

2015

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 Division of Child Welfare child abuse and neglect hotline which allows youth to confidentially report sexual abuse and sexual harassment, updating fingerprint background checks for staff hired prior to 1999, and contracting with juvenile facility PREA auditors to audit at least one third of Division of Youth Corrections facilities annually. PREA Audits for eight state-operated and two secure contract facilities were completed during the third audit cycle (August 20, 2015-August 19, 2016).

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 its contract residential 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 information provided to BJS through the Survey of Sexual Victimization for 2015. This report also includes comparisons from 2013 to 2015.

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 program specific and aggregate data collected for the year beginning January 1, 2015 and ending December 31, 2015. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

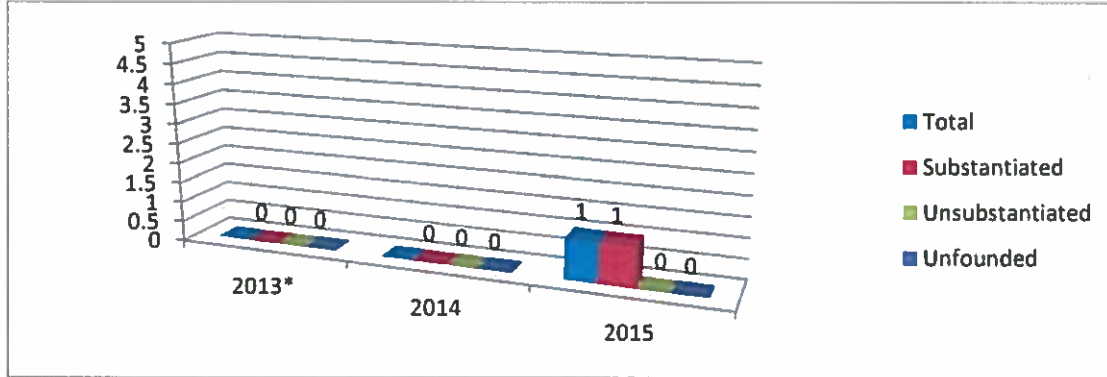
Definitions:

- ❖ **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.



