



THE YOUTH ADVOCATE'S GUIDE TO DYS POLICIES

How the Sausage is Made...

1

THE BASICS (AND SOME BACKGROUND)

2



3



ISSUE BRIEF

Office of Colorado's Child Protection Ombudsman

AUGUST 20, 2019

Contents

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Recommendation and Agency Response Locator	3
Overview of Current Process: Internal	

INADEQUATE ACCESS: Improving Transparency and Participation in the Division of Youth Services' Rulemaking Process

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I CPO's RECOMMENDATIONS

The CPO made three recommendations to the DYS aimed at developing a more open and participatory policy making process.

✓ **RECOMMENDATION 1**

DYS should implement various practices to improve the transparency of its rulemaking process, including publishing guidelines, providing research and reasoning for policy changes and creating a notification system for when DYS policies are finalized.

✓ **RECOMMENDATION 2**

DYS should expand and increase public participation in its rulemaking process through methods such as, creating a feedback loop for the public, study how to formally incorporate input from stakeholders and create a notification system to alert the public about policy revisions.

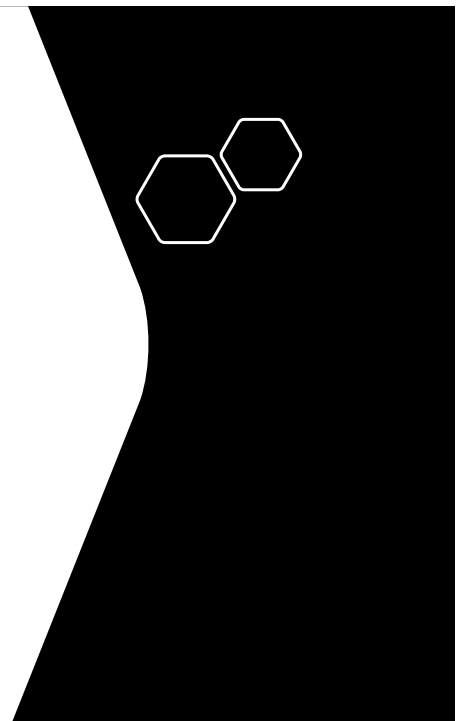
✓ **RECOMMENDATION 3**

The CDHS should determine whether the DYS is in compliance with the State Administrative Procedures Act.

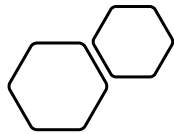
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DYS - Policy Review Committee		
TBD	DYS Policy Coordinator	
Lindsay Miller	DYS Youth Center Administrator	1
Kimberly Rumley-Cranwill	DYS Youth Center Administrator	2
Mari Shull	DYS Youth Center Administrator	3
Rudy Presas	DYS Regions	4
Ashley Tunstall	DYS Behavioral Health & Medical Services	5
Carl Blake	DYS Assessment	6
John Ferullo	DYS Staff Development	7
Julia Dawson	DYS Client Service Coordinator	8
Tiffany Madrid	Child Protection Ombudsman	9
Julie DiNicola	Family Representative	10
Effie Seibold	Public Defender's Office	11
Sheri Danz	Office of the Child's Representative	12
Kelly Abbott	Division of Criminal Justice	13
Levon Hupfer	District Attorney's Office	14
TBD	State Judicial	15
Gay Lujan	CDHS Quality Assurance	16
Virginia Carreno	AG - staff to the board	
TBD	EDI - staff to the board	



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COLORADO
Division of Youth Services
Office of Children, Youth & Families

Division of Youth Services policy update notification

Do you want to be notified when policies are under review and when new or updated policies are released? Please complete the below information and you will be added to our mailing list for policy update notifications.

Please Enter Your Full Name *

First Name Last Name

Please Enter Your Email Address *

example@example.com

<https://cdhs.colorado.gov/dys-policy-updates>

Message

Help

Acrobat

Archive

Respond

Share to Teams

All Apps

Quick Steps

Move

Tags

Editing

Immersive

Translate

Zoom

Reply with Scheduling Poll

Viva Insights

Delete

Teams

Apps

Quick SL...

