



## **HOUSE RESOLUTION 18-1007**

**BY REPRESENTATIVE(S) Herod and Benavidez, Esgar, Arndt, Bridges, Buckner, Coleman, Danielson, Exum, Foote, Garnett, Ginal, Hamner, Hansen, Hooton, Kennedy, Kraft-Tharp, Lee, Lontine, McLachlan, Melton, Michaelson Jenet, Pabon, Pettersen, Roberts, Rosenthal, Salazar, Singer, Valdez, Weissman, Winter, Young, Duran.**

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

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

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

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

WHEREAS, Transgender inmates often do not report sexual abuse and assault for fear of being placed in solitary confinement, as the prison's

default safety protocol, or of being viewed as an informant by fellow inmates, a designation that increases the likelihood of further violence; and

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

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

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

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

WHEREAS, Despite improvements in some prisons across the country and local jail systems like Denver County Jail, the Colorado Department of Corrections continues with an outdated policy, AR Number 700-4, which is at best inadequate with respect to the treatment of transgender inmates, and transgender inmates housed in Colorado Department of

Corrections facilities continue to face physical violence because of their gender identity, such as in the incident of the brutal sexual assault of Lindsay Saunders-Velez last year; Ms. Saunders-Velez is a transgender inmate who identifies as a female and who was ordered to be placed in a male inmate disciplinary pod at the Colorado Territorial Correctional Facility in Cañon City, where men who had threatened to assault her were also housed; and

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

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

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

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

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

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

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

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

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Crisanta Duran  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES