



**COLORADO**

**Office of Children,  
Youth & Families**

Division of Youth Corrections

# Youth Handbook

General Topic Overview: All Facilities

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## What is the Division of Youth Corrections?

The Division of Youth Corrections (DYC) provides a residential and non-residential continuum of services that encompass juvenile detention, commitment and parole. DYC is the agency defined by law to provide for the care and supervision of youth committed by the District Court to the custody of the Colorado Department of Human Services. The Division operates ten secure facilities that serve youth between the ages of 10 and 21, who are pre-adjudicated, sentenced, or committed. For pre-adjudicated youth, the Division is also responsible for the management and oversight of Senate Bill 91-94; a State-funded, locally administered program that provides services to youth at risk of further progressing into the juvenile justice system. In addition to residential programming, the Division administers juvenile parole services throughout the State.


## The Division of Youth Corrections Vision Statement

“Working with Colorado Communities to Achieve Justice”

## The Division of Youth Corrections Mission Statement

The mission of the Division of Youth Corrections is to protect, restore, and improve public safety through a continuum of services and programs that: effectively supervise juvenile offenders, promote offender accountability to victims and communities, and build skills and competencies of youth to become responsible citizens.

## Division of Youth Corrections 5 Core Values and 5 Key Strategies

Colorado Department of Human Services Division of Youth Corrections	
<b>5 Core Values</b> Division Employees will <i>Speak and Act with</i> <b>INTEGRITY</b>  <i>Treat Youth, Families and Each Other with</i> <b>RESPECT</b>  <i>Demonstrate</i> <b>TRUST</b>  <i>Reflect Personal</i> <b>ACCOUNTABILITY</b>  <i>Pursue</i> <b>EXCELLENCE</b>	<b>5 Key Strategies</b> The Division will Provide <b>THE RIGHT SERVICES AT THE RIGHT TIME</b>  <i>delivered by</i> <b>QUALITY STAFF</b>  <i>using</i> <b>PROVEN PRACTICES</b>  <i>in</i> <b>SAFE ENVIRONMENTS</b>  <i>embracing</i> <b>RESTORATIVE COMMUNITY JUSTICE PRINCIPLES</b>
<b>Working with Colorado Communities to Achieve Justice</b> The mission of the Division of Youth Corrections is to protect, restore and improve public safety through a continuum of services and programs that: effectively supervise juvenile offenders; promote offender accountability to victims and communities; and build skills and competencies of youth to become responsible citizens.	
 <b>COLORADO</b> Office of Children, Youth & Families Division of Youth Corrections	

## **Classifications**

**Detained and Pre-adjudicated:** Youth who have been charged with a crime, have an outstanding warrant, or are awaiting a court hearing are considered to be detained. Most detained youth have not had a hearing and will have their detention hearing within 48 hours of their admission (excluding weekends and holidays). The purpose of this detention hearing will be to determine whether a youth will remain detained, be released, or moved to another placement that will benefit their situation.

**Sentenced:** Youth that have been to court and must serve a specific number of days in detention are considered to be sentenced. Youth will be released at the end of their sentence unless they have other legal actions pending. At the end of their sentence, the youth's parent or legal guardian will be expected to sign them out of the facility. If a youth is unsure of when their sentence ends, they may ask a staff member to obtain this information.

**Committed:** Youth that have been committed to the Division of Youth Corrections (DYC) for a period of time. During this time, youth will be evaluated and tested to help determine individual treatment needs. During the assessment phase, committed youth will be assigned a client manager.

**Parole:** Colorado Statute requires that every committed youth exiting the Division of Youth Corrections must serve six months mandatory parole. Cases that meet certain criteria may be extended by 15 months. Independent of the Division of Youth Corrections, the Colorado Juvenile Parole Board hears the cases of each youth preparing for parole, sets terms and conditions and has the authority to modify, suspend or revoke parole

## **Common Terms**

**Seclusion:** Placement of a youth in a locked room to control behavior as a precaution when they pose a serious, probable, or imminent threat to the security of the facility or imminent threat of bodily harm to self or others, and where there is the present ability to effect such bodily harm.

