



Oregon

Kate Brown, Governor

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July 31, 2020

Jeffrey H. Anderson
Director Bureau of Justice Statistics
810 Seventh Street, NW
Washington, DC 20531

Dear Director Anderson,

I'm writing to you about the 2018 National Survey of Youth in Custody – specifically, the *Sexual Victimization Reported by Youth in Juvenile Facilities, 2018*. As you know, we wrote you in March requesting BJS release additional data so that we could glean everything we could from the survey results in order to improve youth safety.

On June 30, BJS released [supplemental tables](#) for the facilities it classified as having a high rate of sexual victimization. The tables include data on Oak Creek Youth Correctional Facility in Oregon, which, rather surprisingly, was listed in the original report as having one of the highest rates of sexual victimization in the country. I appreciate the additional information you recently provided, but I write now for the following three purposes:

- 1) to request that BJS to provide the additional information collected in the surveys;
- 2) to share concerns I have about not having enough information to follow up specific allegations; and
- 3) to recommend that future surveys be conducted in a way that disclosures of sexual misconduct can actually be investigated.

I cannot overstate my profound concern that at no time did the survey staff report allegations discovered in the survey. Therefore, any allegations could not be investigated, either internally or by an outside party. We take any allegations of sexual victimization seriously, and I am deeply troubled that it appears your team uncovered reported allegations and no one was made aware in order to respond to the specific issues raised.

As for the additional tables you provided last month, we still find ourselves unable interpret the initial report without more data. The new tables showed that about 9.5% of youth at Oak Creek (or about 4 youth out of 42 surveyed) reported youth-on-youth victimization. While we can't be certain that incidents we investigated during the report period match the exact allegations reported in the survey, the data provided do appear to match our own data closely. The survey was performed at Oak Creek in May 2018 and covered the 12 months prior. During that period, our Professional Standards Office investigated three incidents of youth-on-youth sexual abuse, two of which were substantiated. Both involved youth touching another youth over their clothes, and the behavior was addressed.

The new tables also showed that about 7.1% of youth at Oak Creek (or about 3 out of 42 youth surveyed) reported staff-on-youth sexual misconduct. Further, they showed 2.4% (or about one youth) reported force or coercion was used; 4.8% (or about two youth) reported incidents without force or coercion.

We were not previously aware of all of these incidents. During the period covered by the survey, the Professional Standards Office received no reports from Oak Creek regarding staff-on-youth incidents. However, during calendar year 2017, one youth reported that a staff person was staring at them in the shower. The investigation found this allegation to be unfounded.

This discrepancy is extremely troubling. As we have documented elsewhere – and in our regular PREA audits – we do a lot to prevent and respond to allegations of sexual abuse in our facilities. In addition to 24/7 cameras and the education we give to youth about reporting abuse, we provide youth with many avenues for confidential reporting, and we also collect data on youth safety through the Performance-based Standards initiative. We participate in PREA audits and are constantly working to improve our protocols and practices to ensure youth safety. Our Professional Standards Office investigates every allegation and shares them with law enforcement.

Naturally, having learned of these allegations, we would like to be able to act on them. It is our responsibility to protect the youth in our care and create an environment that is free of sexual victimization and where youth are safe to report their concerns. Second, we would like to verify that these allegations are in fact new to us. If they are, we want to take appropriate action to ensure incidents are reported and investigated, and future incidents can be prevented.

The challenge is we simply cannot act on the information you've shared from the survey. For example, to learn that some of the allegations referred to staff-on-youth misconduct, over two years after the survey was performed puts us at a disadvantage. Most youth in the facility at the time have moved on.

In follow up to the survey, we held youth forums in all our facilities to ensure youth were aware of the avenues they have to confidentially report abuse and to collect youth feedback on potential barriers to reporting. We also held a similar forum for those youth who were at Oak Creek at the time the federal survey was performed. We did not learn of any allegations of abuse that we were previously unaware of. You can [learn more about our response here](#).

The fact remains that we have no identifying details of the allegations to act on or learn from, nor do the Oregon State Police. Therefore, I am requesting the release of additional data from the survey, as the additional information might help us in reconciling the survey results with our own records and PREA reporting. For example, we know the survey contained many other questions whose responses have not been shared with us — e.g., Did the youth report the allegation? Did anyone respond to their report? Did the abuse happen more than once? etc. These are all data points that it appears were collected in the survey and could help us if those could be shared in a way that do not risk a breach of confidentiality.

Finally, I respectfully recommend that significant changes be made in the way the survey is conducted in the future. We completely support protocols to ensure that youth taking the survey can respond to it in full confidence that their answers are confidentially. At the same time, we must ensure that any allegations they make are investigated and responded to in real time – not 18 months to two years later. I know you'll agree this is the only ethical course. And if there are concerns about trusting the custodial

agency investigating any allegations that surface, then alternatives should be provided for an independent investigation by law enforcement or the appropriate independent authority. To do otherwise is unconscionable.

If your staff or contractors would like to discuss these issues and possible solutions, our research manager, Mark Greenwald, would be happy to share ideas on ways to balance confidentiality with the safety and security of the youth we serve when conducting a survey of this nature. He can be reached at 503-509-3227, or at Mark.Greenwald@oya.state.or.us.

Respectfully,

A handwritten signature in blue ink, appearing to read 'JO' followed by a stylized flourish.

Joseph O'Leary

Director

Oregon Youth Authority

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