

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 19-0864.01 Jerry Barry x4341

**SENATE BILL 19-136**

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**SENATE SPONSORSHIP**

**Lee,**

**HOUSE SPONSORSHIP**

**Gonzales-Gutierrez,**

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**Senate Committees**  
Judiciary

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN EXPANSION OF THE PILOT PROGRAM IN THE DIVISION**  
102 **OF YOUTH SERVICES.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

There is currently a pilot program to aid in the establishment of a division-wide therapeutic and rehabilitative culture (pilot program) in the division of youth services that operates in one location. The bill expands the pilot program to a second location and requires a second evaluation and report on the pilot program.

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

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 19-2-203, **amend**  
3 (4)(b) introductory portion, (4)(b)(I), (4)(b)(III), (4)(b)(IV), (4)(b)(V)(G),  
4 (4)(b)(V)(I), (4)(b)(V)(K), (4)(b)(V)(M), (4)(b)(VI), (4)(b)(VII),  
5 (4)(b)(VIII), (4)(c)(V), and (4)(d) as follows:

6           **19-2-203. Division of youth services - created - interagency**  
7 **agreements - duties of administrators of facilities in connection with**  
8 **voter registration and casting of ballots - reports - pilot programs -**  
9 **fund - definitions - repeal. (4) Pilot programs - fund created - repeal.**

10 (b) The division shall implement a TWO pilot ~~program~~ PROGRAMS to aid  
11 in the establishment of a division-wide therapeutic and rehabilitative  
12 culture. The pilot ~~program~~ PROGRAMS will test the efficacy of a  
13 therapeutic group-treatment approach and the ability of the division to  
14 keep youths and staff safe without the use of seclusion and mechanical  
15 restraints other than handcuffs. In administering the pilot ~~program~~  
16 PROGRAMS, the division shall:

17           (I) Provide treatment to at least ~~twenty~~ THIRTY-FIVE youths  
18 committed to the division's care, divided into groups of no more than  
19 ~~twelve~~ FIFTEEN. In selecting youths to participate in the pilot ~~program~~  
20 PROGRAMS, the division shall ensure that the youths reflect a  
21 representative cross section of youths committed to the division's care  
22 with respect to age and history of violence.

23           (III) Create teams of youths and staff by assigning each staff  
24 member to a group of youths, to which group the staff member remains  
25 assigned throughout the pilot ~~program~~ PROGRAMS;

26           (IV) Require staff assigned to the pilot ~~program~~ PROGRAMS to be

1 trained as youth specialists and have or acquire substantial knowledge of  
2 rehabilitative treatment, de-escalation, adolescent behavior modification,  
3 trauma, safety, and physical management techniques that do not harm  
4 youths; assign no staff members to the pilot ~~program~~ PROGRAMS solely as  
5 security staff; and maintain a ratio of staff to youths that meets or exceeds  
6 nationally recognized standards and reflects best practices;

7 (V) Operate healthy, trauma-responsive organizational  
8 environments as demonstrated through prosocial, safe, and nonviolent  
9 interaction by:

10 (G) To the extent possible, ensuring that each youth in the pilot  
11 ~~program~~ PROGRAMS remains with his or her group and dedicated staff  
12 member during waking hours, except for specialized treatment or  
13 educational services;

14 (I) ~~Phasing out completely within the first year of the pilot~~  
15 ~~program the use of~~ NOT USING restraint methods that physically harm  
16 youths, including striking youths, using mechanical restraints other than  
17 handcuffs, and using pain-compliance or pressure-point techniques;

18 (K) Phasing out completely within the first year of ~~the~~ EACH pilot  
19 program the practice of placing youths alone in a room or area behind a  
20 locked door from which egress is prevented, except during sleeping  
21 hours, and avoiding isolation of youths from their peers;

22 (M) Providing continuity of services and relationships through a  
23 seamless case management system and assignment of a dedicated case  
24 manager to each youth, which case manager serves as the primary  
25 advocate for the youth and his or her family and works actively with both  
26 throughout the pilot ~~program~~ PROGRAMS;

27 (VI) Contract through a competitive bid process with an

1 independent third party to facilitate, coach, and train staff and leadership  
2 throughout the course of the pilot ~~program~~ PROGRAMS. The independent  
3 third party must have expertise in systemic cultural transformation of a  
4 youth correctional system from a punitive correctional culture to a  
5 rehabilitative and therapeutic culture. The independent third party must  
6 have experience training staff in providing relationship-based,  
7 group-centered, trauma-responsive care and decreasing violence against  
8 youths and staff in facilities. The independent third party shall assist with  
9 implementation of the pilot ~~program~~ PROGRAMS, provide training for staff  
10 working in the pilot ~~program~~ PROGRAMS, and provide at least one  
11 three-quarter-time to full-time consultant to provide on-the-ground  
12 mentorship, coaching, and training to pilot program staff members  
13 throughout the pilot ~~program~~ PROGRAMS. The consultant shall also  
14 provide training to the division's leadership regarding the philosophies  
15 and techniques used in the pilot ~~program~~. ~~For the purposes of this~~  
16 ~~subsection (4)(b)(VI), on or before September 1, 2017, the division shall~~  
17 ~~request proposals from candidates. The division shall require each~~  
18 ~~candidate to submit its proposal to the division on or before November 1,~~  
19 ~~2017, and the division shall contract with a candidate on or before~~  
20 ~~December 1, 2017~~ PROGRAMS. On or before January 1, 2018, the division  
21 shall begin working actively with the contracted independent third party  
22 to take the necessary steps to commence the FIRST pilot program as soon  
23 as possible, which must begin to serve youths no later than July 1, 2018.  
24 AS SOON AS POSSIBLE, BUT NO LATER THAN JANUARY 30, 2020, THE  
25 DIVISION SHALL BEGIN WORKING WITH THE SECOND CONTRACTED  
26 INDEPENDENT THIRD PARTY TO COMMENCE THE SECOND PILOT PROGRAM,  
27 WHICH MUST BEGIN TO SERVE YOUTHS NO LATER THAN JULY 1, 2020.