**Contraband:** Any item that can be used as a weapon or be used for the purposes of escape, bodily harm, physical injury or death. This includes but is not limited to any item that has not been officially approved or authorized.

**Due Process:** Due process is comprised of the following elements: written notice of the charges including the date, time, and place of the scheduled hearing; representation, if needed; informal rules of evidence; the right to call and/or question witnesses; the right to be present during the hearing; an impartial hearing officer(s); written notice of the decision; preparation of a record of the hearing.

**Escape:** Any action or plan that results in one's physical departure or failure to return to the facility without proper authorization.

**Grievance:** Complaint to address what is considered to be unjust.

**Juvenile Responsibilities:** Each youth must follow the rules, procedures, schedules, and directions of staff while in the facility.

**Juvenile Rights:** Rights afforded by law only denied for safety or security purposes.

**Sexual Misconduct:** Any behavior or act of a sexual nature, either consensual or nonconsensual.

**Mediation:** A process to arrive at a decision which involves a staff who hears both sides of the issue.

**Orientation:** The process whereby new youth are informed of basic rights and responsibilities and what they may expect while in placement, what is expected of them, how the program operates, and how they may access various services and resources.

**Positive Behavioral Interventions and Supports (PBIS)** – A framework for behavior management that focuses on defining, teaching and positively re-enforcing those behaviors desired throughout a facility.

**Restorative Community Justice Philosophy (RCJ):** Is a balanced approach concept that helps to repair the harm done to victims and/or the community by a juvenile offender in the custody of NYC through competency development, community safety and accountability.

**Rule Violation: Major** Actions, which pose a clear threat to self, others or property. Actions that are against the law, such as escape, assault, fighting, intimidation or other similar behaviors

**Rule Violation: Minor** Behavior that is not immediately threatening to staff, self, other youth, or property, but which is inappropriate or unacceptable within the program.

**Special Management Program:** The placement of a youth onto a specialized, behavior management program for the purpose of controlling and affecting behavior which is considered to be a safety risk to the individual youth or others, or for assisting a youth in need of specialized care.

**Staff Directed Time-out:** Remaining in a designated area or locked room for a period of time, up to 30 minutes as determined by facility staff. Staff directed time-out is not a consequence, but is used to allow the youth to regain their control and composure.

**Self-Initiated Time-out:** A period of separation in a locked or unlocked setting from the group for an unspecified period of time negotiated between the youth and staff. Self-initiated time-out is not a consequence, but is used to allow the youth to regain their control and composure. A youth may initiate and assist in determining the conclusion of a time-out period.

## **Juvenile Rights and Responsibilities**

All youth will be informed of their rights and responsibilities during the intake/orientation process. Solutions for complaints of a violation of any right will be heard through the residents' grievance procedure. Residents who do not accept responsibilities will be subject to the facility's intervention process. The rights listed will not to be denied for punitive causes.

### **Basic Rights of Residents**

#### **Residents have the right:**

- To not be discriminated against because of race, natural origin, color, creed, sex, handicap, political affiliation, sexual orientation or gender identity.
- To be treated respectfully, impartially, and fairly.
- To be informed of the rules, procedures, and schedules of the facility within 24 hours of placement into the facility.
- To not be subjected to corporal punishment, harassment, mental or physical abuse, personal injury, intimidation, property damage, threats, harm, assault, humiliation or interference with the normal bodily functions of eating, sleeping or bathroom functions.
- To practice their faith and to participate in religious services and religious counseling on a voluntary basis, subject only to the limitations necessary to maintain order and security.
- To meet voting requirements and vote if 18 years of age or older.
- To reasonable access to information available through the media and to reasonable access to the general public through the media, subject only to the limitations necessary to maintain facility order and security.
- To not be compelled to participate in uncompensated work assignments unless the work is related to facility housekeeping, maintenance of the facility, personal hygiene needs, restorative community justice programs or the work is part of an approved vocational training program.
- To participate in facility programs, subject to State and local laws concerning education or other relevant, governing requirements.
- To full, fair, and equal opportunity to participate in educational and/or vocational programs.
- To review his/her case file while in an institution or community. A guardian and his/her attorney may, upon request, review the case file. The resident, if 18 years of age, must give his/her written approval for a review of the case file by the parents or guardians.
- To freedom of expression, as long as it does not interfere with the rights of others or the safety and security of the facility.
- To due process in disciplinary proceedings.
- To equal access to programs and services.
- To a minimum of one hour of daily exercise involving large muscle activity. Daily structured leisure time opportunities will also be available to alleviate boredom and to provide opportunities for positive interaction with others.

