



OFFICE OF THE STATE AUDITOR



May 22, 2017

DIANNE E. RAY, CPA
STATE AUDITOR

DIVISION OF YOUTH CORRECTIONS (SEPTEMBER 2016) STATUS REPORT

Members of the Legislative Audit Committee:

Attached is the status report from the Department of Human Services (Department) on the implementation of recommendations in the Office of the State Auditor's (OSA) *Division of Youth Corrections* performance audit.

OSA REVIEW OF DOCUMENTATION

We requested and received supporting documentation for each recommendation that the Department reported as having implemented, as follows:

- Seclusion and time out check sheets
- Supervisory review checklist
- Policies applicable to the 10 state-operated and two contractor-operated secure facilities, including seclusion
- Training attendance sheets and course handouts for the 10 state-operated and two contractor-operated secure facilities
- Documentation related to the contract monitor position for the two contractor-operated secure facilities

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Based on our review, the supporting documentation substantiates the Department's reported implementation status.



COLORADO
Department of Human Services

April 26, 2017

Dianne E. Ray, State Auditor
Colorado Office of the State Auditor
1525 Sherman Street, 7th Floor
Denver, CO 80203

Dear Ms. Ray:

In response to your request, we have prepared a status report regarding the implementation of audit recommendations contained in the September 2016 *Division of Youth Corrections Performance Audit*. The attached report provides a brief explanation of the actions the Colorado Department of Human Services has taken to implement each recommendation.

If you have any questions, please do not hesitate to contact Dr. Robert Werthwein at (303) 866-4544 or by email at robert.werthwein@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'Reggie Bicha', is written over a light blue horizontal line.

Reggie Bicha
Executive Director



AUDIT RECOMMENDATION STATUS REPORT

AUDIT NAME: Division of Youth Corrections Performance Audit

AUDIT NUMBER: 1557P

DEPARTMENT: Department of Human Services

DATE OF STATUS REPORT: May 17, 2017

SUMMARY INFORMATION

Please complete the yellow highlighted sections with summary information for all audit recommendations.

Rec. Number	Agency's Response	Original Implementation Date	Implementation Status	Revised Implementation Date (if applicable)
1A	Agree	October 2016	Implemented	
1B	Agree	October 2016	Implemented	
2	Agree	October 2016	Implemented	
3A	Agree	October 2016	Implemented	
3B	Agree	October 2016	Implemented	
3C	Agree	October 2016	Implemented	
4A	Agree	July 2017	Partially Implemented	
4B	Agree	May 2017	Implemented	
4C	Agree	November 2016	Implemented	

DETAIL OF IMPLEMENTATION STATUS

Note: The Department agreed with all of the audit recommendations.

Recommendation No. 1:

The Department of Human Services should ensure that Division of Youth Corrections (Division) secure facilities use and document seclusion in accordance with statute and Division policy by:

- A. Training facility staff on how to properly document seclusion incidents and the notification and meeting requirements associated with seclusion.

Current Implementation Status for Rec. 1, part A: Implemented.

Agency's Update:

DYC Policy 14.3B was revised on September 26, 2016 and a new seclusion form was created on August 24, 2016, which incorporates all requirements of policy in the order that staff is to complete them. During August and September 2016, trainings were provided to all staff involved in the administration and use of seclusion on the policy revision and form, including how to properly document seclusion incidents and the notification and meeting requirements associated with seclusion. In May 2017, the form was revised to capture remaining requirements of policy and a memo was sent to all staff notifying them of the edited form.

- B. Implementing a supervisory review process for seclusion incidents that describes the purpose of the review, when it should occur, what it should include, how it should be documented, and how to address deficiencies in staff's compliance with seclusion requirements.

Current Implementation Status for Rec. 1, part B: Implemented

Agency's Update:

The Division created a supervisory review form on August 24, 2016 and amended DYC Policy 14.3B on September 26, 2016 to specify the purpose, elements, and timing requirements of the supervisory review process. This form also provides supervisors a way to address deficiencies in staff compliance with seclusion requirements. During August and September 2016, the Division trained all supervisory and direct care staff on this supervisory review and form, so that all staff involved in the administration and use of seclusion understand the required elements of the seclusion documentation.

Recommendation No. 2:

The Department of Human Services should ensure that Division of Youth Corrections (Division) secure facilities appropriately use staff-directed timeouts as a behavioral management tool and that timeouts are not used either when seclusion is the appropriate tool or as a means to effectively extend seclusion by revising Division policy to clearly differentiate between staff-directed timeouts and seclusion, including when, where, and how they should be used, and implementing an electronic means of tracking timeouts that occur behind a locked door.

