

COLORADO

Division of Youth Services

Office of Children, Youth & Families

The Colorado Division of Youth Services Sexual Abuse and Misconduct Prevention

PREA Data Report

January 1, 2018 – December 31, 2018



*~Achieving youth success and
safer Colorado communities.*

The Prison Rape Elimination Act (PREA) of 2003 was enacted to address sexual abuse, sexual assault and sexual harassment in confinement youth centers. The goal of PREA is to prevent, detect and respond to sexual abuse and sexual harassment 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 and sexual harassment. The four sets of standards correspond to different types of confinement 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 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 youth centers and contracts with private providers who offer a variety of services to youth in programs throughout the state. Five State-owned and operated youth centers serve only detention youth:

- Gilliam Youth Services Center in Denver
- Marvin W. Foote Youth Services Center in Englewood
- Adams Youth Services Center in Brighton
- Pueblo Youth Services Center in Pueblo
- Spring Creek Youth Services Center in Colorado Springs

Three secure State-operated youth centers serve both detained and committed youth:

- Platte Valley Youth Services Center in Greeley
- Grand Mesa Youth Services Center in Grand Junction
- Mount View Youth Services Center in Denver

Two DYS secure State-operated youth centers serve committed male youth exclusively:

- Lookout Mountain Youth Services Center in Golden
- Zebulon Pike Youth Services Center in Colorado Springs

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

BJS Reporting Data:

PREA standard §115.387 requires data be collected and aggregated on sexual abuse and sexual harassment incidents in DYS and its contracted residential youth centers. 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 has been provided to BJS through the Survey of Sexual Victimization for 2018. This report also includes comparisons from 2013 to 2018.

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 youth center 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:

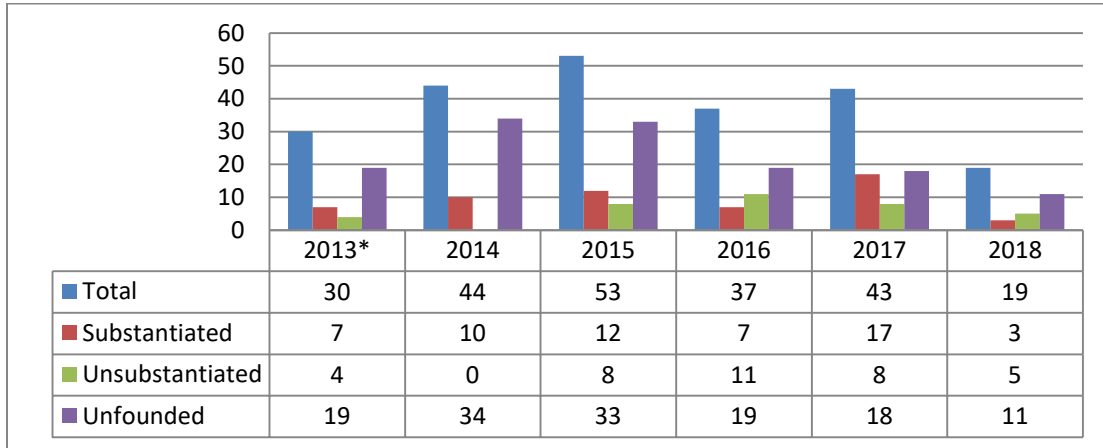
This report provides a review of program specific and aggregate data collected for the year beginning January 1, 2018 and ending December 31, 2018. Factors such as motivation, sexual orientation, gender identity, gang affiliation, and other possible contributing elements are reported when available.