## **Voting Rights**

If you are a United States Citizen, Colorado resident and are 18 years old or older, your Facility Director is responsible for providing you with the opportunity to register to vote and to participate in elections. The registration process will normally be handled in your facility's school program and voting will be done by mail. This process will be completed a minimum of 60 days before Election Day (for general elections, approximately the first week in September). If you are eligible to vote, an election is approaching and you have not learned about how you can vote in it, please speak to your school principal or Facility Director to learn how you can exercise this important right.

## **Basic Responsibilities of Residents:**

### **Residents Have the Responsibility:**

- To follow the rules, procedures, schedules, and directions of staff while in the facility. Residents will treat staff members and other residents with respect and will not engage in activity which is designed to be disruptive to the living environment.
- To clean and maintain their living quarters. Residents are expected not to damage public or privately owned property located within the living quarters.
- To ask for medical and dental care when needed.
- To maintain their clothes and hair in a clean and odor free condition.
- To respect the rights of other residents and/or staff.
- To obey all orders of the Court, to remain in placement and to participate fully, to the best of their ability and to follow the individual case plan.
- To promote the physical safety, personal safety and security of others through the use of self-discipline.
- To not possess any kind of contraband, weapons or objects, which could be used as a weapon?
- To refrain from and discourage others from using, buying, selling, or otherwise providing or having alcohol, narcotics, or any illegal drugs, or from abusing any other substance as an intoxicant or stimulant.
- To practice and encourage honesty in all interactions.
- To respect peers and staff by obeying all reasonable staff requests and by refraining from the use of verbal abuse, ethnic slurs, slander, and/or obscene gestures
- To fully participate in all areas of treatment, educational and transitional programming

## **Food Services**

Youth will be provided three nutritionally well-balanced meals each day, (two which are hot), as well as a daily snack. The United States Department of Agriculture (USDA) guidelines will be used to prepare the menus.

The Food Services unit will make provisions for special diets as follows:

### **1) Therapeutic Diet:**

This is a diet to support special medical conditions that require the addition or elimination of certain foods. An example would be a diabetic diet or one to treat high blood pressure.

### **2) Special Diet:**

This is a preference for certain foods such as a vegetarian diet or the elimination of certain foods as dictated by religious beliefs.

### **3) Food Allergies:**

Those foods that create some negative physical reaction in a person's body that is damaging to their health.

**If youth require any of the above diets, they must inform the Medical Care Provider within 24 hours of admission.**

## **Medical and Dental Care**

Youth will receive a health screening upon admission. It is the youth's responsibility to ask for medical attention. If medical attention is needed, the youth will need to ask staff for a nurse request to fill out and place in the Medical Care Provider's referral box (this is how an appointment is scheduled with the medical staff). Sick call for non-emergency medical services shall be conducted by medical personnel at least three (3) times per week. Juveniles' medical complaints shall be monitored and responded to daily by medically trained personnel. If there is a medical emergency, a staff member must be informed immediately so medical care personnel can be notified. Medical information is kept confidential between youth and medical staff.

Youth can see a Medical Care Provider...

1. Anytime they feel sick or if they have an injury.
2. If a youth has questions or concerns about their health or health issues, including mental health and dental needs.
3. For STD testing (as necessary), education, and follow-up treatment if needed.
4. HIV testing (as necessary), education, and follow-up treatment where required.
5. Medication concerns.
6. If staff encourages a youth to see a Medical Care Provider.

