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SENT VIA U.S. MAIL and Email

Reggie Bicha
Executive Director
Colorado Department of Human Services
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Dear Director Bicha:

We write today to rebut comments purportedly made by El Pueblo President and CEO Sherri Baca to a reporter. According to the report as printed in the Huffington Post, Ms. Baca said that all children in “reflection cottages” at El Pueblo are allowed schooling, outdoor recreation and interaction with other kids. (See http://www.huffingtonpost.com/2013/04/20/el-pueblo-teen-solitary-confinement-treatment-center_n_3121023.html). The children who have communicated with the ACLU, however, report a markedly different experience.

Ms. Baca’s report appears to deny that children are confined in the “reflection cottages” without opportunity for schooling, recreation, or interaction. Our continuing investigation, however, has repeatedly confirmed that many children are indeed confined to their rooms in the “reflection cottage” the overwhelming majority of the hours of the day. In the time since the ACLU wrote to you on April 11, five additional children have come forward to tell the ACLU about their experiences in solitary confinement at El Pueblo. Each child informed us that he or she endured some prolonged period in the “reflection cottages” with no access to school or outdoor exercise. Each child informed us that he or she was prohibited from interacting with other children while in the “reflection cottages.”

You can find a synopsis of the experiences of three children whom we interviewed on our website here: <http://aclu-co.org/news/stories-of-solitary-confinement-from-children-at-el-pueblo>. Upon reading these synopses, you will note that Child One reports he spent three weeks in the “reflection cottage” with no schooling and no access to the outdoors. Through this child’s guardian ad litem, the ACLU has corroborated the child’s placement in the reflection cottage for three weeks with no access to schooling. Child Two reports he spent over one month under the same conditions in “reflections.” The ACLU has corroborated this child’s report of time spent in the reflection cottage with no access to schooling by reviewing his El Pueblo behavioral records. Child Three reports she spent over one month in her room in the “reflection cottage” with no schooling. The ACLU has requested this child’s behavioral records from her caseworker to

corroborate this report. We fully expect that DHS will uncover similar accounts if its investigators speak to children who were confined in the reflection cottages in the weeks and months before the ACLU sent its letter requesting a DHS investigation.

We understand that El Pueblo denies that children placed in “reflection cottages” are confined to their rooms and, in support, points out that the individual rooms in the cottages do not have locks. Of course, whether a child’s room is locked does not determine whether he or she is in seclusion. DHS regulations define “seclusion” as “the placement of an individual, six (6) years old or older, alone in a room from which egress is involuntarily prevented.”¹ Our investigation has confirmed that El Pueblo staff in the “reflection cottages” prevent children from leaving their room. Each child we interviewed reported either explicitly being told that he or she was not to leave her room without permission or being directed back to his or her room when she left without permission. One child who we interviewed (Child Two) was physically forced back into his room by staff after he refused to return.

We understand that El Pueblo denies it has placed children in these isolating conditions and may have presented a different set of conditions to DHS during the course of its recent investigation. The ACLU’s ultimate goal in raising the issue of the use of solitary confinement of children at El Pueblo is to end the practice. However, it is hard to imagine that this task can be competently accomplished without an honest assessment of El Pueblo’s use of seclusion during the past several months and years. To that end, we encourage DHS to speak not only with children residing at El Pueblo, but also with children who were released from the facility before the ACLU’s letter of April 11, 2013. In addition, we understand that El Pueblo has video recordings of the reflection cottages and typically preserves such tapes for thirty days. We urge DHS to direct El Pueblo to preserve these recordings. These videos, particularly those taken prior to April 11, may provide valuable insight into the conditions of confinement for children placed in “reflection cottages” at El Pueblo.

We hope this information is helpful to DHS as it investigates this important matter. The report in Huffington Post states that you will be responding to the ACLU’s April 11 letter this week. We look forward to hearing from you.

Sincerely,



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Mark Silverstein
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¹ 12 Colo. Code Regs. 2509-8 § 7.714.1.