

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, 2019 – December 31,
2019**

*~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 employee, 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 centers 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 employees 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 2019. This report also includes comparisons from 2013 to 2019.

Findings after Investigation:

Allegations of sexual abuse are reported to the local department of human services. If there is suspicion that a crime was committed, the local law enforcement agency is also notified. 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 internal inquiry and may include evidence/information discovered by an external agency.

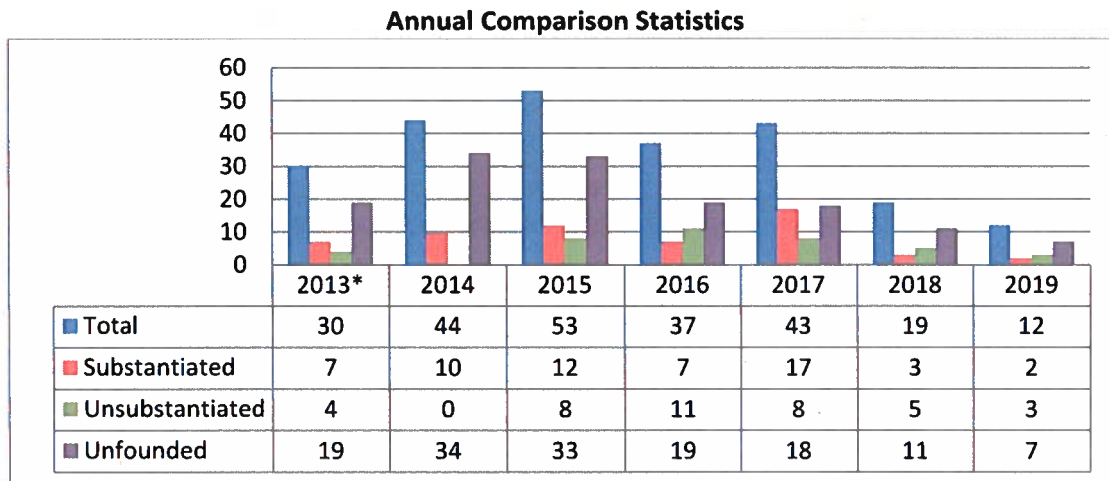
Scope of Assessment:

This report provides a review of program specific and aggregate data collected for the year beginning January 1, 2019 and ending December 31, 2019. Factors such as race, ethnicity, sexual orientation, gender identity, gang affiliation, group dynamics and other possible contributing elements are reported when available. The 2013 Annual Comparison Statistics do not include contract program data.

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.
- ***Employee 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.
- ***Employee 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 employees and youth 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 employee 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.

Category I: Youth on Youth Sexual Harassment Allegations



In 2019, seven (7) of the ten state operated youth centers reported youth on youth sexual harassment allegations. There were two (2) substantiated allegations, three (3) unsubstantiated, and seven (7) unfounded allegations.

State of Colorado contract programs reported zero (0) allegations of youth on youth sexual harassment in 2019.

Youth on Youth Sexual Harassment Allegations by Youth Center January 1 – December 31, 2019

SECURE YOUTH CENTER	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED	TOTAL
**Adams YSC	0	0	0	0
*Foote YSC	0	0	1	1
*Gilliam YSC	0	1	0	1
**Grand Mesa YSC	1	0	0	1
Lookout Mountain YSC	0	2	0	2
*Mount View YSC	1	0	0	1
**Platte Valley YSC	0	3	0	3
**Pueblo YSC	0	0	0	0
*Spring Creek YSC	0	0	0	0
Zebulon Pike YSC	0	1	2	3
TOTALS	2	7	3	12

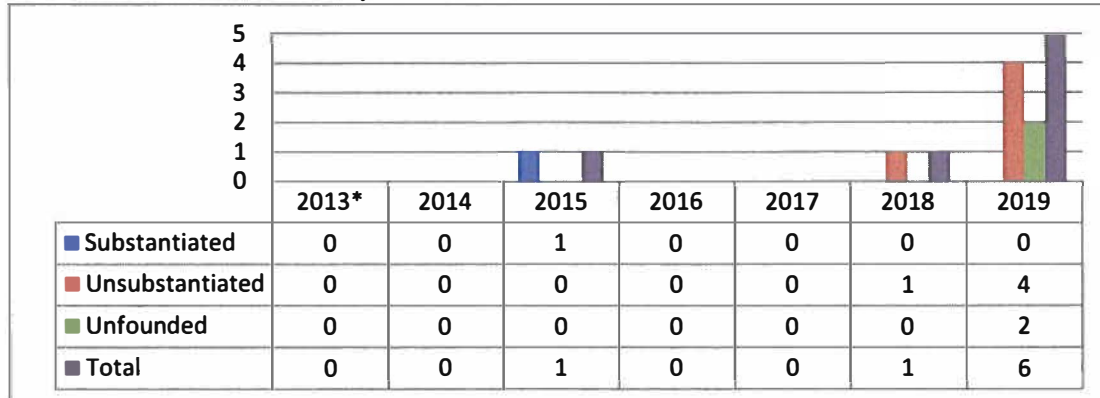
Youth center is all male, *Youth center has both male and female residents, **Youth center has co-ed programming (pods, school, meals, etc.)