**REMEMBER, YOUR HEALTH IS YOUR RESPONSIBILITY!**

## **Educational Services**

Educational services and programs are provided to all youth. The education program is supported by a written, standardized, competency based curriculum and by appropriate materials and classroom resources. Youth will have an education plan designed for short-term program participation. Youth are expected to participate in the school program with the following exceptions:

- A. Illness, as approved by the Medical Staff or Shift Supervisor.
- B. Court proceedings.
- C. If a youth is committed and over the age of 18, they must be offered to work on curriculum specific to areas such as life skills or GED type programming.
- D. If a youth has graduated from high school or obtained a GED, they must be offered to work on Life Skills, and in some programs, vocational programming, provided by the teachers.

## **Positive Behavioral Interventions and Supports (PBIS)**

PBIS is a framework for behavior management that is based upon defining, teaching, learning and practicing the behavioral expectations of your facility. Every facility in NYC uses PBIS, though it looks a little different from facility to facility. In every facility there will be an “acronym” or easy way to learn and remember the behavioral expectations. The acronym will be specific to your facility and will be used to define positive expectations for behavior throughout various settings and activities, PBIS uses positive re-enforcement so that staff can recognize and reward youth when they exhibit the behaviors expected. Ask one of your staff to explain how PBIS works in your facility. Once you have learned how it works at one facility, it will help you learn how it works at another should you move within NYC.

## **Religious Services**

Non-denominational religious programming is held weekly. If youth have spiritual needs that are not routinely met, they may submit a special request to staff. Participation in religious counseling, whether on an individual basis and/or during facility services, will be conducted on a voluntary basis. Youth have the right to decline participation in any individual or group religious activity. If participation is declined, the youth will be separated from the group to sit quietly in a different part of the facility. Non- participation in Religious Services does not mean free-time. Youth will be expected to follow assigned program activities. Upon request, youth are allowed visitation with verifiable religious personnel. Access will not be denied solely because of a disciplinary action; but, it can be denied due

to an identified and documented safety related concern. Youth have the right to contact a religious representative as part of the professional call list, and/or during non-structured program hours.

### **Restorative Community Justice (RCJ)**

Restorative Community Justice (RCJ) is the area in which a youth demonstrates their social and community responsibility through ongoing dedication and efforts to repair harm they have done in the past. Harm is measured in many ways. Generally it is looked at as harm done to friends, family, peers, the community, property, persons, or emotions of others. As part of a successful stay within the Division of Youth Corrections, youth will be addressing these areas, and will be demonstrating efforts to repair the harm and restore the damage done. If youth are involved in incidents while in the facility, they will be expected to repair that harm.

### **Sexual Contact Prevention**

#### **What is Sexual Abuse?**

Sexual abuse is an undesired sexual act by another youth or staff. It is often referred to as “bad touch.” Types of sexual abuse include forced sexual behavior, verbal behavior, and the use of a position of trust to engage in sexual behavior.

#### **What is Sexual Harassment?**

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Sexual abuse or sexual harassment affects everyone, either directly or through the experiences of those we care about. It can affect any male or female of any age, race, ethnic group, socioeconomic status, sexual orientation or disability.

The Division of Youth Corrections has a zero tolerance for sexual abuse, sexual harassment, assault, and misconduct. Incidents like this are rare because we have comprehensive ways to ensure physical and psychological safety.

#### **Sexual Abuse and Sexual Harassment Prevention:**

- Be aware of situations that make you feel uncomfortable. Trust your instincts. If it feels wrong, TELL A STAFF MEMBER YOU TRUST.
- Don't be afraid to say, “NO” or “STOP IT NOW.”
- Walk and stand with confidence.

- Avoid talking about sex or being partially dressed. These things may make another youth believe that you have an interest in a sexual relationship.
- Do not accept commissary items or other gifts from youth or place yourself in debt to another youth, which can lead to the expectation of repaying the debt with sexual favors.
- Avoid secluded areas. Position yourself in plain view of staff members. If you are being pressured for sex, report it to a staff person immediately.
- Avoid horseplay or other physical contact.
- Be completely open and honest with intake or assessment staff when asked regarding personal behaviors, they can't help if they have wrong information.
- Develop trust and rapport.
- Avoid alcohol or other drugs. They can affect your judgment and your ability to leave the situation.

