

# STATE OF COLORADO



**Colorado Department of Human Services**

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## Colorado Department of Human Services Division of Youth Corrections

### Testimony to the Prison Rape Elimination Act (PREA) panel

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On Behalf of Colorado Governor John Hickenlooper and Colorado Department of Human Services Executive Director Reggie Bicha, it is a distinct honor to submit this written statement in response to the June 2013 report, *Sexual Victimization in Juvenile Facilities Reported by Youth, 2012*, released by the Bureau of Justice Statistics and the United States Department of Justice. We are very pleased and proud to have the Grand Mesa Youth Services Center recognized as a Juvenile Justice Facility identified as having among the lowest rates of sexual victimization.

Colorado Revised Statutes, Section 19-2-203, formally creates the Colorado Division of Youth Corrections (DYC) within the organizational structure of the Colorado Department of Human Services (CDHS). Statute further defines the dual function of the Division. Pursuant to Section 19-2-402, C.R.S., the Division is designated as the entity responsible for operating juvenile detention services. Additionally, pursuant to Section 19-2-403, C.R.S., the Division is also the agency statutorily mandated to provide for the care and supervision of youth committed by the District Court to the custody of the Colorado Department of Human Services. To carry out these responsibilities, the Division operates ten secure facilities that serve youth between the ages of 10-21 who are pre-adjudicated or committed. Colorado Statute allows for the pre-trial detention of youth between the ages of 10-17, while the State's jurisdiction over committed youth extends to age 21. In addition to secure residential services, the Division utilizes numerous private contract programs for placement of youth, and the Division is also responsible for providing supervision to youth who have transitioned to parole status in the community.

The Grand Mesa Youth Services Center (GMYSC) is a 67-bed co-ed secure, multipurpose facility operated by the Colorado DYC, and is located in Grand Junction, Colorado. GMYSC provides detention, regional diagnostic/assessment for newly committed youth and secure commitment services. GMYSC is located in the Western Region of the state and serves clients from 6 of Colorado's 22 judicial districts, encompassing 18 of Colorado's 64 counties. GMYSC provides daily programming for both detained and committed youth in the areas of education, clinical services, recreational activities, healthy living and transition services.

The detention unit at GMYSC is designed to provide services to youth being detained while awaiting court and/or youth who are serving short-term sentences pursuant to a court order. Detention youth participate in cognitive behavioral programming designed to teach positive thinking skills, anger management, improved decision making, empathy and other social related skills. Youth in detention receive brief mental health assessments and crisis management counseling. In addition, youth participate in psycho educational groups designed to promote victim empathy, independent living, goal-setting and anger management. Educational services for detained youth are provided through the Mesa County District 51 schools. Educators from the local school district are on site daily through the week to provide assessment to appropriate grade level and classroom instruction. In addition, youth receive daily recreation and structured leisure time.

GMYSC operates two units for youth who have been adjudicated and committed by the District Court to the legal custody of the Division of Youth Corrections. Youth entering commitment status complete a 30-day assessment period at GMYSC where they are assessed for criminogenic risk and protective factors as well as treatment, mental health, education/vocation, drug/alcohol and transitional needs. The commitment program is designed to provide services that prepare youth for re-entry into their individual communities. Youth receive a variety of services, including: education, individual and group treatment, restorative justice and psycho-educational groups designed to promote accountability, victim empathy and community justice. Youth participate in multiple daily activities designed to promote positive social skills. Educational services are provided year-round by certified state teachers. Educational

opportunities include core subjects, elective subjects and vocational instruction. While in school, youth have the ability to work on grade-level appropriate curricula to earn transferable credit toward high school graduation. Youth may also work toward earning a GED while residing in the program. Youth receive physical education as well as vocational instruction in the areas of culinary, general construction trades and custodial services. Clinical services are afforded to all youth in the areas of mental health, offense specific and substance abuse treatment. Pursuant to the request for a written statement, the Colorado DYC submits the following:

1. Identify factors that led to the low incidence of sexual victimization at the GMYSC during the time of the BJS report.

The Division attributes the low incidence of victimization at the GMYSC in part to the staffing patterns that have been incorporated into the facility scheduling, training and culture. Upon admission to the facility, all youth at Grand Mesa are advised of the Prison Rape Elimination Act (PREA). The youth undergo a series of assessments that classify each youth to a level of risk in relation to sexual aggressiveness, violence aggressiveness and vulnerability to victimization. These assessments are used to determine room assignment, as well as group and programming placement. The facility balances male and female staffing coverage to ensure appropriate staffing of co-ed units. On the units that are co-ed, the administration has designated female living quarters based on physical plant considerations as well as individual youth needs. Additionally, ongoing training and professional development assists in shaping a program that produces an environment that is free from sexual victimization. Training to PREA standards and incorporating these into the culture is an expectation of the Division. Most important, the low incidence of sexual victimization is achieved through the culture within the facility. GMYSC has established and actively promotes a culture where youth are not fearful of being assaulted, victimized or abused by those in positions of authority and/or by their peers. The facility has fostered an environment conducive to learning, absent of fear and/or intimidation by staff or peers. The facility promotes a culture of reporting, a belief that staff is there to assist, to provide guidance and support, and that youth concerns are heard and taken seriously. It is a culture that promotes accountability to staff and youth alike.

The factors described above, when used in combination, have resulted in successful programming and the ability for the facility to maintain low levels of sexual victimization.

2. Summarize the measures that the Colorado Division of Youth Corrections (DYC) and the GMYSC have taken to reduce the prevalence and incidence of both youth-on-youth and staff-on-youth sexual assault.