Definitions:

- ***Abusive Sexual Contacts:*** Sexual contact of any person without consent, or of a person who is unable to consent or refuse; and intentional touching, directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks. EXCLUDES contact that was incidental to a physical altercation.
- ***Youth-on-Youth Sexual Harassment:*** Repeated and unwelcome sexual advances, requests for sexual favors, 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 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 residents' 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:*** Behavior or act of a sexual nature directed toward a youth by an employee, volunteer, contractor, official visitor, or other agency representative. Sexual relationships of a romantic nature between staff and youths are included in this definition. Consensual or nonconsensual sexual acts include 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

Youth on Youth Sexual Harassment Allegations



* 2013 data did not include contract youth centers

In 2018, seven (7) of the ten state operated youth centers reported youth on youth sexual harassment allegations. There were zero (0) substantiated allegations, four (4) unsubstantiated, and eleven (11) unfounded allegations.

The Betty K Marler program contracted with the State of Colorado to provide residential services to female youth in a secure setting. They reported one (1) allegation of youth on youth sexual harassment that was substantiated and treatment intervention was provided. The Marler program data includes allegations reported from January 1, 2018 through April, 30, 2019 when the contract with the state was dissolved.

The Ridge View staff-secure youth center contracts with the State of Colorado to provide residential services to male youth that are committed to the Division of Youth Services. Of the three (3) sexual harassment allegations reported by Ridge View, two (2) were substantiated resulting in treatment interventions. The one (1) unsubstantiated allegation was also unfounded by the Department of Human Services.

The following table represents the allegations by youth center.

**Youth on Youth Sexual Harassment Allegations
January 1 – December 31, 2018**

| SECURE YOUTH CENTER | TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|--|-------------------|-----------|---------------|-----------------|-----------|
| **Adams Youth Services Center | SEXUAL HARASSMENT | 1 | 0 | 0 | 1 |
| *Marvin W. Foote Youth Services Center | SEXUAL HARASSMENT | 1 | 0 | 0 | 1 |
| *Gilliam Youth Services Center | SEXUAL HARASSMENT | 0 | 0 | 0 | 0 |
| **Grand Mesa Youth Services Center | SEXUAL HARASSMENT | 2 | 0 | 1 | 1 |
| Lookout Mountain Youth Services Center | SEXUAL HARASSMENT | 4 | 0 | 2 | 2 |
| *Mount View Youth Services Center | SEXUAL HARASSMENT | 0 | 0 | 0 | 0 |
| **Platte Valley Youth Services Center | SEXUAL HARASSMENT | 1 | 0 | 0 | 1 |
| **Pueblo Youth Services Center | SEXUAL HARASSMENT | 0 | 0 | 0 | 0 |
| *Spring Creek Youth Services Center | SEXUAL HARASSMENT | 5 | 0 | 1 | 4 |
| Zeb Pike Youth Service Center | SEXUAL HARASSMENT | 1 | 0 | 0 | 1 |
| TOTAL | | 15 | 0 | 4 | 11 |

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

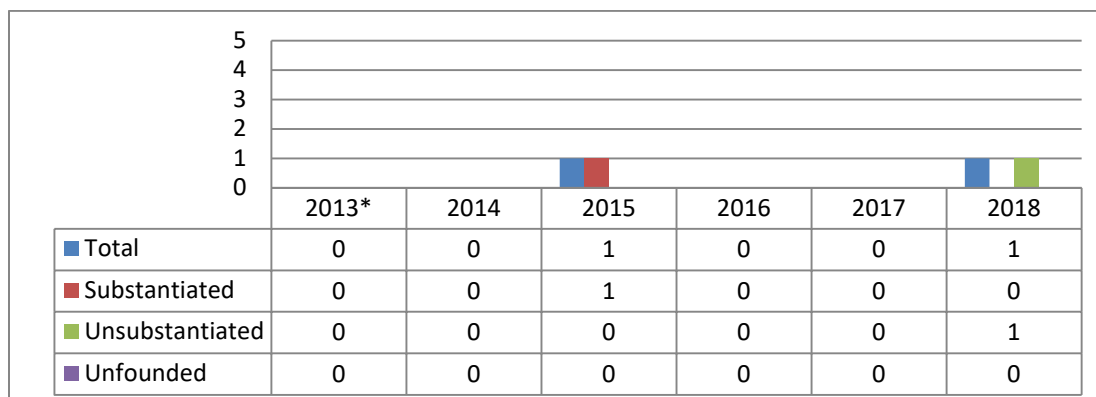
| CONTRACT YOUTH CENTER | ALLEGATION TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|-----------------------------|-------------------|-------|---------------|-----------------|-----------|
| Betty K Marler (all female) | Sexual Harassment | 1 | 1 | 0 | 0 |
| Ridge View (all male) | Sexual Harassment | 3 | 2 | 1 | 0 |