### **What to do if you are sexually abused:**

#### ***If the assault has just happened...***

- Get in a safe place. Report the abuse to a trusted adult.
- Request immediate medical attention. You may have serious injuries that you aren't aware of, and any sexual contact can expose you to sexually transmitted diseases.
- Do not shower, brush your teeth, use the restroom, or change your clothes. You may destroy important evidence.
- Report the abuse to a trusted staff immediately.

If you have been abused, witnessed abuse, or experience sexual harassment but you are unwilling to report it to staff, then you may fill out a grievance form; write a letter to Administration, request to see the Chaplain, talk to your Client Manager, parent, or a trusted adult. If you have a disability, either physical or mental, you may report sexual abuse to: The Legal Center for People with Disabilities, 455 Sherman Street, Suite 130 or by phone to 303-722-0300 Ext. 228.

#### ***Later on...***

- Seek assistance from a staff member or trusted adult, including clinicians.
- Seek the support of a trusted friend or family member. The days ahead can be traumatic and it helps to have people who care about you supporting you.
- Develop a Safety Plan with staff.
- File charges!
- Seek ongoing counseling support.
- Seek Victim Assistance.

### **Did You Know...**

- Sexual abuse happens to people of all ages.
- Sexual abuse can happen to males and females.
- Sexual abuse may be motivated by factors such as power, social and interpersonal deficits, and low self-esteem.
- Sexual abuse has nothing to do with sexual orientation.

- Victims and offenders may be either heterosexual or homosexual.
- The fact that a victim of sexual abuse became sexually aroused does not mean they were not raped or that they gave consent. These are normal, involuntary reactions.
- Any sexual contact between staff and youth is against the law.
- It is common for survivors of sexual assault to have feelings of embarrassment, anger, guilt, panic, depression and fear even several months or years after an attack.

If you sexually abuse a youth, you should know...

The Division of Youth Corrections has a ZERO tolerance for sexual abuse, assault, sexual harassment and misconduct. If you are hurt by another resident or staff, please let a trusted adult know. We will support and ensure your safety.

You will be held responsible if you choose to hurt another resident. If you are charged and adjudicated your sentence could be increased. Also, if you make false allegations you will be held accountable.

### **Visitation**

All youth in the Division of Youth Corrections' facilities have the right to a reasonable amount of visitation with their legal guardian and immediate family members. Each facility encourages youth to maintain contact with family and other positive individuals in their lives through flexible and extended visiting hours. Visitation rights will not be permanently denied but may be temporarily limited due to the availability of staff for supervision, the amount of visiting space available, or by current, overriding security considerations. Youth may refuse to participate in visitation. The facility will provide the opportunity for youth to visit at least once per month with approved family members. Each facility has procedures for temporarily denying visitation, which include the causes for the cancellation or denial of a visit and procedures for appealing a decision to cancel or deny visitation.

**Professional Visit Information:** Youth are allowed special visits with their attorney(s), government officials, legislators, or counselors/agents/workers who are assigned to supervise or to deliver services in the community. Professional visitation is permitted at times other than the normal scheduled visiting times and are allowed to occur in addition to regular scheduled visitation with family and/or a guardian.

### **Mail**

The Division of Youth Corrections will provide postage for the mailing of a minimum of two letters per week for each youth, when requested. Additional postage is provided for legal correspondence. When a youth receives or sends mail, their letters will not be routinely read. However, when a staff member has determined that a threat to the safety and security of other youth, staff, or the general

public exists, or is deemed inappropriate, the mail will be read in the presence of the youth and may be withheld, censored, or rejected at that time.

Youth are permitted to send sealed letters to specified persons and organizations, including but not limited to:

1. Courts,
2. Legal counsel,
3. Division of Youth Corrections' administrative officials,
4. The administrator of the grievance system, and the
5. Parole Board.

Incoming mail from these sources is considered “protected” and will be opened and scanned in the presence of the juvenile, but not read.

Each facility director or designee has the discretion of allowing youth to receive postage stamps from sources outside the facility.

Outgoing letters must be sealed and addressed with only the sender’s name and address information and the address information of the person receiving the mail.

