

**2014**

# **Prison Rape Elimination Act**



**COLORADO**

**Office of Children,  
Youth & Families**

Division of Youth Corrections

**DIVISION OF YOUTH  
CORRECTIONS  
PREA DATA REPORT**

The Prison Rape Elimination Act (PREA) of 2003 was enacted to address sexual abuse, sexual assault and sexual harassment in confinement facilities. The goal of PREA is to prevent, detect and respond to sexual abuse in confinement facilities.

On August 20, 2012, the U.S. Department of Justice (DOJ) published mandatory standards for the detection, prevention, and punishment of sexual abuse, sexual assault and sexual harassment. The four sets of standards correspond to the different types of facilities: 1) Adult prisons and jails, 2) Lockups, 3) Community confinement facilities, and 4) Juvenile facilities.

Agencies are required to demonstrate their zero tolerance through an audit process, which audits the agencies policies and practices by reviewing policies and speaking with staff and community organizations working in collaboration with the agency in their efforts to prevent, detect, and respond to sexual abuse, sexual assault, and sexual harassment. Over a three-year period, all ten (10) state-operated and two (2) secure contract facilities must be audited by a Department of Justice Certified auditor.

The Colorado Department of Human Services, Division of Youth Corrections (DYC) supports all efforts to detect, report, participate in investigations, offer victim support services and advocate for prosecution of any perpetrator of sexual abuse, sexual assault, or sexual harassment in Division of Youth Corrections facilities. The Division of Youth Corrections is committed to providing a safe environment for all Division of Youth Corrections youth. DYC made initial efforts to comply with the PREA Act beginning in 2008 prior to the finalization of the standards. As a result, DYC began implementing policies and procedures, training employees, contractors and volunteers, and educating youth.

With the finalization of the PREA Standards in 2012, DYC continues working towards compliance with the PREA standards. Some of the efforts include but are not limited to collaborating with the Colorado Department of Child Welfare child abuse and neglect hotline which allows youth to report sexual abuse and sexual harassment, updating fingerprint background checks for staff hired prior to 1999, contracting with juvenile facility PREA auditors to audit one third (1/3) of Division of Youth Corrections facilities. This audit year Pueblo Youth Services Center and Platte Valley Youth Services Center were audited for PREA compliance. The audit for the remaining facilities will take place during the third year of the audit cycle.

**BJS Reporting Data:**

PREA standard §115.387 requires data be collected and aggregated on sexual abuse, sexual assault, and sexual harassment incidents in DYC and contract facilities. PREA standard §115.388 requires the Division to review data collected and produce an annual report.

In addition, the U.S. Bureau of Justice Statistics (BJS) requires confinement facilities to collect and report detailed information regarding the sexual victimization of residents. This report contains reported information to BJS through the Survey of Sexual Violence (SSV) for 2014. This report includes comparisons to data from 2013, which did not include data from contract facilities. The data for 2014 will include data from contract facilities and will be assessed annually to take corrective action when necessary.

**Findings After Investigation:**

All reports of sexual abuse or misconduct are investigated by the local department of human services and/or law enforcement agency. The facility in which an allegation is made will complete an internal investigation that does not duplicate or interfere with the human services or law enforcement

investigation. A finding is reached as a result of an investigation conducted internally or external to the agency.

**Scope of Assessment:**

This report provides a review of incidents specific and aggregate data collected for the year beginning January 1, 2014 and ending December 31, 2014. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