Youth on Youth Sexual Harassment Allegation Data Summary

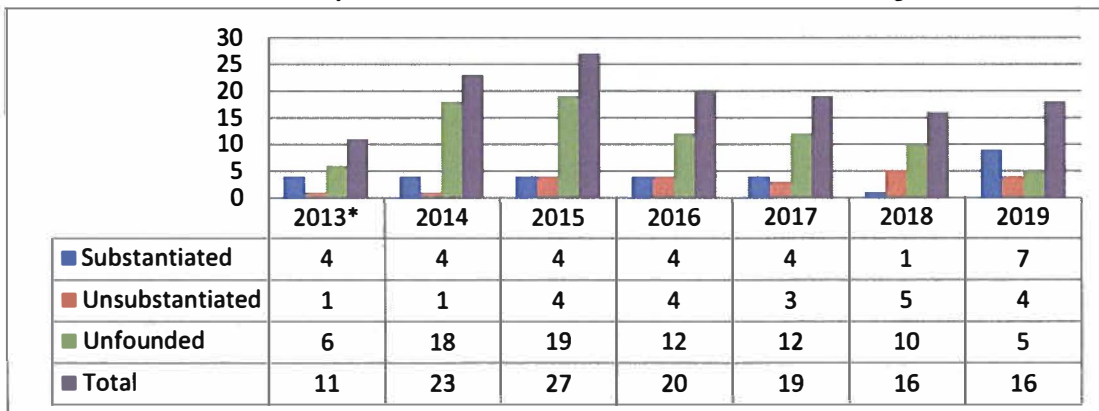
There were a total of twelve (12) allegations of youth on youth sexual harassment in state-operated youth centers, which represents a 13.33% decrease of the data collected in 2018. All allegations were formally investigated. Individual trauma-informed/trauma-responsive interventions were administered in response to the two (2) substantiated youth on youth sexual harassment allegations.

Category II: Youth on Youth Sexual Abuse Allegations

Annual Comparison Statistics, Nonconsensual Sexual Acts



Annual Comparison Statistics, Abusive Sexual Contact Allegations



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

In 2019, there were six (6) allegations of youth on youth nonconsensual sexual acts in state-operated youth centers. Of those allegations, two (2) were unfounded, four (4) were unsubstantiated, and zero were determined to be substantiated. Nine (9) state-operated youth centers had reports of youth on youth abusive sexual contact allegations for a total of sixteen (16) allegations. Of the sixteen (16) allegations out of state-operated youth centers, seven (7) were substantiated, four (4) were unsubstantiated and five (5) were unfounded. The residential contract program, Third Way Lowry, reported 2 substantiated youth on youth sexual abuse allegations.

The reports of substantiated abusive sexual contact increased from 2018. DYS has released an updated youth education video specific to DYS policies and procedures in 2020. The PREA Coordinator will continue to partner with the youth centers to provide consultation and additional youth 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 Sexual Abuse Allegations by Youth Center
January 1 – December 31, 2019**

SECURE YOUTH CENTER	ALLEGATION TYPE	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED	TOTAL
**Adams YSC	Nonconsensual Sexual Act	0	0	0	0
	Abusive Sexual Contact	0	0	0	0
*Foote YSC	Nonconsensual Sexual Act	0	1	0	1
	Abusive Sexual Contact	0	1	0	1
*Gilliam YSC	Nonconsensual Sexual Act	0	0	0	0
	Abusive Sexual Contact	0	1	0	1
**Grand Mesa YSC	Nonconsensual Sexual Act	0	0	0	0
	Abusive Sexual Contact	2	0	0	2
Lookout Mountain YSC	Nonconsensual Sexual Act	0	0	1	1
	Abusive Sexual Contact	0	1	2	3
*Mount View YSC	Nonconsensual Sexual Act	0	0	0	0
	Abusive Sexual Contact	0	0	1	1
**Platte Valley YSC	Nonconsensual Sexual Act	0	1	0	1
	Abusive Sexual Contact	1	0	0	1
**Pueblo YSC	Nonconsensual Sexual Act	0	0	0	0
	Abusive Sexual Contact	0	1	0	1
*Spring Creek YSC	Nonconsensual Sexual Act	0	0	2	2
	Abusive Sexual Contact	4	0	1	5
Zebulon Pike YSC	Nonconsensual Sexual Act	0	0	1	1
	Abusive Sexual Contact	0	1	0	1
TOTALS	Nonconsensual Sexual Act	0	2	4	6
	Abusive Sexual Contact	7	5	4	16

