

**REFERENCE GUIDE**  
**FOR SCHOOL PERSONNEL**  
**CONCERNING JUVENILES WHO HAVE COMMITTED**  
**SEXUALLY ABUSIVE AND OFFENDING BEHAVIOR**



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**Introduction**

**Purpose.** This School Reference Guide is designed to provide information to school administrators, teachers, and other staff regarding the supervision of juveniles who have committed sexual offenses. This document provides best practice guidelines related to the responsibilities of the school administration in developing a safe and inclusive environment and school community. Addressing the educational and developmental needs of juveniles who commit sexually abusive and offending behavior is often considered a challenge to school districts. However, these juveniles can succeed in a public school setting and like all youth; they have a right to receive an education. The goal of this guide is to build a foundation for safety within the school community; to respond to the individual needs of the victim(s) and his/her family; and address through supervision and management the needs of the juvenile who committed the sexual offense.

The growing prevalence of youth who commit sexual offenses is a national problem. Juveniles commit an estimated 35.6% of the sex offenses that occur in the United States each year<sup>1</sup>. In 2008, the National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children (NISMA<sup>2</sup>) of the Office of Justice Programs reported similar findings: “twenty-nine percent of the sexual assault victims were assaulted by youth age 17 or younger.” While this translates into an estimated 83,700 known victimizations perpetrated by juveniles in the U.S in 1999 alone, the actual number of victimizations is likely to be much larger as police were contacted only 30% of the time<sup>2</sup>.

**Background.** In 2000, The Colorado General Assembly amended and passed legislation (section 16-11.7-103, C.R.S.) that required the Sex Offender Management Board to develop and prescribe a standardized set of procedures for the evaluation and identification of juvenile sex offenders. The legislative mandate to the Board was to develop and implement methods of intervention for juvenile sex offenders, recognizing the need for standards and guidelines specific to these youth. These Standards continue to

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<sup>1</sup> Finkelhor, D., Ormrod, R., & Chaffin, M. (2009). Juveniles Who Commit Sex Offenses Against Minors. *Juvenile Justice Bulletin*. Rockville, MD: Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, Office of Justice Programs. Retrieved from: <https://www.ncjrs.gov/pdffiles1/ojjdp/227763.pdf>.

<sup>2</sup> Finkelhor, D., Hammer, H., & Sedlak, A. J. (2008). Sexually assaulted children: National estimates and characteristics (NCJ 214383). Retrieved from the National Criminal Justice Reference Service: <http://www.ncjrs.gov/pdffiles1/ojjdp/214383.pdf>.

hold public safety as a priority, specifically the physical and psychological safety of victims and potential victims.

## Goals

The highest priority of the Juvenile Standards and Guidelines is community safety. Balancing the needs of victims, community safety and the individual juvenile requires a coordinated and collaborative effort. Therefore, the following goals have been identified:

- Enhancing victim protection and reducing potential for further victimization of other students through increased supervision and awareness of the juvenile's risk factors<sup>3</sup>;
- Promoting a safer educational environment, inclusive of juveniles who commit sexual offenses through participation on a multidisciplinary team<sup>4</sup>;
- Improving the exchange of information between systems of care so that seamless interaction occurs among all relevant private and public agencies and the school district<sup>5</sup>;
- Enhancing the monitoring and supervision of juveniles to whom the Juvenile Standards and Guidelines apply;
- Providing safer school environments by monitoring the juvenile's stability within the school (Increased monitoring assists in the assessment of risk factors, the juvenile's compliance with treatment goals, and evaluation of appropriate placement options. Juveniles who are not involved in a school setting may actually pose a higher risk to their communities due to an increase in unstructured and unsupervised time)<sup>6</sup>;
- Providing educational opportunities for school personnel to understand the continuum and dynamics of sexual offending behavior and victim safety; and
- Providing for normal educational experiences through a school setting, including extra-curricular activities, when safety of other students can be assured<sup>7</sup>.

## Philosophical Statement

The focus of working with juveniles who commit sexually abusive and offending behavior is the safe supervision and management of these youth. Community and victim safety are the primary goals in working with these juveniles. Through a structured management plan, the goal is to prevent future sexually abusive and offending behavior from occurring. The Colorado Sex Offender Management Board in the document titled *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses* established Guiding Principles for working with this population. These Guiding Principles include the following:

- Sexual offenses cause harm;

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<sup>3</sup> Esbensen, F. (2008). In-School Victimization: Reflections of a Researcher. *Journal of Contemporary Criminal Justice*, 24(2):114-124.

<sup>4</sup> Hansen, J. (2013). 2013 Juvenile Standards and Guidelines Outcome Study. *Colorado Department of Public Safety*.

<sup>5</sup> Chaffin, M. & Longo, R. (2005). Guidelines for placement within a continuum of care for adolescent sex offenders and children with sexual behavior problems. *Family Violence & Sexual Assault Bulletin*, 20(3):5-18.

<sup>6</sup> Maimon, D. and Browning, C. (2010). Unstructured Socializing, Collective Efficacy, and Violent Behavior Among Urban Youth. *Criminology*, 48(2):443-474.

<sup>7</sup> Worling, J. R., & Langstrom, N. (2006). Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates and Assessment. In H. E. Barbaree & W. Marshall (Eds.), *The Juvenile Sex Offender* (2nd ed.) (pp. 219-247). New York: Guilford Press; Carlo, G., Mestre, M., McGinley, M., Tur-Porcar, A., Samper, P. and Opal, D. (2014). The protective role of prosocial behaviors on antisocial behaviors: The mediating effects of deviant peer affiliation. *Journal of Adolescence*, 37(4):359-366.

- Safety, protection, developmental growth and the psychological wellbeing of victims and potential victims must be represented within the multidisciplinary team established for each juvenile who commits a sexual offense;
- The law defines sexual offense(s), however, there are behaviors that are not illegal, but are considered abusive. Evaluation, treatment and supervision must identify and address these issues within the continuum of care;
- The charged offense(s) may or may not be definitive of the juvenile’s underlying problem(s).

For a complete list of the Guiding Principles, please refer to Section 1.

The school is a partner with the criminal justice and human services systems in achieving these goals. This School Reference Guide supports the Colorado Sex Offender Management Board’s *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses*. A complete copy of this document, as well as other relevant information is available at the Sex Offender Management Board’s Web Site at <http://dcj.somb.state.co.us/>.

It has been demonstrated that many juveniles who commit sexually abusive and offending behavior are amenable to treatment and intervention<sup>8</sup>. The greatest likelihood for success in working with these youth is in understanding the individual needs of these juveniles<sup>9</sup>, the dynamics of general delinquency and sex offending behaviors<sup>10</sup>, and providing an environment for normalizing behavior<sup>11</sup>.

## Definitions

### 1. ADJUDICATION

The legal review and determination of a case in a court of law. In criminal cases, a juvenile who is convicted of a sexual offense is deemed “adjudicated.” “Adjudication means a determination by the court that it has been proven beyond a reasonable doubt that the juvenile has committed a delinquent act or that a juvenile has pled guilty to committing a delinquent act.

Juveniles who have been adjudicated or granted a deferred adjudication on or after July 1st, 2002 and those who have been adjudicated for a non-sexual offense with an underlying factual basis of a sexual offense are subject to the Standards and Guidelines.

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<sup>8</sup> Fanniff, A. M., & Becker, J. V. (2006). Specialized Assessment and Treatment of Adolescent Sex. *Aggression and Violent Behavior*, 11(3):265-282; Reitzel, L., & Carbonell, J. (2006). The Effectiveness of Sexual Offender Treatment for Juveniles as Measured by Recidivism: A Meta-Analysis. *Sexual Abuse: A Journal of Research and Treatment*, 18(4):401-421; Walker, D. F., McGovern, S. K., Poey, E. L., & Otis, K. E. (2004). Treatment Effectiveness for Male Adolescent Sexual Offenders: A Meta-Analysis and Review. *Journal of Child Sexual Abuse*. 13(3-4):281-293.

<sup>9</sup> Andrade, J., Vincent, G., Saleh, F. (2006). Juvenile Sex Offenders: a Complex Population. *Journal of Forensic Sciences*, 51(1):163-167; Leversee, T., & Powell, K. (2012). Beyond Risk Management to a More Holistic Model for Treating Sexually Abusive Youth. In B. K. Schwartz, *The Sex Offender* (Chapter 19). Kingston, NJ: Civic Research Institute.

<sup>10</sup> Childs, K., Sullivan, C., Gullledge, L. (2011). delinquent behavior across adolescence: investigating the shifting salience of key criminological predictors. *Deviant Behavior*, 32(1):64-100; *ibid* 8, Fanniff, A., & Becker, J. (2006).

<sup>11</sup> Light, J. & Dishion, T. (2007). Early Adolescent Antisocial Behavior and Peer Rejection: A Dynamic Test of a Developmental Process. *New Directions for Child and Adolescent Development*, 118:77-89; Miner, M. & Munns, R. (2005). Isolation and normlessness: Attitudinal comparisons of adolescent sex offenders, juvenile offenders, and non-delinquents. *International Journal of Offender Therapy and Comparative Criminology*, 49(5):491-504; *ibid* 7, Worling, J., & Langstrom, N. (2006).

## *NON OR PRE-ADJUDICATION*

Children under ten years of age are not subject to the juvenile justice system. However, when children under the age of ten have engaged in sexually abusive behavior it is considered best practice to respond to the child's needs by consulting with local community resources, and as a group undertake planning with thoughtful consideration of the victim, community safety and the child.

Prior to adjudication for children age ten and older, or for children who have engaged in sexually abusive behavior but are not being charged in the juvenile justice system, the school should consult with established community resources such as the probation department, human services agencies, mental health professionals, local law enforcement, or the district attorney's office in order to make an informed decision. Although students who have not been adjudicated are considered innocent until proven guilty, the school district has an obligation to provide safety in the educational environment.

It is strongly suggested that an intervention conference be set up with knowledgeable people in the field to determine if the available services can meet the needs of the juvenile and the school community.

It is also recommended that this approach be utilized with juveniles and their families who are seeking intervention regarding sexually abusive behavior that has been disclosed through self-report or an evaluation.

The Board also recommends that these Standards and Guidelines be utilized with juveniles and families who are seeking intervention regarding sexually abusive behavior that has been disclosed through self-report or evaluation. Following a comprehensive evaluation, such juveniles who have been adjudicated for non-sexual offenses, placed on diversion or those who are the subject of a dependency and neglect order may be included in the same programs as those developed for juveniles adjudicated for sexual offending behavior.

### **2. COMMUNITY SUPERVISION**

When a juvenile is residing in any unlocked location (home, foster placement, RTC placement, etc.) he/she is considered to be under community supervision. The multidisciplinary team, when in place, supervises the juvenile and often, there is a probation or parole officer assigned to the case. When the multidisciplinary team has not been developed yet, the custodial agency and/or Department of Human Services caseworker is generally the supervising agent.

### **3. COERCION**

Includes sexual contact (including attempts) with any person (including boyfriends/girlfriends) whose compliance you obtained through any non-violent form of coercion (i.e., bribery, manipulation, gifts, trickery, money, drugs, alcohol, friendship), despite the person's stated or unstated unwillingness to participate, including after the individual says "no" or "stop."

### **4. CONSENT**

The willing and voluntary permission or agreement a person gives to do something or for something to happen. Discuss all elements of consent (size, age, intellect, strength, power, authority, popularity).

## **5. CONTACT**

Any verbal, physical or electronic communication that may be indirect or direct, between a juvenile who has committed a sexual offense and a victim or potential victim.

Purposeful: a planned experience with an identified potential outcome

Incidental: unplanned or accidental; by chance

## **6. DEFERRED ADJUDICATION**

In any case in which the juvenile has agreed with the District Attorney to enter a plea of guilty, the court, with consent of the juvenile and the district attorney, upon accepting the guilty plea, may continue the case for a period not to exceed one year from the date of entry of the plea. The court may continue the case for an additional one-year for good cause.

Any juvenile granted a deferral of adjudication under this section may be placed under the supervision of a Probation Department. The court may impose any conditions of supervision that it deems appropriate that are stipulated to by the juvenile and the District Attorney.

Upon full compliance with such conditions of supervision, the plea of the juvenile or the finding of guilty by the court shall be withdrawn and the case dismissed with prejudice.

If the juvenile fails to comply with the terms of supervision, the court shall enter an order of adjudication and proceed to sentencing under section 19-2-906. Such lack of compliance shall be a matter to be determined by the court without a jury, upon written application of the District Attorney or the probation department. At least five days' notice shall be given to the juvenile and his or her parents, guardian, or legal custodian. The burden of proof shall be the same as if the matter were being heard as a probation revocation proceeding.

If the juvenile agrees to a deferral of adjudication, he or she waives all rights to a speedy trial and sentencing.

## **7. DEPENDENCY AND NEGLECT**

A civil court finding that a juvenile is in need of care and/or protection beyond that which the parent is, or has been, able or willing to provide. Dependency and neglect cases are often referred to as "D&N" cases. Such cases may result in court ordered treatment for parents, children and families, without any family member having been charged, convicted or adjudicated for a crime. Court orders may include directives for the juvenile to participate in sex offense specific treatment, or directives regarding familial participation in the juvenile's treatment. At times these orders are put in place to ensure residential treatment for juveniles.

## **8. GROOMING<sup>12</sup>**

Subversive actions perpetrated to gain access and trust of the victim and the victim's support system. Training the victim and victim's support system to lower their guard. Behaviors are victim specific

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<sup>12</sup> McAlinden, A. (2006). 'Setting 'Em Up': Personal, Familial and Institutional Grooming in the Sexual Abuse of Children. *Social & Legal Studies*, 15(3):339-362.

and include such things as: relationship building through shared interests or activities; development of a sense of *specialness* within the victim; shared secrets before sexual victimization.

