuse, or sexual harassment to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (115.71(e), 115.71(e)).
- k. DOC will impose no standard higher than a preponderance of the evidence in determining whether allegations of sexual assault, sexual abuse or sexual harassment are substantiated for administrative investigations (**115.72, 115.272**). Substantiated allegations of conduct that appear to be criminal will be referred for prosecution. (**115.71 (h)**). For each allegation of sexual assault, sexual abuse or sexual harassment, the PREA data analyst, PREA administrator, OIG investigator, administrative investigator or appointing authority will determine whether the allegation is:
 - 1) Substantiated: The allegation was determined to have occurred.
 - 2) Unsubstantiated: Evidence was insufficient to make a final determination that the allegation was true or false; or
 - 3) Unfounded: The allegation was determined not to have occurred.

Following an investigation into an offender's allegation of sexual abuse or sexual assault, the PREA unit will inform the offender as to whether the allegation has been determined to be substantiated, unsubstantiated or unfounded in accordance with AR 1150-18, *Offender Crime Victim Rights*.

- l. After completing an investigation of sexual abuse, sexual assault, sexual harassment or retaliation for reporting such behavior in a correctional setting that was substantiated, the OIG investigator will submit the findings to the district attorney with jurisdiction over the facility in which the alleged behavior or retaliation for reporting such behavior occurred for prosecution, per established district attorney guidelines. (**115.71(h), 115.271(h)**).
 - m. The departure of the suspect or victim from the employment or control of the facility or agency will not provide a basis for terminating an investigation (**115.71(j), 115.271(j)**).
2. Sexual Assault Collection of Evidence
- a. The OIG investigator will follow a sexual assault uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions (see AR 1150-07, *Crime Scene Management and Criminal Evidence Handling* for additional information) (**115.21(a) 115.221(a)**). Collection of evidence will be done by a qualified DOC credentialed PREA first responder in coordination with the OIG, and/or the Colorado

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Bureau of Investigation.

- b. The requesting OIG investigator will be onsite and present to ensure appropriate chain of custody, during trace evidence collection at the facility, prior to transport for a forensic medical exam. (The only exception is when an investigator is not geographically available to the facility.)
- c. During the trace evidence collection, any anatomical exam will be done in accordance with Clinical Standards and Procedures for Sexual Assault/Rape.
- d. In the event that the offender's injuries prevent the offender from standing to participate in trace evidence collection, the offender will have this process conducted at the hospital by the SANE. A medical facility with available SANE staff is preferred to ensure proper procedures are followed for the collection of evidence.
- e. Access to forensic medical examinations will be free of charge. Once the OIG Investigator determines a forensic medical examination is needed, such examinations will be performed by Sexual Assault Forensic Examiners (SAFE) or SANE where possible. If a SAFE or SANE cannot be made available, the examination can be performed by other qualified medical practitioners at the hospital. DOC will document its efforts to provide a forensic medical exam performed by a SAFE or SANE **(115.21(c), 115.221(c))**.
- f. In cases where outside medical treatment including forensic evidence collection is required, sign language interpreters are required for offender's who communicate primarily in sign language. Sign language interpreters are requested through the office of the ADA inmate coordinator (AIC) according to procedures contained in AR 100-19, *Communication with Offenders*.
- g. Victims who do not wish to cooperate with the investigation may be offered a forensic medical exam by the OIG investigator. If a victim of a sexual assault crime wishes to receive a forensic medical exam but does not at the time of receiving the exam, want to participate in the investigation, the offender may be transported to a hospital for a forensic medical exam.

L. Victim Services

1. The facility will provide offenders with access to outside victim advocates for emotional support services through the following **(115.53(a), 115.253(a))**:
 - a. The PREA Resource Guide, which contains contact information for statewide, national and local rape crisis centers, is available in the library, through the PREA Compliance Manager, or case manager.
 - b. Offenders can contact the rape crisis hotline at CIPS number 005 or toll-free line at 800-809-2344. Offenders will be advised these calls are free, confidential and are not recorded or monitored. The rape crisis advocates are mandatory reporters and are required to report threats of suicide or homicide and reports of child abuse to the OIG or appropriate agency. Abuse of the rape crisis hotline will be reported to the OIG by the rape crisis advocate and may result in disciplinary action. Disciplinary action may include, but is not limited to, blocking of calls to the rape crisis line and/or COPD charges **(115.53(b), 115.253(b))**.
2. Following an investigation into an offender's allegation that they have suffered sexual abuse in a DOC facility or private prison, the PREA Unit will inform the offender in writing as to whether their

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allegation has been determined to be substantiated, unsubstantiated, or unfounded **(115.73(a), 115.273(a))**. If DOC did not conduct the investigation, DOC will request the relevant information from the investigative agency in order to inform the offender **(115.73(b), 115.273(b))**.

3. Mental health counselors are available for crisis counseling upon offender request.

M. Supervision and Monitoring

1. Whenever necessary, but no less frequently than once each year, each facility operated by DOC, in consultation with the PREA administrator and PREA Compliance Manager, will assess, determine, and document whether adjustments are needed to the facility staffing plan. **115.13(c)**
2. Lieutenants or higher-level supervisors will conduct and document unannounced rounds to identify and deter sexual assault/rape, sexual abuse, sexual misconduct and sexual harassment. Such unannounced rounds will occur during all shifts. DOC employees are prohibited from alerting others that these supervisory rounds are occurring unless such announcement is related to the legitimate operational functions of the facility **(115.13(d))**.