Current Implementation Status for Rec. 2: Implemented.

Agency's Update:

DYC Policy 14.3B was revised on September 26, 2016 to clearly differentiate between Staff Directed Time Outs and Seclusion. Staff Directed Time Outs are now a milieu management tool in which youth will not be behind a locked door. As the Division has removed Staff Directed Time Outs from behind a locked door, the recommendation to electronically track these time outs is no longer applicable.

Recommendation No. 3:

The Department of Human Services should improve Division of Youth Corrections (Division) facility staff's compliance with fight, assault, and critical incident requirements by:

- A. Strengthening controls related to supervisory review of fights, assaults, and critical incidents to specify review requirements such as the scope, purpose, and timing of reviews, how they should be documented, and how to address deficiencies within Division written policies and procedures.

Current Implementation Status for Rec. 3, part A: Implemented.

Agency's Update:

The Division strengthened controls related to supervisory review of fights, assaults, and critical incidents by creating a checklist on January 30, 2017, which specifies review and documentation requirements, as well as guides feedback to staff on deficiencies. In May 2017, policies 9.4, 9.4a, and 9.8 were revised to define scope, purpose, and timeframe of the Supervisory Review Checklist. The Department's Division of Quality Assurance and Quality Improvement monitors the timing of these reviews annually through random sampling.

- B. Providing additional targeted training, as necessary, for staff on the requirements related to fights, assaults, and critical incidents.

Current Implementation Status for Rec. 3, part B: Implemented.

Agency's Update:

The Division provided additional, targeted training on report requirements for fights, assaults, and critical incidents. A combined training session covering report requirements for seclusions, fights, assaults, and critical incidents for all relevant supervisors and direct care staff was conducted between August and September 2016. Additional targeted training will occur, as needed, in the future.

- C. Clarifying policies and procedures related to what information about critical incidents must be reported in Trails.

Current Implementation Status for Rec. 3, part C: Implemented.

Agency's Update:

The Division clarified policy on Critical Incident reporting requirements through training. A combined training session covering report requirements for seclusions, fights, assaults, and critical incidents for all relevant supervisors and direct care staff was conducted between August and September 2016. Training was conducted on what information needs to be included in a Critical Incident Report in Trails.

Recommendation No. 4:

The Department of Human Services should improve the Division of Youth Corrections' (Division) oversight of contractor-operated secure facilities by:

- A. Revising the contracts for secure facilities to include performance measures and accountability provisions that allow the Division to assess the sufficiency of the core services the contractor

provides, such as education and medical and mental health treatment, and align the contractor's performance to state-operated secure facilities' performance.

Current Implementation Status for Rec. 4, part A: Partially Implemented.

Agency's Update:

The Division is currently engaging in contract extension negotiations, which contain amendments to the contracts for contractor-operated secure facilities to include performance measures and accountability provisions beyond the approximately 300 existing audit standards required of contractor-operated facilities. These additional performance measures and accountability provisions will allow the Division to assess the sufficiency of core services the contractor provides and align the contractor's performance to the performance of state-operated secure facilities. The revised contracts should be signed by July 31, 2017.

- B. Revising Division policies to hold contractor-operated secure facilities to, at a minimum, the same standards and requirements as state-operated facilities.

Current Implementation Status for Rec. 4, part B: Implemented.

Agency's Update:

The Division reviewed and revised policies in order to hold contractor-operated facilities, at the minimum, to the same policy standards as state-operated facilities. There is now one set of policies that outlines standards and requirements for state- and contractor-operated secure facilities. The policies only allow for different treatment of contractors, where appropriate, such as for facility licensing requirements or administrative areas. All policy revisions were completed and posted on the Division's website by May 17, 2017.

- C. Coordinating contract monitoring responsibilities among Department of Human Services staff so that the responsibility for ensuring that the contractor is meeting all contract requirements and performance measures is clearly assigned and contractor payment is tied to performance.

Current Implementation Status for Rec. 4, part C: Implemented.

Agency's Update:

The Department has combined contract monitoring responsibilities into an existing Director of Facility Support position, which monitors requirements and performance measures of the contracts, and coordinates any needed corrective actions, up to and including actions affecting contractor payment if performance is not satisfactory pursuant to the terms of the contracts. This position mirrors the Director of Facility Operations positions that oversee state secure facilities. The employee assumed these new responsibilities on October 1, 2016.