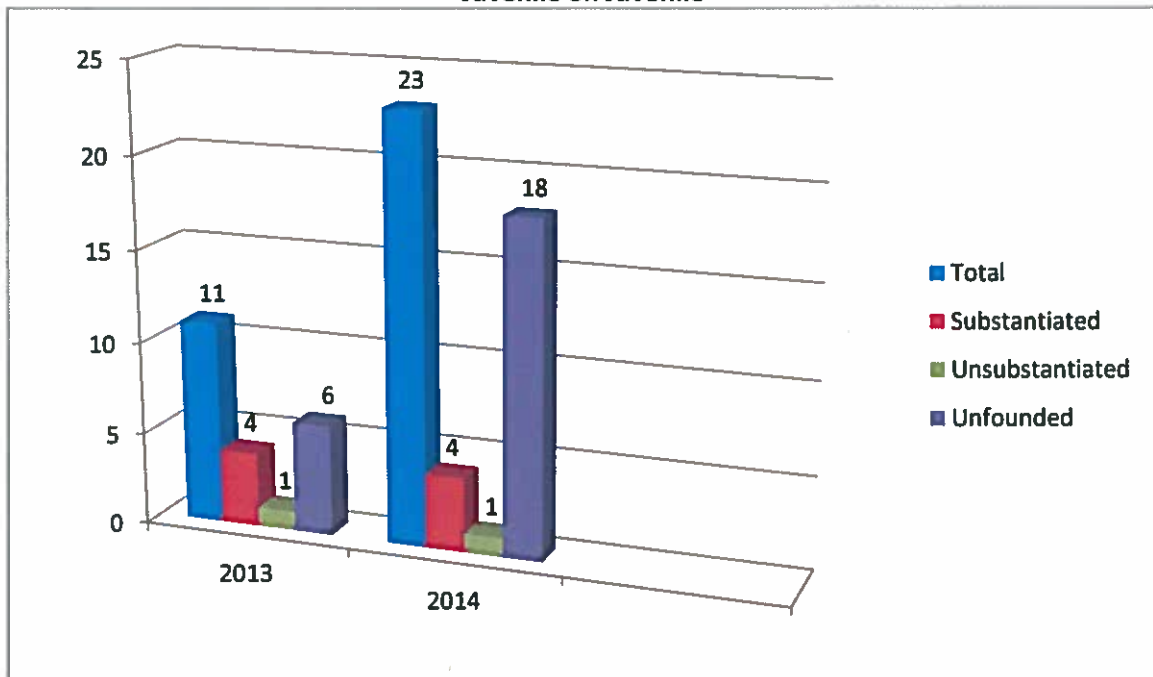
**Definitions:**

- ❖ ***Abusive Sexual Contacts:*** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and intentional touching, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. EXCLUDES incidents in which the contact was incidental to a physical altercation.
- ❖ ***Juvenile-on-Juvenile Sexual Harassment:*** Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one youth directed toward another.
- ❖ ***Nonconsensual Sexual Acts:*** Sexual contact of any person without his or her consent, or of a person who is unable to consent or refuse; and contact between penis and the vulva or the penis and the anus including penetration, however slight; or contact between the mouth and the penis, vagina, or anus; or penetration of the anal or genital opening of another person by a hand, finger, or other object.
- ❖ ***Staff Sexual Harassment:*** Includes repeated verbal statements or comments of a sexual nature to a resident by an employee, volunteer, contractor, official visitor, or other agency representative (exclude resident family, friends, or other visitors). Includes demeaning references to gender; or sexually suggestive or derogatory comments about body or clothing; or repeated profane or obscene language or gestures.
- ❖ ***Staff Sexual Misconduct:*** Any behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative (exclude resident family, friends, or other visitors). Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts; includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire; or completed, attempted, threatened, or requested sexual acts; or occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.
- ❖ ***Substantiated:*** an allegation that was investigated and determined to have occurred.
- ❖ ***Unfounded:*** an allegation was investigated and determined not to have occurred.
- ❖ ***Unsubstantiated:*** an allegation that was investigated and produced insufficient evidence to make a final determination as to whether or not the event occurred.