N. PREA Incident Reviews and Data Review for Corrective Action:

1. PREA Incident Reviews

- a. Upon completion of the investigation for sexual abuse or sexual assault, the PREA Administration and Compliance Unit will send the completed investigation and accompanying documents to the PREA Compliance Manager.
- b. Facilities will conduct a PREA Incident Review at the conclusion of every sexual assault or sexual abuse investigation. The PREA Incident Review will be conducted even when the allegation has not been substantiated. If an allegation has been determined to be unfounded, no PREA Incident Review needs to be completed **(115.86(a), 115.286(a))**.
 - 1) The PREA Incident Review will ordinarily occur within 30 days of the conclusion of the investigation **(115.86(b), 115.286(b))**.
 - 2) The PREA Compliance Manager will arrange and oversee the PREA Incident Review.
 - 3) The PREA Incident Review Team will include upper-level management officials, with input from line supervisors, investigators, medical or mental health practitioners/SOTMP, case manager supervisors, and intelligence officers **(115.86(c), 115.286(c))**.
 - 4) The PREA Incident Review Team will meet and **(115.86(d), 115.286(d))**:
 - a) Consider whether the allegation or investigation indicates a need to change policy or practice.
 - b) Consider whether the incident or allegation was motivated by race, ethnicity, gender identity, lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status, gang affiliation or was motivated or otherwise caused by other group dynamics at the facility.

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- c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable sexual abuse or sexual assault.
- d) Assess the adequacy of staffing levels in that area during different shifts; Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.
- e) A report will be prepared that includes, but is not limited to, who attended the review, all determinations made pursuant to paragraphs a) - d) above and any recommendations for improvement. The report shall be submitted to the PREA Compliance Manager and Warden and, once signed by the Warden, emailed to the PREA unit at doc_prea_program@state.co.us.
- f) The facility will implement the recommendations for improvement, or will document its reasons for not doing so **(115.86 (e), 115.286, 115.18.(b))**.
- g) Any information discussed in the incident reviews is confidential and will not be shared with anyone outside of the review committee who does not have a need to know.

2. PREA Administrative Reviews: The PREA administrator will:

- a. Review data collected and aggregate the information in order to assess and improve the effectiveness of DOC's prevention, detection, and response policies, practices, and training;
- b. Identify problem areas;
- c. Recommend corrective action on an ongoing basis; and
- d. Prepare an annual report of findings and corrective actions for each facility, as well as DOC as a whole. Such report will include a comparison of the current year's data and corrective actions with those from prior years and will provide an assessment of DOC's progress in addressing sexual assault/rape, sexual abuse, and sexual harassment. DOC's report will be approved by the DOC executive director or designee and made readily available to the public through its website. DOC may redact specific material from the reports when publication would present a clear and specific threat to the safety and security of a facility, but must indicate the nature of the material redacted **(115.88, 115.288)**.

O. Appointment of an Individual to State Service (115.17):

- 1. Appointing authorities will ensure any incidents of sexual harassment are considered in determining whether to hire or promote anyone, or to enlist the services of any contractor, who may have contact with offenders. Human Resources personnel will be responsible to notify the appointing authority after their selection has cleared the background process.

V. RESPONSIBILITY

- A. All PREA training curriculum will be reviewed and approved by the Corrections Training Academy in conjunction with the PREA administrator prior to implementation.

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- B. The Office of the Inspector General is responsible to review this AR annually and update as necessary.
- C. The Executive Director or designee will review this AR annually and update as necessary.

VI. AUTHORITY

- A. 4 2 U.S.C.A. § 15601. Prison Rape Elimination Act of 2003.
- B. 28 C.F.R. § Part 115, *et seq.* National Standards to Prevent, Detect and Respond to Prison Rape subpart A-Standards for Adult Prisons and Jails, subpart C-Community Confinement Facilities.
- C. C.R.S. 16-2.5-101. Peace officer - description - general authority.
- D. C.R.S. 16.2.5-134. Department of corrections inspector general - department of corrections investigator.
- E. C.R.S. 16-2.5-135. Executive director of the department of corrections - warden - corrections officer.
- F. C.R.S. 16-2.5-136. Community parole officer.
- G. C.R.S. 17-1-103.8. Duties of executive director - inspector general - investigators - duties.
- H. C.R.S. 17-1-115.5. Prison Sexual Assault Prevention program.
- I. C.R.S. 18-3-401 through 18-3-415.5. Unlawful sexual behavior.
- J. C.R.S. 18-3-407.5 Victim evidence – forensic evidence – electronic lie detector exam without victim’s consent prohibited
- K. C.R.S. 18-7-701. Sexual conduct in Correctional Institutions.
- L. C.R.S. 24-4.1-301 through 24-4.1-304 Assuring the Rights of Victims and Witnesses to Crimes
- M. ADA Litigation Remedial Plan
- N. 28 C.F.R. § 115.5-115.501 (2012) Prison Rape Elimination Act National Standards.
- O. House Bill 08-1217

VII. HISTORY

October 1, 2021
 September 1, 2019
 May 20, 2019
 July 1, 2018
 July 15, 2017
 March 15, 2017
 July 15, 2016
 April 1, 2015
 November 1, 2013
 March 15, 2013
 June 15, 2012
 June 15, 2011
 June 15, 2010
 April 15, 2009
 September 15, 2007
 April 15, 2007
 April 15, 2006
 December 15, 2005

ATTACHMENTS:

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- A. AR Form 100-40A, Facts You Should Know
- B. AR Form 100-40B, Facts You Should Know – Spanish
- C. AR Form 100-40C, PREA Process Flowchart
- D. AR Form 100-40D, PREA Process for Community Corrections Programs Flowchart
- E. AR Form 100-40E, PREA Response Plan Guideline for Sexual Assault or Sexual Abuse Incidents
- F. AR Form 100-40F, PREA Removal from Population Offender Housing Review
- G. AR Form 100-40G, Report of Prison Rape Elimination Act (PREA) Allegation to an Outside Agency.
- H. AR Form 100-40H, PREA Override Referral
- I. AR Form 100-01A, Administrative Regulation Implementation/Adjustments

FACTS YOU SHOULD KNOW:

All SEXUAL ACTIVITY is PROHIBITED while you are under the jurisdiction/custody of the Colorado Department of Corrections.