### Grooming Behavior(s)<sup>13</sup>:

The grooming behavior is specific to the victim, and although an exhaustive list cannot be generated here, typical coercive behavior includes the offering of candy, small gifts or favors to a victim in exchange for engaging in unwanted sexual contact. Additionally, the perpetrator may act sorry and apologetic with promises never to harm the victim again; use physical force against the victim; threaten to reject or alienate the victim; choose victims who are too young to report; consistently “train” the victim in boundary violation; pretend to teach the victim about sexual contact; and tell the victim they are unique and special, and/or that the victim has responsibility for the abuse. Further, perpetrators often choose a person who appears vulnerable to the perpetrator due to such conditions as the victim’s intellectual or physical disability, chaotic family and lack of boundaries or supervision, etc. Grooming behaviors create the opportunity for abuse to occur.

## **9. INFORMAL ADJUSTMENT**

The District Attorney may request of the court at any time, either before, during, or after the filing of a petition, that the matter be handled as an informal adjustment if:

- The juvenile and his or her parents, guardian, or legal custodian have been informed of their constitutional and legal rights, including the right to have counsel at every state of the proceedings.
- There are sufficient facts to establish the jurisdiction of the court.
- The juvenile and his or her parents, guardian, or legal custodian have waived the right to a speedy trial.
- The informal adjustment shall be for an initial period of no longer than six months. One additional extension of up to six months may be ordered by the court upon showing of good cause.
- During any informal adjustment, the court may place the juvenile under the supervision of the probation department or other designated agency. The court may require further conditions of conduct, as requested by the district attorney, probation department, or designated agency.
- No juvenile shall be granted an informal adjustment if such juvenile has been adjudicated a juvenile delinquent within the preceding twelve months, has had a prior deferred adjudication, or has had an informal adjustment granted within the preceding twelve months.

## **10. INFORMED SUPERVISION**

Specific to the *Juvenile Standards*, informed supervision is the ongoing, daily supervision of a juvenile who has committed a sexual offense by an adult who:

- Is aware of the juvenile’s history of sexually offending behavior
- Does not deny or minimize the juvenile’s responsibility for, or the seriousness of sexual offending

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<sup>13</sup> Craven, S., Brown, S., & Gilchrist, E. (2006). *Sexual grooming of children: Review of literature and theoretical considerations*. Routledge: Philadelphia, PA.



- Can define all types of abusive behaviors and can recognize abusive behaviors in daily functioning
- Is aware of the laws relevant to juvenile sexual behaviors
- Is aware of the dynamic patterns (cycle) associated with abusive behaviors and is able to recognize such patterns in daily functioning
- Understands the conditions of community supervision and treatment
- Can design, implement and monitor safety plans for daily activities
- Is able to hold the juvenile accountable for behavior
- Has the skills to intervene in and interrupt high risk patterns
- Can share accurate observations of daily functioning
- Communicates regularly with members of the multidisciplinary team.

### **11. INFORMED SUPERVISOR**

An adult who has been trained in Informed Supervision. In the school setting these individuals include, but are not limited to, the point of contact, administrators, teachers, coaches and school counselors.

### **12. MULTIDISCIPLINARY TEAM (MDT)**

The multidisciplinary team defined in Section 5.000 of the *Juvenile Standards* is comprised of individuals from various community agencies charged with management, supervision and treatment of juveniles who have committed sexual offenses. A liaison from the school district/school building is a member of the Multidisciplinary Team.

### **13. OVERALL HEALTH**

Consists of personal and ecological aspects of a juvenile's life including: physical, emotional, intellectual, social, relational, spiritual, educational, environmental and vocational aspects.

### **14. RELAPSE PREVENTION**

An element of treatment designed to address behaviors, thoughts, feelings and fantasies that were present in the juvenile's instant offense, abuse cycle and consequently, part of the relapse cycle. Relapse prevention is directly related to community safety. Risk assessment must be used to develop safety plans and determine level of supervision.

### **15. RECIDIVISM**

Return to offending behavior after some period of abstinence or restraint. A term used in literature and research which may be measured by: re-offenses that are self-reported; convicted offenses; or, by other measures. The definition must be carefully identified especially when comparing recidivism rates as an outcome of specific therapeutic interventions.

### **16. SAFETY PLANNING**

Recognition/acknowledgement of daily/circumstantial/dynamic risks; and purposeful planning of preventive interventions which the juvenile and/or others can use to moderate risk in current situations.

## **17. SCHOOL MULTIDISCIPLINARY TEAM**

Is the group of appropriate individuals at each school site responsible for the management and supervision of juveniles who have committed sexual offenses at a specific school within the district. Members of the team can include, but are not limited to: the building designated informed supervisor, counselor, dean, nurse, social worker, school psychologist, and regular education and special education staff. Also included may be various personnel from agencies represented on the juvenile's MDT such as probation and mental health personnel. Additionally, the school multidisciplinary team includes the parent(s)/guardian(s) and the juvenile.

## **18. SEXUALLY ABUSIVE AND OFFENDING BEHAVIOR**

Sexually abusive behavior is often not considered illegal, yet it is harmful to the victim. Abuse and offenses occur on a continuum. Offending behavior occurs when there is a lack of consent, lack of equality or the presence of coercion in actions by the offender against a victim.

## **19. SEX OFFENSE SPECIFIC TREATMENT**

A comprehensive set of planned therapeutic experiences and interventions to reduce the risk of further sexual offending and abusive behavior by the juvenile. Treatment focuses on the situations, thoughts, feelings and behaviors that have preceded and followed past offending (abusive cycles) and promotes changes in each area relevant to the risk of continued abusive, offending and/or sexually deviant behaviors. Due to the heterogeneity of the population of juveniles who commit sexual offenses, treatment is provided on the basis of individualized evaluation and assessment. Treatment is designed to stop sexual offending and abusive behavior, while increasing the juvenile's ability to function as a healthy, pro-social member of the community. Progress in treatment is measured by the achievement of change rather than the passage of time. Treatment may include adjunct therapies to address the unique needs of individual juveniles, yet always includes offense specific services by listed sex offense specific providers.

## **20. SOMB**

The Colorado Sex Offender Management Board which was created in the Department of Public Safety that consists of twenty-five members. The membership of the board shall reflect, to the extent possible, representation of urban and rural areas of the state and a balance of expertise in adult and juvenile issues relating to persons who commit sexual offenses.

## SECTION 1

### GUIDING PRINCIPLES

#### PRINCIPLE #1:

Community safety is paramount.

The highest priority of these Standards and Guidelines is community safety. Whenever the needs of juveniles who have committed sexual offenses conflict with community safety, community safety takes precedence.

#### PRINCIPLE #2:

Sexual offenses cause harm.

When a sexual offense is committed, there is always a victim. Research and clinical experience indicate that sexual assault can have devastating effects on the lives of victims, their families and the community. The impact of sexual offenses on victims varies considerably based on numerous variables and there is potential for differing levels of harm. The long-term impact for victims of sexual abuse and/or sexual assault perpetrated by juveniles can be as damaging as when sexual offenses are perpetrated by adults. By defining the offending behavior and holding juveniles accountable, victims may potentially experience protection, support and recovery.

#### PRINCIPLE #3:

Safety, protection, developmental growth and the psychological well-being of victims and potential victims must be represented within the multidisciplinary team established for each juvenile who commits a sexual offense.

Systemic responses have the potential for moderating or exacerbating the impact of the offense upon victims<sup>14</sup>. Research indicates that the response of family, the community and the systems that intervene influence the victim's recovery<sup>15</sup>.

#### PRINCIPLE #4:

The law defines sexual offense(s), however, there are behaviors that are not illegal, but are considered abusive. Evaluation, treatment and supervision must identify and address these issues within the continuum of care.

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<sup>14</sup> Arata, C. (2002). Child Sexual Abuse and Sexual Revictimization. *Clinical Psychology: Science and Practice*, 9(2): 135-164; Feiring, C., & Taska, L. (2005). The Persistence of Shame Following Sexual Abuse: A Longitudinal Look at Risk and Recovery. *Child Maltreatment*, 10(4):337-349; Lodrick, Z. (2010). Victim guilt following experience of sexualised trauma: investigation and interview considerations. *The Investigative Interviewer*, 1:54-57; Mason, F. & Lodrick, Z. (2013). Psychological consequences of sexual assault. *Best Practice & Research Clinical Obstetrics and Gynaecology*, 27(1):27-37; Patterson, D. (2010). The Linkage Between Secondary Victimization by Law Enforcement and Rape Case Outcomes. *Journal of Interpersonal Violence*, 26(2):328-347; Tamarit, J., Villacampa, C., and Filella, G. (2010). Secondary Victimization and Victim Assistance. *European Journal of Crime, Criminal Law and Criminal Justice*, 18:281-298.

<sup>15</sup> Briere & Scott (2006). Principles of trauma therapy: A guide to symptoms, evaluation, and treatment. Thousand Oaks, CA: Sage Publications; Morrison (2007). Caring about sexual assault: the effects of sexual assault on families, and the effects on victim/survivors of family responses to sexual assault. *Family Matters*, 76:55-63; O'Doherty, T., McLaughlin, S., Deirdre O'Leary, D. (2001). Recovery work with child victims of sexual abuse: A framework for intervention. *Child Care in Practice*, 7(1):78-88.

Sexual offending behavior occurs when there is a lack of consent, lack of equality or the presence of coercion. Laws define the equality of two participants in terms of age differences and/or one's authority over the other, but may not define the differences in terms of knowledge, development or power. For juveniles to participate in non-abusive sexual behavior they must choose to participate freely, without pressure or coercion and they must have similar knowledge regarding the nature of the sexual behavior, possible consequences, and societal attitudes regarding the behavior.

PRINCIPLE #5:

The charged offense(s) may or may not be definitive of the juvenile's underlying problem(s).

There is no singular profile of juveniles who commit sexual offenses; they vary in terms of age and developmental stage, gender, culture, background, strengths and vulnerabilities, levels of risk and treatment needs<sup>16</sup>. Juveniles who commit sexual offenses may engage in more than one pattern of offending and may have multiple victims<sup>17</sup>.

PRINCIPLE #6:

All juveniles who have committed sexual offenses, to whom these Standards apply, must have a comprehensive sex offense specific evaluation<sup>18</sup>. Those juveniles whose behavior falls under the purview of the Guidelines should have a sex offense specific evaluation.

It is also recommended that these Standards and Guidelines be utilized with juveniles and families who are seeking intervention regarding sexually abusive behavior that has been disclosed through self-report or evaluation. Following a comprehensive evaluation, such juveniles who have been adjudicated for non-sexual offenses, placed on diversion or those who are the subject of a dependency and neglect order may be included in the same programs as those developed for juveniles adjudicated for sexual offending behavior.

PRINCIPLE #7:

A multidisciplinary team will be convened for the evaluation, treatment, care and supervision of juveniles who commit sexual offenses<sup>19</sup>.

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<sup>16</sup> Carpentier, J., & Proulx, J. (2011). Correlates of Recidivism Among Adolescents Who Have Sexually Offended. *Sexual Abuse: A Journal of Research and Treatment*, 23(4), 434-455; Mulder, E., Brand, E., Bullens, R., & Marle, H. v. (2010). Risk Factors for Overall Recidivism and Severity of Recidivism in Serious Juvenile Offenders. *International Journal of Offender Therapy and Comparative Criminology*, 55(1):118-135; Seto, M., & Lalumière, M. (2010). What Is So Special About Male Adolescent Sexual Offending? A Review and Test of Explanations Using Meta-Analysis. *Psychological Bulletin*, 136(4), 526-575; Vandiver, D., & Teske, R. (2006). Juvenile Female and Male Sex Offenders. *International Journal of Offender Therapy and Comparative Criminology*, 50(2):148-165; Wijk, A. v., Vermeiren, R., Loeber, R., Hart-Kerkhoffs, L., Doreleijers, T., & Bullens, R. (2006). Juvenile Sex Offenders Compared to Non-Sex Offenders: A Review of the Literature 1995-2005. *Trauma Violence Abuse*, 7(4), 227-243.

<sup>17</sup> Allardyc, S. & Yates, P. (2013). Assessing Risk of Victim Crossover with Children and Young People who display Harmful Sexual Behaviours. *Child Abuse Review*, 22(4):255-267; Chu, M., & Thomas, S. (2010). Adolescent Sexual Offenders: The Relationship Between Typology and Recidivism. *Sexual Abuse: A Journal of Research and Treatment*, 22(2):218-233; Wijk, A. P., Mali, B. R., Bullens, R. A., & Vermeiren, R. R. (2007). Criminal Profiles of Violent Juvenile Sex and Violent Juvenile Non-Sex Offenders: An Explorative Longitudinal Study. *Journal of Interpersonal Violence*, 22(10), 1340-1355; Arsdale, A. V., Shaw, T., Miller, P., & Parent, M. C. (2012). Polygraph Testing for Juveniles in Treatment for Sexual Behavior Problems: An Exploratory Study. *Journal of Juvenile Justice*, 68-76. Washington, DC: OJJDP.

<sup>18</sup> *ibid* 8, Fanniff, A., & Becker, J. (2006); Hempel, I., Buck, N., Cima, M., Marle, H. (2013). Review of Risk Assessment Instruments for Juvenile Sex Offenders: What is Next? *International Journal of Offender Therapy and Comparative Criminology*, 57(2):208-228; Schwalbe, C. (2007). Risk Assessment for Juvenile Justice: A Meta-Analysis. *Law and Human Behavior*, 31(5):449-462; Vitacco, M., Caldwell, M., Ryba, N., Malesky, A., and Korus, S. (2009). Assessing Risk in Adolescent Sexual Offenders: Recommendations for Clinical Practice. *Behavioral Sciences and the Law*, 27: 929-940.

