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Review Panel on Prison Rape
U.S. Department of Justice
Washington D.C.

On behalf of Sheriff Ted Mink, and the citizens of Jefferson County Colorado, I am, Detention Services Division Chief Patsy Mundell. I would like to thank you for the opportunity to speak to you about the results of the 2012 National Inmate Survey on Sexual Violence. I will start by saying that the Jefferson County Sheriff's Office, like our colleagues in other jails and prisons has a zero tolerance for inmate sexual assault, sexual violence, sexual misconduct and sexual contact by other inmates, staff or other non-inmate persons. As such we treat all observed or reported allegation with the utmost seriousness and professionalism. We realize that there is no perfect solution to this problem that will ensure these behaviors will never occur in our facility. However, our policy and procedure does ensure that the number of incidents is kept to a minimum.

The Jefferson County Sheriff's Office Detention Facility is a mixture of both direct supervision and the older modular style housing. Our detention facility has a fixed bed capacity of 1,326 and the capability of adding an additional 284 temporary (sled beds) for a total of 1,610 maximum capacity. During the calendar year 2012, the average daily inmate population was approximately 1,250. The facility is operated with an authorized staff of 371 personnel consisting of both sworn and non-sworn personnel.

In 2012, the Jefferson County Sheriff's Office Detention Facility had five reported allegations of inmate on inmate nonconsensual sexual acts. As results of our thorough investigations, three of the cases were unfounded (the event was determined not to have occurred) and two were unsubstantiated (evidence was insufficient to make a final determination that the event occurred). During the same time we had two allegations of inmate on inmate abusive sexual contact. Again as a result of the investigation into these reports, one case was substantiated (the event was investigated and determined to have occurred) and one case was unfounded (the event was determined not to have occurred). We did not have a single allegation of staff sexual misconduct or sexual harassment.

The Jefferson County Sheriff's Office has always viewed sexual misconduct in our jail as unacceptable. In 2007 we updated and revised our policy and procedures to ensure that we were in compliance with the Prison Rape Elimination Act (PREA) of 2003.

The following portion of this statement is a brief overview of the policies and practices of the Jefferson County Sheriff's Office as it pertains to the prevention, reporting, and investigation of sexual misconduct.

Zero Tolerance Statement

In accordance with Colorado Revised Statutes, American Correctional Association expected practices, and the mandates of the Prison Rape Elimination Act of 2003, the Jefferson County Sheriff's Office is committed to the establishment of a zero tolerance standard of inmate sexual assault, sexual violence, sexual misconduct and sexual contact by other inmates, staff or other non-inmate persons. All substantiated violations of state statutes pertaining to sexual crimes will be aggressively pursued for prosecution. All established administrative sanctions will also be pursued for violators as appropriate.

This commitment will include efforts to provide a safe environment and a staff that is prepared to respond to all allegations of inmate-on-inmate sexual assault, sexual violence, sexual misconduct and sexual contact. It will be the practice of the Jefferson County Sheriff's Office to provide appropriate treatment and counseling for any victims of sexual assault.

It will be strictly forbidden for any JCSO employee, volunteer, contractor/vendor, other government employee or any other non-inmate person who has access to the detention facility or inmates in an official capacity, to engage in any act with an inmate that constitutes sexual assault, sexual violence, sexual misconduct or sexual contact.

Inmate Orientation, Screening and Education

Upon arrival at the Jefferson County Detention Facility, all inmates (including new arrestees, transferees, writs, contract and courtesy holds) will be provided with a verbal orientation regarding JCSO policy and procedures pertaining to the prevention and reporting of sexual assault, sexual violence, sexual misconduct and sexual contact on inmates. This orientation will be provided by jail counselors during the intake process.

All inmates will be provided with a copy of the JCDF Inmate Handbook, with specific instructions to direct inmates to the section in the handbook that outlines reporting processes/options and that address sexual assault, violence, misconduct and contact on inmates.

Mandatory Reporting Responsibilities

It is recognized that effective prevention of sexual assault, violence, misconduct and contact against an inmate must include effective reporting requirements. To this end, all suspected or reported acts of sexual assault, violence, misconduct and contact alleged to be perpetrated by another inmate, JCSO employee or any other person, will be immediately reported to an on-duty Detention Services Division supervisor. The Detention Services Division supervisor will then immediately notify the responsible Detention Services Division watch commander.

Sanctions for Failure to Report

Failure on the part of any JCSO employee to immediately report any knowledge of perpetrated or threatened sexual assault, violence, misconduct or contact upon any inmate will subject such employee to disciplinary action.

Victim Reporting Procedures

All allegations or reports of actual or threatened sexual assault, sexual violence, sexual misconduct or sexual contact incidents on an inmate will be taken seriously and immediately addressed and investigated. The protection of victims, potential victims, witnesses and items of evidence, including the crime scene itself, will be of paramount importance when considering immediate responsive actions.

Inmates will be made to feel free to immediately report any act, or threatened act of sexual assault, sexual violence, sexual misconduct or sexual contact to any JCSO staff member, contractor/vendor, other county employee or JCSO volunteer. In an effort to provide inmates with several reporting options, including options that would protect the reporting party's identity from being revealed to other inmates, the following specific reporting options will be afforded:

- direct verbal report to any JCSO staff member, contractor/vendor, other county employee or JCSO volunteer
- direct written report to any JCSO staff member, contractor/vendor, other county employee or JCSO volunteer
 - may be completed through the use of U.S. Mail, kite, note, grievance or any other written method
- through the inmate telephone system using the tip line

Investigative Procedures

All suspected, threatened or reported acts of sexual assault, sexual violence, sexual misconduct or sexual contact that occur in the detention facility or any other location where inmates are housed, work or are provided services, will be investigated in accordance with established Jefferson County Sheriff's Office investigative standards and protocols as dictated by the Criminal Investigations Division duty supervisor and case investigator.

Crime Scene and Evidence Protection

All Jefferson County Sheriff's Office employees will adhere to established policy and procedure to ensure that any and all crime scenes and any and all items of evidence are protected from contamination.

Victim and Witness Considerations

Inmate victims are entitled to the same level of statutory victim advocate services as any other victim. For this reason, any perpetrated act that violates Colorado Revised Statutes where a victim is identified, the on-duty Detention Services Division supervisor will immediately notify the JCSO victim advocate supervisor and provide information to the supervisor on all identified victims of the incident.

Training and Orientation

All newly hired JCSO Detention Services Division employees will attend a training session specific to the issues surrounding sexual assault, sexual violence, sexual misconduct and sexual contact.

At least once per calendar year, all Detention Services Division employees to include all contractor/vendors and JCSO volunteers will be provided with a minimum of one (1) hour of in-service training that presents attendees with refresher training on the topics presented for newly hired employee.

Compliance Procedure

In each case of suspected, reported, threatened or perpetrated incident of sexual assault, sexual violence, sexual misconduct or sexual contact on an inmate, there will be an administrative review conducted to determine proper policy and procedure adherence.

In conclusion, I hope that I have provided you with useful information about how the Jefferson County Sheriff's Office approaches the prevention, investigation and reporting of all sexual misconduct in our facility. We are very committed to our zero tolerance policy in this matter. We will continue to review and improve our policy and practices to ensure that we continue to provide a secure and safe environment for our staff and the inmates housed in our facility.

I would like to thank the members of the review panel for the opportunity to address you on this subject and look forward to any recommendations or discussion the panel may have.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Mundell", written in a cursive style.

Division Chief Patsy Mundell