Overview of Information:

There were a total of nineteen (19) allegations of youth on youth sexual harassment in state-operated and contact youth centers, which represents a 44% decrease of the data collected in 2017. All allegations were formally investigated internally and/or externally.

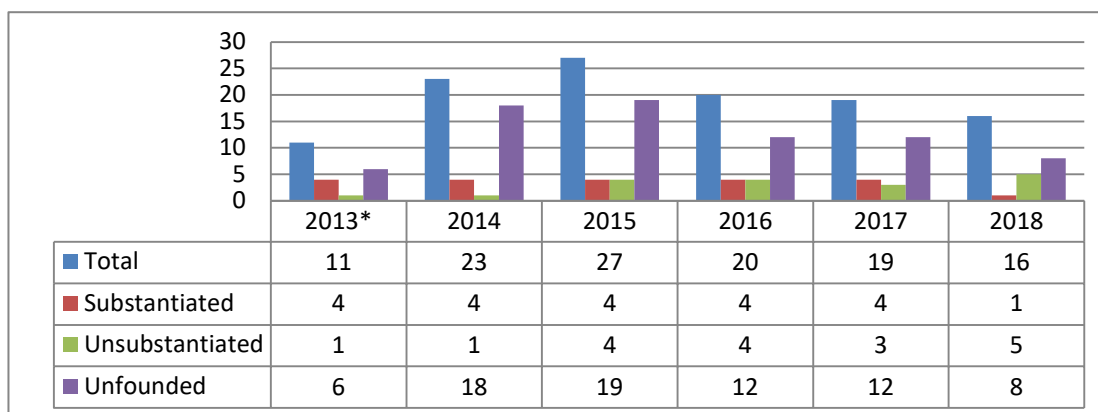
Comparison Statistics by Category

Youth on Youth Nonconsensual Sexual Acts



* 2013 data did not include contract youth centers

Youth on Youth Abusive Sexual Contact Allegations



*2013 data did not include contract youth centers

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

There was one (1) allegation of youth on youth nonconsensual sexual contact in a state-operated youth center, which was determined to be unsubstantiated. Four (4) state-operated youth centers had reports of youth on youth abusive sexual contact allegations for a total of eight (8) allegations. Of the eight (8) allegations out of state-operated youth centers, one (1) was substantiated, one (1) was unsubstantiated and six (6) were unfounded. Neither of the contract-operated youth centers reported any allegations of nonconsensual sexual acts. Of the four (4) allegations of abusive sexual contact that were reported by Ridge View, 2 were unsubstantiated and 2 were unfounded. The Betty K Marler program reported zero (0) allegations of youth on youth abusive sexual contact.

The reports of abusive sexual contact decreased substantially from 2017. DYS will be releasing an updated resident education video specific to DYS policies and procedures in 2020. The PREA/SAM Coordinator will continue to partner with the youth centers to provide consultation and additional resident education as-needed to address sexual abuse and sexual harassment when it appears there is a spike in allegations within the youth center.