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

Contract Program	ALLEGATION TYPE	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED	TOTAL
Third Way	Abusive Sexual Contact	2	0	0	2

At the state-operated youth centers, preliminary inquiry into the twenty-two (22) youth on youth sexual abuse allegations resulted in eighteen (18) reports to local law enforcement, and twenty (20) reports to the local department of human services. None of the cases resulted in physical injuries requiring medical attention, and all were referred to a youth center behavioral health employee for victim support services. Reports to law enforcement resulted in three (3) criminal charges in state operated youth centers. The contract program, Third Way, had 2 substantiated youth on youth sexual abuse incidents. Neither incident resulted in criminal charges.

Corrective Action:

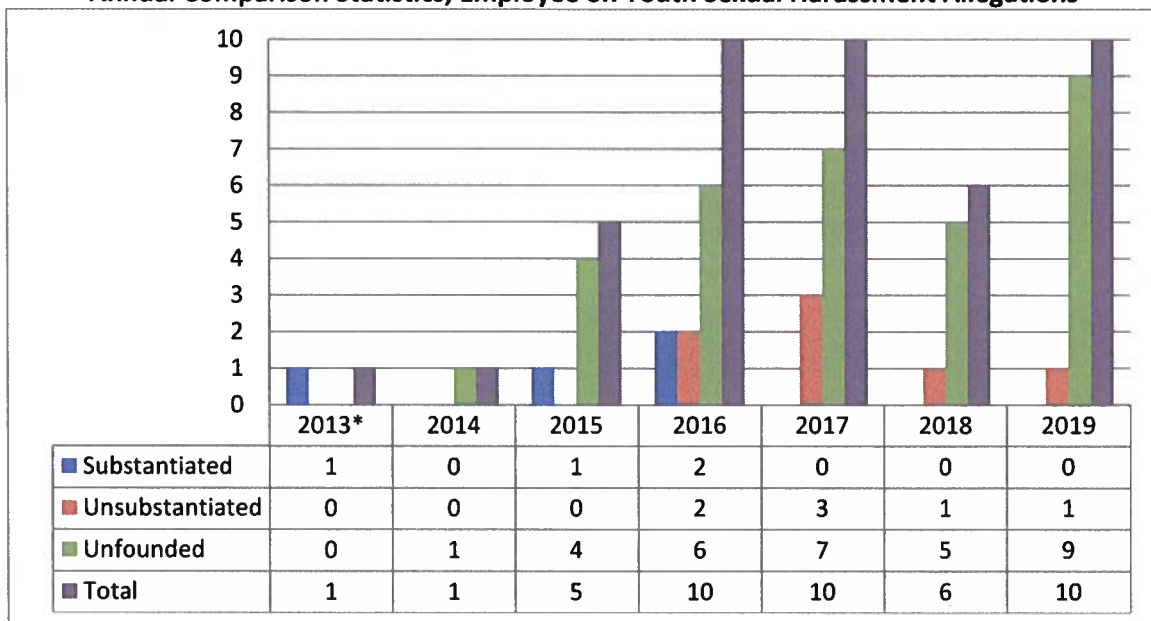
DYS has released a new, professional quality youth education video that all youth are required by policy to watch upon their admission to any DYS youth center and is available to them at all times. The video is intended to educate and reinforce the youth's rights to be free from sexual abuse and sexual 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 includes versions in English, Spanish and American Sign Language.