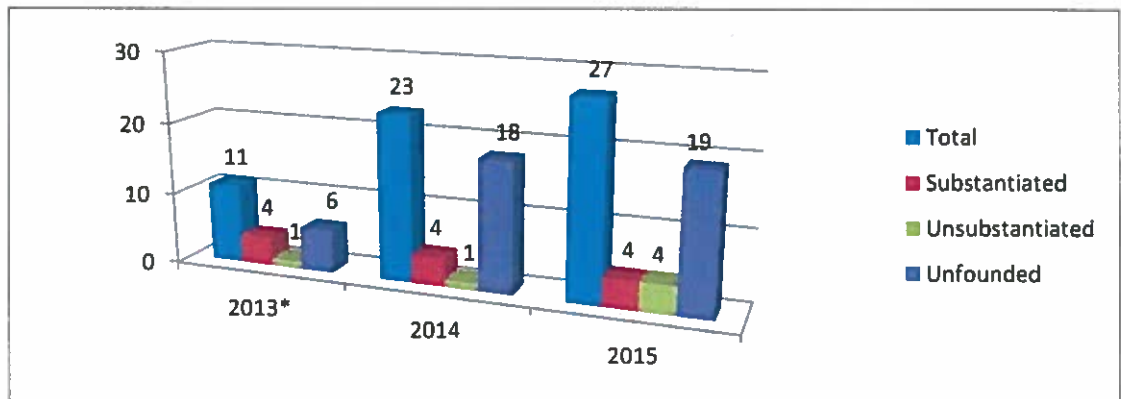
Comparison Statistics by Category

Nonconsensual Sexual Acts Juvenile on Juvenile



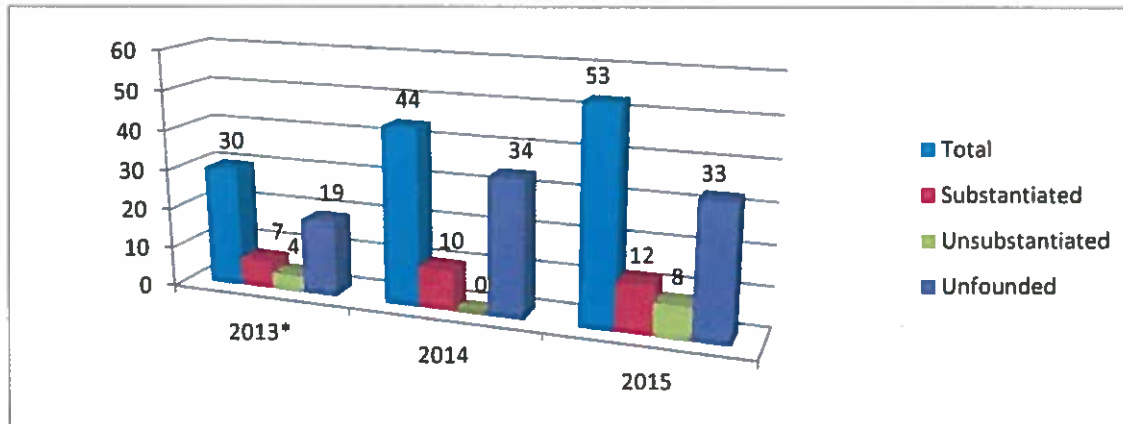
* 2013 data did not include contract facilities

Abusive Sexual Contact Allegations Juvenile on Juvenile



*2013 data did not include contract facilities

Sexual Harassment Allegations Juvenile on Juvenile

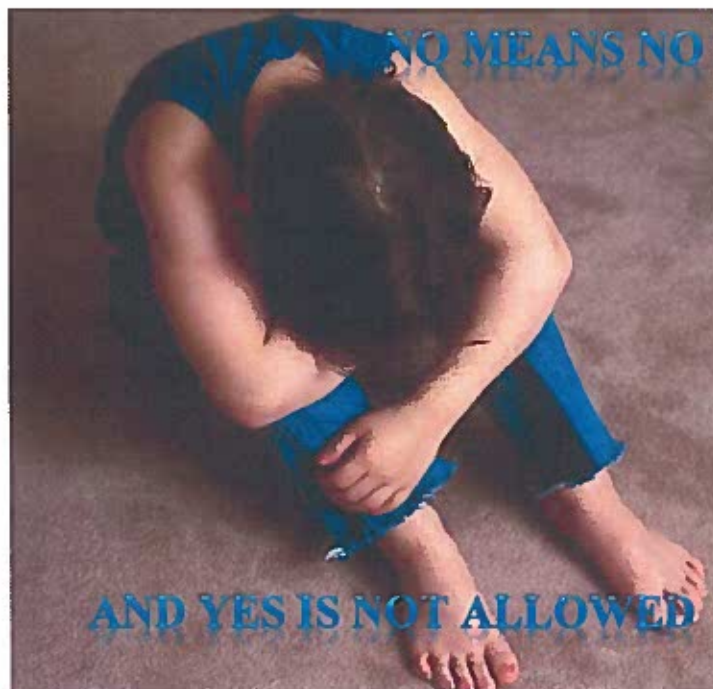


*2013 data did not include contract facilities

Juvenile-on-Juvenile Allegations and Incidents

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 residential 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 in Golden and Zebulon Pike Youth Services Center in Colorado Springs. Robert E. DeNier Youth Services Center in Durango is a secure contract program serving detention and committed youth, and Betty K. Marler Youth Services Center is an all-girls commitment facility and is located in Denver. DYC's contract residential programs are located throughout the state. Using the BJS definitions; there was one (1) allegation of juvenile on juvenile nonconsensual sexual contact. The allegation was substantiated based on the victim's inability to consent due to age. Eight (8) state-operated facilities and five (5) contract facilities had reports of juvenile on juvenile abusive sexual contact allegations for a total of twenty-seven (27) allegations. Of the twenty-seven (27) allegations four (4) were substantiated, four (4) were unsubstantiated and nineteen (19) were unfounded. The reports of abusive sexual contact increased by four (4) allegations from 2014; this slight increase may be attributed to continued resident orientation and education on the resident's right to be free from sexual abuse and sexual harassment as well as methods for reporting incidents.