**Youth on Youth Nonconsensual Sexual Contact and Abusive Sexual Contact Allegations
January 1 – December 31, 2018**

| SECURE YOUTH CENTER | ALLEGATION TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|----------------------|--------------------------|-------|---------------|-----------------|-----------|
| **Adams YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| *Marvin W. Foote YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 1 | 0 | 0 | 1 |
| *Gilliam YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| **Grand Mesa YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 4 | 1 | 2 | 1 |
| Lookout Mountain YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 2 | 0 | 0 | 2 |
| *Mount View YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| **Platte Valley YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 1 | 0 | 0 | 1 |
| **Pueblo YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| *Spring Creek YSC | Nonconsensual Sexual Act | 1 | 0 | 1 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| Zebulon Pike YSC | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| TOTALS | Nonconsensual Sexual Act | 1 | 0 | 1 | 0 |
| | Abusive Sexual Contact | 10 | 1 | 4 | 5 |

| CONTRACT YOUTH CENTER | ALLEGATION TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|--------------------------------|--------------------------|-------|---------------|-----------------|-----------|
| Betty K Marler (all female) | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 0 | 0 | 0 | 0 |
| Ridge View (all male) | Nonconsensual Sexual Act | 0 | 0 | 0 | 0 |
| | Abusive Sexual Contact | 4 | 0 | 2 | 2 |

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

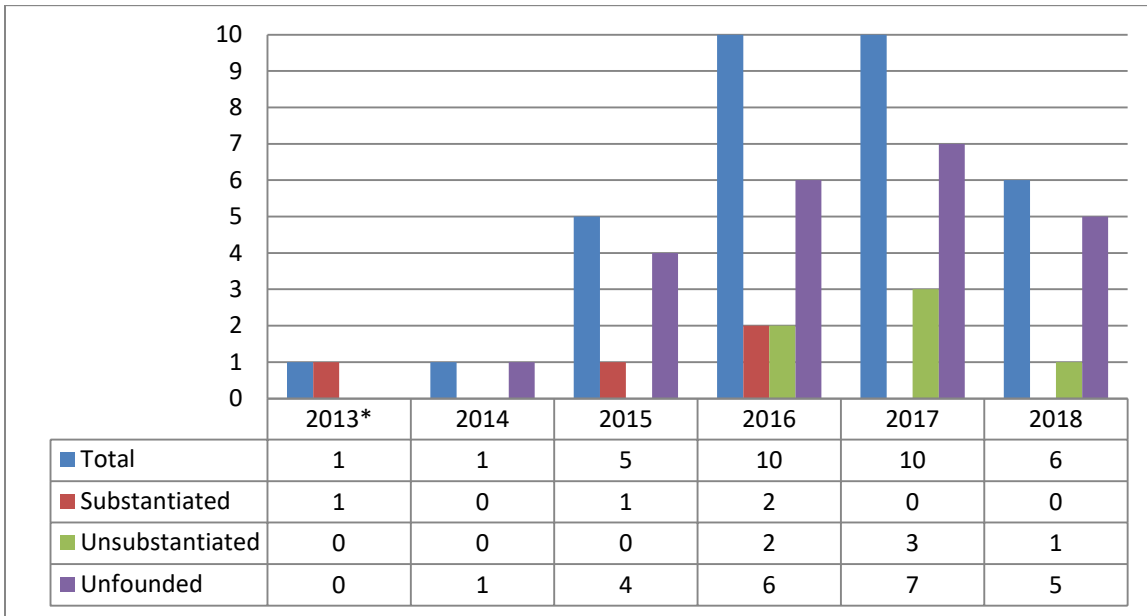
At the state-operated youth centers, preliminary inquiry into the ten (10) abusive sexual contact allegations resulted in six (6) reports to local law enforcement, and seven (7) reports to the local department of human services. Two allegations were determined to not meet the definition of abusive sexual contact and were subject to internal inquiry only. None of the cases resulted in physical injuries requiring medical attention, and all were referred to the youth center behavioral health staff for victim support services. Reports to law enforcement resulted in zero (0) criminal charges. The gender identities of youth in the one (1) substantiated allegation were two (2) female victims and one (1) male perpetrator.

