

2017

Sexual Abuse and Misconduct Prevention



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 2017. This report also includes comparisons from 2013 to 2017.

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:

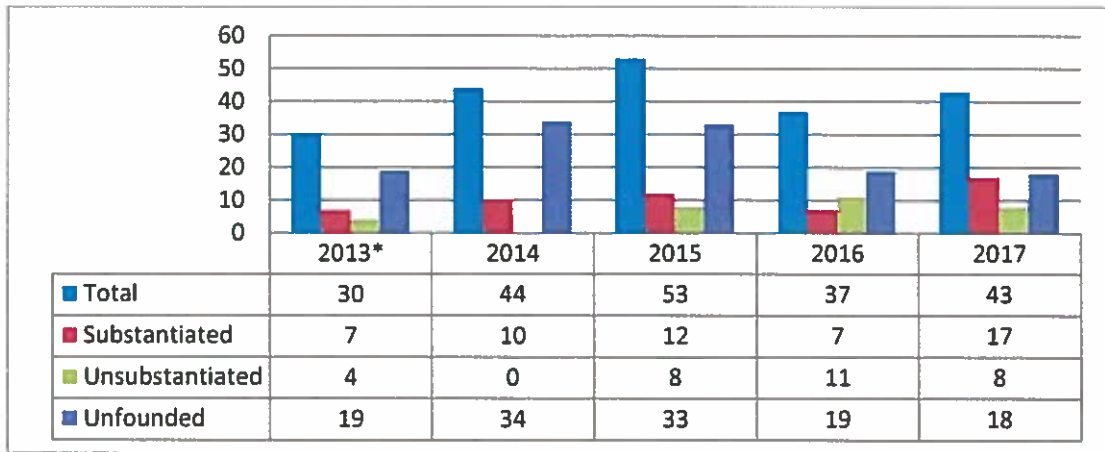
This report provides a review of program specific and aggregate data collected for the year beginning January 1, 2017 and ending December 31, 2017. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

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.
- ❖ ***Youth-on-Youth 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

Sexual Harassment Allegations Youth on Youth



* 2013 data did not include contract facilities

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.

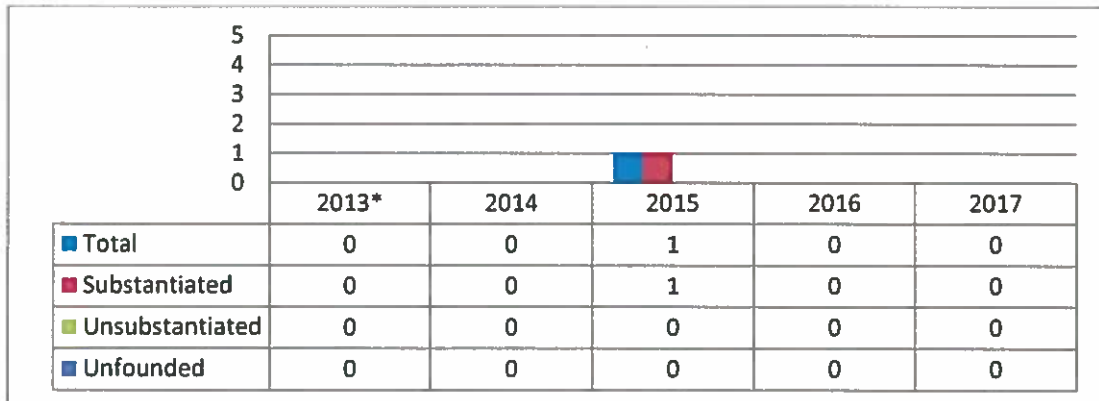
SECURE FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	SEXUAL HARASSMENT	1	1	0	0
*Marvin W. Foote Youth Services Center	SEXUAL HARASSMENT	3	1	1	1
*Gilliam Youth Services Center	SEXUAL HARASSMENT	1	1	0	0
**Grand Mesa Youth Services Center	SEXUAL HARASSMENT	2	1	0	1
Lookout Mountain Youth Services Center	SEXUAL HARASSMENT	10	4	2	4
*Mount View Youth Services Center	SEXUAL HARASSMENT	2	1	0	1
**Platte Valley Youth Services Center	SEXUAL HARASSMENT	9	3	2	4
**Pueblo Youth Services Center	SEXUAL HARASSMENT	0	0	0	0
*Spring Creek Youth Services Center	SEXUAL HARASSMENT	4	2	0	2
Zeb Pike Youth Service Center	SEXUAL HARASSMENT	6	1	2	3
SECURE CONTRACT FACILITY					
! Betty K Marler Youth Services Center	SEXUAL HARASSMENT	3	2	0	1
CONTRACT FACILITY					
Ridge View Youth Services Center	SEXUAL HARASSMENT	1	0	1	0
Turning Point	SEXUAL HARASSMENT	1	0	0	1
TOTAL		43	17	8	18