**Juvenile-on-Juvenile Non-Consensual Sexual Contact and Abusive Sexual Contact Allegations
January 1 – December 31, 2015**

SECURE FACILITIES	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**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	1	0	0	1
*Gilliam Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
**Grand Mesa Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
Lookout Mountain Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	1	0	1
*Mount View Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
**Platte Valley Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	5	1	0	4
**Pueblo Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	4	0	1	3
*Spring Creek Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	1	0
Zeb Pike Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	1	0	1
CONTRACT FACILITIES					
! Rite of Passage-Betty K. Marler	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	2	0	1	1
Rite of Passage-Ridge View	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
** Robert Denier Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	1	0
**Third Way-Lowry	NONCONSENSUAL SEXUAL ACTS	1	1	0	0
	ABUSIVE SEXUAL CONTACT	5	0	0	5
*Jefferson Hills-Aurora	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
Total:	NONCONSENSUAL SEXUAL ACTS	1	1	0	0
	ABUSIVE SEXUAL CONTACT	27	4	4	19

Facility is all male, ! Facility is all female, *Facility has male and female residents, **Facility has co-ed programming (pods, school, meals, etc.)

There was one allegation of juvenile on juvenile nonconsensual sexual act at one (1) contract residential facility in 2015. The allegation involved a resident who made the age of majority (18 years-old) and the victim was not at an age of consent (14 years-old). Of the twenty-seven (27) abusive sexual contact allegations, all 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 cases resulted in physical injuries requiring medical attention, and all were referred to the facility behavioral health staff for victim support services. Reports to law enforcement resulted in two (2) criminal charge filings; resulting in charges being dismissed. The gender identities of youth in the four (4) substantiated allegations were two female (one (1) victim and one (1) perpetrator); ten (10) males, 6 were victims and 4 were perpetrators.

All ten state-operated and four contract facilities reported juvenile-on-juvenile sexual harassment allegations. Using the BJS definition, there were twelve (12) substantiated allegations, eight (8) unsubstantiated, and thirty-three (33) unfounded allegations. The following table represents the allegations by facility.

**Juvenile-on-Juvenile Sexual Harassment Allegations
January 1 – December 31, 2015**

SECURE FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	SEXUAL HARASSMENT	2	2	0	0
*Marvin W. Foote Youth Services Center	SEXUAL HARASSMENT	4	2	1	1
*Gilliam Youth Services Center	SEXUAL HARASSMENT	3	0	0	3
**Grand Mesa Youth Services Center	SEXUAL HARASSMENT	3	1	0	2
Lookout Mountain Youth Services Center	SEXUAL HARASSMENT	2	1	0	1
*Mount View Youth Services Center	SEXUAL HARASSMENT	7	2	1	4
**Platte Valley Youth Services Center	SEXUAL HARASSMENT	7	1	0	6
**Pueblo Youth Services Center	SEXUAL HARASSMENT	3	0	0	3
*Spring Creek Youth Services Center	SEXUAL HARASSMENT	14	2	5	7
Zeb Pike Youth Service Center	SEXUAL HARASSMENT	1	0	0	1
CONTRACT FACILITY					
* Robert Denier Youth Services Center	SEXUAL HARASSMENT	3	1	0	2
Third Way-Lincoln	SEXUAL HARASSMENT	2	0	1	1
Devereux Cleo Wallace	SEXUAL HARASSMENT	1	0	0	1
! Betty K Marler Youth Services Center	SEXUAL HARASSMENT	1	0	0	1
TOTAL		53	12	8	33

Facility is all male, ! Facility is all female, *Facility has both male and female residents, **Facility has co-ed programming (pods, school, meals, etc.)

