

**Second Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. R18-1288.01 Gwynne Middleton x4340

HR18-1007

HOUSE SPONSORSHIP

Herod and Benavidez, Esgar

House Committees

HOUSE RESOLUTION 18-1007

101 **CONCERNING THE COLORADO DEPARTMENT OF CORRECTIONS' NEED**
102 **TO REVIEW AND REVISE POLICIES TO IMPROVE SAFETY FOR**
103 **TRANSGENDER INMATES.**

1 WHEREAS, Jails and prisons can be traumatizing for inmates for
2 many reasons, including the troubling reality that they are often the sites
3 for dangerous interactions with fellow inmates and with correctional staff,
4 especially for transgender inmates and anyone who is gender
5 nonconforming; and

6 WHEREAS, Transgender inmates are particularly vulnerable in
7 U.S. prisons because of a general policy of housing inmates according to
8 birth-assigned gender or genital configuration, regardless of their current
9 appearance or gender identity; and

10 WHEREAS, The most recent Bureau of Justice statistics from
11 2012 estimate that 3,200 inmates in America's state and federal prisons
12 identify as transgender and that approximately 40% of transgender
13 inmates reported being a victim of abusive sexual contact by another
14 inmate or a staff member, 10 times the rate among the general prison
15 population; and

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 WHEREAS, Transgender inmates often do not report sexual abuse
2 and assault for fear of being placed in solitary confinement, as the prison's
3 default safety protocol, or of being viewed as an informant by fellow
4 inmates, a designation that increases the likelihood of further violence;
5 and

6 WHEREAS, As a result of these well-founded fears, transgender
7 inmates do not receive crisis counseling or treatment to deal with abusive
8 incidents and may actually be punished by correctional staff for reporting
9 abuses; and

10 WHEREAS, The "Prison Rape Elimination Act of 2003" (PREA)
11 was the first federal law intended to deter the sexual assault of prisoners
12 within the U.S. prison system through a "zero-tolerance" policy, as well
13 as through thorough research and information gathering to raise
14 awareness about the issue; and

15 WHEREAS, The PREA goals were further improved through a
16 comprehensive review by the National Prison Rape Elimination
17 Commission in 2009, which finalized national standards for the
18 prevention of sexual assault in prison that include guidelines to protect
19 transgender inmates from physical abuse by fellow inmates and by
20 correctional staff; and

21 WHEREAS, These PREA guidelines have served as a cornerstone
22 to improve prison and jail safety conditions for all inmates, including
23 those who identify as transgender, and within Colorado, Denver County
24 Jail has implemented policies directed at improving jail safety conditions
25 for transgender inmates, including a "statement of preference form" to
26 allow for inmates to provide a preferred name and preferred pronouns and
27 the possibility of inmate housing in the section of the jail based on gender
28 identity; and

29 WHEREAS, Despite improvements in some prisons across the
30 country and local jail systems like Denver County Jail, the Colorado
31 Department of Corrections continues with an outdated policy, AR
32 Number 700-4, which is at best inadequate with respect to the treatment
33 of transgender inmates, and transgender inmates housed in Colorado
34 Department of Corrections facilities continue to face physical violence
35 because of their gender identity, such as in the incident of the brutal
36 sexual assault of Lindsay Saunders-Velez last year; Ms. Saunders-Velez

1 is a transgender inmate who identifies as a female and who was ordered
2 to be placed in a male inmate disciplinary pod at the Colorado Territorial
3 Correctional Facility in Cañon City, where men who had threatened to
4 assault her were also housed; and

5 WHEREAS, One mission of the Colorado Department of
6 Corrections is to evaluate, house, and provide secure, safe, and humane
7 custody of all inmates, including transgender inmates, until their lawful
8 and appropriate release or transfer to another authority; and

9 WHEREAS, Through the adoption of PREA guidelines for
10 transgender inmate care, the Colorado Department of Corrections can
11 ensure that no other transgender inmate will experience the dehumanizing
12 violence that Ms. Saunders-Velez endured; now, therefore,

13 *Be It Resolved by the House of Representatives of the Seventy-first*
14 *General Assembly of the State of Colorado:*

15 That the members of the House of Representatives request that the
16 Colorado Department of Corrections:

17 (1) Review and revise a policy that is consistent with PREA
18 guidelines; American Correctional Association (ACA) standards;
19 National Correctional Care Health Commission (NCCHC) standards; best
20 practices of correctional facilities such as the Delaware Department of
21 Corrections and local jails such as Denver County Jail; and other
22 correctional facility and jail best practices, standards, regulations, and
23 guidelines that ensure the safety, security, and medical needs of
24 transgender inmates within Colorado's correctional facilities, including
25 guidelines that hold inmates criminally and civilly liable for perpetrating
26 these heinous acts and that hold correctional facility staff criminally and
27 civilly liable for not acting in the best interest of safety for all inmates
28 housed in their facilities;

29 (2) After the revised and updated policy is in effect, review on a
30 quarterly basis the implementation of the policy and its effects on the
31 transgender inmate population; and

32 (3) Share the revised and updated policy at the next scheduled
33 "State Measurement for Accountable, Responsive, and Transparent
34 (SMART) Government Act" hearing with the Joint Judiciary Committee.

1 *Be It Further Resolved*, That copies of this Resolution be sent to
2 the Colorado Department of Corrections, Governor John Hickenlooper,
3 the Chairs of the Colorado House and Senate Judiciary Committees, and
4 Ms. Paula Greisen.