DOC has policies and procedures addressing prohibited sexual behavior. Prohibited sexual behavior is any sexual activity or act which includes sexual assault, sexual abuse, sexual misconduct and sexual harassment.

Facts to know:

- DOC has a zero-tolerance policy, AR 100-40.
- There are reporting procedures for prohibited sexual behavior
- Treatment is available through medical and mental health.
- You may report incidents of prohibited sexual behavior or seek relief against retaliation by calling:
 - The CIPS number at 1-877-DOC-TIPS-0 (362-8477-0) (TTY accessible).

For more information regarding sexual abuse, sexual assault/rape, sexual misconduct and sexual harassment, you can access the prison rape elimination procedure administrative regulation (AR 100-40) through library access.

Additional information is available in the PREA Resource Guide which is available in the library, through the PREA Compliance Manager or through your case manager.

A. DOC Zero tolerance Policy

Sexual behavior of any type is PROHIBITED. Your participation in sexual activity will be investigated and is subject to sanctions under the Code of Penal Discipline (COPD). All reports of institutional sexual behavior may be referred to the Office of the Inspector General (OIG) for criminal investigation and possible prosecution.

Types of Prohibited Sexual Behavior:

- Offender-on-offender.
- DOC employee/contract worker/volunteer-on-offender.

Acts of Prohibited Sexual Behavior Include:

- The physical act.
- The attempt of the physical act, including inappropriate touching and exhibitionism.
- Threats, intimidation, and actions/communications meant to coerce or pressure another to engage in the inappropriate act.
- Retaliation against individuals reporting sexual assault/rape, sexual misconduct or sexual harassment is prohibited and punishable.
- There is NO allowable consensual agreement between employees, contract workers, volunteers or offenders to engage in any sex act.

B. Self- Protection

You have the right to be safe from sexual abuse, sexual assault/rape, and sexual harassment. You have the right to be safe from unwanted sexual advances.

- Say NO to anyone who tries to pressure you to participate or consent to engage in any type of sexual activity.
- Immediately report any prohibited sexual behavior to an employee, contract worker, volunteer or the OIG.

C. Prevention/Intervention

You can help prevent sexual assault/rape or sexual abuse and intervene for your own welfare by adhering to some basic behaviors listed below.

- Carry yourself in a confident manner. Many perpetrators choose individuals who look like they won't defend themselves.
- Trust your instincts. Be aware of situations that make you feel uncomfortable.
- Do not accept gifts, loans, or favors from other offenders.
- Do not allow another offender to be your protector.
- Report incidents and dangerous situations to an employee, contract worker, or volunteer.
- Secure your property.
- Be aware of your physical surroundings.
- Do not become involved with drugs or alcohol in prison.
- Do not become involved in bartering or contraband introduction.
- Do not give mixed signals. Be direct and firm when saying NO.
- Get involved in DOC approved activities and programs.
- Know who you are associating with. Don't be in the mix.
- Avoid becoming involved in gang activity.
- Do not engage in sexual activity

D. Reporting Procedures for Prohibited Sexual Behavior.

Confidentiality: All employees, contract workers, and volunteers are required to keep the reported information confidential, except to report the information to specific employees.

If you have been a victim of sexual assault/rape, sexual abuse or sexual harassment, witnessed, or you have knowledge of any incident of prohibited sexual behavior, let staff know, especially in an urgent situation, in one of the following ways:

- Tell an employee, contract worker, or volunteer.
- Call the offender DOC TIPS line number:

The CIPS number 1-877-DOC-TIPS-0 (362-8477-0).

TTY accessible.

The tips line is checked daily for messages.

- **Call the PREA Reporting line at CIPS 006.**

- These calls are answered by an outside agency who will report the information to the OIG. The PREA Reporting Line is free to call and not recorded or monitored by DOC but may be subject to monitoring or recording by the receiving agency.

- **Call the Rape Crisis hotline at CIPS 005.**

These calls are answered by an outside agency who can offer victim advocacy, crisis counseling and referral services. The Rape Crisis Hotline is free to call and not recorded or monitored by DOC.

- **A criminal and an administrative investigation were provided to demonstrate compliance with standard.**

- Mail a letter to the PREA Administrator at 1250 Academy Park Loop, Colorado Springs, CO 80910.
- Send a Request for Interview (kite) or give a note directly to an employee, contract worker, or volunteer.
- Send a note or letter in a sealed envelope to the facility intelligence officer, warden, or major.

- **Write to the PREA Reporting Agency**

- You can write an outside agency and remain anonymous by not identifying yourself using AR form 100-40G. Reports will be forwarded to the DOC PREA Administrator. Write to the following address:

PREA Reporting,
P.O Box 41118.
Olympia, WA. 98504-1118

E. Treatment and Counseling

Treatment and counseling are available.

- In the event of a sexual assault/rape, do not change your clothes, brush your teeth, shower or use the bathroom. You may destroy important evidence.
- Seek medical help immediately. It's important to be assessed and treated for sexually transmitted diseases. Treatment will be offered for the prevention of transmitting HIV and other sexually transmitted diseases. **To effectively restrict the transmission of these diseases, treatment must be received within four hours of exposure.**
- Seek professional counseling from Mental Health by:
 - Completing a sick call request to see Mental Health.
Mental Health employees and contract workers are available for crisis care.
 - Ask employees, contract workers, or volunteers to contact Mental Health.
 - Contact the rape crisis hotline at CIPS number 005 or toll-free line at 800-809-2344.

F. Seeking Relief from Retaliation

If you are being retaliated against by an offender or an employee, contract worker, or volunteer for reporting an incident of prohibited sexual behavior you should do one of the following:

- Report the situation immediately to a supervisory person.
- Contact the Office of the Inspector General utilizing the DOC TIPS Line CIPS number 1-877-DOC-TIPS-0 (362-8477-0) (TTY accessible).
- Write to the PREA Administrator.