## **Telephone**

Upon admission to a Division of Youth Corrections' facility, youth may make two telephone calls to their parents or legal guardians, foster parents or custodians and to an attorney or legal representative.

Scheduled Phone calls: Youth will be able to make or receive routine local and collect long distance calls to parents, legal guardians, foster parents or custodians during established hours. Youth may also receive calls from court workers, social workers, law enforcement officials, probation officers, and lawyers at any time, unless they are in confinement as a result of negative behavior. Youth may telephone an attorney on an agency phone at any reasonable time and as often as the attorney agrees is necessary and will accept charges for the calls if the calls are long distance. For calls with an attorney the facility will allow for a reasonable amount of privacy and no time limits will be placed on the calls.

## **Searches**

Consistently applied search practices are essential to the order and security of the facility and will be designed to prevent, control, and intercede the introduction of weapons or other contraband; however, indiscriminate body searches of juveniles are prohibited in all Division of Youth Corrections' facilities.

Upon a youth's admission to the facility, returning from an unsupervised setting, or whenever there is reason to believe that the security of the facility may be endangered or that contraband may be present in or introduced into the facility, the search of a youth and his/her possessions will occur.

### **Types of searches:**

**Body Cavity Search:** A visual, manual or instrument inspection of a youth's oral, anal or vaginal cavity shall only be conducted at a local medical facility by a licensed medical professional, when authorized by both the facility medical staff and the Facility Director

**Strip Search:** A search during which a juvenile is required to remove his/her clothing and where the clothing is carefully searched by sight and touch and the juvenile is searched by sight only. These searches will be conducted at the time of admission to a detention facility; upon returning from an unsupervised absence from a Division of Youth Corrections facility/unit; following unsupervised visits within the facility; or with the approval of the Facility Director or his/her designee when there is reason to believe that contraband may be found. All searches will be conducted by a staff member of the same sex or gender identity as the youth.

**Frisk/Pat Search:** A search during which a juvenile is not required to remove his/her clothing but where the clothing and the juvenile's body is searched by sight and touch and is conducted by a staff member of the same sex or gender identity as the juvenile being searched

**Contraband:** Any item that can be used as a weapon or be used for the purposes of escape, bodily harm, or presents a safety and/or security concern in the facility

### **Searches of housing, program areas and visitors:**

Searches of living areas, sleeping rooms and general program areas will be performed on an unannounced and irregular schedule. A visitor's personal items are subject to search when they enter the facility. Personal items a visitor is allowed to bring into the facility will be limited for security reasons. Visitors found with contraband in their possession or found exchanging contraband with residents will be denied visitation privileges, and may also receive criminal charges.

**Mail Search:** All mail and packages for youth are subject to inspection. Letters and packages may be opened and inspected for contraband in front of a youth.

## **Contraband**

Contraband is defined in policy as, "Any item that can be used as a weapon or be used for the purposes of escape, bodily harm, physical injury or death. This includes but it not limited to any item that has not been officially approved or authorized."

Items considered to be contraband include but are not limited to:

- items that can be used as or is designed to be a weapon
- glass or similar breakable materials, aerosol cans, air fresheners
- firearms (including starter pistols)
- any object that shoots a projectile
- ammunition
- knives
- razor blades
- explosives
- fireworks
- any drug not approved for your use by medical staff
- all illegal/illicit drugs
- drug paraphernalia
- tattoo making equipment
- electrical equipment
- alcohol
- inhalants
- ropes, cords, wire, or strings for musical instruments
- all tobacco products or artificial tobacco products, lighters or matches
- cash, checks, credit cards and money orders
- pens
- literature, visual & auditory materials defined not approved by staff
- pornographic materials
- spices of any kind
- items removed from the dining area
- additional items may be considered contraband at the discretion of the facility administration.

### **Rule Violations: Minor**

Minor rule violations are for “behavior that is not immediately threatening to staff, self, other juveniles, or property, but which is inappropriate or unacceptable within the facility.”

