

**2016**

# Prison Rape Elimination Act



**COLORADO**

**Office of Children,  
Youth & Families**

Division of Youth Services

# 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. Prior to the finalization of the DOJ's PREA standards, the Division of Youth Services (DYS) made efforts to comply with the PREA Act beginning in 2008 by implementing policies and procedures, training employees, contractors and volunteers, and educating youth.

The Colorado Department of Human Services, Division of Youth Services (DYS) provides for the care and supervision of youth between the ages of 10-21 who are pre-adjudicated or committed by the District Court. DYS is comprised of 10 state-owned and operated secure facilities, contracts with a private provider to operate two state-owned secure facilities, and contracts with a variety of private providers to serve youth in residential programs throughout the state. Five State-owned and -operated facilities serve only detention youth; the Gilliam Youth Services Center in Denver, the Marvin W. Foote Youth Services Center in Englewood, the Adams Youth Services Center in Brighton, the Pueblo Youth Services Center in Pueblo, and the Spring Creek Youth Services Center in Colorado Springs. Three secure State-operated facilities and one secure privately-operated facility are multi-purpose, serving detention and committed youth: these are the Platte Valley Youth Services Center in Greeley, the Grand Mesa Youth Services Center in Grand Junction, the Mount View Youth Services Center in Denver, and the Robert E. Denier Youth Services Center in Durango. Two DYS secure State-operated facilities and one secure privately-operated facility serve committed youth exclusively: they are the all-male Lookout Mountain Youth Services Center in Golden, the all-male Zebulon Pike Youth Services Center in Colorado Springs, and the all-female Betty K. Marler Youth Services Center in Denver.

The DYS is committed to providing a safe environment for all youth in the care and custody of DYS. The DYS also supports efforts to detect, report, participate in PREA investigations, offer victim support services and will advocate for the prosecution of any perpetrator of sexual abuse, sexual assault, or sexual harassment that occurs in a DYS facility. As a result, ten of the state-owned and operated secure facilities and two of the state-owned and contracted secure facilities are required to demonstrate their zero tolerance of sexual abuse, sexual assault, and sexual harassment through an audit process. This audit shall include the review of the facility's policies and practices and involves speaking with staff and community organizations working in collaboration with the facility in their efforts to prevent, detect, and respond to sexual abuse, sexual assault, and sexual harassment. Over a three-year audit cycle, all of the state operated and contractor operated secure facilities must be audited by a DOJ Certified PREA Auditor.

**BJS Reporting Data:**

PREA standard §115.387 requires data be collected and aggregated on sexual abuse, sexual assault, and sexual harassment incidents in DYS and its contracted 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 that will be provided to BJS through the Survey of Sexual Victimization for 2016. This report also includes comparisons from 2013 to 2016.

### **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:**

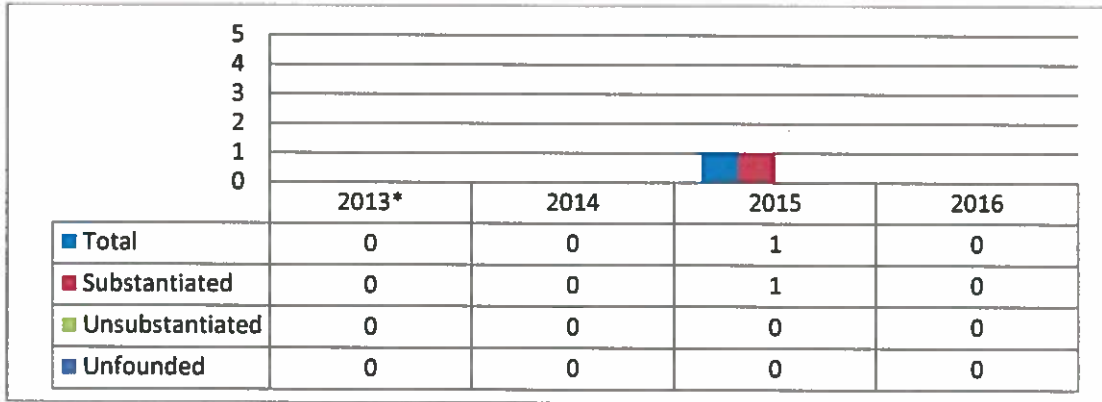
This report provides a review of program specific and aggregate data collected for the year beginning January 1, 2016 and ending December 31, 2016. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