Find Time

Add-in


DYS Policy Update Notification

MC

Mcauliffe - CDHS, Michael <michael.mcauliffe@state.co.us>


To

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.




DYS Policy Update Memo 1.10.23.pdf

61 KB




S-22-5 Computer Network and Internet Use in the Classroom.pdf

180 KB




S-17-8 General Education Program.pdf

193 KB




S-9-88 Reporting Critical Incidents-Regional Offices.pdf

178 KB



S-17-21 Growth and Change Programs.pdf

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S-16-4 Release from Custody.pdf

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You are receiving this email because you have requested to receive policy updates for the Division of Youth Services. Please see the attached memo for more information.

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SEARCHES, GENERALLY

- All searches governed by S-9-13
- Youth should only be searched by someone of the same gender (if nonbinary or intersex, see S-13-9)
- NO K-9 search dogs, ever
- No searches of body cavity other than visual inspection of mouth
- Rooms searched weekly on an unannounced schedule



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PERSONAL SEARCHES

- Whenever a youth leaves a facility, but is accompanied by a DYS employee.
- Very invasive, but youth's body remains concealed under a robe.



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FULL SEARCHES

- Occurs *every time they return from court or have a family visit.*
- Two employees are present.
 - INCREDIBLY invasive

○

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Further research has shown that strip searches, performed even as intended, can cause children to experience anxiety, depression, loss of concentration, sleep disturbances, difficulty performing in school, phobic reactions, shame, guilt, and other lasting emotional scars. Strip searches can also *retraumatize* children who are survivors of sexual abuse. Studies show that a large percentage of young girls in the juvenile justice system are sexual abuse survivors. These negative consequences of strip searches can last for years. In the most egregious cases, staff members may use strip searches to intentionally abuse children, creating an even greater risk of harm.

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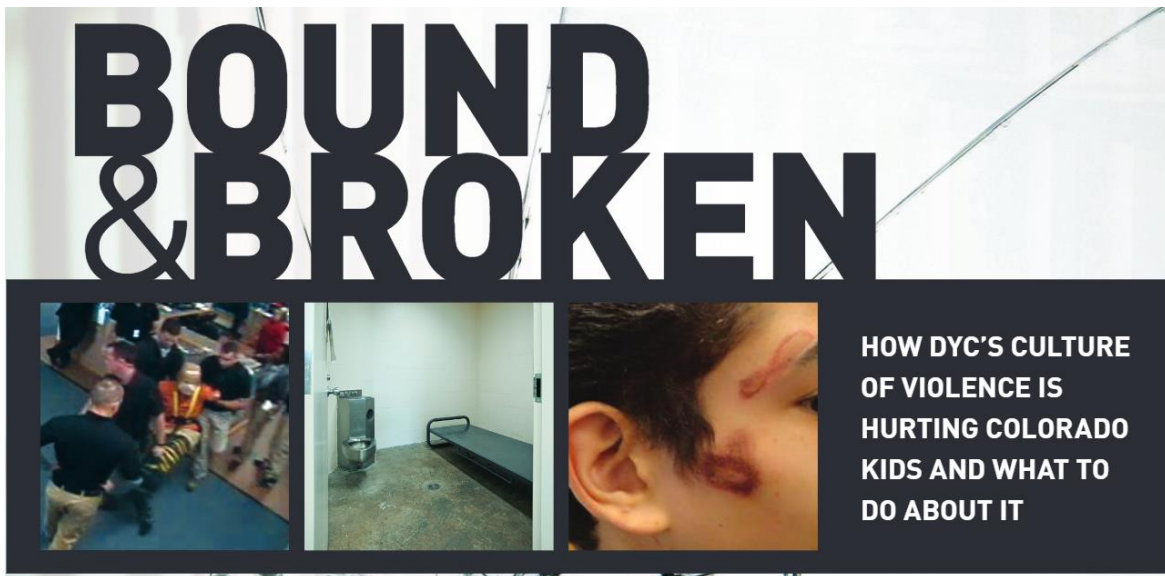
 COLORADO Office of Children, Youth & Families <small>Division of Youth Services</small>		Colorado Department of Human Service Division of Youth Services Statement of Preference Form	
Arrest Name:			
Name		Date	
Trails ID		Biological Sex	
D.O.B		Gender Identity	
Preferred Identifiers:			
Name		Preferred Pronoun	
<p>While in the custody of Division of Youth Services, I would prefer to be searched by a staff person of the below indicated sex whenever possible. I understand that this preference will be respected unless the situation is an emergency, there is no one of that sex available, or the failure to conduct a search will jeopardize the safety of the staff or other juveniles.</p> <p>Staff Gender Preference: <input type="text"/></p>			