Corrective Action:

DYS will release a professional quality youth education video that all youth will watch upon their admission to any DYS youth center. 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. They will be educated about DYS policies and youth center procedures for responding to allegations. The video will be released in 2020 and will include versions in English, Spanish and American Sign Language.

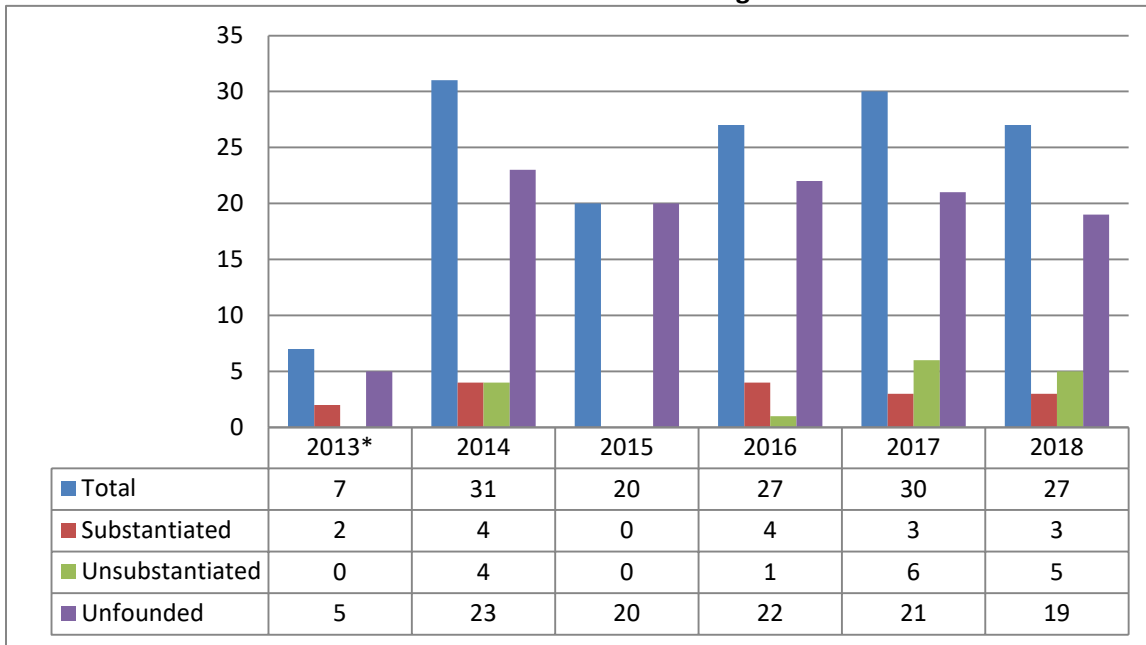
DYS has revised its Sexual Abuse Incident Review process to include recommendations using the SELF model. The SELF model is a trauma responsive tool for assessing the implications of Safety, Emotions, Loss and Future as factors of any given event. During the review, youth center administrators will summarize their recommendations to prevent future incidents/allegations as it relates to Safety, Emotion, Loss and Future. This addition was made to further improve consistency within the Division’s trauma informed environments.

Comparison Statistics by Category
Staff on Youth Sexual Harassment Allegations



*2013 data did not include contract youth centers

Staff Sexual Misconduct Allegations



*2013 data did not include contract youth centers

- There was a slight decrease in staff sexual misconduct allegations in 2018 compared to 2017.

Staff on Youth Sexual Harassment and Sexual Misconduct

Data Collected:

In state-operated youth centers, there were six (6) allegations of staff sexual harassment and eighteen (18) staff sexual misconduct allegations. Of the eighteen reports alleging staff sexual misconduct, all were reported to the local Department of Human Services through the Child Abuse and Neglect Hotline and local law enforcement. Two (2) staff sexual misconduct allegations were substantiated. The following table represents the allegations by youth center.