In response to the Prison Rape Elimination Act of 2003, the Colorado General Assembly passed into law the Detention Center Sexual Assault Prevention Program (Section 19-2-214, C.R.S., adopted in 2007). The Colorado DYC immediately began developing and implementing procedures to ensure compliance with the State Statute. The Division adopted a **zero tolerance** policy in relation to incidents of juvenile nonconsensual sex, abusive sexual contact and staff sexual misconduct. The Division determined that the ability to reduce the prevalence of incidents did not rest solely with implementation of standards, but through embedding the philosophy behind the standards into the culture of the Division.

In 2006, the Division of Youth Corrections implemented the Continuum of Care Initiative, focused on enhancing processes, services and programs throughout the commitment continuum. The Continuum is

an integrated approach to providing a complete range of programs and services that are matched to individual youth and family needs at every phase, from commitment to the point of discharge from parole. Elements of the Continuum of Care include but are not limited to:

- Actuarial-based risk assessment through the adoption of the Colorado Juvenile Risk Assessment (CJRA) instrument
- Focus on treating highest criminogenic risk areas;
- Individualized, targeted case planning, treatment, milieu and transition services;
- Implementation of evidence-based principles and practices, such as Multi-Systemic Therapy and Functional Family Therapy; and,
- Providing transition resources for youth moving from residential placement back to their communities.

The Division operates from a core set of guiding principles called “*The Five Key Strategies.*” These Strategies are utilized to guide decision making, to drive service provision, and to provide a framework for the Division’s activities. In addition, the Division developed a set of “*Five Core Values.*” Whereas the Five Key Strategies provide a framework for how the Division accomplishes its work, the Five Core Values provide a framework for how Division employees are expected to conduct themselves in their interactions with youth, families, each other and all stakeholders.



It is within the Division’s five key strategies, five core values, and through the continuum of care, that promote youth feeling safe, creating and fostering a culture of accountability, effective program services and an overall safe environment, thus resulting in low incidence of sexual victimization.

3. Summarize the *DYC’s and GMYSC* progress in implementing the *Prison Rape Elimination Act National Standards, 28 C.F.R. pt.115 (2012).*

The Colorado *DYC* began development of programs and implementation of proposed *PREA* standards upon enactment of Section 19-2-214, C.R.S. (2007). An internal workgroup was developed and tasked with researching proposed standards and reaching out to both internal and external agencies for the development of policies and procedures to govern the Division’s sexual assault prevention program. In addition, the workgroup developed both a communication and training plan to ensure that all staff of the Division is well-informed about *PREA*, and receives the training they need to effectively implement the

provisions of the Act. Over the past six years, the Division has actively worked to assess, monitor and measure effectiveness of procedures as well as continue to design, develop and implement new strategies based on evolving best practice. Examples of the Division's efforts include, but are not limited to:

- Development of a zero tolerance policy and sexual assault prevention procedures.
- Orientation procedures designed to promote understanding of sexual assault, reporting procedures and warning signs.
- Facility posters and awareness activities.
- Development and utilization of risk screening instruments designed to communicate awareness and inform programming needs and safety for room, group and programming assignments.
- Reporting procedures for both youth and staff.
- Required response to allegations of sexual victimization to include reporting, victim assistance and perpetrator safety planning.
- Treatment for victims both from a medical and mental health perspective.
- Initial and ongoing training requirements surrounding PREA and the Division's sexual assault prevention program.
- Physical plant modifications for enhancement of safe environments; e.g., mirrors to view obstructed areas; video monitoring and recording equipment; modifications to windows and walls to provide better sight and sound supervision.
- Ongoing confidential PREA reporting surveys provided to youth, collected and reported out to the Division's Leadership Team for ongoing review.

In response to the final standards being published, the Division conducted a needs assessment for determination of the Division's ability to comply, and identification of resource needs. This assessment is currently being used to ensure that current practice is in line with standards, while also assessing, developing and implementing practices for all standards not currently adopted by the Division. Finally, the DYC created and filled a new PREA Coordinator position that will have responsibility for statewide consistency and compliance.

*4. Summarize the DYC's and GMYSC efforts to prevent staff sexual misconduct and in particular female staff sexual misconduct.*

The Colorado DYC takes very seriously any incidence of staff sexual misconduct and works hard to prevent occurrences. As a State agency, the Division works with CDHS Human Resource personnel to ensure hiring practices meet all State regulations while making informed hiring decisions that support the Division's strategies and values. All Division facilities, including GMYSC, employ both male and female staff. The Division has developed and implemented the following policies, procedures and practices designed to prevent incidences of staff sexual misconduct:

- All newly hired staff attends a three-week training academy designed to train staff safety, professional boundaries, evidence-based practices in working with at-risk youth, and PREA standards/practices.
- Direct care staff participates in three weeks of field training before assuming direct supervision of youth.
- Employees retrain annually on PREA standards and practices.
- The Division mandates sight and sound supervision of youth.

- Facilities utilize mirrors, radios and cameras for supervision and monitoring by staff.
- Co-ed facilities require both male and female staffing at all times.
- The Division considers the appropriate balance between male and female staffing on all shifts.
- The Division does not allow cross gender searches.
- Supervision models are designed to monitor boundaries between clients and staff.
- On-going quality assurance audits to address programming, culture, and safety issues, which includes a high priority focus on PREA.

Overall, the Division strives to create and maintain a culture of transparency and openness to questioning and reporting.

On behalf of the Colorado Department of Human Services and the Division of Youth Corrections, thank you for the opportunity to share the policies and practices that Colorado has implemented to achieve success in promoting safe environments.

Respectfully Submitted,

John Gomez, Director