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When Can DYS Employees “Physically Respond” to Children?

I. POLICY:

To ensure the safety of all youth in the care and custody of the Colorado Division of Youth Services, and to prevent injury to youth and employees, physical response and protective devices may be used only in emergency situations and after the failure of less restrictive alternatives. Protective devices shall only be used when a youth is determined to be a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm (C.R.S. 26-20-102). Protective devices shall only be utilized for the minimum period of time necessary to accomplish their purpose, using no more force than is necessary. To ensure the safety of the youth or others, physical response and protective devices shall never be utilized as a means of punishment, coercion, discipline, convenience, or retaliation by an employee. Physical response and protective devices shall only be applied under prescribed conditions by employees certified in the approved Colorado Division of Youth Services' Protective Supports and Interventions program (PSI).



<https://www.aclu-co.org/en/publications/bound-broken>

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**RESTRAINTS INJURE
TRAUMATIZE, MAIM,
AND KILL PEOPLE.**

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L. Side Hold Intervention Protocol:

1. The application of the side hold intervention shall be utilized for specific cases where the youth presents an imminent threat of bodily harm to self or others, where there is the present ability to affect such bodily harm, less restrictive alternatives have failed, and verbal and physical response skills have not been effective to safely intervene.
2. To safely apply the side hold intervention, a minimum of THREE employees shall be used, in some instances, four employees may be advisable.
 - a. In addition, a pillow, hand restraints, and the ankle strap shall be utilized when applying the side hold intervention as a safety precaution for the youth and employee. Leg restraints shall not be used during the application of the side hold.

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Situational Response Matrix (revised 5/25/17)

	Non-escalation Response	De-escalation Response	Verbal Directive Response	Physical Response
Behavior Level*	Designed to work with youth in a way that does not raise escalation from their current level.	Used to support a youth's ability to return to the Calm Stage and to prevent the Peak Stage from being activated.	Clear, concise, expressed directives designed to gain compliance.	Designed to respond to an emergency, that is a serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm
Calm	X			
Trigger	X	X		
Agitation	X	X	X	
Acceleration		X	X	
Peak			X	ESCORT Serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm and the youth allows the staff to guide them. SUPPORTS Serious, probable, imminent threat of bodily harm to self or others where there is the present ability to effect such bodily harm and / or is Fighting, Attempted Assault, Assault, Physical resist staff. SELF DEFENSE Only to be used when you are being actively assaulted or someone is being actively assaulted and unable to defend or protect themselves.
De-escalation	X	X	X	
Recovery	X	X		

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7 Stages of Behavior Escalation