1 (VII) (A) Contract through a competitive bid process with an  
2 independent contractor other than ONE OF the independent third party  
3 PARTIES described in subsection (4)(b)(VI) of this section to evaluate the  
4 effectiveness and outcome of the pilot ~~program~~ PROGRAMS. Prior to the  
5 start of ~~the~~ EACH pilot program, the division and the contractor shall work  
6 together to identify the data points to be collected throughout the pilot  
7 ~~program~~ PROGRAMS, which must include, but are not limited to, data  
8 concerning fights, assaults on youths, assaults on staff, critical incidents,  
9 restraints, mechanical restraints, seclusion, injuries to youths, injuries to  
10 staff, criminal charges filed against youths or staff, grievances or  
11 complaints regarding abuse that have been filed or sustained, staff  
12 absences, staff turnover, and youth educational achievement. The division  
13 shall collect the data and make it available to the contractor at the  
14 contractor's request throughout the pilot ~~program~~ PROGRAMS. For the  
15 purposes of this subsection (4)(b)(VII), on or before September 1, 2017,  
16 the division shall request proposals from candidates FOR AN EVALUATION  
17 OF THE FIRST PILOT PROGRAM. The division shall require each candidate  
18 to submit its proposal to the division on or before November 1, 2017, and  
19 the division shall contract with a candidate on or before December 1,  
20 2017. Not later than ~~ninety days after the end of the pilot program~~  
21 OCTOBER 1, 2019, the independent contractor described in this subsection  
22 (4)(b)(VII) shall assess the data provided by the division and complete a  
23 report evaluating the effectiveness and outcomes of the FIRST pilot  
24 program when compared to one or more comparable populations of  
25 youths in the division. FOR THE PURPOSES OF THIS SUBSECTION  
26 (4)(b)(VII), THE DIVISION SHALL CONTRACT FOR AN EVALUATION OF THE  
27 EFFECTIVENESS AND OUTCOMES OF THE FIRST AND SECOND PILOT

1 PROGRAMS WHEN COMPARED TO ONE OR MORE COMPARABLE  
2 POPULATIONS OF YOUTHS IN THE DIVISION TO BE COMPLETED NO LATER  
3 THAN OCTOBER 1, 2021. The division shall provide the ~~contractor~~  
4 CONTRACTORS all available data requested to complete the ~~report~~  
5 REPORTS.

6 (B) The independent ~~contractor~~ CONTRACTORS, at least in part,  
7 shall base ~~its evaluation~~ THEIR EVALUATIONS of the effectiveness of the  
8 pilot ~~program~~ PROGRAMS upon whether ~~it reduces~~ THEY REDUCE the  
9 number of fights, critical incidents, assaults on youths, assaults on staff,  
10 injuries to youths, and injuries to staff when compared to comparable  
11 populations of youths in the division, and whether ~~it reduces~~ THEY  
12 REDUCE the number of physical managements and mechanical restraints  
13 when compared to comparable populations of youths in the division.

14 (C) Not later than ~~ninety days after the end of the pilot program~~  
15 OCTOBER 1, 2019, the FIRST independent contractor shall complete the  
16 report described in ~~subsection (4)(b)(H)(A)~~ SUBSECTION (4)(b)(VII)(A)  
17 of this section and submit it to the judiciary committees of the house of  
18 representatives and the senate, to the public heath care and human  
19 services committee of the house of representatives, and to the health and  
20 human services committee of the senate, or to any successor committees.

21 (D) NOT LATER THAN OCTOBER 1, 2021, THE SECOND  
22 INDEPENDENT CONTRACTOR SHALL COMPLETE THE REPORT DESCRIBED IN  
23 SUBSECTION (4)(b)(VII)(A) OF THIS SECTION AND SUBMIT IT TO THE  
24 JUDICIARY COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE  
25 SENATE, TO THE PUBLIC HEATH CARE AND HUMAN SERVICES COMMITTEE  
26 OF THE HOUSE OF REPRESENTATIVES, AND TO THE HEALTH AND HUMAN  
27 SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR

1 COMMITTEES.

2 (VIII) Perform the necessary construction and renovation in  
3 ~~consultation with the independent third party described in subsection~~  
4 ~~(4)(b)(VI) of this section~~, to create youth residences for the pilot program  
5 PROGRAMS that are home-like and therapeutic, including home-like  
6 sleeping quarters and living and group meeting areas.

7 (c) (V) The state treasurer shall transfer all unexpended and  
8 unencumbered money in the fund on ~~July 1, 2021~~ JANUARY 3, 2022, to  
9 the general fund.

10 (d) This subsection (4) is repealed, effective July 1, ~~2021~~ 2022.

11 **SECTION 2. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly (August  
14 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
15 referendum petition is filed pursuant to section 1 (3) of article V of the  
16 state constitution against this act or an item, section, or part of this act  
17 within such period, then the act, item, section, or part will not take effect  
18 unless approved by the people at the general election to be held in  
19 November 2020 and, in such case, will take effect on the date of the  
20 official declaration of the vote thereon by the governor.