The adoption of standards and guidelines is not likely to significantly improve public safety outcomes unless all agencies and parties are working cooperatively and collaboratively. Therefore, a multidisciplinary team is responsible for the supervision, treatment and care of juveniles who have committed sexual offenses.

PRINCIPLE #8:

Evaluation, ongoing assessment, treatment and behavioral monitoring of juveniles who have committed sexual offenses should be non-discriminatory, humane and bound by the rules of ethics and law<sup>20</sup>.

Individuals and agencies carrying out the evaluation, assessment, treatment and behavioral monitoring of juveniles who have committed sexual offenses must not discriminate based on race, religion, gender, sexual orientation, disability or socio-economic status. Juveniles who have committed sexual offenses and their families shall be treated with dignity and respect by all members of the multidisciplinary team regardless of the nature of the juveniles' offense(s) or conduct.

PRINCIPLE #9:

Treatment, management and supervision decisions should be guided by empirical findings when research is available<sup>21</sup>.

Emerging research over the past 10 years has vastly changed how indicated that juveniles who commit sexual offenses consist of a very diverse group of youth. These youth require an individualized approach using

PRINCIPLE #10:

Risk assessment of juveniles who have committed sexual offenses is necessary for the identification of issues related to community safety, treatment, family support and placement options. Progress in treatment and level of risk are not constant over time and may not be directly correlated.

The evaluation and assessment of juveniles who have committed sexual offenses is best seen as a process. Ongoing evaluation and assessment must constantly consider changes in the juvenile, family and community<sup>22</sup>. To manage risk, minimize the opportunities for re-offense and support positive growth and development of juveniles, ongoing assessment should form the basis for decisions concerning restrictions and intensity of supervision, placement, treatment and levels of care.

A juvenile's level of risk should not be based solely on the sexual offense. A complete knowledge of the history, extent, type of sexual offending and other factors is needed before risk of re-offense and risk to community safety can be adequately determined.

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<sup>19</sup> Cumming, G., & McGrath, R. J. (2005). Supervision of the sex offender: Community management, risk assessment and treatment (2nd Edition). Brandon, VT: Safer Society Press; *ibid* 4, Hansen, J. (2013).

<sup>20</sup> Birgden, A. & Cucolo, H. (2011). The Treatment of Sex Offenders Evidence, Ethics, and Human Rights. *Sexual Abuse: A Journal of Research and Treatment*, 23(3):295-313.

<sup>21</sup> Mears, D., & Bacon, S. (2009). Improving criminal justice through better decision making: Lessons from the medical system. *Journal of Criminal Justice*, 37(2):142-154.

<sup>22</sup> *ibid* 16, Carpentier, J., & Proulx, J. (2011); *ibid* 8, Fanniff, A., & Becker, J. (2006); *ibid* 18, Hempel et al. (2013); Prentky, R. A., & Righthand, S. (2003). Juvenile Sex Offender Assessment Protocol - II Manual. Unpublished manuscript.

### PRINCIPLE #11:

Assessment of progress in treatment must be made on the basis of the juveniles' consistent demonstration of relevant changes in their daily functioning<sup>23</sup>.

The individualized treatment plans for juveniles who have committed sexual offenses should address all needs and issues which the evaluation and assessment process has identified. Treatment plans must include goals relevant to decreasing the risk of further sexual offending, decreasing all types of deviance and dysfunction, and increasing overall health.

Treatment plans must designate measurable outcomes that will indicate successful completion of treatment. Completion of treatment cannot be measured solely in terms of time in treatment or completion of assignments.

### PRINCIPLE #12:

Decreased risk of sexual offending is likely to be most lasting when paired with increased overall health<sup>24</sup>.

Many juveniles who commit sexual offenses have multiple problems and areas of risk. Research indicates that many of these juveniles are at greater risk for non-sexual re-offenses than for sexual re-offenses<sup>25</sup>. Assessment and treatment must address areas of strengths, risks and deficits to increase the juveniles' abilities to be successful and to decrease the risks of further abusive or criminal behaviors. Treatment plans should specifically address the risks of further sexual offending, other risks that might jeopardize safety and successful pro-social functioning<sup>26</sup>. Treatment plans should also reinforce developmental and environmental assets.

### PRINCIPLE #13:

Family members are an integral part of evaluation, assessment, treatment and supervision<sup>27</sup>.

Family members possess invaluable information about the etiology of the problems experienced by juveniles who have committed a sexual offense. Family members may be the juveniles' primary support system through the course of treatment and supervision. Cooperative involvement of family members enhances juveniles' prognoses in treatment.

Conversely, non-cooperative family members may impede juveniles' progress, necessitating the removal from, or delaying or preventing return to, their families<sup>28</sup>. The families' abilities to provide informed

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<sup>23</sup> *ibid* 5, Chaffin, M. & Longo, R. (2005); *ibid* 18, Hempel et al. (2013).

<sup>24</sup> *ibid* 9, Leversee, T., & Powell, K. (2012); Perry, G., & Ohm, P. (1999). The role healthy sexuality plays in modifying abusive behaviours of adolescent sex offenders: Practical considerations for professionals. *Canadian Journal of Counseling*, 32(2), 157-169.

<sup>25</sup> Caldwell, M. (2010). Study Characteristics and Recidivism Base Rates in Juvenile Sex Offender Recidivism. *International Journal of Offender Therapy and Comparative Criminology*, 54(2):197-209; McCann, K., & Lussier, P. (2008). Antisociality, Sexual Deviance, and Sexual Reoffending in Juvenile Sex Offenders. A Meta-Analytic Investigation. *Youth Violence and Juvenile Justice*, 6(4):363-385; *ibid* 8, Reitzel, L., & Carbonell, J. (2006); *ibid* 7, Worling, J. R., & Langstrom, N. (2006).

<sup>26</sup> *Ibid* 7, Carlo et al. (2014).

<sup>27</sup> Baker, A., Tabacoff, R., Tornusciolo, G., Eisenstadt, M. (2003). Family Secrecy: A Comparative Study of Juvenile Sex Offenders and Youth with Conduct Disorders. *Family Process*, 42(1):105-116; Schroeder, R., Osgood, A., Oghia, M. (2010). Family Transitions and Juvenile Delinquency. *Sociological Inquiry*, 80(4):579-604; Spice, A., Viljoen, J., Latzman, N., Scalora, M., and Ullman, D. (2012). Risk and Protective Factors for Recidivism Among Juveniles Who Have Offended Sexually. *Sexual Abuse: A Journal of Research and Treatment*, 25(4):347-369; Yoder et al. (2015): The Impact of Family Service Involvement on Treatment Completion and General Recidivism Among Male Youthful Sexual Offenders, *Journal of Offender Rehabilitation*.

<sup>28</sup> *ibid* 27, Baker et al. (2003).

supervision and support positive changes are critical to providing community supervision and reducing risk of re-offense.

PRINCIPLE #14:

Treatment and management decisions regarding juveniles who have committed sexual offenses should minimize caregiver disruption and maximize exposure to positive peer and adult role models.

As juveniles move through the continuum of services emphasis should be given to maintaining positive and consistent relationships. Research indicates that exposure to deviant peers, the absence of pro-social adult role models and the disruption of caregiver relationships increase the risk of deviant development<sup>29</sup>.

PRINCIPLE #15:

A continuum of care for juvenile sex offense specific treatment and management options should be accessible in each community in this state<sup>30</sup>.

Many juveniles who have committed sexual offenses can be managed in the community. In the interest of public safety, communities should have access to a continuum of care and supervision.

Generally, it is in the best interest of juveniles to grow up in the care of their families<sup>31</sup>. Juveniles need to move between more or less structured settings as their abilities to accept responsibility and demonstrate responsible behavior increase or decrease. When it is safe for juveniles to remain with or be returned to their families, services should be provided in the communities where their families reside.

PRINCIPLE #16:

Reunification of juveniles, with families that include children, can only occur when all children are safe and protected both emotionally and physically and the offending juveniles have demonstrated significant reduction of risk for further offending<sup>32</sup>.

The abilities of parents to provide informed supervision in the home must be assessed in relation to the particular risks of the juvenile. Reunification of the juvenile with the family should occur only after the parent/caregivers can demonstrate both the ability to provide protection and support of the victim(s) and address the needs and risks of the juvenile.

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<sup>29</sup> Burton, D. & Duty, K. & Leibowitz, G. (2011). Differences between sexually victimized and non-sexually victimized male adolescent sexual abusers: Developmental antecedents and behavioral comparisons. *Journal of Child Sexual Abuse*, 20(1): 77-93; Righthand, S. & Welch, C. (2004). Characteristics of youth who sexually offend. *Journal of Child Sexual Abuse*, 13(3-4):15-32; Yoder, J., Brisson, D., & Lopez, A. (under review). Moving beyond fatherhood involvement: The influence of relationship characteristics on youth delinquency trajectories. *Journal of Comparative Family Studies*. (submitted 03/2014).

<sup>30</sup> *ibid* 5, Chaffin, M. & Longo, R. (2005).

<sup>31</sup> Hunter, J. A., Gilbertson, S. A., Vedros, D., & Morton, M. (2004). Strengthening community based programming for juvenile sex offenders: Key concepts and paradigm shifts. *Child Maltreatment*, 9(2):177-189; Silovsky, J. F., Swisher, L. M., Widdifield Jr., J., & Burris, L. (2011). Clinical considerations when children have problematic sexual behavior. In P. Goodyear-Brown (Ed.). *Handbook of child sexual abuse: Identification, assessment, and treatment*. New Jersey: John Wiley & Sons.

<sup>32</sup> *ibid* 31, Silovsky et al. (2011); Swisher, L., Silovsky, J., Stuart, R., and Pierce, K. (2008). Children with Sexual Behavior Problems. *Juvenile and Family Court Journal*, 59(4):49-69.

PRINCIPLE #17:

Every effort should be made to avoid labeling juveniles as if their sexual offending behavior defines them.

It is imperative in understanding, treating and intervening with juveniles who commit sexual offenses to consider their sexual behavior in the context of the many formative aspects of their personal development. As juveniles grow and develop their behavior patterns and self-image constantly change. Terms such as child molester, pedophile, psychopath and predator should be used cautiously. Because identity formation is in progress during adolescence, labeling juveniles based solely on sexual offending behavior may cause potential damage to long-term pro-social development.

PRINCIPLE #18:

Aftercare services are needed to support juveniles who have committed sexual offenses in managing ongoing risks.

The final phase of assessment and treatment must address ongoing risks through the development of long-term "relapse prevention" plans, including aftercare services. Relapse prevention plans should be carefully developed and must address static and dynamic risk factors. These plans should address the dilemmas posed by the inherent risk factors specific to the juvenile and family. A systemic approach supports the community's investment in treatment services and the juvenile's progress. Successful aftercare services will have a high benefit to cost ratio if they can effectively decrease the risk of re-offending.

PRINCIPLE #19:

Assignment to community supervision is a privilege and juveniles who have committed sexual offenses must be completely accountable for their behaviors.

Community supervision may occur in residential placements, group homes, foster homes, or in the juveniles' own homes. The juvenile and parents/caregivers must understand that community safety is the highest priority. They must agree to the intensive and sometimes intrusive, conditions of community supervision required to maintain the juvenile in the community while under the jurisdiction of the court. Both juveniles who have committed sexual offenses and their parents/caregivers must demonstrate accountability and compliance with informed supervision. The abilities of parents to provide informed supervision in the home must be assessed in relation to the particular risks of the juvenile.

PRINCIPLE #20:

Many juveniles who have committed sexual offenses will not continue to be at high risk for sexual offending after successful completion of treatment. Those who remain at high risk will be referred for long-term relapse prevention focusing on containment.

Research indicates the majority of juveniles who commit sexual offenses do not have a primary diagnosis indicative of sexual deviance and they are at lower risk than adults to recidivate after successful



completion of treatment<sup>33</sup>. Research indicates that juveniles who have been adjudicated for sexual offenses are more likely to recidivate with a nonsexual offense than with a sexual offense<sup>34</sup>. Juveniles who have deviant sexual interests and/or arousal patterns who continue to demonstrate attitudes and behaviors characteristic of antisocial and exploitive patterns, those who do not successfully achieve the changes which constitute successful completion of treatment and those whose risk is assessed as moderate or high following intervention must be referred for ongoing services and management prior to release from court jurisdiction.

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<sup>33</sup> *ibid* 8, Reitzel, L., & Carbonell, J. (2006).

<sup>34</sup> *ibid* 25, Caldwell, M. F. (2010); *ibid* 25, McCann, K., & Lussier, P. (2008); *ibid* 8, Reitzel, L., & Carbonell, J. (2006); *ibid* 7, Worling, J. R., & Langstrom, N. (2006).

## SECTION 2

### APPLICABLE STATUTORY AND REGULATORY PROVISIONS EFFECTING PUBLIC SCHOOLS

#### A. Reporting Requirements

Sexual offenses are first reported by either the victim or a witness to the offense. Reports may be made to anyone in the school environment, to neighbors, friends, relatives, co-workers, family, etc. School personnel are mandatory reporters; the school employee who receives notice must make a report of the suspected sexual abuse. It is important to believe the victim's report. However, it is best to avoid questioning the victim regarding details of the abuse. Law enforcement or Social Services must be contacted.

Law enforcement and/or Social Services are contacted by the reporting party and the investigation process begins. Law enforcement and social services usually jointly investigate intra-familial sexual abuse (this is sexual abuse perpetrated by one member of a household upon another member of that household). Law enforcement investigates third party sexual abuse (sexual abuse committed by a person against someone who is not a member of that person's household). Gathering of the facts and the investigation can take several months before it is presented to the District Attorney's Office to consider potential charges.