G. Disciplinary Actions for Making False Allegations

Making false allegations result in a Code of Penal Discipline (COPD) charge and may result in criminal charges being filed by the Office of the Inspector General.

INFORMACIÓN QUE USTED DEBE SABER:**SE PROHÍBE TODA ACTIVIDAD SEXUAL mientras usted esté bajo la jurisdicción y custodia del Departamento de Correccionales del Estado de Colorado.**

El Departamento de Correccionales de Colorado (DOC, por sus siglas en inglés) tiene reglas y procedimientos que tratan sobre la actividad sexual prohibida. La actividad sexual prohibida es toda actividad o acto sexual que incluya violación sexual, abuso sexual, conducta sexual inapropiada y acosamiento sexual.

Información que usted debe saber:

- El CDOC tiene una política de **TOLERANCIA CERO, AR 100-40.**
- Existen procedimientos para denunciar el comportamiento sexual prohibido
- El tratamiento de salud médica y mental está disponible.
- Usted puede denunciar incidentes de comportamiento sexual prohibido o buscar protección en contra de represalias llamando:

Al número preprogramado de CIPS al 1-877-DOC-TIPS-0 (362-8477-0) (accesible para TTY).

Para obtener más información en cuanto al abuso sexual, agresión sexual/ violación, conducta sexual inapropiada y acosamiento sexual, usted puede consultar la regla administrativa de prevención de violación en prisión (AR 100-40) en la biblioteca.

Para más información vea la Guía de Recursos PREA disponible en la biblioteca o comuníquese con el encargado de su caso.

A. Política de tolerancia cero del CDOC

SE PROHÍBE el comportamiento sexual de todo tipo. Su participación en actividades sexuales será investigada y está sujeta a sanciones bajo el Código de Disciplina Penal (COPD). Todas las denuncias de comportamiento sexual en la prisión se pueden referir a la Oficina del Inspector General para llevar a cabo una investigación criminal y posible procesamiento legal.

Tipos de comportamiento sexual prohibidos:

- Un preso hacia otro preso.
- Un preso hacia un empleado, voluntario o contratista del DOC.

Actos de comportamiento sexual prohibidos:

- El acto físico en sí.
- La tentativa del acto físico, incluyendo el manoseo y el exhibicionismo.
- Las amenazas, intimidación, y acciones o comunicaciones que se realizan con la intención de forzar o ejercer presión sobre otro para llevar a cabo el acto inapropiado.
- La represalia en contra de los individuos que denuncian un asalto o violación sexual, o la conducta sexual inapropiada y el acosamiento sexual están prohibidos y son castigables.
- NO se permite ningún acuerdo consensual entre empleados, voluntarios o contratistas del DOC y los presos para participar en ningún tipo de acto sexual.

B. Cómo protegerse personalmente

Usted tiene derecho a estar protegido contra el abuso sexual, asalto o violación sexual y el acoso sexual. Usted tiene el derecho a estar protegido contra los avances sexuales no deseados.

- Diga “NO” a toda persona que intente presionarle para que participe o consienta a participar en cualquier tipo de actividad sexual.
- Denuncie de inmediato todo asalto o violación sexual, acoso sexual o la intención de cometer asalto o violación sexual ante un empleado, voluntario o contratista del DOC, o ante la Oficina del Inspector General.

C. Prevención

Usted puede ayudar a prevenir el asalto o violación sexual o el abuso sexual e intervenir por su propio bienestar, cumpliendo con los siguientes comportamientos básicos enumerados a continuación:

- Compórtese mostrando seguridad de sí mismo. Muchos violadores eligen a individuos que aparentan no poder defenderse.
- Confíe en sus instintos. Esté al tanto de las situaciones que le hacen sentirse incómodo.
- No acepte regalos, préstamos ni favores de otros presos.
- No permita que otro preso sea su protector.
- Denuncie los incidentes y las situaciones peligrosas a un empleado, voluntario o contratista del DOC.
- Cuide su propiedad personal.
- Manténgase consciente de sus alrededores.
- No participe con drogas o alcohol en la prisión.
- No participe del trueque ni del contrabando.
- No dé señales confusas. Sea directo y firme al decir “No”.
- Tome parte en actividades y programas aprobados por el DOC.
- Sepa con quiénes se está asociando. No participe en la mezcla.
- No participe en actividades de pandillas.
- No participe en ninguna actividad sexual

D. Procedimientos para reportar el comportamiento sexual prohibido

Confidencialidad: Se requiere que todos los empleados del DOC, y los trabajadores voluntarios y contratados, mantengan en forma privada la información denunciada y solamente la divulguen a ciertos empleados específicos del DOC.

Si usted haya sido víctima de asalto o violación sexual, abuso sexual o acoso sexual, o ha sido testigo de un incidente de comportamiento sexual inapropiado, puede denunciarlo al personal, en particular, si se trata de una situación urgente, de una de las siguientes maneras:

- **Dígale a uno de los empleados, contratistas o voluntarios del DOC**
- **Llame a la línea telefónica para presos DOC TIPS:**
El número de la CIPS es 1-877-DOC-TIPS-0 (362-8477-0)
o la línea telefónica gratis de DOC TIPS al 1-877-DOC-TIPS (362-8477). (Accesible para TTY).
Los mensajes de la línea telefónica de TIPS se escuchan a diario.
- **Llame a la línea de denuncias de PREA: CIPS No. 006.**
- Estas llamadas las atiende una agencia externa quien comunicará la información a la Oficina del Inspector General. La línea de denuncias de PREA es gratuita y no es grabada ni monitoreada por el CDOC, pero puede ser grabada o monitoreada por la agencia receptora.