	Stage One: Calm	Stage Two: Trigger	Stage Three: Agitation	Stage Four: Acceleration	Stage Five: Peak	Stage Six: De-escalation	Stage Seven: Recovery
Observations	The youth is relatively calm and cooperative. This is the stage where most interactions occur. • Accepting corrective feedback • Following directives • Setting personal goals • Able to ignore distractions • Accepting affirmations	During this stage, the youth experiences unresolved conflict that set in motion the behavior escalation. • The youth struggles to follow expectations • Frequent corrections by staff in attempts to manage behavior • Interpersonal conflicts on the unit among peers or staff • Low rates of positive reinforcement being used by staff	The youth is increasingly unfocused and upset. • A youth being off-task and/or • Frequent start/stop on tasks. • A youth not able to sit in group or line up appropriately. • Talking with other peers during designated "silent" times. • Social withdrawal from peers and staff.	As the issue remains unresolved, the youth focuses more on the conflict. • Provocative behavior (Making people angry or excited; deliberately aimed at exciting or annoying people). • High intensity of emotions/ thoughts • Threatening behaviors and gestures	The youth is out of control and exhibits the most severe behavior. The stage we want the youth to avoid. • Physical aggression • Self-injury • Threatening behaviors and gestures	Having vented in the peak stage, the youth displays confusion in this phase, but the severity of the peak behavior subsides. • Social withdrawal • Denial • Blaming others • Minimization of problem	Youth displays eagerness to participate in non-engagement activities and feels shame, sorrow, fear, or regret. May or may not be able to verbalize feelings or details of the outburst. • Attempts to correct problem • Unwillingness to participate in group activities • Social withdrawal and sleep
Appropriate Interventions	During this stage staff interventions should be focused on non-escalation. • Arrange for interactions that carry high success rates on the units and in school. • Maintaining and building rapport • Maintaining a clear and consistent environment • Use positive reinforcement and affirmations to shape and reinforce behavior • Teach social skills: o Problem solving, o Accepting "no" • Relaxation strategies, • Self-management • Communicate positive expectations to youth	Focus on prevention and redirection • Remove youth • Increasing opportunities for success • Reinforcing what has been taught previously	Intervention is focused on reducing anxiety. • Make structural/environmental modifications for the youth to encourage cooperation, • Provide reasonable options and choices to the youth, • Involve the youth in activities that can promote success and leadership	Intervention is focused on safety. • Remove any possible triggering factors • Follow crisis prevention procedures • Establish and follow through with a bottom line • Remain Professional	Intervention is focused on safety. • Verbal Directives • Physical Response, this response should only be used when lesser alternatives have failed or after a determination that such alternatives would be inappropriate or ineffective under the circumstances	Intervention is focused on removing excess attention. • Don't annoy or irritate the youth with fault-finding or continuous urging • Avoid blaming, • Don't force apology • Emphasize starting anew	Intervention is focused on re-establishing routines and activities. • Follow through with consequences for problem behavior • Positively reinforce any displays of appropriate behavior

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COLORADO
Office of Children,
Youth & Families
Division of Youth Services

COLOARDO DEPARTMENT OF HUMAN SERVICES DIVISION OF YOUTH SERVICES SPECIAL REQUEST TO PHOTOGRAPH YOUTH

Youth Information: _____
(Name) (Date of Birth)

Attorney Information: _____
(Name) (Firm)

I, _____, request to take photos of my client, _____ (hereinafter "client")
(attorney for youth) (name of youth)






during a professional visit.

Terms and Conditions:

As part of the request to take photographs of my client, I certify and agree, to the following:

- I have the legal authority to take photographs of my client as part of my representation of my client.
- The requested photos are necessary for the legal representation of my client.
- I will only photograph my client; No other youth will be captured in the photo(s).
- I will not photograph my client's genitalia or buttocks.
- I agree to cease taking photos of my client if, at any time, my client withdraws consent or otherwise indicates that he or she does not want to be photographed.
- Any photos taken of my client will be used solely for purpose of the legal representation of my client and shall not be released to the public.
- As the lead attorney, I agree and certify that all members of my client's legal team are bound to the terms of this agreement.
- Nothing in this agreement shall prohibit the release of the photograph(s) of my client to appropriate authorities or social services if abuse or neglect of my client is suspected.