- § 19-3-304, C.R.S.-Requires school personnel to report to the local law enforcement agency or social services any incident involving child abuse or neglect and classified as mandatory reporters. School personnel should follow their school's protocol for reporting suspected abuse.
- § 19-3-102- Neglected or dependent child
  - (1) A child is neglected or dependent if:
    - (a) A parent, guardian, or legal custodian has abandoned the child or has subjected him or her to mistreatment or abuse or a parent, guardian, or legal custodian has suffered or allowed another to mistreat or abuse the child without taking lawful means to stop such mistreatment or abuse and prevent it from recurring;
    - (b) The child lacks proper parental care through the actions or omissions of the parent, guardian, or legal custodian;
    - (c) The child's environment is injurious to his or her welfare;
    - (d) A parent, guardian, or legal custodian fails or refuses to provide the child with proper or necessary subsistence, education, medical care, or any other care necessary for his or her health, guidance, or well-being;
    - (e) The child is homeless, without proper care, or not domiciled with his or her parent, guardian, or legal custodian through no fault of such parent, guardian, or legal custodian;

- (f) The child has run away from home or is otherwise beyond the control of his or her parent, guardian, or legal custodian;
- (g) The child tests positive at birth for either a schedule I controlled substance, as defined in section 18-18-203, C.R.S., or a schedule II controlled substance, as defined in section 18-18-204, C.R.S., unless the child tests positive for a schedule II controlled substance as a result of the mother's lawful intake of such substance as prescribed.

(2) A child is neglected or dependent if:

- (a) A parent, guardian, or legal custodian has subjected another child or children to an identifiable pattern of habitual abuse; and
  - (b) Such parent, guardian, or legal custodian has been the respondent in another proceeding under this article in which a court has adjudicated another child to be neglected or dependent based upon allegations of sexual or physical abuse, or a court of competent jurisdiction has determined that such parent's, guardian's, or legal custodian's abuse or neglect has caused the death of another child; and
  - (c) The pattern of habitual abuse described in paragraph (a) of this subsection (2) and the type of abuse described in the allegations specified in paragraph (b) of this subsection (2) pose a current threat to the child.
- § 22-32-109.1, C.R.S. – Mandates that schools report the following types of crimes: commission of an act on school grounds that, if committed by an adult, would be considered criminal assault, other than third degree assault; and commission of an act on school grounds that, if committed by an adult would be considered robbery.
  - § 22-33-106.5, C.R.S. - Requires mandatory notification by the courts to school districts upon adjudication or conviction of offenders below the age of 18 for "unlawful sexual behavior" as defined by § 16-22-102(9), C.R.S.

**§ 16-22-102, C.R.S.: Definitions**

(9) "Unlawful sexual behavior" means any of the following offenses or criminal attempt, conspiracy, or solicitation to commit any of the following offenses:

- (a) (I) Sexual assault, in violation of section 18-3-402, C.R.S.; or  
(II) Sexual assault in the first degree, in violation of section 18-3-402, C.R.S., as it existed prior to July 1, 2000;
- (b) Sexual assault in the second degree, in violation of section 18-3-403, C.R.S., as it existed prior to July 1, 2000;
- (c) (I) Unlawful sexual contact, in violation of section 18-3-404, C.R.S.; or

- (II) Sexual assault in the third degree, in violation of section 18-3-404, C.R.S., as it existed prior to July 1, 2000;
- (d) Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
  - (e) Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
  - (f) Sexual assault on a client by a psychotherapist, in violation of section 18-3-405.5, C.R.S.;
  - (g) Enticement of a child, in violation of section 18-3-305, C.R.S.;
  - (h) Incest, in violation of section 18-6-301, C.R.S.;
  - (i) Aggravated incest, in violation of section 18-6-302, C.R.S.;
  - (j) Trafficking in children, in violation of section 18-3-502, C.R.S.;
  - (k) Sexual exploitation of children, in violation of section 18-6-403, C.R.S.;
  - (l) Procurement of a child for sexual exploitation, in violation of section 18-6-404, C.R.S.;
  - (m) Indecent exposure, in violation of section 18-7-302, C.R.S.;
  - (n) Soliciting for child prostitution, in violation of section 18-7-402, C.R.S.;
  - (o) Pandering of a child, in violation of section 18-7-403, C.R.S.;
  - (p) Procurement of a child, in violation of section 18-7-403.5, C.R.S.;
  - (q) Keeping a place of child prostitution, in violation of section 18-7-404, C.R.S.;
  - (r) Pimping of a child, in violation of section 18-7-405, C.R.S.;
  - (s) Inducement of child prostitution, in violation of section 18-7-405.5, C.R.S.;
  - (t) Patronizing a prostituted child, in violation of section 18-7-406, C.R.S.;
  - (u) Engaging in sexual conduct in a correctional institution, in violation of section 18-7-701, C.R.S.;
  - (v) Wholesale promotion of obscenity to a minor, in violation of section 18-7-102 (1.5), C.R.S.;
  - (w) Promotion of obscenity to a minor, in violation of section 18-7-102 (2.5), C.R.S.;
  - (x) Class 4 felony internet luring of a child, in violation of section 18-3-306 (3), C.R.S.;
  - (y) Internet sexual exploitation of a child, in violation of section 18-3-405.4, C.R.S.;

(z) Public indecency, committed in violation of section 18-7-301 (2) (b), C.R.S., if a second offense is committed within five years of the previous offense or a third or subsequent offense is committed;

(aa) Invasion of privacy for sexual gratification, in violation of section 18-3-405.6, C.R.S.; or

(bb) Second degree kidnapping, if committed in violation of section 18-3-302 (3) (a), C.R.S.

- McKinney-Vento Homeless Education Assistance Act- This Act is a federal law that ensures immediate enrollment and educational stability for homeless children and youth. McKinney-Vento provides federal funding to states for the purpose of supporting district programs that serve homeless students.
- Victim Right's Amendment- C.R.S. 24-4.1-301 Legislative Declaration

The general assembly hereby finds and declares that the full and voluntary cooperation of victims and witnesses to crimes with state and local enforcement as to such crimes is imperative for the general effectiveness and well-being of the criminal justice system of this state. It is the intent of this part 3, therefore, to assure that all victims of and witnesses to crimes are honored and protected by law enforcement agencies, prosecutors, and judges in a manner no less vigorous than the protection afforded criminal defendants.

C.R.S. 24-4.1-302 Relevant crimes Sexual assault in the first degree, in violation of section 18-3-402, C.R.S.;

- Sexual assault in the second degree, in violation of section 18-3-403, C.R.S.;
- Unlawful sexual contact, in violation of section 18-3-404, C.R.S.;
- Sexual assault in the third degree, in violation of section 18-3-404, C.R.S.;
- Sexual assault on a child, in violation of section 18-3-405, C.R.S.;
- Sexual assault on a child by one in a position of trust, in violation of section 18-3-405.3, C.R.S.;
- Incest, in violation of section 18-6-301, C.R.S.;
- Aggravated incest, in violation of section 18-6-302, C.R.S.; and
- Invasion of privacy for sexual gratification, in violation of section 18-3-405.6. C.R.S.

## **B. Sharing of Information**

Current legislation allows the sharing of information by law enforcement and school authorities. School authorities should be familiar with the following state statutes:

- § 19-1-303(2)(a), C.R.S. – Provides that school personnel may obtain from the judicial department or agencies that perform duties and functions under the Children's Code any information required to perform their legal duties and responsibilities, said personnel shall maintain the confidentiality of the information maintained, subject to applicable confidentiality laws.
- § 19-1-303(2)(b)(II) , C.R.S. – Requiring that any information or records, (except mental health records) relating to incidents that rise to the level of a public safety concern be shared

by schools and law enforcement authorities. This includes, but is not limited to threats made by students, any arrest or charging information, any information regarding municipal ordinance violations, and any arrest or charging information relating to acts, that, if committed by an adult, would constitute misdemeanors or felonies.

- § 19-1-304(5), C.R.S. – Whenever a petition is filed that alleges a child between the ages of 12 to 18 years old has committed a crime of violence or unlawful sexual behavior, the Children’s Code requires the immediate release of basic identification information, along with the details of the alleged delinquent act or offense, to the school district in which the child is enrolled.
- § 22-33-106.5, C.R.S. – Requires that whenever a student under the age of 18 is convicted or adjudicated for an offense constituting a crime of violence, unlawful sexual behavior, or offenses involving controlled substances, the convicting court must now notify the school district in which the student is enrolled of the conviction or adjudication.

### **C. Responsibilities of School Districts in the Supervision and Management of Juveniles Who Have Committed Sexual Offenses**

The Colorado Sex Offender Management Board was mandated by the Legislature in 2000 to develop the *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses*. In these Standards and Guidelines, schools and school districts are given specific responsibilities.

#### **Section 5.910 –Responsibilities of Schools/School Districts**

The responsibilities of the school representative on the MDT include:

- A. Communicating with the MDT regarding the juvenile’s school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behaviors.
- B. Assisting in the development of the school supervision plan to include activity specific safety plans when applicable.

*Discussion: It is extremely important for juveniles who have committed a sexual offense to engage in normalizing activities within the school when it is deemed safe for the individual to do so. Research<sup>54, 55</sup> indicates that providing normalizing experiences to these juveniles will help increase protective factors and lead to a much more beneficial experience. When appropriate, the school representative will assist in the school supervision plan to ensure that all safety factors are taken into account.*

- C. Providing informed supervision and support to the juvenile while in school.
- D. Developing a supervision safety plan considering the needs of the victim(s) (if in the same school) and potential victims.
- E. Attending MDT meeting as requested.
- F. Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.

*Discussion: The Department of Education, in collaboration with the Sex Offender Management Board, published a Reference Guide for School Personnel Concerning Juveniles Who Have Committed Sexually Abusive and Offending Behavior. School personnel are encouraged to become familiar with this document and the information*

G. Confidentiality of the juvenile

Information is to be provided on a “need to know” basis (Classroom teacher, school administrator, mental health professional, security, transportation, etc.).

*Discussion: When working with school administration, suggested language would be “this student needs a high level of supervision at all times” and that “any concerning behavior should be immediately reported to a school administrator.” The rationale for providing minimal details is that ANY school staff member who witnesses concerning behavior (regardless of the nature of adjudication) should be appropriately reporting it to the site administrator who should be informed/aware of the nature of the student’s offense by participation in the MDT.*

H. Confidentiality and safety of the victim and victim’s family

The schools/school districts are responsible for the confidentiality and safety of the victim(s):

1. The school should determine if victim or family members of the victim are in the same school as the juvenile, while keeping the victim’s name and information confidential.
2. If the juvenile is in the same school as the victim(s), the first and “primary” option is transferring the juvenile to another school.
3. If it is not possible to transfer the juvenile, the second option is to adjust the juvenile’s schedule to have no contact with the victim(s) for both school and extracurricular activities. The victim’s schedule should not be disrupted. School supervision and safety plans should be put in place for the juvenile by the school with the priority of the physical and emotional safety of the victim(s) as the priority.

*Discussion: Victims often suffer additional harm and victimization in the school setting through harassment, pressure and ostracizing by other students, as well as contact by/exposure to the juvenile.*

4. Enforcement of safety for the victim(s) should be a priority for the MDT. It is not the obligation of the victim or victim’s parents to advocate for their own safety. The MDT should utilize victim representation in school safety planning.

Section 5.110 of the Juvenile Standards requires that each MDT shall at a minimum consist of:

- A. The supervising officer, if assigned (Probation Officer, etc.)
- B. The treatment provider

- C. The polygraph examiner (when applicable)
- D. Department of Human Services (DHS) caseworker, if assigned
- E. The Division of Youth Corrections (when applicable)
- F. Victim representative
- G. Therapeutic care provider (when applicable)
- H. Parents, caregivers and other natural support systems
- I. Schools/school districts
- J. Court appointed legal representatives (GAL, CASA volunteer)
- K. Juvenile

Section 5.140 states the responsibilities of the MDT which include, but are not limited to:

- Protect the victim and community.
- Communicating with the multidisciplinary team regarding the juvenile's school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behaviors.
- Assisting in the development of the supervision plan.
- Providing informed supervision and support to the juvenile while in school.
- Developing a supervision safety plan considering the needs of the victim(s) if in the same school and potential victims
- Attending multidisciplinary team meetings as requested.
- Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.
- As a best practice, receive initial and annual training related to juveniles who have committed sexual offenses.



## SECTION 3

### RESPONSIBILITIES OF SCHOOLS

#### **Responsibilities of School Boards**

Senate Bill 00-133 directs that "...each board of education shall cooperate and, to the extent possible, develop written agreements with law enforcement officials, the juvenile justice system, and human services... to keep each school environment safe." This legislation requires and authorizes various levels of information sharing among schools, law enforcement, social service agencies, and mental health agencies in a confidential manner when school/public safety concerns arise.

State law and school district policy govern suspension, expulsion, and disciplinary actions of students. Although this guide does not address those issues, a useful resource is Colorado School Violence Prevention and Student Discipline Manual; Revised August 2002 prepared by the Office of the Attorney General and available at [www.ago.state.co.us](http://www.ago.state.co.us).

#### Development of Policies

School boards should develop policies concerning a safe school environment and provide opportunities for juveniles who have committed sexually abusive and offending behaviors to be supervised at a level that mitigates risk. Some juveniles will be returning to school or to a different educational setting, in such cases a reintegration plan is also necessary for success.

This includes a safety plan for juveniles while they are in school or school activities. Policy development should include the following areas:

- A victim centered approach<sup>35</sup> that includes sensitivity to victims and their family members. If the victim and/or the victim's siblings and the offender are in the same school, these parties need to be involved in the decision as to whether the offender will be allowed to remain at the same school as the victim (and/or siblings). It is important to believe the victim's report; however, it is recommended that school personnel avoid questioning the victim regarding details of the abuse. An awareness of community resources for victims and their family members is encouraged.