Examples of minor rule violations include but are not limited to:

- disrespect to others including talking back, not following directions, name calling, put downs, etc.
- horseplay
- disrespecting or manipulating staff directives

- inappropriate behaviors toward staff
- manipulative behaviors
- not following dress code
- putting yourself in a power position over peers
- intentionally misleading others
- failing to follow program expectations
- fronting – putting on an act
- having a superior attitude
- lying
- using inappropriate language
- refusing to participate in unit or educational programming
- failing to follow medical restrictions
- war stories, telling stories that glorify criminal acts
- inappropriate communications between residents
- being in someone else's room or doorway
- behaviors that interfere with the orderly functioning of the facility

### **Rule Violations: Major**

Major rule violations are actions which pose a clear threat to self, others, or property; actions that are against the law, such as escape, assault, fighting, intimidation or other similar behaviors.

Examples of major rule violations include but are not limited to:

- attempted escape/escape – any action, plan or knowledge of an escape effort
- contraband seized – any item not authorized in the facility or item not authorized to the person which could jeopardize the safety/security of the facility, staff or residents
- dangerous contraband – possession of any item considered contraband that can reasonably be seen or used as a threat to safety and security of the facility or anyone in the facility
- destruction of property – this includes the property of staff and residents as well facility and related State owned property
- failure to comply/program– direct or indirect refusal or non-compliance of a staff directive either by statement or action
- fighting – any aggressive physical contact between youth with the intent or result of harm, “including going bodies”
- gang related activity – any direct or indirect action or comment that promotes or encourages gang activity
- harassment or threatening– any action, aggressive gesture or verbal comment that if carried out would jeopardize the safety, security or degradation of youth or staff
- horseplay- rowdy or boisterous play
- inappropriate language-language that is offensive, derogatory, vulgar in nature

- inappropriate sexual behavior – the intentional touching or displaying of another’s body parts or sexual acts. Any statement or action whose intent is to mock, put down or degrade someone on the basis of sex, sexual orientation, gender identity or legal charges
- medication abuse – abusing or misusing medications given to you. Taking medications not administered to you or giving your medications to another person
- physical assault – any intended physical action, plan or encouragement of actions resulting in bodily harm to staff or other residents.
- safety and security - any action that endangers the safety and security of others or the facility
- sexual assault- illegal sexual contact that involves force upon a person without consent
- suicide behavior, self harm or serious plan – actions and/or verbal information that indicate you are trying to harm yourself, attempting to harm yourself or end your life
- sexual harassment – repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature
- theft – possessing items that belong to someone else or the facility

### **Due Process**

When a youth is charged with violating a major rule of the facility which could result in a disciplinary action, the youth is insured the right to due process prior to any disciplinary sanctions being imposed.

#### **Youth Have the Right:**

- To be informed of the rule violation that they are being accused of or what they are being charged with (if charges are being filed) and to receive a copy of the incident report.
- To have a hearing by an impartial person or committee (someone not involved in the incident), within 72 hours.
- To be present at the hearing, but youth may be excluded if their presence represents a security threat.
- To request assistance of a staff member or resident to represent them at the disciplinary hearing. Representation may also be appointed.
- To make statements, ask questions, and have witnesses on their behalf. However, youth may be temporarily excluded during the testimony if any other resident wishes to give testimony privately due to safety reasons.
- To waive their right to be present at the hearing.
- To appeal the decision if they do not agree with the disciplinary decision.