- **Llame a la línea de denuncias de PREA: CIPS No. 005.**
- Estas llamadas son atendidas por una agencia externa que puede ofrecer orientación para la víctima, orientación en caso de crisis y derivaciones a servicios. La línea directa de violación es gratuita y no es grabada ni monitoreada por el DOC.
- **Envíe una carta, un pedido de entrevista (kite) o un mensaje escrito:**
 - Envíe una carta al Gerente de PREA a: 1250 Academy Park Loop, Colorado Springs, CO 80910.
 - Envíe una solicitud de entrevista (kite) o entregue un mensaje escrito directamente a uno de los empleados, contratistas o voluntarios del DOC.
 - Envíe un mensaje escrito o una carta en un sobre sellado al oficial de inteligencia, al director de la prisión o al comandante.
- **Escriba a la Agencia de Denuncias de PREA**
- Usted puede escribir a una agencia externa y permanecer anónimo sin identificarse a través del formulario AR 100-40G. Las denuncias serán enviadas al Gerente de DOC PREA.

Escriba a la siguiente dirección:

PREA Reporting,
P.O. Box 41118.
Olympia, WA. 98504-1118

E. Tratamiento y asesoramiento

El tratamiento y el asesoramiento están a su disposición.

- En caso de un asalto o violación sexual, no se cambie de ropa, no se cepille los dientes, no se duche ni utilice el cuarto de baño. Podría destruir evidencia importante.
- Busque ayuda médica de inmediato. Es importante que le examinen y le traten contra las enfermedades de transmisión sexual. Se le ofrecerá tratamiento para la prevención de la transmisión del VIH y otras enfermedades de transmisión sexual. **Para tratar estas enfermedades de manera eficaz, uno debe recibir atención médica dentro de un lapso de cuatro horas después de haber quedado expuesto.**
- Busque asesoramiento profesional de salud mental de la siguiente manera:
 - Complete una solicitud de enfermedad para una cita con salud mental.

Los asesores de Salud Mental están disponibles para ofrecer asistencia en casos de crisis.

- Pida a un empleado, voluntario o contratado del DOC que se comunique con el departamento de Salud Mental.
- Llame al número dedicado para la prevención del asalto sexual en: CIPS No. 005 o gratis al 800-809-2344

F. Cómo protegerse contra las represalias

En caso de que un preso o empleado, voluntario o contratista del DOC esté tomando represalias contra usted por haber denunciado un incidente de comportamiento sexual prohibido, usted debe hacer algo de lo siguiente:

- Comunicar la situación de inmediato a un supervisor
- Comunicarse con la oficina del Inspector General utilizando la línea gratuita del DOC TIPS al: 1-877-DOC-TIPS (362-8477-0) (Accesible para TTY).
- Escribir al Gerente de.

G. Medidas disciplinarias por alegaciones falsas

Hacer denuncias falsas resultará en un cargo formal del Código de Disciplina Penal (COPD), y podría dar lugar a cargos criminales presentados por la oficina del Inspector General.

PREA PROCESS

**Sexual Activity Observed/Reported
(sexual assault/rape or sexual act)**

- Standard Procedure**
- Subjects involved removed from cell and separated
 - Threshold questioning done by shift commander
Cursory medical assessment and emergency medical care rendered, if appropriate.
 - Cell preserved as “crime scene” for evidence collection

- Preliminary Investigation**
- Any allegations by either offender regarding use of force or intimidation to perform sexual act (Criminal)
 - Allegations of staff sexual involvement with offenders (Criminal/Professional Standards)
 - Both offenders were willing to engage in sexual act with one another (Administrative/COPD)*
 - Any sexual activity within DOC facilities and private prisons is a violation of either COPD (Administrative) or the Colorado Revised Statutes (Criminal). If the offenders involved are willing participants the violation is a COPD violation (Administrative). If either offender makes allegations of being physically forced or intimidated to engage in a sexual act the incident is a violation Colorado Revised Statutes (Criminal).

**Code of Penal Discipline Violation
(Administrative/COPD)**

**Colorado Revised Statutes Violation
(Criminal/Professional Standards)**

- Code of Penal Discipline Violation (Administrative)**
- Conduct medical anatomical
 - Make necessary notifications according to Facility procedure
 - Duty Officer
 - Administrative Head
 - Associate Warden
 - PREA Compliance Manager (who will send a copy to the PREA Administrator)
 - Health Services Administrator
 - Incident Reporting in PCDCIS/DCIS (detailed) according to AR100-07, *Reportable Incidents and Incident Tracking System*
 - Notify facility Investigator following business day
 - PREA Program completes SAB and SVR assessments

- Colorado Revised Statutes Violation (Criminal)**
- Contact OIG Investigator
 - Investigator (during business hours or on-call after hours) will ask for trace evidence and anatomical will be assessed accordingly at the same time.
 - Give brochure within 72 hours of sex assault report
 - Files criminal charges, if appropriate
 - Contact Health Services Administrator (HSA).
 - Make notifications according to Facility procedure
 - Notify the PREA Compliance Manager (who will send a copy to the PREA administrator)
 - Incident Reporting (detailed) reviewed by investigator before entry into PCDCIS/DCIS according to AR100-07 Reportable Incidents and *Incident Tracking System* unless employee misconduct
 - Contact Offender Services
 - HSA will contact Mental Health
 - PREA Program completes SAB and SVR assessments

**Sexual Activity Observed/Reported
(sexual assault/rape, sexual act, staff sexual misconduct, or sexual harassment)**

- Standard Procedure**
- Separate clients
 - Cursory assessment of any urgent medical needs
 - Preliminary investigation done by highest level Supervisor at facility
 - Preserve “crime scene” for evidence collection, if applicable
 - If staff involved –notify the appointing authority to initiate appropriate personnel process.