### **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.

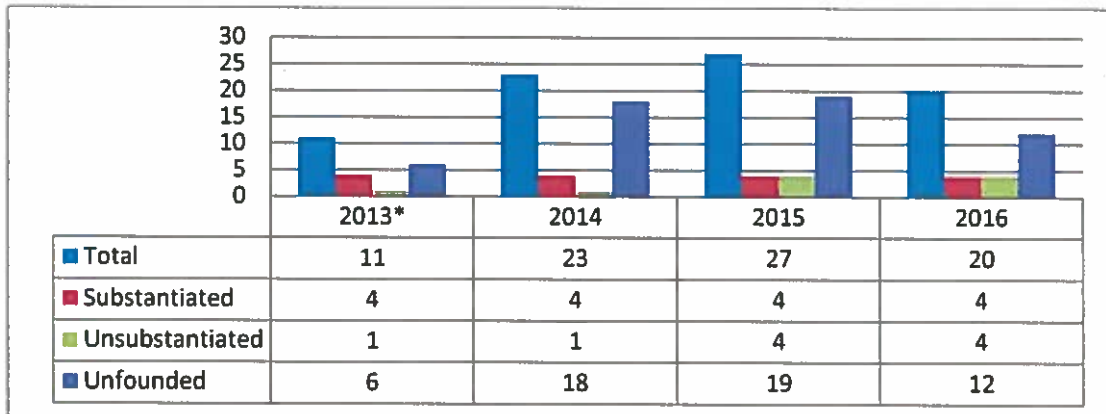
## Comparison Statistics by Category

### Nonconsensual Sexual Acts Juvenile on Juvenile



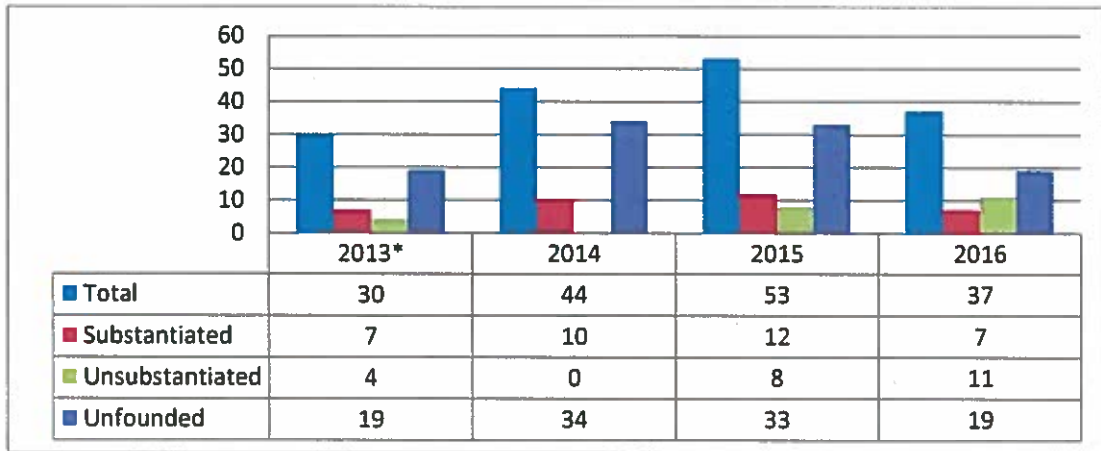
\* 2013 data did not include contract facilities

### 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:**

Using the BJS definitions; there were zero (0) allegations of juvenile on juvenile nonconsensual sexual contact. Six (6) state-operated facilities and two (2) contract facilities had reports of juvenile on juvenile abusive sexual contact allegations for a total of twenty (20) allegations. Of the twenty (20) allegations four (4) were substantiated, four (4) were unsubstantiated and twelve (12) were unfounded. The reports of abusive sexual contact saw a slight decrease from 2015; DYS will continue to provide resident orientation and education on residents' right to be free from sexual abuse and sexual harassment as well as methods for reporting incidents. The PREA Coordinator will partner with the facilities to provide additional resident education as-needed to address misconduct when it appears there is a spike in allegations within the facility.