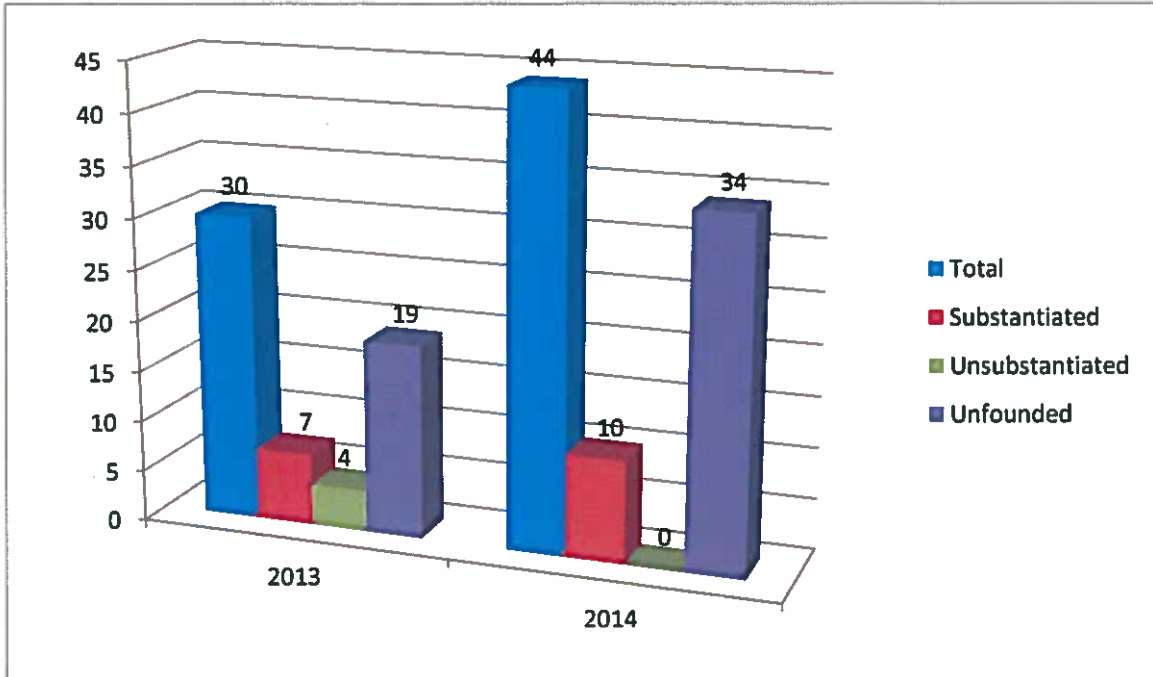
### Comparison Statistics by Category

#### Abusive Sexual Contact Allegations Juvenile on Juvenile



2013 data did not include contract facilities

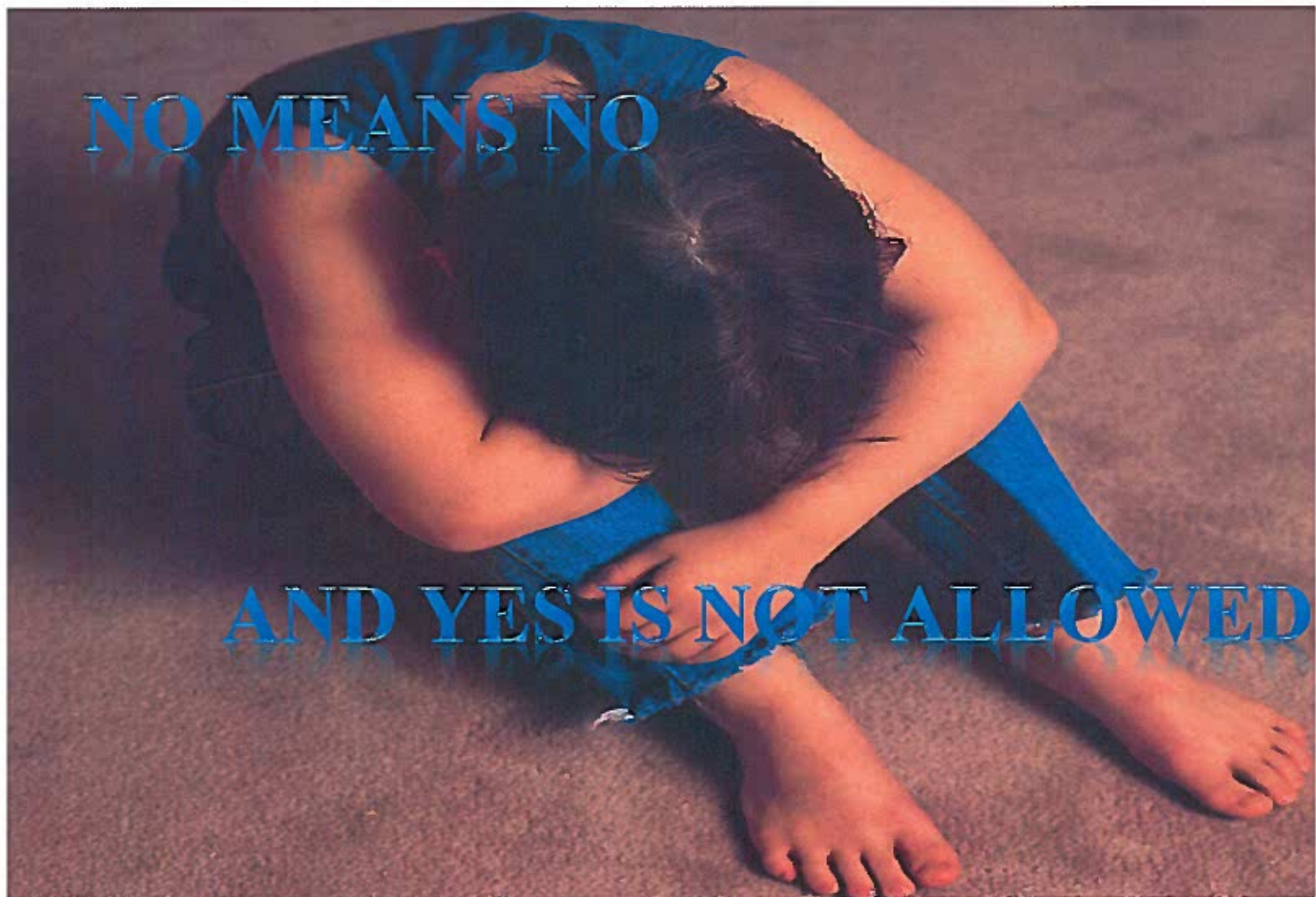
### Sexual Harassment Allegations Juvenile on Juvenile



2013 data did not include contract facilities

### Juvenile-on-Juvenile Sexual Misconduct

Juvenile-on-Juvenile Nonconsensual Sexual Acts/Abusive Sexual Contact Data Collected: DYC has ten state-operated facilities and two secure contract programs and contracts with thirty-three facilities. Four state owned and operated facilities serve only detention youth; Gilliam Youth Services Center in Denver, Adams Youth Services Center in Brighton, Pueblo Youth Services Center in Pueblo and Marvin W Foote Youth Services Center in Englewood. Four secure state-operated facilities are multi-purpose, serving detention and committed youth. These four facilities include Platte Valley Youth Services Center in Greeley, Grand Mesa Youth Services Center in Grand Junction, and Spring Creek Youth Services Center in Colorado Springs, as well as Mount View Youth Services Center in Denver. Two facilities are commitment only; Lookout Mountain Youth Services Center and Zebulon Pike Youth Services Center. Robert E. DeNier Youth Services Center is a secure contract program serving detention and committed youth, and Betty K. Marler Youth Services Center is an all-girls commitment facility. Using the BJS definitions, none of the facilities reported nonconsensual sexual contact. Seven state-operated facilities and four contract facilities had reports of abusive sexual contact allegations for a total of twenty-three allegations. Of the twenty-three allegations four were substantiated and one was found to be unsubstantiated. The reports of abusive sexual contact doubled from the reports in 2013; this may be attributed to including contract agencies in the data collection and enhanced resident education concerning their rights to be free from sexual abuse and sexual harassment. In reviewing the data one resident was the victim or perpetrator in five (5) reports. The following table represents allegations by facility.