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 Records Release - Education.pdf	12/22/23 Gail Andrews - CDHS
 Records Release - General.pdf	12/22/23 Gail Andrews - CDHS
 Records Release - Medical.pdf	12/22/23 Gail Andrews - CDHS
 Records Release - Mental Health.pdf	12/22/23 Gail Andrews - CDHS
 Records Release - Psychotherapy Notes.pdf	12/22/23 Gail Andrews - CDHS
 Records Release - Substance Use Treatment.pdf	12/22/23 Gail Andrews - CDHS

S-14-3B

Time-out, Seclusion, and
Program Refusal

- Initial screenings within 4 hours of arrival
- *MEDICATION CAN BE BROUGHT INTO THE CENTER*
 - But note: *S-12-10A* mandates that medications have to be reviewed and approved independently by DYS prescriber to continue
- Any female reporting opiate use will be given a pregnancy test.

S-12-3A

- Qualified health care professionals
- Responses to requests for care
- Follow-up care
- Grievances apply to health care!!!

S-12-5

MENTAL HEALTH AND MEDICAL CARE – INITIAL SCREENINGS AND ONGOING CARE



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- Detained youth receive *very few BH services*.
 - Policy only requires psychoeducation group, once per week
- For youth with chronic care or special care needs: one 30 min session with BH staff per week
- If “external treatment team” determines they need more, that team has to provide those services

S-15-9

MENTAL HEALTH AND MEDICAL CARE – INITIAL SCREENINGS AND ONGOING CARE


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 COLORADO Division of Youth Services	POLICY S-14-3A	PAGE NUMBER 1 OF 12
	CHAPTER: Rules and Discipline	
	SUBJECT: Youth Center Rules	
	EFFECTIVE DATE: March 18, 2024	
THIS POLICY RELATES TO: Detention Youth Centers Treatment Youth Centers	 Anders Jacobson, Director	

I. POLICY:

Each Division of Youth Services youth center shall implement strengths and relationship-based behavioral management programs that positively reinforce behavioral expectations. The behavioral management programs shall be grounded in a trauma-responsive approach that addresses both individual and group needs. The programs shall include behavioral expectations and privileges, Restorative Community Justice Philosophies, and a range of possible interventions that may be assigned for various rule violations. Youth who are subject to a major rule violation shall be afforded a fair and equitable process.

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 COLORADO Office of Children, Youth & Families Division of Youth Services		Colorado Department of Human Services Division of Youth Services Critical Incident Report	
Region / Youth Center Name:		Youth Center Resource ID Number:	
Critical Incident Category:			
Incident Type:	<input type="checkbox"/> Alcohol / Drug (Non-DYS) <input type="checkbox"/> Contraband Seized Weapons <input type="checkbox"/> Escape / Off Grounds <input type="checkbox"/> Hostage <input type="checkbox"/> Lost tools/ High Security <input type="checkbox"/> Physical Assault Youth/Staff <input type="checkbox"/> Runaway Non-DYS <input type="checkbox"/> Nonconsensual Sex <input type="checkbox"/> Staff Sexual Misconduct <input type="checkbox"/> Theft <input type="checkbox"/> Police Contact Citation/Arrest <input type="checkbox"/> Criminal Activity	<input type="checkbox"/> Child Abuse Allegation <input type="checkbox"/> Criminal Activity (Non-DYS) <input type="checkbox"/> Escape / Facility <input type="checkbox"/> Lock Down <input type="checkbox"/> Major Illness <input type="checkbox"/> Physical Assault Youth/Youth <input type="checkbox"/> Serious Threat <input type="checkbox"/> Consensual Sex <input type="checkbox"/> Suicide <input type="checkbox"/> Media Contact <input type="checkbox"/> Serious Physical Injury <input type="checkbox"/> Other Explain	<input type="checkbox"/> Contraband Seized D/A <input type="checkbox"/> Death <input type="checkbox"/> Fire <input type="checkbox"/> Loss of Keys <input type="checkbox"/> Physical Assault/Staff on Youth <input type="checkbox"/> Riot <input type="checkbox"/> Abusive Sexual Contact <input type="checkbox"/> Juvenile Sexual Misconduct <input type="checkbox"/> Suicide Attempt <input type="checkbox"/> Physical Abuse
If Incident Type is abuse: Referral Agency:		Referral Date:	
Date Occurred: / /	Time: : am pm Actual Estimate Unknown		
Date Discovered: / /	Time: : am pm Actual Estimate Unknown		
Explain all Estimated/Unknown:			
Number of Youth Present at Incident:		Number of Staff Present at Incident:	
Contributing Factors: (choose all that apply)			
<input type="checkbox"/> Alcohol/Drug Use <input type="checkbox"/> Faulty/Inadequate Equipment <input type="checkbox"/> Use of Restraint (Mech. Or Physical) <input type="checkbox"/> Security Issues <input type="checkbox"/> Other:		<input type="checkbox"/> Noncompliance with Policy and Procedures <input type="checkbox"/> Training Issues <input type="checkbox"/> Staff Action <input type="checkbox"/> Physical Plant Deficiencies	