**Juvenile-on-Juvenile Non-Consensual Sexual Contact and Abusive Sexual Contact Allegations  
January 1 – December 31, 2016**

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	1	0	0	1
**Grand Mesa Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
Lookout Mountain Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	3	0	2	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	4	0	0	4
**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	4	1	0
Zeb Pike Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
<b>SECURE CONTRACT FACILITIES</b>					
! Rite of Passage-Betty K. Marler	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	3	0	1	2
** Rite of Passage-Robert Denier Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
<b>CONTRACT FACILITIES</b>					
Rite of Passage-Ridge View Academy	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
**Third Way-York	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	20	4	4	12

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

Of the twenty (20) abusive sexual contact allegations, eighteen were reported to the local law enforcement agency and all were reported to the local department of human services. The two (2) allegations that were not referred to law enforcement were disproven by video monitoring, which refuted the allegation. 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 one (1) criminal charge filing; at the time of this report the case is still pending disposition. The gender identities of youth in the four (4) substantiated allegations were five (5) female (two (2) victims and three (3) perpetrators); three (3) males, two (2) were victims and one (1) was a perpetrator.

Nine (9) state-operated and zero (0) contract facilities reported juvenile-on-juvenile sexual harassment allegations. Using the BJS definition, there were seven (7) substantiated allegations, eleven (11) unsubstantiated, and nineteen (19) unfounded allegations. The following table represents the allegations by facility.

**Juvenile-on-Juvenile Sexual Harassment Allegations  
January 1 – December 31, 2016**

SECURE FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	SEXUAL HARASSMENT	0	0	0	0
*Marvin W. Foote Youth Services Center	SEXUAL HARASSMENT	4	1	2	1
*Gilliam Youth Services Center	SEXUAL HARASSMENT	1	0	0	1
**Grand Mesa Youth Services Center	SEXUAL HARASSMENT	1	1	0	0
Lookout Mountain Youth Services Center	SEXUAL HARASSMENT	7	1	2	4
*Mount View Youth Services Center	SEXUAL HARASSMENT	2	1	1	0
**Platte Valley Youth Services Center	SEXUAL HARASSMENT	6	1	0	5
**Pueblo Youth Services Center	SEXUAL HARASSMENT	1	0	0	1
*Spring Creek Youth Services Center	SEXUAL HARASSMENT	11	1	4	6
Zeb Pike Youth Service Center	SEXUAL HARASSMENT	4	1	2	1
<b>SECURE CONTRACT FACILITY</b>					
* Robert Denier Youth Services Center	SEXUAL HARASSMENT	0	0	0	0
! Betty K Marler Youth Services Center	SEXUAL HARASSMENT	0	0	0	0
<b>TOTAL</b>		<b>37</b>	<b>7</b>	<b>11</b>	<b>19</b>

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



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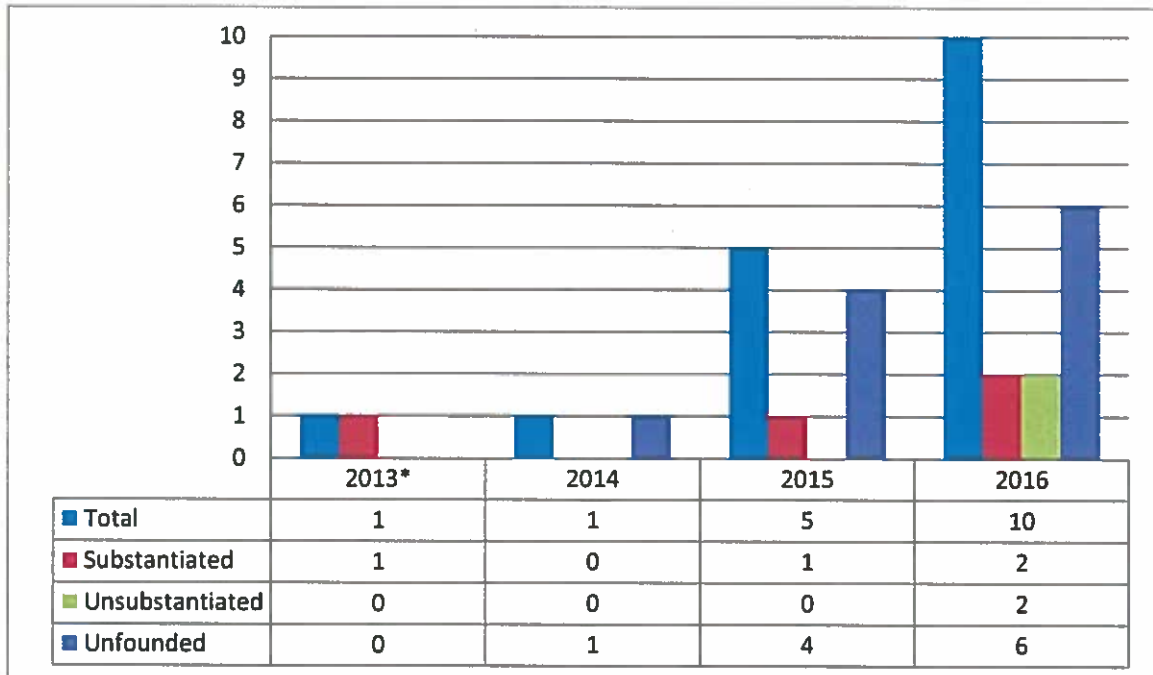
**Overview of Information:**