**Juvenile-on-Juvenile Non-Consensual Sexual Contact and Abusive Sexual Contact Allegations  
January 1 – December 31, 2014**

<b>SECURE FACILITIES</b>	<b>TYPE</b>	<b>TOTAL</b>	<b>SUBSTANTIATED</b>	<b>UNSUBSTANTIATED</b>	<b>UNFOUNDED</b>
**Adams Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
*Marvin W Foote Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	0	2
*Gilliam Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
**Grand Mesa Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
Lookout Mountain Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	3	1	0	2
*Mount View Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
**Platte Valley Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	3	1	0	2
**Pueblo Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
*Spring Creek Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	5	1	0	4
Zeb Pike Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	0	2
<b>CONTRACT FACILITIES</b>					
I Rite of Passage-Betty K. Marler	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	1	0
Rite of Passage-Ridge View	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	0	2
**Devereux Cleo Wallace	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	0	2
**Third Way-Lowry	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
Total:	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	23	4	1	18

All male facility, I All female facility, \*Co-ed facility with separate programming, \*\*Co-ed programming (pods, school, meals, etc.)

There were zero allegations of nonconsensual sexual acts within the ten (10) NYC state-operated and thirty-three (33) contract facilities for 2014. Of the twenty-three abusive sexual contact allegations, thirteen were reported to the local department of human services and/or local law enforcement agency. Of the four (4) substantiated abusive sexual contact allegations, all were reported to law enforcement or the department of human services for investigation. None of the victims in the reports resulted in physical injuries requiring medical attention since the allegation did not involve sexual penetration, and all were referred to the facility behavioral health staff for victim support services. Reports to law enforcement did not result in filing of charges. The gender identity of youth in the four (4) was two female victims and two (2) male victims; involving one female and three (3) male youth perpetrators.

All ten state-operated and six contract facilities reported juvenile-on-juvenile sexual harassment allegations. Using the BJS definition, there were ten (10) substantiated allegations, and thirty-four (34) allegations were unfounded. The following table presents the allegations by facility.





**Juvenile-on-Juvenile Sexual Harassment Allegations  
January 1 – December 31, 2014**

<b>SECURE FACILITY</b>	<b>TYPE</b>	<b>TOTAL</b>	<b>SUBSTANTIATED</b>	<b>UNSUBSTANTIATED</b>	<b>UNFOUNDED</b>
**Adams Youth Services Center	SEXUAL HARASSMENT	1	0	0	1
*Marvin W. Foote Youth Services Center	SEXUAL HARASSMENT	4	2	0	2
*Gilliam Youth Services Center	SEXUAL HARASSMENT	4	0	0	4
**Grand Mesa Youth Services Center	SEXUAL HARASSMENT	1	0	0	1
Lookout Mountain Youth Services Center	SEXUAL HARASSMENT	3	2	0	1
*Mount View Youth Services Center	SEXUAL HARASSMENT	2	2	0	0
**Platte Valley Youth Services Center	SEXUAL HARASSMENT	6	2	0	4
**Pueblo Youth Services Center	SEXUAL HARASSMENT	2	1	0	1
*Spring Creek Youth Services Center	SEXUAL HARASSMENT	10	0	0	10
Zeb Pike Youth Service Center	SEXUAL HARASSMENT	2	0	0	2
<b>CONTRACT FACILITY</b>					
**Third Way-Lowry	SEXUAL HARASSMENT	1	0	0	1
Third Way-York	SEXUAL HARASSMENT	2	1	0	1
**Devereux Cleo Wallace	SEXUAL HARASSMENT	3	0	0	3
Rite of Passage-Ridge View	SEXUAL HARASSMENT	1	0	0	1
Southern Peak	SEXUAL HARASSMENT	1	0	0	1
Hilltop Residential	SEXUAL HARASSMENT	1	0	0	1
<b>TOTAL</b>		<b>44</b>	<b>10</b>	<b>0</b>	<b>34</b>