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E. MAJOR RULE VIOLATION REVIEW PROCESS. WHEN A YOUTH RECEIVES A MAJOR RULE VIOLATION, A DYS EMPLOYEE SHALL CONDUCT AN INTERNAL REVIEW:



1. THE REVIEW PROCESS SHALL BE CONDUCTED BY EITHER:
 - a. AN EMPLOYEE AT A YOUTH SERVICES SPECIALIST II LEVEL OR ABOVE, OR
 - b. IF AN EMPLOYEE AT A YOUTH SERVICES SPECIALIST II LEVEL OR ABOVE IS NOT AVAILABLE, AN EMPLOYEE SERVING AS A LEAD WORKER.
2. IF POSSIBLE, THE REVIEW SHALL BE COMPLETED BY AN IMPARTIAL EMPLOYEE NOT INVOLVED IN THE MAJOR RULE VIOLATION.
3. THE REVIEW SHALL BE COMPLETED AS SOON AS POSSIBLE, AND NO LATER THAN 24 HOURS FOLLOWING THE EVENT.
4. THE REVIEWER SHALL GIVE CONSIDERATION TO ALL OF THE FOLLOWING:
 - a. Information obtained in the written report.
 - b. Employee reports.
 - c. Witness reports.
 - d. Video review, IF NECESSARY.
 - e. Information obtained from the youth, including if the youth has requested to present evidence or call witnesses.

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F. Intervention Process for Major Rule Violations:

1. AFTER A MAJOR RULE VIOLATION HAS BEEN REVIEWED, INTERVENTIONS SHALL BE ASSIGNED TO THE YOUTH.
2. Interventions assigned shall BE BETWEEN 3-10 DAYS. The youth and involved employees, when possible, shall be engaged collaboratively in individualizing the assigned interventions.
3. The youth shall be present for the intervention process and assignment of interventions, except when they choose not to participate.
6. Interventions shall include practices to assist the youth in changing their behavior(s) by promoting pro-social interactions, developing problem-solving skills, and utilizing self-control. Interventions shall be strength-based and individualized, provide the opportunity for growth and change, are emotionally intelligent and socially responsible, and reinforce non-violence and safety.
7. Interventions shall include a restorative justice component that addresses repairing the harm to the victim/community that resulted from the youth's behavior. The restorative community justice intervention shall be individualized and specifically related to the incident. The completion of the intervention shall be documented.
8. Interventions shall not violate a youth's basic rights, as defined by DYS Policy S-13-1 Basic Rights and Responsibilities of Youth.