Preliminary Investigation

- Any allegations by either client regarding use of force or intimidation to perform sexual act (Criminal)
- Allegations of staff sexual involvement with client is a Staff Sexual Misconduct (Criminal)
- Both clients were willing to engage in sexual act with one another (Non-criminal: Internal Sanctions)
- Any allegations involving sexual comments/gestures (Non-criminal: Internal Sanctions)

For sexual activity alleged prior to placement in community corrections, (jail, DOC, private prison) send report to DOC Community Parole Officer for Investigation processing/referral, copy PREA Administrator.

Non-Criminal

Criminal

- Make necessary notifications according to Community Corrections program procedures
- Supervisor/Director/PREA Compliance Manager
 - Contact Community Parole Officer (CPO) for DOC client and Probation liaison for Diversion client
 - Write detailed report
 - Send report to CPO, Division of Criminal Justice (DCJ), community corrections board or Probation liaison for Diversion client
 - CPO must notify and send documentation to DOC PREA administrator for DOC client

- Make necessary notifications according to Community Corrections program procedures
- Supervisor/Director/PREA Compliance Manager
 - If staff involved, place staff on administrative leave pending investigation
 - Contact community parole officer (CPO) for DOC client and Probation liaison for Diversion client
 - Contact DOC OIG Investigator (Return to Custody client)
 - Contact law enforcement agency (All other clients)
 - Write detailed report
 - Send report to CPO, DCJ, community corrections board or Probation liaison for Diversion client
 - CPO must notify and send documentation to DOC PREA administrator for DOC client

PREA Response Plan

__(facility name)_____ **Correctional Facility**

Incident Date: _____ Time: _____ Location: _____

Offender(s)/DOC #: _____

IR #: _____

Initials	INITIAL TASKS FOR ALL PREA INCIDENTS	Time Completed
	Staff made aware of any sexual activity are to immediately report it to the Shift Commander.	
	Threshold questioning conducted by Shift Commander or trained PREA first responder: Ask open-ended questions (What happened? Who was involved (suspect/witnesses)? When did it happen? Where did it happen?) to identify participants, location, and type of incident. Make a preliminary determination regarding whether the incident was sexual abuse (criminal), sexual harassment, non-coerced sexual misconduct (COPD) or not PREA related. (If not sexual abuse, sexual harassment, or sexual misconduct no plan needs to be completed.)	
	If determined to be sexual abuse, sexual harassment or sexual misconduct, the Shift Commander initiates the facility response plan (If guidance is needed contact your facility investigator during business hours or after hours the on-call investigator at 719-226-4566.)	
Initials	PRELIMINARY DETERMINATION OF SEXUAL HARRASSMENT	Time Completed
	Thorough incident reports completed on PCDCIS by all involved and responding/escorting staff in accordance with AR 100-07, <i>Reportable Incidents and Incident Tracking System</i> .	
Initials	PRELIMINARY DETERMINATION OF NON-COERCED/NON-FORCED SEXUAL MISCONDUCT	Time Completed
	Offender(s) receive anatomical examinations and follow-up medical treatment.	
	Thorough incident reports completed on PCDCIS by all involved and responding/escorting staff in accordance with AR 100-07, <i>Reportable Incidents and Incident Tracking System</i> . If staff-related situation, incident reporting will be on hard-copy confidential incident report form in accordance with AR/IA 100-40, <i>Prison Rape Elimination Procedure</i> .	
	Offender(s) housing assignments are made in accordance with AR 600-01, <i>Offender Classification</i> .	
	The shift commander will notify OIG of the incident and preliminary information via email to the assigned facility investigator(s) and doc_igchiefs@state.co.us.	

Initials	PRELIMINARY DETERMINATION OF RECENT SEXUAL ASSAULT (PENETRATION TYPICALLY WITHIN 120 HOURS)	Time Completed
	Separate offenders and place them under continuous staff observation. Request the alleged victim not to take any actions to destroy physical evidence. Ensure the alleged abuser does not take actions to destroy physical evidence.	
	Staff assigned to continuous observation are instructed to not ask questions, but will listen for and document spontaneous utterances.	
	Secure the location of the incident as a crime scene in accordance with <i>AR 1150-07, Crime Scene Management and Criminal Evidence Handling</i> .	
	Notify the facility OIG investigator of the incident and preliminary information. If after hours, call the on-call investigator @ 719-226-4566.	
	Separate potential witnesses, cellmates of the involved offenders pending interview by an investigator.	
	At the direction of the Shift Commander, escort the involved offender(s) to Clinical Services to conduct a cursory medical assessment and provide emergency medical care as needed. Escorting staff must inform medical staff the offender has been involved in a suspected PREA-related incident. Clinical staff will only ask questions regarding medical condition, but will be aware of spontaneous utterances.	
	Notify PREA Compliance Manager of the incident and preliminary investigation. It is the responsibility of the Facility PREA Compliance Manager to notify the Office of the PREA Administrator.	
	Notify the HSA of the incident and preliminary investigation. It is the responsibility of the HSA to notify Mental Health staff of the incident and complete Behavioral Health Referral	
	Notify Duty Officer of incident and preliminary investigation. It is the responsibility of the DO to notify the Appointing Authority.	
	If a SANE examination is ordered by the Investigator, the pre-transport strip search is conducted during trace evidence collection to the greatest extent possible without further trauma to the offender and should be conducted by staff who have received PREA First Responder training.	
	At the conclusion of trace evidence collection, the offender will be placed in an orange jumpsuit in preparation for transport.	
	SANE program notified of pending transport and estimated time of arrival. INSERT HOSPITAL INFORMATION PHONE NUMBER FOR HOSPITAL/SANE PROGRAM ADDRESS OF HOSPITAL	
	If life threatening trauma exists, the offender will be transported by ambulance to the hospital (place an orange jumpsuit over the clothes to protect trace evidence). Consult IG Investigator on collecting the evidence.	