DYS youth center administrators continue to participate in a Sexual Abuse Incident Review process that now includes recommendations using the SELF model. The SELF model is a trauma responsive tool for

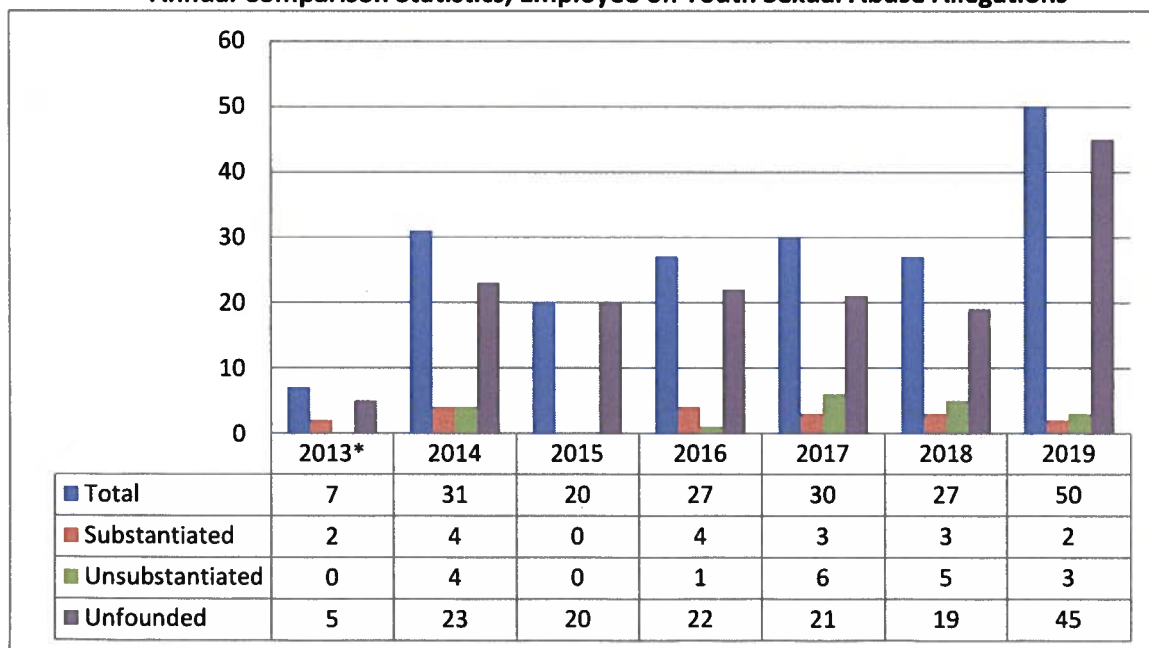
assessing the implications of Safety, Emotions, Loss and Future as factors of any given event. During the review, youth center administrators will summarize their recommendations to prevent future incidents/allegations as it relates to the SELF. This addition was made to further improve consistency within the Division's trauma informed environments and to add another dynamic when problem-solving the prevention of sexual abuse and sexual harassment within all DYS Youth Centers.

Category III: Employee on Youth Sexual Abuse & Harassment Allegations

Annual Comparison Statistics, Employee on Youth Sexual Harassment Allegations



Annual Comparison Statistics, Employee on Youth Sexual Abuse Allegations



Employee on Youth Sexual Harassment and Sexual Misconduct Allegation Data Summary

In state-operated youth centers, there were ten (10) allegations of employee sexual harassment and fifty (50) employee sexual misconduct allegations. Twenty percent of the employee sexual misconduct allegations were made while the employee performed official duties as required by policy (pat searches and Protective Supports and Interventions), and 100% of those were determined to be unfounded. Of the fifty reports alleging employee sexual misconduct, all were reported to the local Department of Human Services through the Child Abuse and Neglect Hotline. Local law enforcement was notified of each allegation unless preliminary inquiry determined that the allegation was unfounded. The local department of human services maintains the authority to contact local law enforcement in each case if there was suspicion that a crime had been committed. Two (2) employee sexual misconduct allegations were substantiated and one of those resulted in criminal charges. The following table represents the allegations by youth center.

Employee on Youth Sexual Misconduct and Harassment Allegations January 1 – December 31, 2019