It is essential to assess the content of victim information that needs to be shared within the school setting. School personnel may need to know the age and gender of people the offender has victimized in the past, but not specific information about the victim if the victim does not attend the same school as the offender.

*Discussion: While it is true that most juveniles offend against peers or younger children, some offend against older children or adult victims<sup>36</sup>. Understanding risk in relation to a range of victims and potential victims is important in planning for safety in the school setting.*

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<sup>35</sup> Center for Sex Offender Management (CSOM) (2002). An Overview of Sex Offender Management. Silver Spring, MD: Author.

<sup>36</sup> *ibid* 1, Finkelhor, D., Ormrod, R., & Chaffin, M. (2009); Kemper, T., Kistner, J. (2007). Offense History and Recidivism in Three Victim-age-based Groups of Juvenile Sex Offenders. *Sexual Abuse: A Journal of Research and Treatment*, 19(4):409-424.

- A process for the method in which information will be disseminated from the school district to the individual school the juvenile attends. The school district should have a “point-of-contact” person at the district level that will interact with personnel from an individual school who will then be responsible for sharing information with the appropriate school personnel.
- There should be a “point-of-contact” person also referred as the Informed Supervisor, at each school who interacts with school district personnel and the juvenile.
- A communication process should be developed so that there is a consistent flow of communication from the school district to individual schools and from school to school.
- Sharing of information among agencies is paramount. This often includes an interagency agreement among the school district and relevant agencies and treatment providers.
- Each school should designate a representative for the juvenile’s multidisciplinary team. The policy should include who will be responsible for identifying the school member(s) of the multidisciplinary team, and decide who at the school needs to be informed about the juvenile.

### **Responsibilities of School Districts**

School districts are charged with implementing the policies set forth by the school board as well as the implementation of the *Juvenile Standards*. The *Juvenile Standards* (Sections 5.110 and 5.910) state:

If the juvenile is enrolled in a school, the school/school district should designate a representative from the school or school district to participate as a member of the multidisciplinary team. The representative may be the resource officer, social worker, counselor, assistant principal, security staff, or other professional.

Schools/School districts are responsible for the training of school representatives on the multidisciplinary team regarding juveniles who commit sexual offenses.

Often schools are in the position of having very little information about the juvenile’s crime and/or sexually abusive behavior. The offense and/or abuse information is available from a number of different agencies. It is strongly suggested that each school district discuss and set up a procedure for obtaining the necessary information from their law enforcement agencies and district attorney’s office. When appropriate, a Memorandum of Understanding should be utilized with agencies represented on the multidisciplinary team.

Figure 1 on the following page provides a visual example of the process outlined in this document regarding dissemination of information and designation of informed supervisors.

**Figure 1. School-Based Procedures**

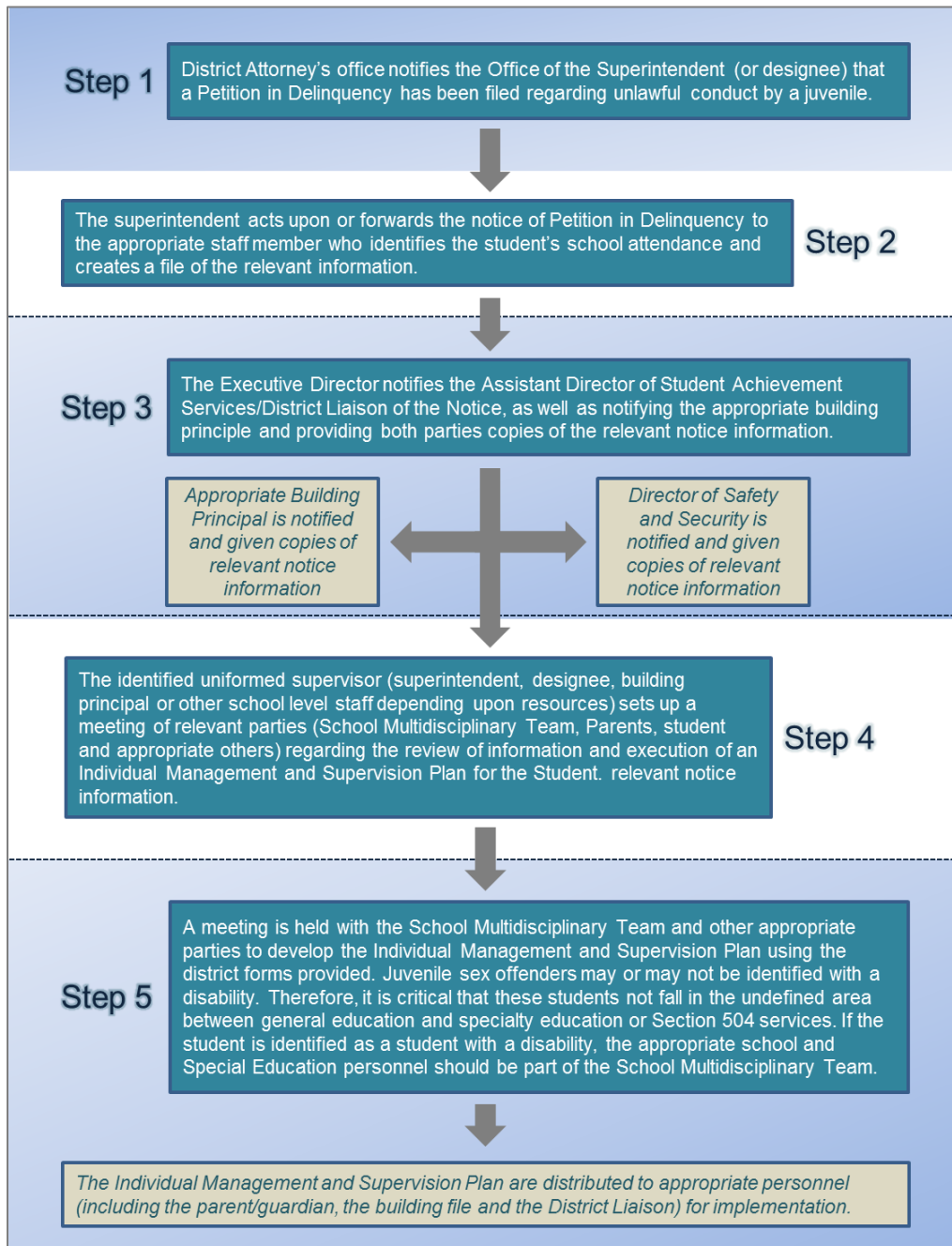
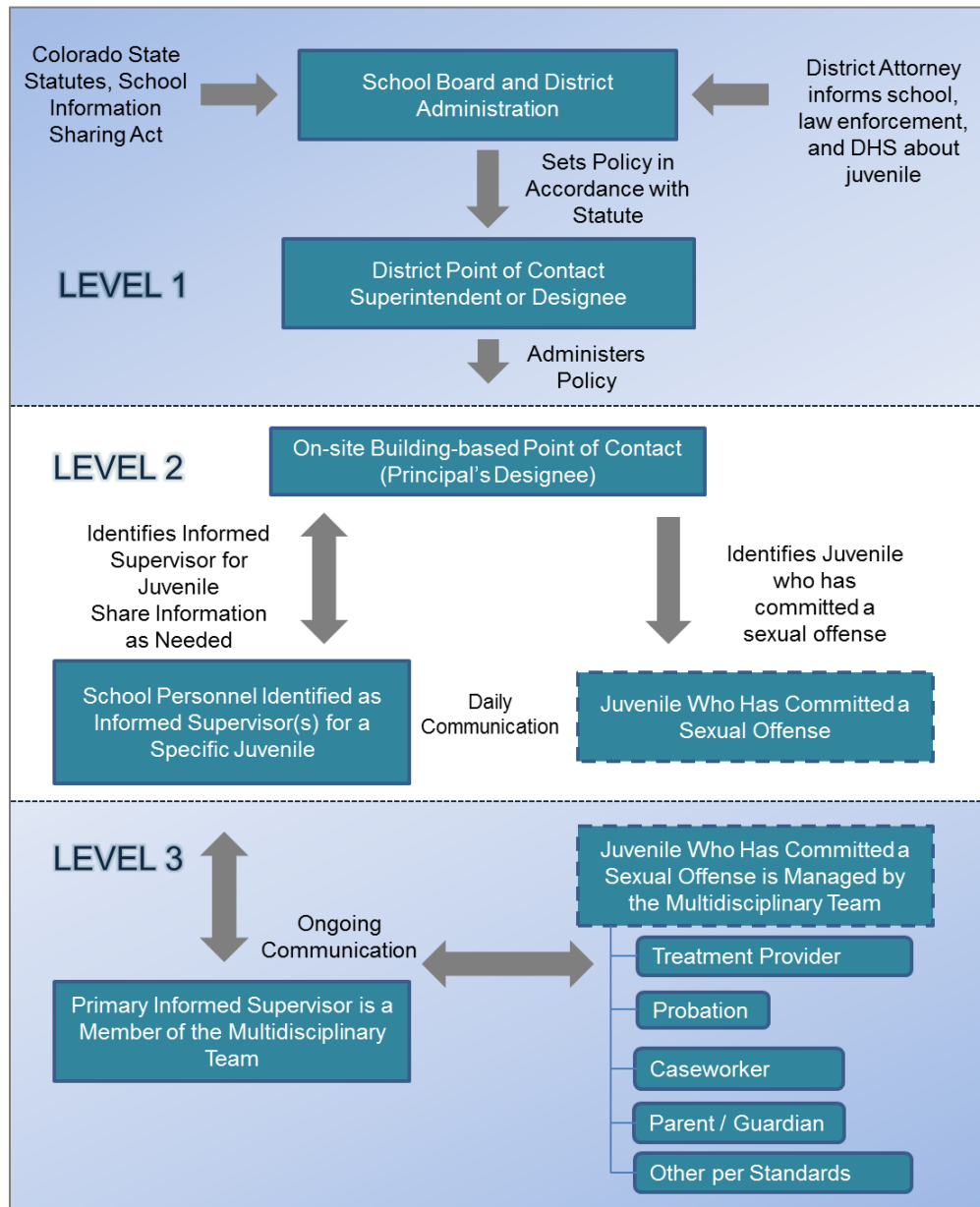


Figure 2 on the following page provides information on the three levels of communication and the flow of shared information. The levels are best understood on a systemic basis:

- 1) State government policy set out by statute and carried out by school district administrators;
- 2) School building based personnel who contact and interact with the informed supervisor and the juvenile; and,

3) Primary school building based informed supervisor who is a multidisciplinary team (MDT) member and has ongoing exchange of information with the juvenile and the MDT for supervision and management of the juvenile.

**Figure 2. School-Based Communication Flowchart**



**Responsibilities of Individual Schools**

Once it has been established by the school district that the juvenile will be remaining in, returning to, or entering the school, the building administration determines who will be the “point-of-contact,” Informed Supervisor within the building. This may be the principal or assistant principal, counselor, dean, special education coordinator, social worker, or other appropriate school official. The Informed Supervisor is

responsible for creating a school safety and management plan for the juvenile and participates on the multidisciplinary team. The Informed Supervisor should:

- Have the necessary information to make an informed decision about the juvenile’s activities while at school and school functions.
- Gather all relevant information (academic history, disciplinary issues, etc.) and act as a central depository of information from school and agency sources. Information will come from many different people including bus drivers, security personnel, teachers, coaches, and others who may be informed supervisors identified by the MDT.
- Coordinate and communicate information sharing with all relevant people and agencies.

Informed supervision is the process in which juveniles are monitored and held accountable for their behavior in a given setting or situation. Informed supervision includes actively overseeing the juvenile’s interaction with peers and staff. Several criteria have been identified and are included below that further define the informed supervisor’s role. Informed supervision begins with the point-of-contact and will usually include other school personnel. The school will initially determine the informed supervisor(s) for the juvenile. The role of each person who provides informed supervision should be defined by the school with input, when applicable, from the MDT.

Informed supervision occurs on a continuum. Not all informed supervisors will have the same amount of information or training as others—the school and MDT are charged with deciding the role and level of information each informed supervisor will need in order to be effective.

### **Responsibilities of the School Representative on the Multidisciplinary Team**

Section 5.910 of the Juvenile Standards states the responsibilities of the school representative on the multidisciplinary team may include, but are not limited to:

- Communicating with the multidisciplinary team regarding the juvenile’s school attendance, grades, activities, compliance with supervision conditions and any concerns about observed high-risk behavior;
- Assisting in the development of the supervision plan;
- Providing informed supervision and support to the juvenile while in school;
- Developing a supervision safety plan considering the needs of the victims(s) and potential victims if in the same school;
- Attending multidisciplinary team meetings as requested; and,
- Participating in the development of transition plans for juveniles who are transitioning between different levels of care and/or different school settings.

There may already be a formal or informal team within the school that communicates regularly about the juvenile. If a school has an in-house team that meets regularly, the multidisciplinary team can be built around the system already in place. Working within the existing system is extremely helpful and is encouraged.

Information sharing with the multidisciplinary team is key in the management of juveniles who have committed sexual offenses<sup>37</sup>. Changes in assessed risk, safety planning, and community safety must be addressed on a regular basis. Communication does not have to occur in person; however face-to-face meetings of the multidisciplinary team are very helpful. The use of e-mail, teleconferencing, and other communication techniques are often used by multidisciplinary team members when face-to-face meetings cannot occur.

For a juvenile to be successful in a school setting, it is important that school personnel collaborate with each other and the agencies involved with the juvenile. Lost information or the lack of sharing information can lead to devastating consequences. Team decision-making is the most effective approach for managing these young people. Open and ongoing communication is a key component of success in working with these juveniles.