Overview of Information:

There were a total of fifty-three allegations of juvenile-on-juvenile sexual harassment in state-operated and contract facilities. The total represents a slight increase from the data collected in 2014. Through the due process hearing there is increased youth accountability and an internal investigation of the allegation. Of the thirty-three (33) unfounded allegations, all were formally investigated internally and/or externally. Of the twelve (12) substantiated allegations of juvenile-on-juvenile sexual harassment the perpetrators were found guilty through due process hearings or admitted to the behavior; twelve (12) allegations were referred to law enforcement and two (2) resulted in filing of charges.



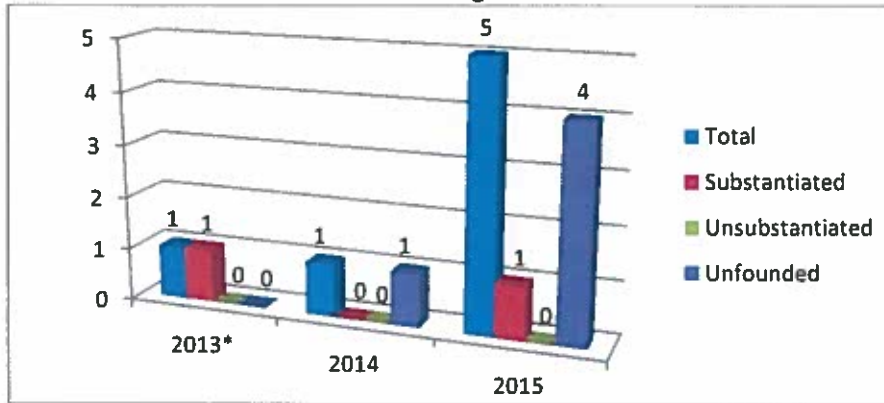
Corrective Action:

The facilities continue to work on identifying incidents that are actual PREA allegations and what is inappropriate behavior containing sexual content (i.e., inappropriate sexual language, written letters with sexual content), and should be classified as a behavior management issue. When there has been confusion in regards to the appropriate classification, facility staff has collaborated with their facility administrators and/or the statewide PREA Coordinator for guidance.

During the 2015 data collection period the Division of Youth Corrections established an outside reporting method with the Colorado Child Abuse and Neglect Hotline, which allows the youth to report sexual abuse or sexual harassment allegation anonymously upon their request. Posters advertising the Hotline are printed in English and Spanish to ensure the communication is available for limited English speaking residents. The Division was notified by the Hotline Coordinator on two (2) occasions since the implementation of the hotline that youth were making prank calls. The identified facilities were able to investigate and identify the youth involved and address the behavior at the lowest level so as not to embarrass or humiliate, yet still hold the youth accountable for their behavior.

Comparison Statistics by Category

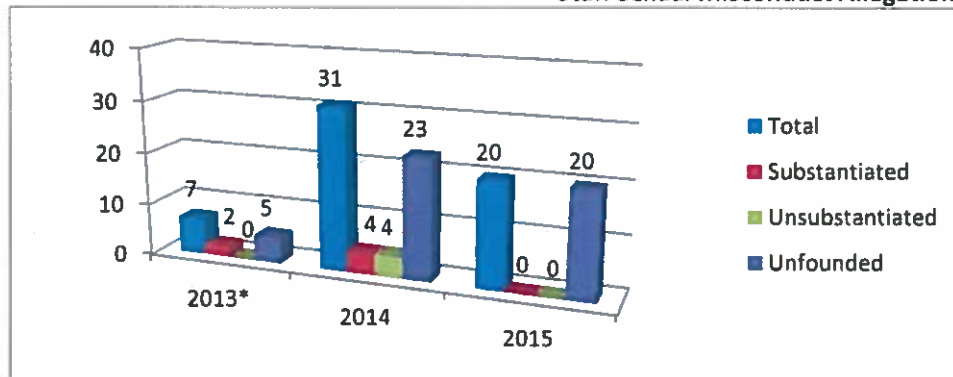
Staff on Juvenile Sexual Harassment Allegations



*2013 data did not include contract facilities

- Incidents of staff on juvenile sexual harassment show a low rate of reported incidents over all three (3) years.