All male facility, † All female facility, \*Co-ed facility with separate programming, \*\*Co-ed programming (pods, school, meals, etc.)

**Overview of Information:**

There were forty-four allegations of juvenile-on-juvenile sexual harassment in state-operated and contract facilities. This is an increase from the data collected in 2013. The increase in sexual harassment allegations is a result of collecting data from contract facilities for the first time, and may be a result of "Juvenile on Juvenile Sexual Harassment" being added to the Trails database system as a major rule violation. Through the due process hearing there is increased youth accountability and an internal investigation of the allegation. Of the thirty-four (34) unfounded allegations, all were formally investigated internally and/or externally. Of the ten (10) substantiated allegations of juvenile-on-juvenile sexual harassment the perpetrators were found guilty through due process hearings. As a result of a possible criminal act three (3) allegations were referred to law enforcement; the referrals did not result in filing of charges.

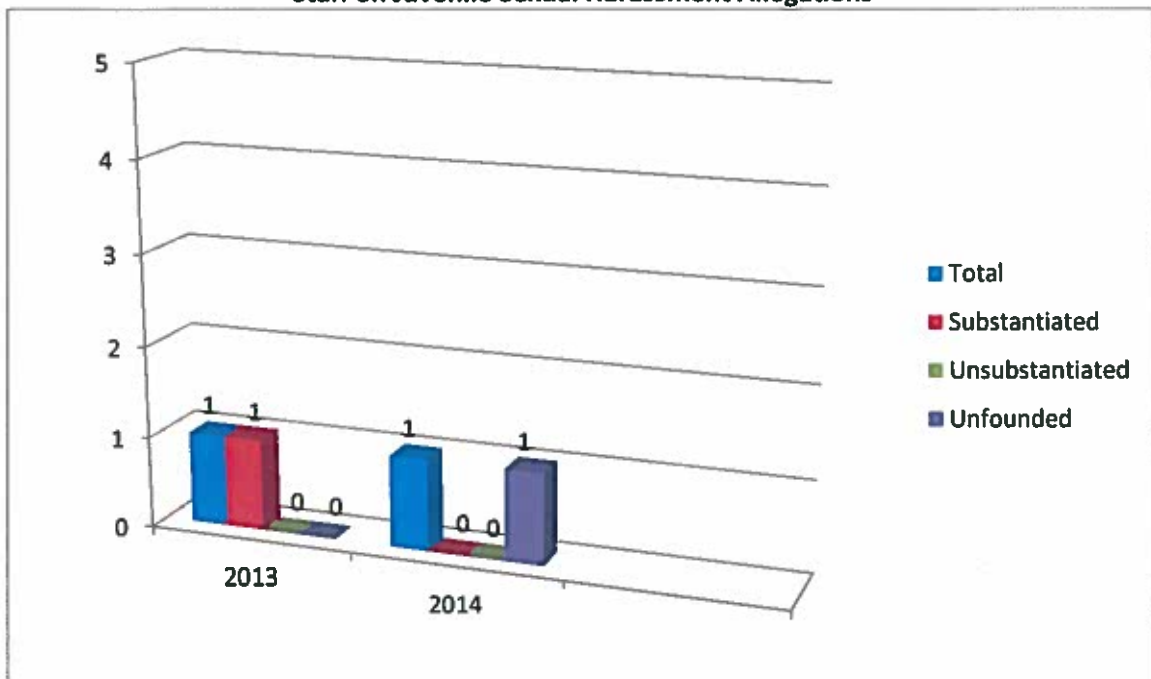
**Corrective Action:**

Enhance youth education through posters and orientation to better inform youth of the consequences for sexual harassment while also communicating the consequences for engaging in sexual misconduct. The youth will receive more in-depth information on what is considered sexual harassment (i.e., use of language; jokes; comments; and drawings).