School information that should be shared with the multidisciplinary team includes, but is not limited to:

- School disciplinary records
- IEP
- 504 plan
- School social work reports
- Health records

When appropriate, a release of information should be obtained so that an exchange of information can occur.

*Discussion: The Board recognizes there is a learning process for informed supervisors. Non-compliance by an informed supervisor should not be used as the sole reason for terminating a juvenile from treatment, placement, or to raise the level of care. If non-compliance by an informed supervisor interferes with the juvenile's progress in sex offense specific treatment there will need to be a recommendation to revise the level of involvement of the informed supervisor.*

### INFORMED SUPERVISION

The following information is taken directly from Section 9.000 of the *Standards and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses* regarding Informed Supervision. The information is provided as an educational reference as most school personnel will not be expected to provide Informed Supervision at the level of a primary caregiver, yet, in the spirit of being well informed, and being aware of expectations, this protocol has been included.

**ALL JUVENILES WHO HAVE COMMITTED SEXUAL OFFENSES SHALL HAVE INFORMED SUPERVISION.**

Informed supervision is the individualized, on-going daily supervision of a juvenile by a qualifying adult with specialized training and a demonstrated ability to apply knowledge from the training to promote victim, community, and juvenile safety by intervening with the juvenile to manage risk factors<sup>38</sup>. The

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<sup>37</sup> *ibid* 35, Center for Sex Offender Management (CSOM) (2002).

<sup>38</sup> Ryan, G., Lane, S. & Laversee, T. (2010). *Juvenile Sexual Offending Causes, Consequences and Correction*. 3rd Edition. Hoboken, New Jersey: John Wiley & sons, Inc.

MDT shall make the decision regarding the level of supervision which may include complete visual and auditory supervision of the juvenile at all times. Informed supervisors may include adult parent or caregiver parents (if not directly involved in the treatment process), advocates, mentors, kin, spiritual leaders, teachers, work managers, coaches and other natural supports as identified by MDT.

Specific to the *Juvenile Standards*, Informed Supervision is the ongoing, daily supervision of a juvenile who has committed a sexual offense by an adult who:

- Is aware of the juvenile's history of sexually offending behavior
- Does not deny or minimize the juvenile's responsibility for, or the seriousness of sexual offending
- Can define all types of abusive behaviors and can recognize abusive behaviors in daily functioning
- Is aware of the laws relevant to juvenile sexual behaviors
- Is aware of the dynamic patterns (cycle) associated with abusive behaviors and is able to recognize such patterns in daily functioning
- Understands the conditions of community supervision and treatment
- Can design, implement and monitor safety plans for daily activities
- Is able to hold the juvenile accountable for behavior
- Has the skills to intervene in and interrupt high risk patterns
- Can share accurate observations of daily functioning
- Communicates regularly with members of the multidisciplinary team

*Discussion: Informed supervision is an ongoing process and will change as the dynamic needs of the juvenile change. The multidisciplinary team and the informed supervisor will need to work closely and cooperatively to respond to these needs. Responses must be documented in the case file and reflected in treatment and safety plans per these Standards.*

### **Planned Transfer Inside or Outside of the School District**

When a juvenile is transferring within or outside of his/her current district the following elements should be in place:

- A policy that a school representative on the MDT, informed supervisor or other designee is responsible for notifying the other school district or individual school where the juvenile will be transferring.
- A policy regarding permanent records being sent without violating confidentiality.
- A method for communicating the responsibility of each school to make sure that the school district is aware of the current presence of the juvenile within the school or his/her transfer to a different school. There must be policy that describes the communication that must occur between an individual school and the school district(s) regarding the transfer of juveniles.

- A good faith effort should be made to communicate this information in a timely fashion since it is important that an informed supervisor be in place at the new school.

### Unexpected Transfers or Enrollment

In the event that a juvenile who has committed a sexual offense enrolls in a school without prior notification to the school or school district, school personnel should immediately contact their local resources within the probation department, human services or the district attorney's office for guidance. This document and the elements of informed supervision should be implemented to the best of the school's ability while management and supervision issues are being worked out including the development of a multidisciplinary team.

Once information about an unexpected transfer is obtained by a member of the multidisciplinary team, this information should be communicated to other members of the team as well as the school district's point of contact person as soon as possible.

### **Alternatives to Suspension/Expulsion**

There are a variety of responses, other than expulsion or suspension, to the presence of a juvenile who has been sexually abusive and/or committed a sexual offense. School districts should assess the particular juvenile's situation and determine the options available for his/her education.

Research shows that juveniles who commit sexual offenses can be treated for this behavior<sup>39</sup>. The greatest likelihood for success within the school setting is in understanding the individual needs of these youth and providing an environment for normalizing behavior<sup>40</sup>. School personnel should look first at options for the juvenile to remain in the school system, whenever possible. School personnel should assess possible options to maintaining the juvenile in a mainstream school. It is important to utilize the multidisciplinary team in making decisions about where a juvenile should attend school since decisions should be based on complete information from all agencies/professionals involved in the juvenile's life.

Expulsion should be considered as the last option unless the multidisciplinary team determines that community safety would be jeopardized if the juvenile remained in a school. School districts must follow due process when initiating expulsion proceedings outlined in § 22-33-106(3), C.R.S. which are also found in the Colorado School Violence Prevention and Student Discipline Manual.

### **Training for School Personnel**

School districts should provide training for school personnel about juvenile sexual offending issues. This training may occur on a district-wide or building level basis, and may include a variety of delivery methods including video or electronic classrooms, traditional didactic training, or learning opportunities for a specific individual.

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<sup>39</sup> *ibid* 8; Reitzel, L., & Carbonell, J. (2006); *ibid* 8, Walker et al. (2004).

<sup>40</sup> *ibid* 7, Worling, J., & Langstrom, N. (2006); *ibid* 7, Carlo et al. (2014).



Options for training include:

- Training is available throughout the state; school personnel are encouraged to contact local probation, human services agencies and the Sex Offender Management Board to ascertain opportunities and resources.
- Collaboration on training events occurs occasionally between the probation department, district attorney's office, human services, or other knowledgeable people in the community or within the state and may be accessed by contacting local agency personnel.
- Multidisciplinary team members may provide individualized training of specific personnel in a school including training for informed supervisors.

Specific training topics should include:

- The policies and procedures of the school district for managing and supervising juveniles who commit sexual offenses.
- Training on development of safety plans.
- Training for informed supervisors.

Each school should provide ongoing training to school personnel including teachers, bus drivers, coaches, and other staff who may become Informed Supervisors. It is important for the people who interface with these students to understand and be able to provide supervision for this population. Further, it is equally important that school personnel know what is expected of the student, and the school.

The Colorado Sex Offender Management Board lists both national and local training on sex offender issues. The website is <http://dcj.somb.state.co.us/>.

## **SECTION 4**

### **SAFETY PLANNING**

A safety plan should be developed as soon as the school is aware that one of its students is charged with or adjudicated for a sexual offense. Safety planning is an ongoing element of management and supervision. Plans must be in place for daily activities and for special events. Depending on the district or location, safety plans may also be referred as Informed Supervision Management Plans or Supervision Safety Plans.

It is highly recommended that School districts elect to have specific supervision plans for juveniles who commit sexual abuse and offenses. Safety planning is a natural element of supervision, yet the need for a safety plan as a separate document is crucial for special events.

A common goal is to enhance victim protection and reduce the potential for further victimization of other students through increased supervision and awareness of the juvenile's risk factors.

When creating any safety plan, these areas at minimum must be considered:

- Who will be at the event, including the victim and potential victims?
- Which informed supervisor(s) will attend?
- What is the juvenile's risk level in this setting?
- How will any risk be mitigated?
- What are the behavioral requirements of the juvenile to carry out this safety plan?
- Clearly stated responses or consequences for failure to follow the safety plan.

School districts will already have in place supervision parameters for juveniles who have been identified as delinquent or under supervision of juvenile justice agencies. Although it is true that some juveniles will have no agency involvement for supervision, schools should build a safety plan that encompasses informed supervision. When building safety plans it is important that the school-based Informed Supervisor and the MDT work in concert so that all professionals have the same information.

When a juvenile wishes to attend a special event, it is up to the juvenile to initiate the safety planning process for the event. Responsibility and accountability are key components to treatment, supervision and management of this population. Consequences for failure to comply should be discussed while developing the safety plan so that all parties are informed of possible outcomes.

Safety plans for daily activities will include the juvenile's schedule, the expected location of the juvenile for the entire time s/he is on school property, and any limitations to behavior in any of these locations. Some districts may already have this language in their individual supervision contracts; others may incorporate the language or add it as a separate document. Often, the daily safety plan will be a part of the overall supervision agreement between the juvenile and the school that is updated when the broad range of supervision needs change.

## **SAFETY PLAN DEVELOPMENT**

Reference: *Juvenile Standards and Guidelines* (Sections 5.140, 5.910, Appendices A and A1).

### Addressing Risk and Protective Factors

Within the above categories, the juvenile's thoughts, feelings and behavior must be considered a component for planning. The MDT should work together with the juvenile on his plan BEFORE he is allowed to participate in an activity. His feelings could be part a trigger for re-offense; the MDT will need evidence from the juvenile that he can manage his feelings, thoughts and behavior while participating in the activity.

One cautionary note; while developing the plan, consider if the juvenile can accomplish the behavior described—is the goal or behavior realistic for this juvenile?

All parties must have a clear understanding of the expected behavior of the juvenile and informed supervisors. The use of reflective statements when completing safety plans will aid in clarity of understanding and will assist in addressing individual differences and needs.

All persons involved in the planning process should be included on the front page of the plan so that the contact information is immediately available. The type of plan, either daily or special event request should also be clearly marked.

It is not necessary to re-draft documents that are already in place, the safety plan should reference them by name and topic, when applicable, i.e. *The student will follow his terms and conditions of probation while on school property and at all events, including no contact with the victim on school grounds.*

One way to keep information from other documents in front of the juvenile and MDT is to attach them, when appropriate, to the safety plan. The goal is to aid in clarity, not to add bulk to the plan.

Safety plans should be clear and behaviorally based. If goals are set, they should be measurable and described in terms of the juvenile's behavior. School personnel and other informed supervisor's behavior is generally not included in the plan, the safety plan is an accountability tool for management and supervision of the juvenile.

Consequences for failure to comply or follow through with the plan should be discussed and expectations of all parties clarified in all planning sessions.

Safety plans for daily activities will include the juvenile's schedule, the expected location of the juvenile for the entire time s/he is on school property, and any limitations to behavior in any of these locations. Some districts may already have this language in their individual supervision contracts; others may incorporate the language or add it as a separate document. Often, the daily safety plan will be a part of the overall supervision agreement between the juvenile and the school and it is updated when the broad range of supervision needs to be changed.

Below are some examples, each district is encouraged to use district-specific language and to add as many conditions as necessary to adequately supervise and individualize each juvenile who has committed sexually abusive and/or offending behavior.

*The student will comply with all terms and conditions set forth by any court, human services or other supervising agency while on school property or at any school event s/he is permitted to attend.*

*The student will attend each daily scheduled class. As of 12-10-13, no classes require outside activities.*

*The student will be able to access restrooms from: (time) or list a certain location.*

*An informed supervisor is/is not required for the student to access the restroom. The informed supervisor(s) is/are:*

*The student will have a daily supervised lunch period from: (time)*

*The student will follow district protocol for excused absences.*

*The student may not access the inter/intra-net while on school grounds.*

*The student is enrolled in physical education, he must request permission to go to the free-weight area and be within line-of-sight supervision while in the free-weight room. The school-based informed supervisor is (name of IS) and by his/her initials next to this item affirms s/he has agreed to these conditions.*

*The student will arrive at and depart from school by means of: If the student rides a school bus, he/she will have an assigned seat by him/herself which will be in the front seat located diagonally from the bus driver.*

If there is more than one school-based informed supervisor for any location, all should be named on the plan and each location identified. One method includes the following language:

*The student will be able to access personnel in the building for assistance in coping with risk behavior or other support system issues. Those persons are:*

*The student will check in by (time) each morning with (name of person) and out at (time) with (name of person) each afternoon.*

Some safety plans include consequences for behavior that violates the plan. It is generally recommended that if personnel want to include information such as responses by informed supervisors and MDT members, it should be included in supervision contracts or other documentation referenced in the plan. A statement such as, “I understand that I may be directed to leave the special event if my behavior poses a risk to any person, animal or property at the site, or if any informed supervisor or other personnel have reason to believe that I am violating my safety plan or other supervision and management agreement” may be useful.

Risk and community safety must always be a priority for MDT members and informed supervisors. Certain statements regarding potential risky situations should be included in the plan. Examples follow:

*The student is not permitted to be in the same location as the on-site day care.*

*The student is not permitted to have contact with severe needs special education students.*

If the juvenile is identified as a severe needs special education student, he must have supervision commensurate with his risk.

#### Potential Consequences for Violation of the Safety Plan

Consequences for lack of compliance need to be contained in the safety plan. They should be clearly articulated to the juvenile. Consequences should be determined by the MDT and school officials but should focus on the individual juvenile involved and what is best for both the juvenile and the student body. Consequences may include, but are not limited to, suspension or expulsion from school, and/or revocation of probation.

#### Committing to the Safety Plan

A statement about the purpose of the safety plan, an agreement to abide by it, and an acknowledgement that there will be consequences for violation(s) of the plan should be included.

Safety plans should have signature lines for the juvenile, school-based Informed Supervisor(s), parent/guardian and the Principal or the Principal's designee. Generally, any agreement or plan will be dated and will include statements about amending the document, including that the document remains in full force and effect until it is amended and signed by all parties.