SECURE YOUTH CENTER	ALLEGATION TYPE	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED	TOTAL
**Adams YSC	Staff Sexual Harassment	0	0	0	0
	Staff Sexual Misconduct	0	1	0	1
*Foote YSC	Staff Sexual Harassment	0	1	0	1
	Staff Sexual Misconduct	1	1	0	2
*Gilliam YSC	Staff Sexual Harassment	0	0	0	0
	Staff Sexual Misconduct	0	2	0	2
**Grand Mesa YSC	Staff Sexual Harassment	0	0	0	0
	Staff Sexual Misconduct	0	4	0	4
Lookout Mountain YSC	Staff Sexual Harassment	0	2	0	2
	Staff Sexual Misconduct	0	13	2	15
*Mount View YSC	Staff Sexual Harassment	0	5	0	5
	Staff Sexual Misconduct	0	7	1	8
**Platte Valley YSC	Staff Sexual Harassment	0	0	0	0
	Staff Sexual Misconduct	1	11	0	12
**Pueblo YSC	Staff Sexual Harassment	0	0	1	1
	Staff Sexual Misconduct	0	2	0	2
*Spring Creek YSC	Staff Sexual Harassment	0	1	0	1
	Staff Sexual Misconduct	0	4	0	4
Zebulon Pike YSC	Staff Sexual Harassment	0	1	0	1
	Staff Sexual Misconduct	0	0	0	0
TOTALS	Staff Sexual Harassment	0	10	1	11
	Staff Sexual Misconduct	2	45	3	50

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

CONTRACT YOUTH CENTER	ALLEGATION TYPE	SUBSTANTIATED	UNFOUNDED	UNSUBSTANTIATED	TOTAL
Ridge View (all male)	Staff Sexual Harassment	0	0	1	1
	Staff Sexual Misconduct	2	0	1	3
Third Way (co-ed)	Staff Sexual Misconduct	0	1	0	1

Ridge View reported three (3) total employee sexual misconduct allegations, two (2) were substantiated. Third Way reported one (1) allegation of employee on youth sexual misconduct that was determined to be unfounded.

**Employee on Youth Substantiated Allegation Detail
January 1 – December 31, 2019**

YOUTH CENTER	ALLEGATION TYPE	RESIGNED	TERMINATED	CRIMINAL CHARGES
Platte	Staff Sexual Misconduct		X	
Foote	Staff Sexual Misconduct	Contract not renewed prior to allegation.		X

Corrective Action:

There was a 46% increase in employee on youth sexual abuse allegations from 2018. Although 45 of those allegations were unfounded, the Division is responding to the increase in allegations by developing employee training curriculum that includes reviewing DYS policy that focuses on building professional relationships with youth, in an effort to decrease false allegations. The PREA Coordinator has collaborated with the DYS Office of Staff Development to update the Sexual Abuse and Sexual Harassment Prevention training that is currently offered to new employees in the Academy, and annually to all employees. The training now takes place over a full day and combines the Standard PREA training with Youth Center culture awareness and professional boundaries curriculum. In addition, the revised curriculum includes mandatory reporting requirements, accurate data entry/collection, scenario training, youth education and the potential personnel and legal consequences of violating PREA.

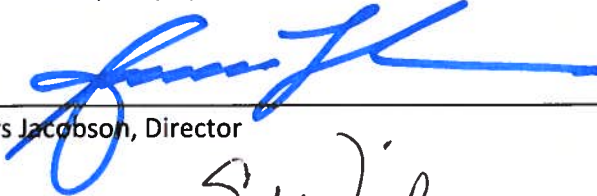
Policy 9.19 will continue to receive updates to improve its alignment with PREA Standards, and has been submitted for revision with projected release in 2020. DYS will implement a revised Coordinated Response Plan for responding to sexual abuse allegations that will more closely align with PREA Standard requirements for a coordinated response, with a presentation that is more streamlined for first responders and administrators.

The DYS Office of Staff Development has released a web-based search training that is a requirement for all employees in an effort to provide consistency in search practices, decrease false allegations and decrease potential trauma-responses in youth. The training includes a step-by-step video of how to conduct a pat search.


The Campus at Lookout Mountain has taken extraordinary step of separating its current population into three separate Youth Centers thereby limiting the occurrences of potentially unsafe interactions by decreasing the population of each Youth Center. Youth from the smaller Youth Centers will not commingle unless they are presenting with safe behavior and approved for participation in career tech education. The Division anticipates that outcomes of the creation of three distinct commitment youth centers will increase safety for youth and employees, improve treatment outcomes, and family engagement. Additionally, the Division anticipates a reduction in contraband, a decrease in assaults, a decrease in seclusion and restraint, and an increase in employee retention.

Conclusion:

The Division will continue its high priority to hold employees accountable that engage in sexual misconduct, and will maintain relationships with community stakeholders in an effort to share pertinent information with outside investigation entities. Data collected during 2019 will continue to be reviewed by the PREA Coordinator throughout the year to identify agency and youth center specific themes requiring corrective action, policy updates and/or training needs.



Anders Jacobson, Director July 1, 2020



Samantha Wilson, Sexual Abuse and Misconduct / PREA Coordinator July 1, 2020