### Comparison Statistics by Category

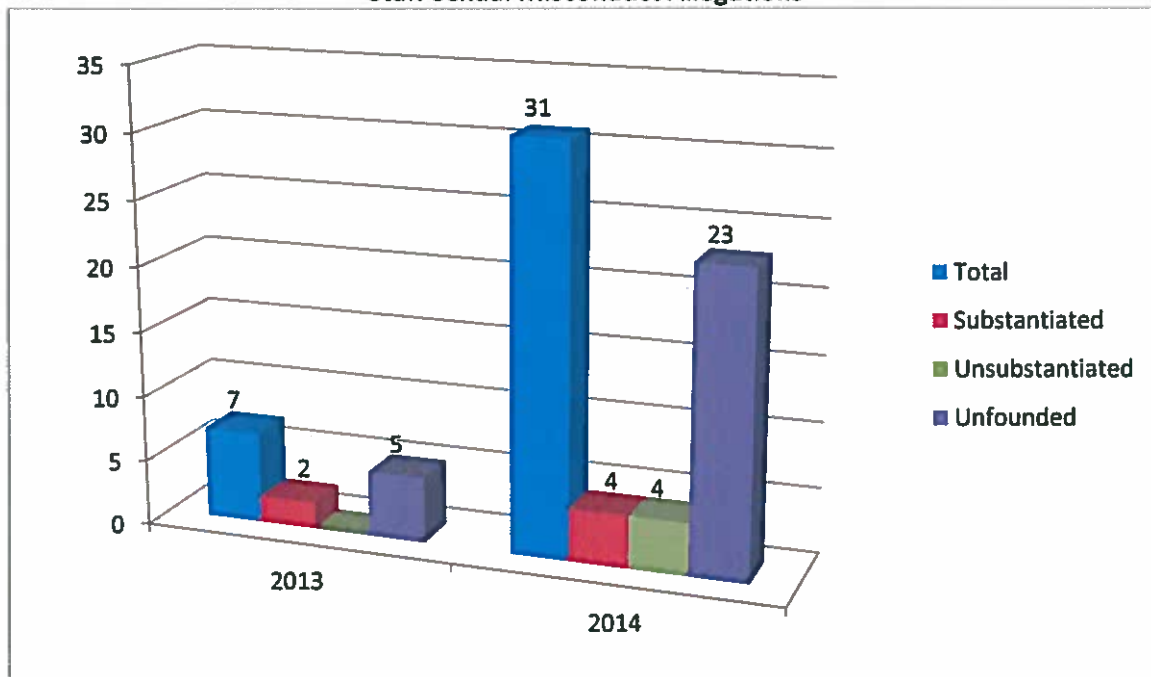
#### Staff on Juvenile Sexual Harassment Allegations



2013 data did not include contract facilities

\*Incidents of staff on juvenile sexual harassment show a low rate of reported incidents.

#### Staff Sexual Misconduct Allegations



2013 data did not include contract facilities

\*There was an increase in allegations of staff sexual misconduct, which resulted in a report to the local law enforcement agency and/or the county Department of Human Services for investigation. All thirty-one (31) allegations are closed; of the reported allegations four (4) resulted in a substantiated finding.

### Staff-on-Juvenile Sexual Misconduct

#### Staff-on-juvenile Sexual Harassment and Sexual Misconduct Data Collected:

Using the BJS definitions, there was one (1) allegations of staff sexual harassment and thirty-one (31) staff sexual misconduct allegations. All reports alleging staff sexual misconduct were reported to the local Department of Human Services and/or the local law enforcement agency. A total of four (4) allegations of staff sexual misconduct were substantiated. The following table presents the allegations by facility.