	Trace evidence collected at the direction of the Investigator. Each individual item of clothing secured in a separate paper bag labeled with offender name and DOC #, name of staff collecting item, date/time of collection, brief description of item; bag is double-folded at the top and sealed with tape.	
	Anatomical examination conducted during trace evidence collection.	
	Transporting staff will be advised the offender must sign for the forensic SANE examination. Staff cannot consent for the offender.	
	Upon completion of SANE examination, HSA is notified of the offender's return to (INSERT FACILITY NAME)	
	Offender is kept under continuous direct staff supervision until evaluation by Mental Health staff.	
	Thorough incident reports completed on PCDCIS by all involved and responding/escorting staff in accordance with AR 100-07, <i>Reportable Incidents and Incident Tracking System</i> . If staff-related situation, incident reporting will be on hard-copy confidential incident report form in accordance with AR/IA 100-40, <i>Prison Rape Elimination Procedure</i> .	
	Offender(s) housing assignments are made in accordance with AR 600-01, <i>Offender Classification</i> . If an offender is removed from population, the PREA CU/IDO/ RFP Housing Review form will be initiated.	
Initials	PRELIMINARY DETERMINATION OF SEXUAL ASSAULT (GREATER THAN 120 HOURS) OR SEXUAL ABUSE	Time Completed
	Offender(s) receive anatomical examinations and follow-up medical treatment.	
	The shift commander will notify OIG of the incident and preliminary information via email to the assigned facility investigator(s) and doc_igchiefs@state.co.us.	
	Thorough incident reports completed on PCDCIS by all involved and responding/escorting staff in accordance with AR 100-07, <i>Reportable Incidents and Incident Tracking System</i> . If staff-related situation, incident reporting will be on hard-copy confidential incident report form in accordance with AR/IA 100-40, <i>Prison Rape Elimination Procedure</i> .	
	Offender(s) housing assignments are made in accordance with AR 600-01, <i>Offender Classification</i> . If an offender is removed from population, the PREA <u>CU/IDO/</u> RFP Housing Review form will be initiated.	
Incident Follow-up and Review		
	SAB/SVR Assessment updated Date: _____ CM: _____	
	Review and Archive PREA Compliance Manager will review packet and forward to PREA Program. (doc_PREA_Program@state.co.us) PREA Compliance Manager will archive packet in accordance with current policy.	
Completed by:		Date:

Forward completed forms to the Facility PREA Compliance Manager

§ 115.6 Definitions related to sexual abuse.

For purposes of this part, the term—
Sexual abuse includes—
(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 by a staff member, contractor, or volunteer means 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 includes:

(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 Misconduct: A person commits this offense when they have active or passive contact, which was not coerced or forced, between the genitals, hand(s), mouth, buttocks, anus, breast or with an object and the genitals, hand(s), mouth, buttocks, anus or breast of another person. Contact can be with or without clothing being worn by one or both parties.

DEPARTMENT OF CORRECTIONS
PREA CU/IDO/ REMOVAL FROM POPULATION OFFENDER HOUSING REVIEW
FACILITY _____

OFFENDER NAME: _____ DOC NUMBER: _____

CUSTODY LEVEL: _____ CURRENT PMD/PED: _____ SAB _____ SVR _____

RESTRICTIVE HOUSING: THE OFFENDER IS BEING REMOVED FROM GENERAL POPULATION FOR THEIR SAFETY AND/OR THE SECURITY OF THE FACILITY. UNLESS OTHERWISE STATED BELOW, THE OFFENDER IS UNABLE TO ACCESS PROGRAMS, PRIVILEGES, EDUCATION, OR WORK OPPORTUNITIES.

JUSTIFICATION:

AUTHORIZED BY _____ DATE _____

ARE OTHER HOUSING OPTIONS AVAILABLE? YES NO

PROGRAMS, PRIVILEGES, EDUCATION OR WORK OPPORTUNITES THAT HAVE BEEN LIMITED: _____

REASON FOR THE LIMITATIONS: _____

PREA Compliance Manager: _____ DATE _____

DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____
DATE _____	STATUS _____

TOTAL DAYS REMOVED FROM POPULATION _____

DATE: _____ PROGRAMS, PRIVILEGES, EDUCATION OR WORK OPPORTUNITIES RESTORED:

PREA Compliance Manager: _____ DATE: _____

CC: Administrative Head
PREA administrator

Colorado Department of Corrections

Report of Prison Rape Elimination Act (PREA) Allegation to an Outside Agency

Submitted to: PREA Reporting Office
P.O. Box 41118
Olympia WA 98504-1118

***THIS INFORMATION MAY BE SUBMITTED ANONYMOUSLY BY NOT
IDENTIFYING YOURSELF***

Specific information regarding location is needed so prompt action may be taken.

Name (leave blank if you wish to remain anonymous):	
Identification / DOC number (optional):	
Facility:	
Location of Incident:	
Date of Incident:	
This allegation involves:	
Staff member(s):	Offender(s):
Description of allegation / incident:	
(Please provide details regarding location, people involved, witnesses, etc. as this will assist in the response and investigation process)	
Signature (optional):	Date submitted:

The Colorado Department of Corrections has ZERO-TOLERANCE
for sexual assault, sexual abuse, sexual harassment, and sexual misconduct.

You can report these incidents by:

1. Telling any staff member
2. Leaving a message on the DOC TIPS line at 1-877-DOC-TIPS-0 (362-8477-0) Calls are checked daily, Monday through Friday, by the DOC Office of the Inspector General
3. Calling the PREA Reporting Line at #06 Reports are made to a private entity that is not part of DOC. You can remain anonymous. Reports will be sent to the DOC Office of the Inspector General. Misuse will be reported.
4. Writing the PREA Reporting Agency
5. You can write an outside agency and remain anonymous by not identifying yourself on the outgoing envelope and using AR form 100-40G (the other side of this document) as a signature is not required. If you wish to remain anonymous you can do so by not putting any identifying information.

