



<p><b>COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH CORRECTIONS</b></p> 	<p><b>POLICY S 14.3 A</b></p>	<p><b>PAGE NUMBER</b>  1 OF 6</p>
<p><b>THIS POLICY RELATES TO:</b></p> <p>State-Operated Treatment Facilities State-Operated Detention Facilities</p>	<p><b>CHAPTER:</b> Rules and Discipline</p>	
	<p><b>SUBJECT:</b> Facility Rules</p>	
	<p><b>EFFECTIVE DATE:</b> August 1, 2015</p>	
	 <p><b>Charles Parkins, Director</b></p>	

I. POLICY:

Each facility shall develop and implement THE FACILITY-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (FW-PBIS) program, A STRENGTHS-BASED APPROACH TO BEHAVIOR MANAGEMENT THAT POSITIVELY REINFORCES BEHAVIORAL EXPECTATIONS. THE FW-PBIS BEHAVIORAL EXPECTATIONS AND MATRIX, THE privileges associated with the behavior management program, the Restorative Community Justice Philosophy, and the range of possible disciplinary interventions that may be imposed for various rule violations shall be included in the juvenile handbook. A copy of the juvenile handbook shall be made available to all juveniles and staff members. THE FACILITY-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS Program, OTHER ASPECTS OF THE BEHAVIORAL PROGRAM, and the juvenile handbook shall be reviewed as needed.

II. KEY TERMS:

- A. Behavior Management Program
- B. Collaborative Review Team
- C. Hearing Staff
- D. Hearing
- E. Major Rule Violation
- F. Minor Violations
- G. POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS (PBIS)
- H. Post-Hearing Interventions
- I. Pre-Hearing Interventions

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J. Restorative Community Justice (RCJ) Philosophy

III. PROCEDURES:

A. BEHAVIOR MANAGEMENT PROGRAM:

1. All juveniles shall receive an orientation to the Behavior Management Program and the Restorative Community Justice Philosophy within 24 hours of entry into the facility.
2. A copy of the juvenile handbook shall be MADE AVAILABLE and accessible in juvenile living areas. The handbook shall include at a minimum the FACILITY-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS BEHAVIORAL EXPECTATIONS AND MATRIX, THE privileges associated with the behavior management program, the Restorative Community Justice Philosophy, and the range of possible disciplinary interventions that may be imposed for various rule violations.
3. Juveniles who have language barriers shall receive the behavior management program in their written language and/or translated into their own language as soon as possible.
4. Content of the Juvenile Handbook and its location shall be explained to the juvenile at intake. A signed acknowledgement shall be maintained in the juvenile's file.
5. The facility's Behavior Management Program shall be BASED UPON FACILITY-WIDE POSITIVE BEHAVIORAL INTERVENTIONS AND SUPPORTS FRAMEWORK, A STRENGTH-BASED, DATA DRIVEN AND SKILL BUILDING MODEL FOR POSITIVELY REINFORCING BEHAVIORAL EXPECTATIONS. THIS FRAMEWORK IS EVIDENCE-BASED AND CONSISTENT WITH THE DIVISION OF YOUTH CORRECTION'S Eight Evidence Based Principles.
6. FIDELITY TO THE PBIS MODEL SHALL BE EVALUATED AT LEAST ANNUALLY THROUGH THE ADMINISTRATION OF THE FACILITY EVALUATION TOOL (FET). There shall also be a review OF THE FACILITY'S COMPLIANCE WITH THE EIGHT EVIDENCE-BASED PRINCIPLES by the Division of Youth Corrections' EVIDENCE BASED PRACTICE (EBP) COMMITTEE at least once annually, AS WELL AS AN ANNUAL COMPLIANCE REVIEW BY THE COLORADO DEPARTMENT OF HUMAN SERVICES DIVISION OF QUALITY ASSURANCE AND QUALITY IMPROVEMENT (QA/QI), DIVISION OF YOUTH CORRECTIONS QUALITY ASSURANCE UNIT.
7. JUVENILES WHO HAVE BEEN ISSUED A MAJOR RULE VIOLATION INCIDENT REPORT WILL BE PLACED ON BASE PRIVILEGES WITHIN THE BEHAVIORAL MANAGEMENT PROGRAM UNTIL WHICH TIME THE DISCIPLINE HEARING IS COMPLETED.

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**B. MINOR RULE VIOLATIONS:**

1. Written procedures for resolving minor rule violations shall be developed by each facility and shall include the following requirements, at a minimum:
  - a. Staff shall advise the juvenile of the expectations of the program, and
  - b. Staff shall advise the juvenile of the specific violation(s) of facility expectations.
  - c. Juveniles shall have the opportunity to explain their behavior/actions. Whenever possible, this discussion shall take place in a private setting. When a private setting is not available, the juvenile shall be afforded as much privacy as possible.
  - d. Staff shall assist the juvenile in developing solutions and/or strategies for correcting the problematic behavior and shall impose appropriate disciplinary interventions.