There should be a statement about the use of the safety plan and its portability throughout the district. This would include space to identify the contact at the receiving school and the Informed Supervisor's signature indicating that the new school has been informed of the juvenile's risk, needs and supervision requirements.

## SECTION 5

### VICTIM CENTERED APPROACH

#### What Is A Victim Centered Approach?

A victim centered approach when working with a victim of sexual assault and the juvenile who has committed the sexually abusive and offending behavior serves to minimize additional trauma to the victim, increase the safety of the victim, the juvenile and the school community, and mitigate the harm done. A victim centered approach involves viewing the victim as a stakeholder when safety planning for the juvenile. It encourages identifying trained staff within the school setting to advocate for the victim, to be involved in the planning process and to provide input from the victim regarding their needs and the safety plan. A victim centered approach considers the best interests of the victim while best meeting the needs of the juvenile. From this perspective the school community can reduce the harm, improve school safety and reduce recidivism<sup>41</sup>.

#### Prevalence of Sexual Assault Committed by Youth

Sexual assault in America has been described as: “a tragedy of youth”. In 7th through 12th grade students, rates of peer sexual assault range from 26% of high school boys to 51% of high school girls. School was the most common location of peer sexual victimization<sup>42</sup>. Surveys indicate that approximately half the students between 7th and 12th grade experienced sexual harassment or sexual assault during the 2010-2011 school year<sup>43</sup>. Juveniles are responsible for 36% of sexual assaults against children and other youth<sup>44</sup>. Juveniles who commit sex offenses against other children are more likely than adult sex offenders to offend in groups and at schools and to have more male victims and younger victims. In fact, of all reported sexual assaults involving juvenile offenders and victims, 12% occur at school.

#### Consequences of Sexual Assault

Sexual assault inflicts psychological and often physical injury, which can have devastating impact on the victim. Juvenile victims of sexual assault suffer significant emotional and social trauma that can manifest in numerous ways and have the potential for long term and permanent harm. Victims of sexual assault who find themselves in the school setting with the offender, may experience a negative view of the school environment, social isolation, victim blaming, bullying, harassment, difficulty concentrating and maintaining grades, and increased absences and truancy<sup>45</sup>. As a result of sexual victimization, students are 3 times more likely to experience depression, 6 times more likely to suffer from post-traumatic stress disorder, 13 times more likely to abuse alcohol and 26 times more likely to abuse drugs<sup>46</sup>. Tragically, victims of sexual assault are 4 times more likely to contemplate suicide and are more likely to be treated for injuries related to suicide attempts<sup>47</sup>.

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<sup>41</sup> ibid 35, Center for Sex Offender Management (CSOM) (2002).

<sup>42</sup> Young, A. M., Grey, M., & Boyd, C. J. (2009). Adolescents' experiences of sexual assault by peers: Prevalence and nature of victimization occurring within and outside of school. *Journal of Youth and Adolescence*, 38(8):1072-1083.

<sup>43</sup> Hill C, & Kearn, H. (2011). Crossing the Line Sexual Harassment at School. *American Association of University Women*.

<sup>44</sup> Finkelhor, D., Turner, H.A., Ormrod, R.K., & Hamby, S.L. (2009). Violence, abuse, & crime exposure in a national sample of children & youth. *Pediatrics*, 124(5):1-14. (CV193).

<sup>45</sup> Ibid 43.

<sup>46</sup> World Health Organization. 2002.

<sup>47</sup> ibid 46.

## **Policy and Governance**

### **Colorado Statutes**

Colorado's Victim Rights Act (VRA) (C.R.S. §24-4.1-301-303) was passed in 1993 and the goal of this legislation was to ensure that victims were treated with fairness, respect, and dignity and were free from intimidation, harassment and abuse throughout the criminal justice process. In addition the VRA outlines certain rights that the victim has including the right to be informed, present, and heard at various critical stages of the criminal justice process. A victim can learn more about his/her rights by contacting the Division of Criminal Justice ([www.dcj.state.co.us/ovp](http://www.dcj.state.co.us/ovp)). In addition, a victim advocate from the investigating law enforcement agency or the district attorney's office will be able to provide this information to the victim.

C.R.S. §22-33-106 outlines the reasons that a student can be expelled from a school based on certain conduct or criminal behavior. From a victim's perspective, it is important to consider how the victim can be afforded protection from the offender in a school setting after a sexual assault has been reported. It may be appropriate to expel the offender if he/she attends the same school as the victim, however please consider all options available and reference the Safe School Environment section on page 48. In addition, C.R.S. §22-33-106 (4) (b) provides options to school districts that have only one school where the juvenile offender can enroll. These options include: 1) prohibiting the juvenile offender from re-enrolling in the school in which the victim or the victim's family is enrolled; or 2) allowing the juvenile offender to attend the school, but develop a schedule for the juvenile offender that avoids contact with the victim or the victim's family members.

"Bullying" has been defined as "any written or verbal expression, or physical or electronic act or gesture, or a pattern thereof, that is intended to coerce, intimidate, or cause any physical, mental, or emotional harm to any student." (C.R.S. §22-32-109.1 (1) (b)). It is important to know that other students may resent a victim for reporting a sexual assault; therefore school personnel need to watch for any signs that the victim is being bullied by the juvenile offender or other students. It is understood that this can be challenging because all school personnel will not know the identity of the victim. C.R.S. §22-32-109 (2) also suggests that it would be appropriate to consult with victim advocacy organizations for the development of a school safety plan.

If school personnel are looking for resources to address school safety including bullying, the Colorado School Safety Resource Center (CSSRC) exists within the Colorado Department of Public Safety. This resource center was established through legislation in 2008 and is described in C.R.S. §24-33.5-1801.

Pursuant to C.R.S. §19-3-304 (2) (1), school personnel are classified as mandatory reporters if they become aware of any suspected abuse to any child under the age of eighteen. School personnel should follow their school's protocol for reporting suspected abuse.

Schools are also responsible for ensuring that protection orders are enforced. C.R.S. §13-14-105 (1) states, "A municipal court of record that is authorized by its municipal governing body to issue protection or restraining orders and any county court, in connection with issuing a civil protection order, has original concurrent jurisdiction with the district court to include any provisions in the order that the municipal or court deems necessary for the protection of persons, including but not limited to orders: (f) Restraining a

party from interfering with a protected person at the person's place of employment or place of education or from engaging in conduct that imparts the protected person's employment, educational relationships, or environment." In addition to a civil protection order, if the juvenile has been charged, there may also be a mandatory criminal protection order in place pursuant to C.R.S. §19-2-707.

### **Federal Guidelines**

The Office for Civil Rights (OCR) and Title IX Requirements: In partnership with the Department of Education, The Office for Civil Rights has provided training materials for schools to understand their responsibilities under Title IX. Title IX requires schools to ensure that students can attend school in an environment that is not considered hostile. This can include attending classes, school field trips, and extra-curricular activities. According to Title IX, each school is required to: 1) disseminate a notice of nondiscrimination; 2) designate at least one employee to the role of Title IX coordinator; and 3) develop and publish grievance procedures that provide prompt and equitable resolution of student and employee sex discrimination complaints (20 U.S.C. §§ 1681 et seq. 34 C.F.R. Part 106)

For a victim of sexual assault, Title IX provides a separate grievance and investigation process from the criminal justice investigation. In addition Title IX requires similar accommodations to ensure a victim's safety in the school environment. For a list of recommendations, please refer to the Safe School Environment section within this document (United States Department of Education, Office for Civil Rights – Dear Colleague Letter-Sexual Violence, April 4, 2011).

In addition, Title IX discusses a school's obligation when a victim requests confidentiality of his/her identity. A school needs to take into consideration this request and inform the victim that honoring such a request could limit the actions that can be taken against the alleged offender.

To ensure compliance with federal guidelines including federal funding, schools are encouraged to review the entire Title IX – Dear Colleague letter referenced above.

### **Family Educational Rights and Privacy Act Regulations (F.E.R.P.A) 34 C.F.R. Part 99**

In general, school officials should be aware of their responsibilities under the Family Educational Rights and Privacy Act Regulations (FERPA) as they apply to both the victim and the juvenile. F.E.R.P.A. defines what information is considered an educational record and the rights of students regarding their education records.

The Health Insurance Portability and Accountability Act (H.I.P.A.A.) sets forth the guidelines for sharing an individual's health information. The U.S. Department of Health and Human Services has stated that HIPPA does not apply to an elementary or secondary school. The records created by a school are considered education records and are covered under F.E.R.P.A.

### **How to Support a Victim of Sexual Assault**

An appropriate and sensitive response to a victim of sexual assault is critical for the emotional, social and academic success of the victim<sup>48</sup>. Negative professional and peer reactions toward a victim who reports a

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<sup>48</sup> Ahrens, C. (2006). Being silenced: The impact of negative social reactions on the disclosure of rape. *American Journal of Community Psychology*. 2006 38:263–274.



sexual assault are likely to silence disclosure of subsequent sexual assaults and thereby increase the risk for an unsafe or hostile school environment<sup>49</sup>. The majority of sexual assault victims fear they will be blamed if the assault is reported<sup>50</sup>. Victims of sexual assault need to feel supported; not blamed. They need to be heard, believed, informed, protected, and assisted. The emotional support victims receive immediately following their disclosure will help facilitate resolution of the trauma and provide a baseline for recovery. Recovery from the trauma depends on factors including the victim's age at the time of the abuse, the support of family and friends, the frequency and extent of the abuse, and how the victim was treated at the time the outcry was made. Victims need to be encouraged to report the full extent of their experience to authorities without fear of retaliation by the juvenile offender.

### **Common Reactions to Sexual Violence<sup>51</sup>**

It is important for schools to recognize the impact of trauma on learning. Sexual abuse is widely recognized as a trauma that is correlated with long-term negative outcomes. Studies on neurobiology and trauma have shown that cognitive capabilities and academic performance are negatively impacted by trauma. Victimization that occurred during childhood or adolescence has a dramatic effect on brain development. Youth who have experienced chronic victimization have developed survival skills, which may include aggression, withdrawal, and freezing. When youth are repeatedly exposed to high levels of stress, their brains learn to prioritize rapid response and survival skills over thoughtful decision-making. Youth who have experienced trauma often have trouble paying attention, sitting still, and controlling emotions. In some students, trauma may also manifest as perfectionism. Students who have experienced trauma have been shown to have lower grade point averages, more negative remarks in their cumulative records, and more reported absences from school than other students. If a student is having behavioral or academic problems, prior victimization should be considered when assessing disciplinary action and support services.

### **Reactions of a Victim of Sexual Assault**

In the days or weeks following a sexual assault the victim may experience:

- Startle reactions in response to loud noises or quick movements of other people
- Hyper-vigilance
- Intense mental reviewing of the assault -- second-guessing their behavior and asking themselves "what if..."
- Difficulties with intimacy
- Difficulties concentrating
- Heightened interest in personal safety in general
- Nightmares or night terrors
- Fatigue and a sense of being drained
- Moodiness, irritability, and general sensitivity to any criticism
- or a reduction in emotional expressiveness (flat affect)

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<sup>49</sup> Ibid 43.

<sup>50</sup> Ibid 48.

<sup>51</sup> Campbell, R., Dworkin, E., & Cabral, G. (2009). An ecological model of the impact of sexual assault on women's mental health. *Trauma, Violence & Abuse*, 10(3):225-246; Wright, C., Collinsworth, L., Fitzgerald, L. (2010). Why Did This Happen to Me? Cognitive Schema Disruption and Posttraumatic Stress Disorder in Victims of Sexual Trauma. *Journal of Interpersonal Violence*, 25(10):1801-1814.

- Flashbacks
- Extreme anxiety and/or excessive crying
- Damaged ability to trust

Every victim will experience some or all of these emotions following the assault. These symptoms are normal and should lessen over time.

### **Reactions of Friends and Family**

Significant others may experience unexpected emotions as a result of their loved one's victimization. Anger, helplessness and frustration are common reactions of those close to sexual assault victims. Following the assault friends and family might experience:

- Fear
- Helplessness
- Confusion
- Self-blame
- Guilt
- Denial
- Anger
- Fear of others finding out about the assault
- Fear of contracting HIV/AIDS or sexually transmitted diseases

### **Emotional Support for the Victim**

Friends, family and trusted school staff can provide emotional care and support to help the victim cope with the immediate crisis and make progress toward long-term recovery from the trauma. First and foremost, an adult working with a sexual assault survivor should be able to articulate a caring, compassionate response. Simply relaying messages such as those listed below can make an enormous difference in the healing process.

For example:

*I'm so sorry this happened to you...*

*You are so strong...*

*We want you to be safe and happy at school...*

*Thank you for sharing what has been going on...*

*This wasn't your fault...*

People who have been victimized recover from their trauma in their own time frames. A specific expectation for recovery cannot be applied relative to time. Talking about their experience and consequent feelings with supportive friends and family members can be helpful during the healing process. Victim Advocates often make referrals to professional therapists with expertise in working with sex assault survivors.

**It is critical to:**

- Believe the victim
- Acknowledge that the assault was not the victim's fault
- Maximize the victim's sense of safety
- Listen - allow the victim to talk if they want to
- Avoid questioning the victim regarding details of the assault. It is law enforcement's responsibility to interview the victim.
- Help the victim organize their thoughts - allow them to make decisions and regain control which was taken from them as a result of the assault.

**Suicide Warning Signs**

According to the Centers for Disease Control, suicide is the 3rd leading cause of death for youth between 10 and 24 years of age. Studies have identified a correlation between sexual victimization, and juvenile suicide, particularly in males<sup>52</sup>. The following signs may mean someone is at risk for suicide. The risk of suicide is greater if a behavior is new or has increased and if it seems related to a painful event, loss, or change<sup>53</sup>.