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:

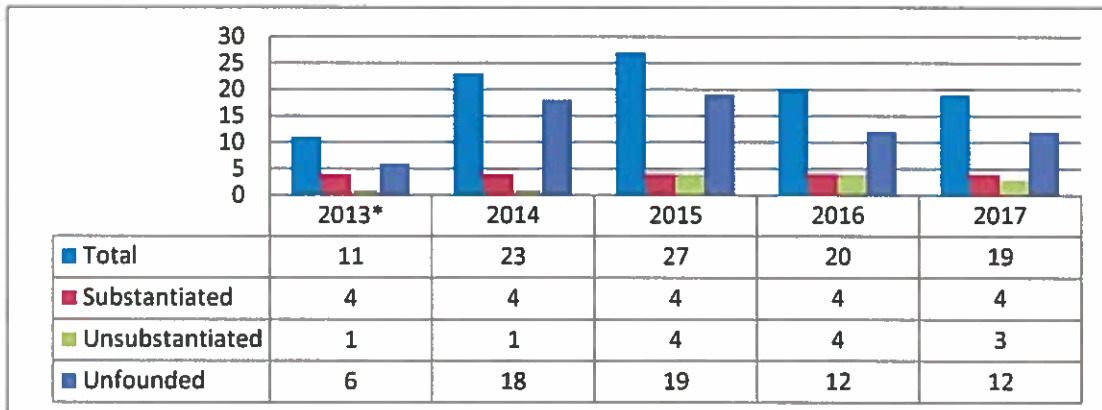
There were a total of forty-three (43) allegations of youth-on-youth sexual harassment in state-operated facilities. The total represents an increase from the data collected in 2016. Of the eighteen (18) unfounded allegations, all were formally investigated internally and/or externally. Of the seventeen (17) substantiated allegations of youth-on-youth sexual harassment the perpetrators were found guilty through due process hearings or admitted to the behavior; five (5) allegations were referred to law enforcement and zero (0) resulted in filing of charges.

Nonconsensual Sexual Acts Youth on Youth



* 2013 data did not include contract facilities

Abusive Sexual Contact Allegations Youth on Youth



*2013 data did not include contract facilities

Youth-on-Youth Allegations and Incidents

Youth on Youth Nonconsensual Sexual Acts/Abusive Sexual Contact Data Collected:

Using the BJS definitions; there were zero (0) allegations of youth on youth nonconsensual sexual contact. Five (5) state-operated facilities and three (3) contract facilities had reports of juvenile on juvenile abusive sexual contact allegations for a total of nineteen (19) allegations. Of the nineteen (19) allegations four (4) were substantiated, three (3) were unsubstantiated and twelve (12) were unfounded. The reports of abusive sexual contact remained steady from 2016; DYS will develop a resident education video specific to DYS and develop a facilitator guide to assist staff in providing 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.

January 1 – December 31, 2017

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	2	0	0	2
*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	5	2	0	3
Lookout Mountain Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	6	1	2	3
*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	2	0	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	1	0	0	1
Zeb Pike Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
SECURE CONTRACT FACILITIES					
! Rite of Passage-Betty K. Marler	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
** Rite of Passage-Robert Denier Youth Services Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	0	0	0	0
CONTRACT FACILITIES					
Rite of Passage-Betty K Marler Youth Service Center	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	0	1
Mesa County Community Corrections	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	0	1	0
Rite of Passage-Ridge View Youth Service	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	1	1	0	0
Total	NONCONSENSUAL SEXUAL ACTS	0	0	0	0
	ABUSIVE SEXUAL CONTACT	19	4	3	12