## **Intervention Procedures for Major Rule Violations**

- Behaviors identified as violation(s) to a major rule may be addressed through an Incident Report.
- If the situation is an unlawful act, law enforcement will be contacted and information will be turned over to them for investigation and possible criminal charges.
- If at any time youth need assistance in reading the Incident Report, writing statements or completing an appeal, they may ask for assistance.
- Restorative Community Justice Components will be incorporated, whenever possible, during the hearing and/or disciplinary process.
- A copy of the Incident Report will be provided to youth involved in an incident. It will describe the incident and identify the major rule violations.
- Youth will be asked to review, sign, and place the date and time on the Incident Report indicating they received the report. Signing the Incident Report is not admission of guilt but verifies notification of the alleged violation. At this time youth will be notified of their rights and the date and time of the Disciplinary Hearing. A hearing will be conducted within 72 hours after notification of the Incident Report and the Disciplinary Hearing date.
- An impartial person or committee will conduct the hearing. At a youth's request, they have the ability to call witnesses, or have a staff/resident represent them or present evidence during the hearing (any reasons for exclusion of the defendant and/or witness, and/or other factors will be clearly documented and explained). The conclusion of innocent and/or guilt will be solely based on the information obtained in the hearing process, which includes the incident report and/or statements and/or witness accounts provided.
- As the conclusion of the Disciplinary Hearing youth may be found:
  - Not guilty, at which time the incident report will be modified and documented to reflect a "not guilty" status.
  - Guilty of a less serious offense, reducing the incident reports to a minor rule violation or a reduction of major violation consequence.
  - Guilty of the identified violation(s), at which time the youth will receive a consequence appropriate to the offense. If the consequence is not completed within 14 days an administrative staffing may be held to review the situation and make necessary changes.
- Upon conclusion of the Disciplinary Hearing, staff will explain the appeal process. Youth have the right to submit a written appeal within the 5 calendar days from the end of the Disciplinary Hearing. The appeal should identify why it is believed the youth is not guilty or why their rights were violated. The appeal will be reviewed and a written response will be provided within 10 calendar days. The findings of the appeal are final.
- All Incident Reports are reviewed by Supervisory/Administrative staff to ensure youth's rights are not being violated and the process was conducted appropriately.

## **Grievances**

A youth has the right to make a complaint called a grievance. Since the majority of complaints may be quickly resolved informally they are encouraged to talk to a staff member or ask to speak to a supervisor about their concern. Staff is readily available to youth to listen to their concerns and/or complaints. A youth may also fill out a grievance form. Grievance forms are located in easily accessible areas in each facility. Youth may also submit a grievance on a sheet of paper if forms are unavailable. Once the grievance is written, youth should place it in the locked grievance box. A person will not be disciplined for filing a grievance. All grievances will be investigated. The grievance officer will notify a youth in writing within three days, excluding weekends and holidays, of the decision. If the decision is in favor of the griever, the program will make sure that appropriate action is taken to remedy the situation.

## **Asking for Help**

It can be tough to know where to turn if you need help during your time with DYC. Please use the following references as a starting point.

In case of Medical emergencies: Contact any staff member right away. If the on-site medical personnel can't help, then DYC does have outside medical providers that can be a resource.

In case of trouble with other youth: Find the staff member that you feel most comfortable talking to. Explain the problem to them, and work together to find a healthy solution. Your Client Manager is a great resource if you are unsure of which staff you want to talk to about it.

If you have questions or concerns about your case: Of all staff, your client manager has the most up to date information on your case. Leave a message for them, or ask a staff member for help in contacting them.

If you feel you are being mistreated: Grievances are part of your voice. Use them to communicate your concerns about the program or how you are being treated. Grievances have several steps in the review processes, so don't be afraid to express your concerns!

If you need medication or a medication change: Ask the medical staff or your case manager. They can refer you to be seen by a doctor.

If you have been abused, witnessed abuse or sexually harassed, but you are unwilling to report it to staff, then you may fill out a grievance form, write a letter to Administration, request to see the Chaplain, talk to a Client Manager, parent, or a trusted adult. If you have a disability, either physical or mental, you may report abuse to: The Legal Center For People with Disabilities, 455 Sherman Street, Suite 130 or by phone to 303-722-0300 Ext. 228.

If you feel you have experienced any type of discrimination or Civil Rights violation you may also file a complaint with the Colorado Department of Human Services, 3550 W. Oxford Ave., Denver, CO 80236, 303-866-7129 or U.S. Department of Health and Human Services Office for Civil Rights, 1961 Stout St., Room 1426 FOB, Denver, CO 80294-3538, or via phone at 303-844-2024.

In case of Abuse or Neglect. All staff within the Division of Youth Corrections are “Mandated Reporters” which means that all staff are required by law to report allegations of abuse or neglect to the proper authorities. You can bring concerns to any staff member. You can also use the blue phones in your unit to make your own report to the Department of Human Services Child Abuse Hotline at 1-844-CO-4-KIDS (1-844-264-5437).