There were a total of thirty-seven (37) allegations of juvenile-on-juvenile sexual harassment in state-operate. The total represents a decrease from the data collected in 2015. Of the nineteen (19) unfounded allegations, all were formally investigated internally and/or externally. Of the seven (7) substantiated allegations of juvenile-on-juvenile sexual harassment the perpetrators were found guilty through due process hearings or admitted to the behavior; four (4) allegations were referred to law enforcement and zero (0) resulted in filing of charges.

**Corrective Action:**

The PREA Coordinator will conduct two trainings during the 2017 calendar year; 1) training for intake staff to ensure accurate completion of the Vulnerability Assessment Instrument: Risk of Victimization and/or Sexually Aggressive Behavior/Violent Behavior screening tool. The main objective is to improve the fidelity of the administration of the screening tool, appropriate referral to facility behavioral health staff, and making housing and room assignment decisions. 2) Training for facility supervisors on their role and responsibility after receiving a sexual abuse disclosure. The training objectives are to discuss how to operationalize PREA policies, review key operational practice, and address critical policy components.

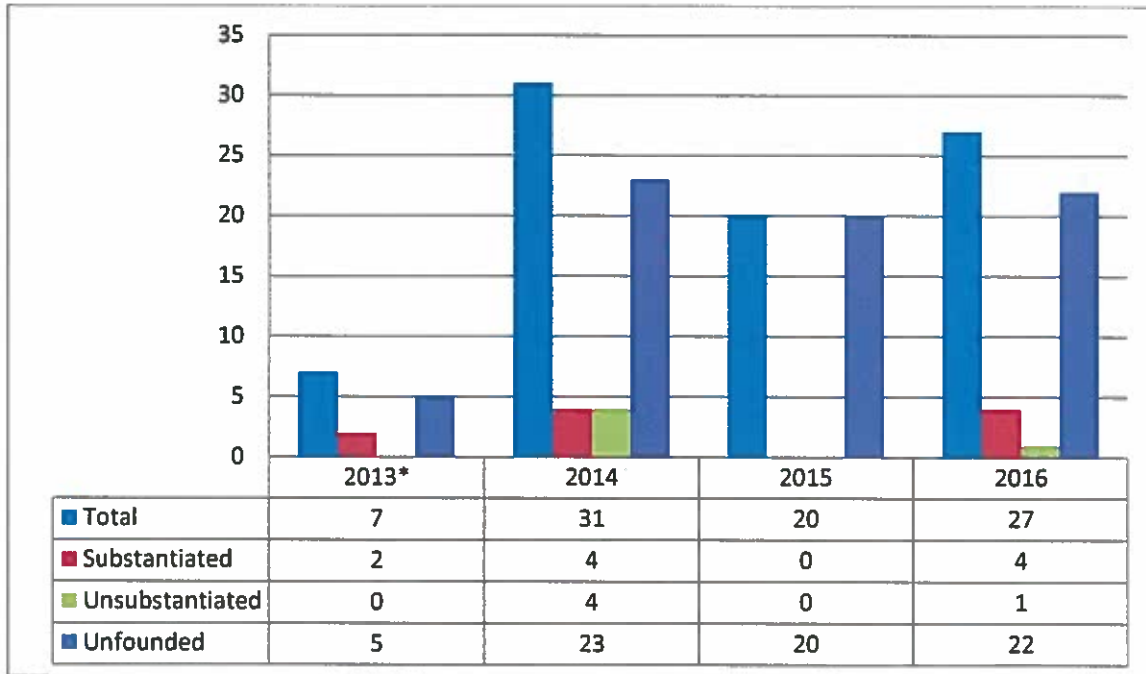
**Comparison Statistics by Category  
Staff on Juvenile Sexual Harassment Allegations**



\*2013 data did not include contract facilities

- The pattern over the last three (3) years show a significant increase in reported incidents although very little change in the number of substantiated incidents.