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

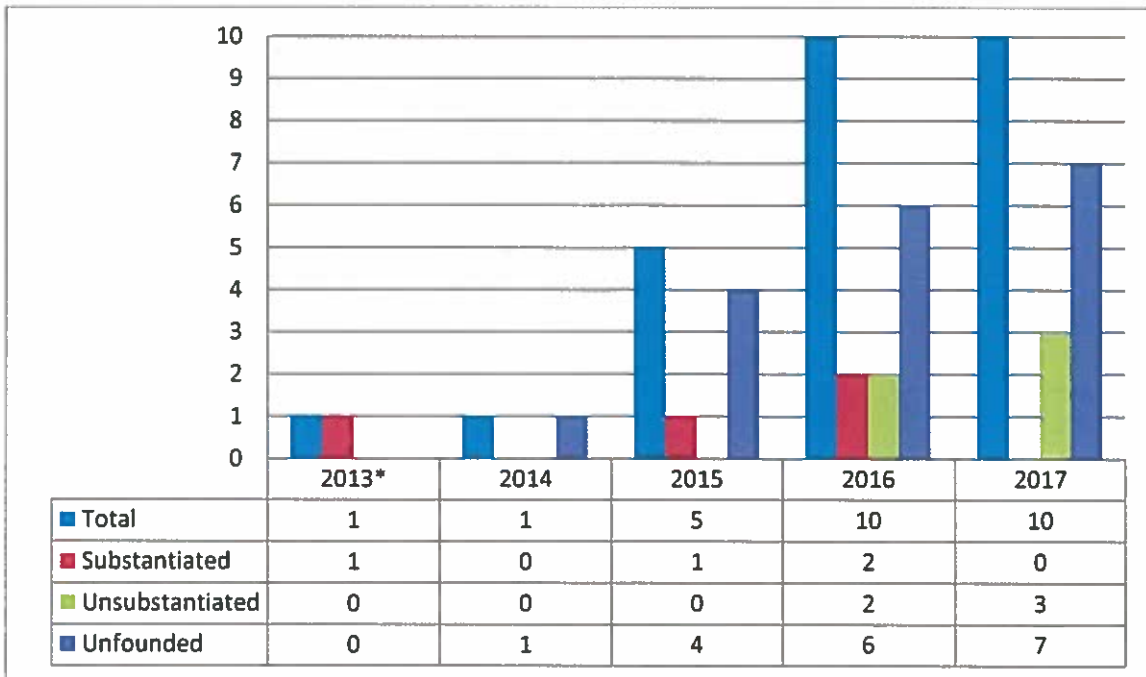
Of the nineteen (19) abusive sexual contact allegations, fourteen (14) were reported to the local law enforcement agency and fifteen (15) were reported to the local department of human services. None of the cases resulted in physical injuries requiring medical attention, and all were referred to the facility behavioral health staff for victim support services. Reports to law enforcement resulted in zero (0) resulted in criminal charges. The gender identities of youth in the four (4) substantiated allegations were two (2) female victims and two (2) male victims; three (3) males perpetrators and one (1) female perpetrator.

Corrective Action:

DYS will produce a professional quality video and introduce a sexual abuse and misconduct prevention video for the youth. The video is intended to educate and reinforce the youth's rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and educating them about DYS policies and facility procedures for responding to allegations.

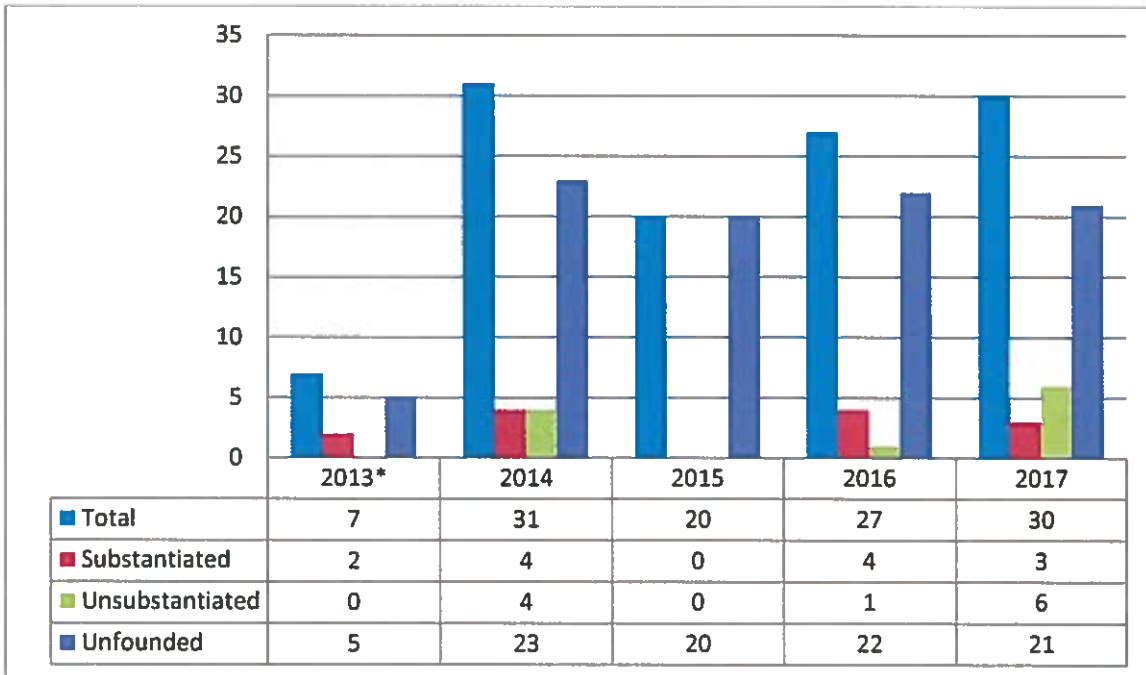
After 10 years, DYS has introduced a new name to address staff sexual misconduct, youth sexual abuse, youth on youth sexual harassment, staff on youth sexual harassment, and youth sexual misconduct. "Sexual Abuse and Misconduct Prevention" (SAM) has replaced "Prison Rape Elimination Act" (PREA) to represent language consistent with a trauma informed environment. The introduction of SAM better matches the Division's work with youth, and highlights the Division's goals of preventing sexual abuse and misconduct.