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 COLORADO Division of Youth Services	POLICY S-13-2	PAGE NUMBER 1 OF 7
	CHAPTER: Youth Rights	
	SUBJECT: Youth Grievance Procedures	
	EFFECTIVE DATE: July 1, 2020	
THIS POLICY RELATES TO: Detention Youth Centers Treatment Youth Centers	 Anders Jacobson, Director	



 COLORADO Division of Youth Services	POLICY S-17-21	PAGE NUMBER 1 OF 6
	CHAPTER: Programs and Services	
	SUBJECT: Growth and Change Programs	
	EFFECTIVE DATE:	
THIS POLICY RELATES TO: Detention Youth Centers Treatment Youth Centers	Anders Jacobson, Director	

I. POLICY:

An Individual Growth and Change Program may be provided for youth with individualized needs requiring care or who engage in violent or assaultive behaviors. Youth on an Individual Growth and Change Program may be provided alternative programming which is justifiably related to their security risk, safety, or special needs. The placement of youth on an individualized program is for the purpose of promoting and supporting safe behavior, or for assisting youth requiring specialized care. The Individualized Growth and Change Program is intended to be restorative and support positive growth and change through skill development. A Group Growth and Change Program may be administered for a group of youth who engage in unsafe behaviors, establishing, re-establishing, maintaining, and/or promoting compliance with program expectations. Youth on a Group Growth and Change Program may be provided alternative programming which is justifiably related to their security risk and safety concerns. **The Group Growth and Change Program is not intended as a punishment.**

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ACCESSING THE OUTSIDE WORLD: CONTACT WITH COURTS AND COUNSEL



- Calls to attorney or GAL may be limited to once per day.
- Phone calls to legal representatives should be *UNMONITORED AND CONFIDENTIAL*
 - But see S-18-3: Calls to professionals are unlimited, and youth are only entitled to "reasonable amount of privacy"
- Youth must have access to make calls to the Ombudsman
- Note for crossover youth – they are entitled to a call to their legal representative *during intake*

S-18-3 and S-13-3

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ACCESSING THE OUTSIDE WORLD: CONTACT WITH COURTS AND COUNSEL

- *Outgoing* mail to legal representatives is not reviewed.
- *Incoming* mail from legal counsel is visually scanned to confirm it's from who it says its from.

S-18-2



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ACCESSING THE OUTSIDE WORLD: FAMILY VISITATION



- Only *one ten minute phone call per week* to parents is required.
- Youth are entitled to one 45-minute visit per week – but they can be limited for emergencies
 - Limits on visits must be documented, including the reason for the limit.
- Virtual visits can't take place of in-person visits.
- If someone is traveling more than 50 miles for a visit, youth center has to work with them to accommodate outside the usual hours.

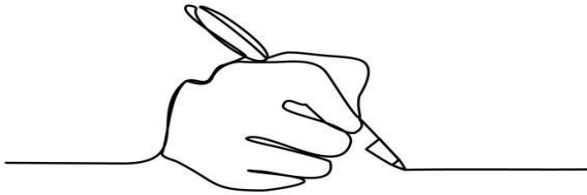
S-18-1 and S-18-3

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ACCESSING THE OUTSIDE WORLD – GENERAL MAIL

- All incoming mail is inspected within 24 hours on weekdays
- If contraband is discovered, all mail photocopied and only photocopies will go to youth

S-18-2



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- **S-17-8A Special Education**
 - *Shall* accommodate IEPs
 - Youth center shall have at least one special education teacher
 - Must comply with IDEA and CO-ECEA
- **S-17-8 General Education**
 - Mandates providing a range of education levels (middle school through post-secondary)
 - DYS *must* request student's prior high school records within 30 school days of placement at facility
- **S-17-10 Recreation**
 - Outside time for one hour, at least 4 times per week

EDUCATION & RECREATION

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THANK YOU!

Effie Seibold

effie.seibold@coloradodefenders.us

Katie Hecker

khecker@coloradochildrep.org