### Staff Sexual Misconduct Allegations



\*2013 data did not include contract facilities

- There was an increase in allegations of staff sexual misconduct in 2016 in comparison to 2015, though lower than 2014 allegations.

## Staff-on-Juvenile Sexual Harassment and Sexual Misconduct

### Data Collected:

Using the BJS definitions, there were ten (10) allegations of staff sexual harassment and twenty-seven (27) staff sexual misconduct allegations. Of the twenty-seven reports alleging staff sexual misconduct all were reported to the local Department of Human Services and twenty-three (23) were reported to the local law enforcement agency. Four (4) staff sexual misconduct allegations were substantiated, one (1) allegation could be reviewed through video monitoring and was determined to be a false allegation, three (3) were anonymous reports to the Child Abuse and Neglect Hotline with no staff identifying information provided. The following table represents the allegations by facility.

**Staff-on-Juvenile Sexual Misconduct and Harassment Allegations  
January 1 – December 31, 2016**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	3	0	0	3
Alternative Homes for Youth	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	0	0	2
I Betty K. Marler	STAFF SEXUAL HARASSMENT	1	0	1	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
*Gilliam Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	2	0	0
**Grand Mesa Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
*Jefferson Hills Aurora	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	1	0	0
Lookout Mountain Youth Services Center	STAFF SEXUAL HARASSMENT	3	2	0	1
	STAFF SEXUAL MISCONDUCT	5	0	0	5
*Marvin W Foote Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
*Mount View Youth Service Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
**Platte Valley Youth Services Center	STAFF SEXUAL HARASSMENT	2	0	0	2
	STAFF SEXUAL MISCONDUCT	7	0	0	7
**Pueblo Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	1	0	0	1
Ridge View	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	0	0	0	0
*Spring Creek Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	3	1	1	1
Zeb Pike Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	1	0
	STAFF SEXUAL MISCONDUCT	0	0	0	0
<b>Total</b>	STAFF SEXUAL HARASSMENT	10	2	2	6
	STAFF SEXUAL MISCONDUCT	27	4	1	22

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**Staff-on-Juvenile Substantiated Allegation Detail  
January 1 – December 31, 2016**

<b>FACILITY</b>	<b>TYPE</b>	<b>RESIGNED</b>	<b>TERMINATED</b>	<b>CORRECTIVE ACTION</b>	<b>CRIMINAL CHARGES</b>
<b>*Gilliam Youth Services Center</b>	<b>STAFF SEXUAL HARASSMENT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>STAFF SEXUAL MISCONDUCT – SEXUAL MISCONDUCT, SOCIAL MEDIA CONTACT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>*Spring Creek Youth Services Center</b>	<b>STAFF SEXUAL HARASSMENT – COMMENTS</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>*Lookout Mountain Youth Services Center</b>	<b>STAFF SEXUAL HARASSMENT – JOKES, COMMENTS, ETC.</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>
	<b>STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>*Jefferson Hills Youth Services Center</b>	<b>STAFF SEXUAL HARASSMENT</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>
<b>Total</b>		<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>

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

**Corrective Action:**

There was an increase in allegations of staff sexual misconduct during this data collection period as compared to last. The staff sexual misconduct allegations showed there was one (1) allegation resulting in the youth being transported to the hospital for a SANE examination; six (6) allegations were as a result of a pat or strip search practices. Twenty-three (23) were investigated by the local law enforcement agency or the local Department of Human Services; and twelve (12) were screened out by DHS and did not result in an external investigation. Three (3) allegations were screened out by DHS and law enforcement due to the alleged victim being 18 years-old or older; while one (1) allegation involving an 18 year-old resident, with a substantiated finding was overturned on appeal. All twenty-seven (27) allegations were investigated internally and have been closed. Of the four (4) substantiated allegations: one (1) staff member resigned during the investigation, one (1) staff member was involved in two allegations against two residents and was criminally charged, and One (1) staff member was terminated as a result of the Department of Human Services investigation and finding.

**Conclusion:**

The Division will continue its high priority to hold staff that engage in sexual misconduct accountable administratively, and share pertinent information with other institutions upon request. Data collected during 2017 will continue to be reviewed by the PREA Coordinator throughout the year to identify agency and facility specific themes requiring corrective action and/or training needs.

  
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Anders Jacobson, Director

7.14.17  
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Date

  
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Natasha Shafer, PREA Coordinator

7-28-17  
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Date