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



*2013 data did not include contract facilities

Staff Sexual Misconduct Allegations



*2013 data did not include contract facilities

- There was a slight increase in allegations of staff sexual misconduct in 2017 in comparison to 2016.

Staff-on-Youth Sexual Harassment and Sexual Misconduct

Data Collected:

Using the BJS definitions, there were ten (10) allegations of staff sexual harassment and thirty (30) staff sexual misconduct allegations. Of the thirty reports alleging staff sexual misconduct all were reported to the local Department of Human Services through the Child Abuse and Neglect Hotline and twenty-four (24) were reported to the local law enforcement agency. Three (3) staff sexual misconduct allegations were substantiated. Of the twenty-one unfounded allegations two (2) could be reviewed through video monitoring and were determined to be false allegations and one (1) youth recanted during the investigation. Eight (8) allegations were reported as a result of use of force and two (2) were anonymous reports to the Child Abuse and Neglect Hotline with no identifying information provided by the caller. The following table represents the allegations by facility.

**Staff-on-Juvenile Sexual Misconduct and Harassment Allegations
January 1 – December 31, 2017**

FACILITY	TYPE	TOTAL	SUBSTANTIATED	UNSUBSTANTIATED	UNFOUNDED
**Adams Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	1	0
† Betty K. Marler Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	4	0	1	3
** Robert E. Denier Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	1	0
	STAFF SEXUAL MISCONDUCT	1	1	0	0
*Gilliam Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
**Grand Mesa Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	2	1	0	1
Griffith Center for Children	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	1	0
*Jefferson Hills - Aurora	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT	1	0	0	1
Lookout Mountain Youth Services Center	STAFF SEXUAL HARASSMENT	2	0	1	1
	STAFF SEXUAL MISCONDUCT	7	1	1	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	2	0	0	2
	STAFF SEXUAL MISCONDUCT	3	0	0	3
**Platte Valley Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	6	0	1	5
*Spring Creek Youth Services Center	STAFF SEXUAL HARASSMENT	1	0	0	1
	STAFF SEXUAL MISCONDUCT	2	0	1	1
Zeb Pike Youth Services Center	STAFF SEXUAL HARASSMENT	3	0	1	2
	STAFF SEXUAL MISCONDUCT	0	0	0	0
Total	STAFF SEXUAL HARASSMENT	10	0	3	7
	STAFF SEXUAL MISCONDUCT	30	3	6	21

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

FACILITY	TYPE	RESIGNED	TERMINATED	CORRECTIVE ACTION	CRIMINAL CHARGES
**Robert E. Denier Youth Services Center	STAFF SEXUAL HARASSMENT	0	0	0	0
	STAFF SEXUAL MISCONDUCT – SEXUAL MISCONDUCT, SOCIAL MEDIA CONTACT	0	1	0	0
** Grand Mesa Youth Services Center	STAFF SEXUAL HARASSMENT – COMMENTS	0	0	0	0
	STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP	0	1	0	1
*Lookout Mountain Youth Services Center	STAFF SEXUAL HARASSMENT – JOKES, COMMENTS, ETC.	0	0	0	0
	STAFF SEXUAL MISCONDUCT – SEXUAL LETTERS WITH THE INTENT TO ENGAGE IN A ROMANTIC RELATIONSHIP	0	1	0	0
Total		0	3	0	1

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:

The Sexual Abuse and Misconduct Prevention Coordinator (formerly known as PREA Coordinator) will conduct two trainings during the 2018 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 the sexual abuse and misconduct prevention policies, review key operational practice, and address critical policy components. Both trainings were on the 2017 training calendar and will continue on an ongoing or as needed basis. In May 2018 DYS updated policy 3.20 (Relationships between Juvenile and Staff) to prohibit staff and youth interactions via social media sites. Staff, contractors and volunteers were introduced to the newly implemented brochure, "What You Should Know about Sexual Misconduct with Youth."

Policies 9.19 (Sexual Contact Prevention) and 3.14 (Personnel Actions Related to Alleged Child Abuse) will be updated with staff disciplinary language for violating sexual abuse and sexual harassment policies, which intends to put staff on notice of the potential consequences. DYS will add interview questions to the list of possible questions asked of potential candidates to assess candidate's professional boundaries.

Conclusion:

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



Anders Jacobson, Director

June 26, 2018
Date



Natasha Shafer, Sexual Abuse and Misconduct
Prevention Coordinator

June 26, 2018
Date