Staff Sexual Misconduct Allegations



*2013 data did not include contract facilities

- There was a decrease in allegations of staff sexual misconduct in 2015 in comparison to 2014. All twenty (20) allegations are closed and were unfounded.

Staff-on-Juvenile Sexual Misconduct

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

Using the BJS definitions, there were five (5) allegations of staff sexual harassment and twenty (20) staff sexual misconduct allegations. Of the twenty reports alleging staff sexual misconduct 19 were reported to the local Department of Human Services and/or the local law enforcement agency. Zero staff sexual misconduct allegations were substantiated. The one allegation that was not reported to law enforcement or the Department of Human Services was because the facility has the ability to review video monitoring equipment on the date and time the resident reported the allegation occurred, and was able to see the resident did not have contact with the staff member on that day. The following table represents the allegations by facility.

**Staff-on-Juvenile Sexual Misconduct and Harassment Allegations
January 1 – December 31, 2015**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
*Grand Mesa Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
*Gilliam Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
Lookout Mountain Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	4	0	0	4
*Mount View Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	3	0	0	3
**Platte Valley Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	3	0	0	3
**Pueblo Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
*Spring Creek Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	3	0	0	3
Zeb Pike Youth Services Center	STAFF SEXUAL HARASSMENT	2	0	0	2
	STAFF SEXUAL MISCONDUCT	1	0	0	1
! Rite of Passage-Betty K. Marler	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
Hilltop	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
Ridge View	STAFF SEXUAL HARASSMENT	1	1	0	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
Total	STAFF SEXUAL HARASSMENT	5	1	0	4
	STAFF SEXUAL MISCONDUCT	20	0	0	20

Facility is all male, ! Facility is all female, *Facility has both male and female residents, **Facility has co-ed programming (pods, school, meals, etc.)

Corrective Action:

There was a decrease in allegations of staff sexual misconduct during this data collection period. The high incidents of alleged staff sexual misconduct during the 2014 data collection period were attributed to enhanced youth education and informing the youth of formal reporting procedures, including use of an education video. Research shows there will be an increase at the implementation of education and a slight decrease over a period of time. The staff sexual misconduct allegations showed there were two (2) allegations resulting in the youth being transported to the hospital for a SANE examination; two (2) allegations were as a result of pat search practices. Eleven (11) were investigated by the local law enforcement agency or the local Department of Human Services (one youth recanted during the investigation); and eight (8) were screened out by DHS and did not result in an external investigation. All twenty (20) allegations were investigated internally, and determined to be unfounded. The one (1) staff sexual harassment allegation resulted in the staff member being terminated.

While none of the staff sexual misconduct allegations resulted in a substantiated finding, one staff member was terminated for poor boundaries after an internal investigation (i.e., using personal cellular phone while providing supervision, not holding youth accountable, allowing youth to make unauthorized phone calls).

Conclusion:

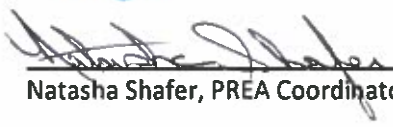
Data collected during 2016 will be reviewed by the PREA Coordinator throughout the year to determine agency and facility specific corrective action or training needs. The Division established a TRAILS database coalition to update the TRAILS report pick list to categorize inappropriate language, and inappropriate sexual behavior that should not be treated as a PREA allegation.



Anders Jacobson, Interim Director

12.6.16

Date



Natasha Shafer, PREA Coordinator

12-7-16

Date