**Staff on Youth Sexual Misconduct and Harassment Allegations
January 1 – December 31, 2018**

| SECURE YOUTH CENTER | ALLEGATION TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|----------------------|-------------------------|-------|---------------|-----------------|-----------|
| **Adams YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 1 | 0 | 0 | 1 |
| *Marvin W. Foote YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 2 | 0 | 0 | 2 |
| *Gilliam YSC | Staff Sexual Harassment | 1 | 0 | 0 | 1 |
| | Staff Sexual Misconduct | 0 | 0 | 0 | 0 |
| **Grand Mesa YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 0 | 0 | 0 | 0 |
| Lookout Mountain YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 5 | 1 | 0 | 4 |
| *Mount View YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 4 | 1 | 2 | 1 |
| **Platte Valley YSC | Staff Sexual Harassment | 2 | 0 | 1 | 1 |
| | Staff Sexual Misconduct | 4 | 0 | 0 | 4 |
| **Pueblo YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 0 | 0 | 0 | 0 |
| *Spring Creek YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 1 | 0 | 0 | 1 |
| Zebulon Pike YSC | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 1 | 0 | 0 | 1 |
| TOTALS | Staff Sexual Harassment | 3 | 0 | 1 | 2 |
| | Staff Sexual Misconduct | 18 | 2 | 2 | 14 |

| CONTRACT YOUTH CENTER | ALLEGATION TYPE | TOTAL | SUBSTANTIATED | UNSUBSTANTIATED | UNFOUNDED |
|------------------------------|-------------------------|-------|---------------|-----------------|-----------|
| Betty K. Marler (all female) | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 6 | 1 | 1 | 4 |
| Ridge View (all male) | Staff Sexual Harassment | 0 | 0 | 0 | 0 |
| | Staff Sexual Misconduct | 3 | 0 | 2 | 1 |

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

The Betty K Marler program reported six (6) allegations of staff sexual misconduct during the approximately 4 months they served DYS youth in 2018. Of those allegations, one (1) was unsubstantiated and four (4) were unfounded. The substantiated allegation resulted in the staff perpetrator's employment being terminated and charged criminally. There were zero (0) staff sexual harassment allegations.

Ridge View reported three (3) total staff sexual misconduct allegations, none of which were substantiated. Two (2) of the allegations were determined to be unsubstantiated and one (1) was unfounded.

**Staff on Youth Substantiated Allegation Detail
January 1 – December 31, 2018**

| YOUTH CENTER | ALLEGATION TYPE | RESIGNED | TERMINATED | CORRECTIVE ACTION | CRIMINAL CHARGES |
|----------------------|-------------------------|----------|------------|-------------------|------------------|
| *Mount View YSC | Staff Sexual Misconduct | 0 | 1 | 0 | 1 |
| Lookout Mountain YSC | Staff Sexual Misconduct | 0 | 1 | 0 | 0 |

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

Corrective Action:

The Sexual Abuse and Misconduct Prevention / PREA Coordinator will collaborate with the DYS Office of Staff Development to revise the PREA training that is offered to new employees in the Academy. The training will take place over a full day and combine the Standard PREA training with training about Youth Center culture awareness and professional boundaries. In addition, the revised curriculum will include mandatory reporting requirements, accurate data entry/collection and the personnel and legal consequences of violating PREA. Scenario training will also be included to further improve employee’s abilities to recognize and intervene in potential PREA incidents.

Policy 9.19 will continue to receive updates to improve its alignment with PREA Standards. DYS will implement a revised Coordinated Response Plan for responding to sexual abuse allegations that will more closely align with PREA Standard requirements for a coordinated response, with a presentation that is more streamlined for first responders and administrators.

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 2018 will continue to be reviewed by the Sexual Abuse and Misconduct Prevention Coordinator throughout the year to identify agency and youth center specific themes requiring corrective action, policy updates and/or training needs.



Anders Jacobson, Director

12/1/2019



Samantha Wilson, Sexual Abuse and Misconduct / PREA Coordinator

12/1/2019