**Warning signs (NSPL)**

- Talking about wanting to die or to kill themselves.
- Looking for a way to kill themselves, such as searching online or buying a gun
- Talking about feeling hopeless or having no reason to live.
- Talking about feeling trapped or in unbearable pain.
- Talking about being a burden to others.
- Increasing the use of alcohol or drugs.
- Acting anxious or agitated; behaving recklessly.
- Sleeping too little or too much.
- Withdrawing or isolating themselves.
- Showing rage or talking about seeking revenge.
- Displaying extreme mood swings.

**Responses (NSPL)**

- Be direct. Talk openly and matter-of-factly about suicide.
- Be willing to listen. Allow expressions of feelings.
- Accept the feelings.
- Be non-judgmental. Don't debate whether suicide is right or wrong, or whether feelings are good or bad. Don't lecture on the value of life.
- Get involved. Become available. Show interest and support.
- Don't dare him or her to do it.

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<sup>52</sup> Olshen, E., McVeigh, K., Wunsch-Hitzig, R., and Rickert, V. (2007). Dating Violence, sexual assault, and suicide attempts among urban teenagers. *Archives of Pediatrics and Adolescent Medicine*, 161(6):539-545.

<sup>53</sup> National Suicide Prevention Lifeline (NSPL). Retrieved from: <http://www.suicidepreventionlifeline.org/learn/riskfactors.aspx>

- Don't act shocked. This will put distance between you.
- Don't be sworn to secrecy. Seek support.
- Offer hope that alternatives are available but do not offer glib reassurance
- Take action. Remove means, such as guns or stockpiled pills.
- Get help from persons or agencies specializing in crisis intervention and suicide prevention.

## **Resources and referrals**

It is very important for sexual assault survivors to know support, care, and assistance are available. Often it is difficult for a survivor to reach out for support, or to even trust helping professionals. Colorado has criminal justice and community-based victim and sexual assault advocates who can be of assistance in helping survivors navigate medical, legal, and educational systems. Advocacy services are typically offered at no cost to the victim.

## **Criminal Justice Based Support**

Services are available to victims of sexual assault on every level within the criminal justice system. Law enforcement victim advocates provide immediate crisis intervention, support, as well as offering information and referrals, and assistance with the application for Victim Compensation funds.

When a juvenile is apprehended and prosecuted, the victim is referred to the District Attorney's Office. The District Attorney's Office will provide continuing support, offer appropriate resources and referrals, and provide information pertaining to the critical stages in the criminal justice system. Trial support to victims is also an essential service of the District Attorney's Victim Witness Unit.

During the pretrial phase/court process, the victim advocate with the District Attorney's Office provides information pertaining to the critical stages of the court proceedings. Victims are given the opportunity to complete victim impact statements, attend court hearings, and provide the judge with verbal statements.

Once the offender has been sentenced, victim support services are available through the Probation Department or through the Division of Youth Corrections and the Juvenile Parole Board. At every level, treating victims with fairness, dignity, and respect is of primary importance. The victim advocate facilitates increased input and involvement from the victim, their families, and the community. Ongoing assessment of the victim's safety concerns and wellbeing, remain a top priority. Many victims continue to need services beyond sentencing, including case information, resource referrals, support, and an avenue in which to express concerns regarding the case.

At each level, the victim advocate is committed to the prevention of re-traumatizing the victim, is sensitive and responsive to the issues and needs of victims, is supportive of the process of victim healing, and ensures a system exists for providing information to victims while giving them a voice in the juvenile justice system. Victim advocates communicate with one another to facilitate transition of cases between systems and jurisdictions.

Crime victim compensation programs exist in each of the state's 22 judicial districts. The judicial district where the crime occurred is responsible for accepting and reviewing victim compensation applications. The Victim Compensation Fund provides financial assistance for victims for services including counseling, medical expenses, and work loss due to a crime. The Victim Advocate associated with any of

the agencies that work with the victim during the criminal justice process, can assist the victim with information about the fund, as well as help in the application process.

Most probation departments, as well as the Division of Youth Corrections and the Juvenile Parole Board, have a Victim Advocate who is charged with keeping the victim informed of changes in the juvenile's commitment, probation or parole supervision. This victim advocate can be helpful in many ways regarding the juvenile justice system.

### **Community Based Support**

Community-based advocates often work at a confidential rape crisis center or dual domestic violence and rape crisis program. Unfortunately every community does not have this type of program. To learn more about what is available in your area, please visit [www.ccasa.org](http://www.ccasa.org). Many community-based advocacy programs also offer support groups just for teens, counseling, case management, legal advocacy, and therapy. These services are provided by professionals who understand sexual violence and victim dynamics, and can address the needs of the victim with expertise. In addition to victim services, many rape crisis centers and community-based advocacy programs also provide sexual violence and victim dynamics training for school professionals.

School personnel are encouraged to learn more about the services provided by their community advocacy programs. Advocates can be integrated in the response to victimized students. For example, if a student requests the presence of her/his advocate during meetings regarding how to mitigate a hostile educational environment. The victim should know how to access counseling services, and the point of contact for any follow-up complaints of retaliation.

Children's Advocacy Centers may also be appropriate organizations to refer the victim and the family to for assistance. Children's Advocacy Centers provide an immediate response and ongoing support to help children and families recover from the trauma of abuse or violence. While they are often known for the forensic interviews, medical exams, assessment and treatment, many Children's Advocacy Centers also provide victim support services.

If the victim and family are not aware of these resources, the school can help provide information about the various support systems available. The victim should be able to decide and define how advocacy support services can be integrated into the difficult and emotional challenges faced in the educational setting.

### **Safety Planning from a Victim Perspective**

The Sex Offender Management Board encourages schools to develop safety and supervision plans for a juvenile who has been adjudicated for sexually abusing and offending behaviors.

### **Safe School Environment**

In the event that school administration and/or staff become aware of a juvenile who has committed sexually abusive and offending behavior attending or requesting to enroll at, the school should first determine if any of the juvenile's victims or the victim's immediate family members are enrolled or employed at the school. When enrollment of a victim is confirmed, the first and best option is to transfer

the juvenile to another institution. In the event that a juvenile, who has committed sexually abusive and offending behavior, is allowed to enroll at the same school where the victim of the offense attends, measures should be considered, which are outlined in the Title IX Letter to Colleagues (USDE OCR, 2010) and C.R.S. §22.33.106, to support and protect the victim's physical and emotional wellbeing and to promote the victim's social and educational success.

If it is not possible to transfer the juvenile, the school should then:

- Adjust the juvenile's schedule to have no contact with the victim for both on campus activities, and off campus extracurricular activities.
- The school should make every effort to minimize the burden on the victim. For example; removing the juvenile with offending behavior from the class and not the victim, offering the victim to retake the class without penalty, and offering the victim academic support services.
- Create safety and supervision plans that restrict and monitor the juvenile's on campus and off campus extracurricular activities.
- Develop a protocol for response to violations of safety and supervision plans for each supervised juvenile.
- Develop a protocol for response to safety plan violations through secondary sources such as friends or family of the juvenile with offending behavior.
- Develop a protocol for response to harassment or bullying by peers or staff.
- Be aware that the likelihood that a student with intellectual disabilities will be sexually assaulted is significantly higher than the general population. IEP and other meetings should be held in a location that feels safe for the victim.
- An escort can be assigned to accompany the juvenile with offending behavior between classes, to ensure there is no harassment.
- The victim should know how to access counseling services, and the point of contact for any follow-up complaints of retaliation.
- School administration and staff must be advised that pursuant to the "Safe Schools Act," victims in cases involving unlawful sexual behavior, domestic violence, stalking and/or violation of a protection order cannot be required to participate in a restorative justice practice or peer mediation with the offending student.

### **Victim Input and Support**

If the victim attends the same school as the juvenile who victimized them, the highest priority should be placed on the physical and emotional safety of the victim. Victims should never be expected to advocate for themselves. The school safety plan should include victim input. Schools may, with the victim's collaboration identify trained staff within the school setting to advocate for the victim, to be involved in the safety planning process and to provide input from the victim. This individual can also provide support for the victim as well as a trusted avenue for the victim to express safety concerns or report harassment or noncompliance with the safety plan. The advocate for the victim can also be instrumental in identifying potential warning signs of social, emotional or educational crisis for the victim that could result from the juvenile's presence in the school.

## **Response to Harassment and Bullying**

Bullying or harassment of a victim of sexual assault, by the juvenile who committed the sexual offense or their friends or family members, can create a hostile school environment for the victim. This includes physical, emotional, cyber, and other electronic incidents of harassment or bullying. Schools and school districts should take action to protect a victim who was sexually assaulted, on or off campus, against harassment or acts of retaliation by the offending student and/or the offending student's associates. (USDE OCR, 2010)

### **Managing Peer Harassment if you are an administrator:**

- Ensure that all necessary anti-discrimination policies and procedures are in place.
- Develop sexual harassment training programs for administrators, employees, and students.
- Conduct a self-evaluation of the school to determine what kind of educational environment exists for female students.
- Make certain that orientation programs for students, employees, and administrators include materials about sexual harassment.
- Be sure that all school programs and activities, even those that occur off-school premises, are free from sexual harassment.

If you are a teacher:

- Act quickly when confronted with sexual harassment.
- Ensure that you report any instances of harassment of which you are aware to the person designated by the school to handle such complaints.
- Strategize with students about improving the classroom environment.
- Enlist the support of parents.
- Make certain the classroom is a welcoming environment for all students
- (NWLC, 2007)

Additional resources regarding bullying and harassment can be found at the Colorado School Safety Resource Center Department of Public Safety website:

**<http://www.Colorado.gov/CSSRC>**

### **Victim Confidentiality**

“Confidentiality plays a vital role in the recovery process because it helps establish an environment in which victims feel more comfortable seeking assistance, making connections, and exercising their power within their right to choose what information to share, with whom, when, and how.” (Zannoni, Joanne 2009)

The Sex Offender Management Board has published guidelines for schools and school districts related to maintaining the confidentiality and safety of the victim and the victim's family. Victims often suffer additional harm and victimization in the school setting through harassment, intimidation and ostracizing by other students, as well as from contact by, and exposure to the juvenile. School districts, administrators and staff have clear and distinct responsibilities with regard to the protection of privacy

rights for adult and juvenile victims of juveniles who commit sexually abusive and offending behaviors. The schools/school districts are responsible for the confidentiality and safety of the victim(s). (SOMB, *Juvenile Standards*, 2014)

### **Staff Training**

Youth who experience sexual violence will often disclose the abuse to the adult in their life who they perceive to be the most trustworthy. This person may be a trained counselor, but it may also be a teacher, coach, or other school personnel. For that reason, it is important that schools prioritize training for all personnel that provides guidance on responding to victims of sexual assault in the school setting.

#### **Training should include education on:**

- Identifying and reporting sexual harassment and violence.
- Mandatory reporting laws and responsibilities. [www.coloradocwts.com](http://www.coloradocwts.com)
- Recognizing when a hostile school environment exists for the victim.
- Recognizing sexual grooming and manipulative behaviors.
- What is involved in safety planning for juveniles who have committed sexual offenses, and maintaining the safety of the victim.
- District and school policies and legal mandates regarding the rights of victims in the school setting when the offender must attend the same school.
- District and school policies, and legal mandates regarding confidentiality for a student who is the victim of sexual assault.
- How to support and educate traumatized students.

School social workers, resource officers and guidance counselors will benefit from ongoing specialized training on the victim dynamics and impact of sexual violence.

In addition to the aforementioned parties, each school district board of education, in adopting and implementing its safe school plan, may consult with victim advocacy organizations, school psychologists, local law enforcement agencies, and community partners.



## SECTION 6

### OVERVIEW OF THE JUVENILE JUSTICE SYSTEM

Below is a summary of the steps that typically occur during the juvenile justice process:

1. Filing of charges: Decision made by the District Attorney's office based on the police investigation.
2. First Appearance/Advisement: The Magistrate/Judge will advise the juvenile of his/her rights and the juvenile may enter a plea of guilty or not guilty, or ask for a continuance.
3. Preliminary Hearing: The Magistrate/Judge decides if there is probable cause to believe a crime has been committed and that the person charged committed that crime. A preliminary hearing is only held when the charges are felony level offenses.
4. Pretrial Conferences: A conference between attorneys where information is exchanged and case evaluation and disposition is discussed. It is possible to have more than one Pretrial Conference for a variety of reasons.
5. Dispositional Hearing: The juvenile enters a plea.
6. Motions Hearing: If going to trial, motions are filed by the attorneys, requesting that evidence be suppressed or admitted.
7. Adjudicatory Trial: The right to a jury trial is required only when the juvenile is alleged to be an aggravated juvenile offender, or is alleged to have committed a crime of violence; otherwise the trial may be before the Magistrate or District Court Judge. The burden of proof beyond a reasonable doubt and the rules of evidence are the same as in adult criminal proceedings.
8. Presentence Investigation: An interview completed by probation with the juvenile and his/her parent(s) to gather information for sentencing recommendations. Information gathered includes criminal history, social and health history, and any other relevant circumstances. Section 1 of the *Standard and Guidelines for the Evaluation, Assessment, Treatment and Supervision of Juveniles Who Have Committed Sexual Offenses* provides detailed information of the content and Presentence Investigation process.
9. Sentencing: A hearing to determine the sentence the court will impose in the juvenile.
10. Community Supervision: The juvenile may be placed on probation or parole and will be required to meet with his/her supervising officer on a regular basis. The community supervision officer is a member of the multidisciplinary team and may institute specialized terms and conditions to address the juvenile's needs.

NOTE: There are 22 judicial districts in Colorado. Differences may occur in the juvenile justice process due to the presence of specialized pre-adjudication, diversion, and juvenile court programs. The overview above is provided as a general guide.

## SECTION 7

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