**Staff-on-Juvenile Sexual Misconduct Allegations  
January 1 – December 31, 2014**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	1	1	0	0
*Marvin W. Foote Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	4	0	0	4
*Gilliam Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
Lookout Mountain Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	8	1	0	7
*Mount View Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	1	1
**Platte Valley Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
**Pueblo Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
*Spring Creek Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	1	0	0
Zeb Pike Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
I Rite of Passage-Betty K. Marler	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	6	1	3	2
Rite of Passage-Ridge View	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
* Jefferson Hills-Aurora	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
Southern Peak	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
Total	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	31	4	4	23

All male facility, ! All female facility, \*Co-ed facility with separate programming, \*\*Co-ed programming (pods, school, meals, etc.)

**Staff-on-Juvenile Substantiated Allegation Detail  
January 1 – December 31, 2014**

<b>FACILITY</b>	<b>TYPE</b>	<b># SUB</b>	<b>RESIGNED</b>	<b>TERMINATED</b>	<b>CORRECTIVE ACTION</b>
<b>**Adams Youth Services Center</b>	STAFF SEXUAL HARASSMENT	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	STAFF SEXUAL MISCONDUCT – KISSING, SEXUAL ACTIVITY	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>Lookout Mountain Youth Services Center</b>	STAFF SEXUAL HARASSMENT – COMMENTS	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>*Spring Creek Youth Services Center</b>	STAFF SEXUAL HARASSMENT	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>
<b>***Rite of Passage-Betty K. Marler</b>	STAFF SEXUAL HARASSMENT	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	STAFF SEXUAL MISCONDUCT – NONCONSENSUAL TOUCHING (criminal charges were filed; not licensed)	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Total</b>		<b>4</b>	<b>1</b>	<b>3</b>	<b>0</b>

All male facility, I All female facility, \*Co-ed facility with separate programming, \*\*Co-ed programming (pods, school, meals, etc.)

**Corrective Action:**

The high incidents of alleged staff sexual misconduct may be attributed to enhanced youth education and informing the youth of formal reporting procedures, which includes an education video. The increase allegations showed there were five allegations as a result of pat search practices, five (5) allegations where the youth recanted during the investigation with either law enforcement or the Department of Human Services investigator (one youth was criminally charged with making false allegations on three occasions); two (2) reports alleged staff was looking into the bathroom at them during routine security checks (this was verified via video monitoring review); and three (3) allegations where youth made a report utilizing the grievance process and wrote the grievances using another youth's name. In response to the increase in false reports, the brochure will address the potential consequences for making false allegations.

Of the substantiated cases of staff sexual misconduct it appears the facilities did a better job of recognizing misconduct, and making reports to the appropriate investigating entity. One incident had early warning signs that went unaddressed, which resulted in a resident being victimized by a contract staff member. This incident was reported to the local law enforcement agency as well as the Department of Human Services. The report did not result in the filing of charges; however, the contractor was reported to the appropriate licensing board. Two incidents involved staff members writing letters to juveniles with the intent of engaging in a romantic relationship. One staff member was a new State employee on probation while the other employee was a certified State employee. In both instances the employees co-workers recognized the warning signs and reported to their supervisors. One incident which resulted in the filing of charges was reported by the alleged victim and is an open case going through court proceedings. Staff training will continue to reinforce recognizing staff misconduct warning signs and mandatory reporting responsibilities.

**Conclusion:**

Collected data for 2014 includes sexual abuse and sexual harassment allegations at state operated and facilities contracted by NYC where the victim and/or perpetrator are NYC clients. NYC will continue to collect data from the contract facilities, and will monitor the contract agencies compliance with the PREA standards.

  
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Charles Parkins, Division Director

12/8/15  
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Date