**C. MAJOR RULE VIOLATIONS:**

1. An incident report shall be completed for all major rule violations and shall be entered into the Colorado Trails database, where available. If a juvenile is alleged to have violated multiple major rules during the same incident, one incident report shall be written.
2. The Incident Report shall be prepared by the primary staff member involved or witnessing the incident and shall include, at a minimum, the following elements:
  - a. A clear statement of the violation, and
  - b. A detailed description of the event, including who, what, where, when and how, and
  - c. Any juvenile or staff witnesses, and
  - d. Any immediate action taken, including the use of lower level interventions, verbal de-escalation tactics and any physical management used, as per Division of Youth Corrections' Policy 9.4, Physical Force and Security Equipment, and
  - e. The reporting staff member's signature, and
  - f. The date and time that the report is created, and
  - g. The date of Supervisory review and the Supervisor's signature, and

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- i. Incident reports shall be reviewed by a Supervisor to ensure accuracy in details, grammar and spelling.
    - ii. If the Incident Report is not accurate or is incomplete, the Supervisor shall follow-up with the staff to ensure accuracy.
  - h. The Incident Report shall have a final review by the Facility Director or Designee to ensure compliance with Division of Youth Corrections' policy.
    - i. After final review, the Facility Director or Designee shall lock the Incident Report in the Colorado Trails database.
    - ii. If the Incident Report involves AN ALLEGATION concerning STAFF SEXUAL MISCONDUCT, JUVENILE SEXUAL ABUSE, STAFF-ON-JUVENILE OR JUVENILE-ON-JUVENILE SEXUAL HARASSMENT, OR JUVENILE SEXUAL MISCONDUCT, the report shall be designated as "PREA" by the Facility Director or Designee in the Colorado Trails database.
- 3. The juvenile shall sign an acknowledgement that they have been given written notice of the alleged violation as soon as possible but no later than 24 hours from the time that the violation is discovered. The juvenile may consent in writing to waive the 24 hour hearing notice. This documentation shall be maintained in the juvenile's file.
- 4. The hearing may be conducted as soon as possible but no later than 72 hours from the discovery of the alleged violation.
- 5. Should the juvenile not waive the 24 hour hearing notice, the Hearing shall be conducted within 72 hours, but no sooner than 24 hours from the discovery of the alleged violation.

**D. HEARING PROCEDURES FOR MAJOR RULE VIOLATIONS:**

- 1. If a juvenile is alleged to have violated a major rule of the facility, the following process shall occur:
  - a. The juvenile shall be present at the Hearing except when:
    - i. His/her behavior prior to, or during, the Hearing justifies exclusion, or
    - ii. They choose not to be present, or
    - iii. A witness juvenile giving a statement wishes the statement to be given in confidence.

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- b. Reasons for the juvenile's absence or exclusion shall be documented on the Hearing Incident Form in the Colorado Trails database, where available, or in the juvenile's file.
- c. The Hearing shall be conducted by an impartial person or committee.
- d. The juvenile may request the assistance of a staff member at the Hearing.
- e. The juvenile shall have the opportunity to make a statement and have witnesses.
- f. The Hearing staff's decision shall NOT be based solely on the information obtained in the WRITTEN REPORT, THE HEARING STAFF SHALL CONSIDER staff reports, statements of witness's, evidence, AND WHETHER A RESIDENT'S MENTAL DISABILITIES OR MENTAL ILLNESS CONTRIBUTED TO THE BEHAVIOR.
- g. Once it has been determined that a juvenile has violated a major rule, and prior to any disciplinary intervention being taken, the juvenile shall have the reasons for the disciplinary intervention explained to him/her.
- h. A restorative community justice component shall be utilized in each disciplinary intervention decision, where appropriate, and shall be documented in the Colorado Trails database, where available.
- i. The findings of the Hearing shall be recorded on the Hearing Incident Form, in the Colorado Trails database, where available.
- j. A copy of the record shall be given to the juvenile and one shall be placed in his/her file.
- k. The Facility Director or designee shall review all Hearing Incident Reports and resolutions on a monthly basis to ensure conformity with policy and procedures.
- l. The juvenile shall be informed of his/her ability to appeal the Hearing Decision to the Facility Director or designee, at the time they are provided with the decision.
  - i. The appeal shall be made in writing within five calendar days of the receipt of the decision and shall include the reasons for the appeal. The juvenile may request assistance from a staff member in completing the appeal.
  - ii. The appeal shall be decided within 10 calendar days of receipt and the juvenile shall be promptly notified of the decision in writing. Appeal decisions are final.

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2. If a juvenile has allegedly violated multiple major rules at the same time, one Hearing shall be scheduled to hear all of the allegations. The Hearing staff shall not issue more than one set of disciplinary interventions for each Hearing.

E. INTERVENTIONS:

1. Interventions shall include practices to assist the juvenile in changing his/her behavior(s) by promoting pro-social interactions, developing problem-solving skills, and utilizing self-control. Interventions shall be strength-based and individualized.
2. Interventions shall include a Restorative Justice component that addresses repairing the harm to the victim/community that resulted from the juvenile's behavior when appropriate. The Restorative Community Justice intervention shall be individualized and specifically related to the incident. The completion of the intervention shall be documented in accordance with the facility's implementing procedure.
3. Interventions shall not violate a juvenile's basic rights, as defined by Division of Youth Corrections' policy Basic Rights and Responsibilities of Juveniles.
4. Documentation of interventions shall be completed in the Colorado Trials database in an Incident Report, Informational Report, Behavioral Observation and/or Case Note.
5. Successful completion of Post-Hearing intervention components shall reduce the duration and/or intensity of the interventions, when appropriate.
6. Post-Hearing interventions are not to exceed 14 days. If a juvenile has not successfully completed the Post-Hearing interventions, the juvenile's Collaborative Review Team shall meet.

F. LAW ENFORCEMENT:

1. When a juvenile allegedly commits a crime, the case may be referred to the appropriate law enforcement officials for possible prosecution.
2. C.R.S. 19-2-511 requires that when a juvenile is under the age of 18, questioning by law enforcement officials concerning alleged delinquent acts shall only be done in the presence of his/her parent, legal guardian or attorney.
  - a. Division of Youth Corrections' staff members shall not act in any capacity as a legal guardian.
  - b. Staff shall not attempt to obtain information from any juvenile regarding possible criminal involvement for the purpose of providing that information to investigating officials.