The outside agency will forward the submitted forms to the DOC PREA administrator who will refer the incident to the DOC Office of the Inspector General for investigation.

Please follow the instructions to ensure a response

You will need to include this information on the form:

Victim name and DOC #

Facility/location/date of incident

Name of staff member or other offender involved

Description of incident

Mail this form in a sealed envelope to:

PREA Reporting Office
P.O. Box 41118
Olympia WA 98504-1118

Outgoing mail addressed to the PREA Reporting Agency at P.O. Box 41118, Olympia WA 98504-1118 will not be subject to search, and may be sealed prior to inspection and are not required to have a return address.
(115.51.b)

Departamento Correccional de Colorado

Informe sobre denuncia relativa a la Ley para la Eliminación de las Violaciones Sexuales en Prisión (PREA) para un organismo externo

Enviado a: Oficina de Informes de la PREA
 P.O. Box 41118
 Olympia WA 98504-1118

ESTA INFORMACIÓN SE PUEDE ENVIAR DE MANERA ANÓNIMA ESTA INFORMACIÓN PUEDE ENVIARSE DE FORMA ANÓNIMA AL NO IDENTIFICARSE

Se necesita la información específica acerca del lugar a fin de que se puedan tomar medidas inmediatas.

Nombre (déjelo en blanco si quiere permanecer en el anonimato):	
---	--

Identificación / Número del DOC (opcional):	
---	--

Establecimiento:	
------------------	--

Lugar del incidente:	
----------------------	--

Fecha del incidente:	
----------------------	--

Esta denuncia implica a:

Miembro(s) del personal:	Otro(s) recluso(s):
--------------------------	---------------------

Descripción de la alegación / incidente:

(Proporcione información detallada acerca del lugar, las personas involucradas, los testigos, etc. ya que esto contribuirá al proceso de respuesta e investigación)

Firma (opcional):	Fecha de presentación:
-------------------	------------------------

El Departamento de Correccionales de Colorado tiene una política de TOLERANCIA CERO respecto de la agresión sexual, el abuso sexual, el acoso sexual y la conducta sexual inapropiada.

Para denunciar estos tipos de hechos:

1. Puede comunicárselo a cualquier miembro del personal.
2. Puede llamar al 1-877-DOC-TIPS-0 (362-8477-0) y dejar un mensaje en la línea de denuncias del Departamento de Correccionales (Department of Corrections, DOC). El personal de la Oficina del Inspector General del DOC revisa las llamadas todos los días, de lunes a viernes.
3. Puede llamar al 06 Reports para comunicarse con la línea de denuncias de la PREA. Las denuncias se hacen a un ente privado que no forma parte del DOC. Puede conservar el anonimato. Los informes se enviarán a la Oficina del Inspector General del DOC. Se informará el uso inadecuado.
4. Puede escribir a la Agencia de Informes de la PREA.
5. Puede escribir a una agencia externa y conservar el anonimato; para ello, no escriba su nombre en el sobre que envíe y use un formulario AR 100-40G (la otra cara de este documento), ya que no se requiere la firma. Si desea permanecer en el anonimato, puede hacerlo no poniendo ninguna información de identificación.

La agencia externa enviará los formularios presentados al Administrador de la PREA del DOC, quien derivará el incidente a la Oficina del Inspector General del DOC para su investigación.

Siga las instrucciones para garantizar una respuesta.

Deberá incluir la siguiente información en el formulario:

Nombre de la víctima y número del DOC.

Establecimiento/ubicación/fecha del incidente.

Nombre del miembro del personal u otra reclusa involucrada.

Descripción del incidente.

Envíe este formulario en un sobre cerrado a la siguiente dirección:

PREA Reporting Office
P.O. Box 41118
Olympia WA 98504-1118

La correspondencia que se envíe a la Agencia de Informes de la PREA a la dirección P.O. Box 41118, Olympia WA 98504-1118 no se registrará, y es posible que se la selle antes de inspeccionarla. Tampoco es necesario que incluya una dirección de retorno.

PREA Override Referral

DOC #: _____ Name: _____

Referred By: _____ Title: _____
(Print: First and Last Name)

Phone Number: _____ Facility: _____

Documentation:

- | | |
|--|--|
| <input type="checkbox"/> PSIR | <input type="checkbox"/> Disciplinary Reports |
| <input type="checkbox"/> Criminal History | <input type="checkbox"/> Admission Summary (ADS) |
| <input type="checkbox"/> QT Profile | <input type="checkbox"/> DU (Diagnostic) Summary |
| <input type="checkbox"/> Any COPD/Administrative Convictions | <input type="checkbox"/> Incident Reports |
| | <input type="checkbox"/> Other |

Reason for Override Referral:

Recommended Level: _____ Reviewed & Approved By: _____

SAB: _____ SVR: _____
PREA Compliance Manager /CPO _____
PREA Administration Office _____

Please send this form and any documentation to:
PREA Administration and Compliance Services
1250 Academy Park Loop
Colorado Springs, CO 80910
Fax: (719) 226-4693
Email: DOC_PREA_Program@state.co.us

ADMINISTRATIVE REGULATION
IMPLEMENTATION/ADJUSTMENTS

AR Form 100-01A (04/15/08)

CHAPTER	SUBJECT	AR #	EFFECTIVE
Administration/Organization	Prison Rape Elimination Procedure	100-40	04/15/24

(FACILITY/WORK UNIT NAME) _____
WILL ACCEPT AND IMPLEMENT THE PROVISIONS OF THE ABOVE ADMINISTRATIVE REGULATION:

AS WRITTEN NOT APPLICABLE WITH THE FOLLOWING PROCEDURES TO ACCOMPLISH THE
INTENT OF THE AR

(SIGNED) _____ (DATE) _____
Administrative Head