

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0864.01 Jerry Barry x4341

SENATE BILL 19-136

SENATE SPONSORSHIP

Lee, Court, Garcia, Gonzales, Moreno, Rodriguez, Tate

HOUSE SPONSORSHIP

Gonzales-Gutierrez,

Senate Committees

Judiciary
Appropriations

House Committees

Judiciary
Appropriations

A BILL FOR AN ACT

101 **CONCERNING AN EXPANSION OF THE PILOT PROGRAM IN THE DIVISION**
102 **OF YOUTH SERVICES, AND, IN CONNECTION THEREWITH, MAKING**
103 **AN APPROPRIATION.**

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.*

HOUSE
Amended 2nd Reading
April 27, 2019

SENATE
3rd Reading Unamended
April 19, 2019

SENATE
Amended 2nd Reading
April 18, 2019

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, AND
21 CONTINUING THROUGH JUNE 30, 2020, the division shall begin working
22 actively with the contracted independent third party to take the necessary
23 steps to commence the FIRST pilot program as soon as possible, which
24 must begin to serve youths no later than July 1, 2018. AS SOON AS
25 POSSIBLE, BUT NO LATER THAN JANUARY 30, 2020, THE DIVISION SHALL
26 BEGIN WORKING WITH THE SECOND CONTRACTED INDEPENDENT THIRD
27 PARTY TO COMMENCE THE SECOND PILOT PROGRAM, WHICH MUST BEGIN

1 TO SERVE YOUTHS NO LATER THAN JULY 1, 2020.

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

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

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

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

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

1 SERVICES COMMITTEE OF THE SENATE, OR TO ANY SUCCESSOR
2 COMMITTEES.

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

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

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

12 **SECTION 2. Appropriation.** (1) For the 2019-20 state fiscal
13 year, \$259,562 is appropriated to the department of human services for
14 use by the division of youth services. This appropriation is from the
15 general fund. To implement this act, the division may use this
16 appropriation as follows:

17 (a) \$89,712 for personal services related to institutional programs,
18 which amount is based on an assumption that the division will require an
19 additional 0.5 FTE; and

20 (b) \$169,850 for operating expenses related to institutional
21 programs.

22 **SECTION 3. Act subject to petition - effective date.** This act
23 takes effect at 12:01 a.m. on the day following the expiration of the
24 ninety-day period after final adjournment of the general assembly (August
25 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
26 referendum petition is filed pursuant to section 1 (3) of article V of the
27 state constitution against this act or an item, section, or part of this act

1 within such period, then the act, item, section, or part will not take effect
2 unless approved by the people at the general election to be held in
3 November 2020 and, in such case, will take effect on the date of the
4 official declaration of the vote thereon by the governor.