

CHAPTER 224

HUMAN SERVICES - BEHAVIORAL HEALTH

SENATE BILL 19-136

BY SENATOR(S) Lee, Court, Gonzales, Moreno, Rodriguez, Tate, Garcia;
 also REPRESENTATIVE(S) Gonzales-Gutierrez, Arndt, Benavidez, Buentello, Caraveo, Coleman, Cutter, Duran, Esgar, Exum,
 Froelich, Galindo, Hansen, Herod, Hooton, Jackson, Kennedy, Michaelson Jenet, Mullica, Snyder, Valdez A., Valdez D.,
 Weissman.

AN ACT

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

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

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

19-2-203. Division of youth services - created - interagency agreements - duties of administrators of facilities in connection with voter registration and casting of ballots - reports - pilot programs - fund - definitions - repeal.

(4) Pilot programs - fund created - repeal. (b) The division shall implement a ~~TWO pilot program~~ PROGRAMS to aid in the establishment of a division-wide therapeutic and rehabilitative culture. The pilot ~~program~~ PROGRAMS will test the efficacy of a therapeutic group-treatment approach and the ability of the division to keep youths and staff safe without the use of seclusion and mechanical restraints other than handcuffs. In administering the pilot ~~program~~ PROGRAMS, the division shall:

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

(III) Create teams of youths and staff by assigning each staff member to a group

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

of youths, to which group the staff member remains assigned throughout the pilot program PROGRAMS;

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

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

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

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

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

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

(VI) Contract through a competitive bid process with an independent third party to facilitate, coach, and train staff and leadership throughout the course of the pilot program PROGRAMS. The independent third party must have expertise in systemic cultural transformation of a youth correctional system from a punitive correctional culture to a rehabilitative and therapeutic culture. The independent third party must have experience training staff in providing relationship-based, group-centered, trauma-responsive care and decreasing violence against youths and staff in facilities. The independent third party shall assist with implementation of the pilot program PROGRAMS, provide training for staff working in the pilot program PROGRAMS, and provide at least one three-quarter-time to full-time consultant to provide on-the-ground mentorship, coaching, and training to pilot program staff members throughout the pilot program PROGRAMS. The consultant shall also provide training to the division's leadership regarding the philosophies and techniques used in the pilot program. ~~For the purposes of this subsection (4)(b)(VI), on or before September 1, 2017, the division shall request proposals from candidates. The division shall require each candidate to submit its proposal to the division on or before November 1, 2017, and the division shall contract with a candidate on or before December 1, 2017~~ PROGRAMS. On or before January 1, 2018, AND

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

(VII) (A) Contract through a competitive bid process with an independent contractor other than ONE OF the independent third party PARTIES described in subsection (4)(b)(VI) of this section to evaluate the effectiveness and outcome of the pilot program PROGRAMS. Prior to the start of the EACH pilot program, the division and the contractor shall work together to identify the data points to be collected throughout the pilot program PROGRAMS, which must include, but are not limited to, data concerning fights, assaults on youths, assaults on staff, critical incidents, restraints, mechanical restraints, seclusion, injuries to youths, injuries to staff, criminal charges filed against youths or staff, grievances or complaints regarding abuse that have been filed or sustained, staff absences, staff turnover, and youth educational achievement. The division shall collect the data and make it available to the contractor at the contractor's request throughout the pilot program PROGRAMS. For the purposes of this subsection (4)(b)(VII), on or before September 1, 2017, the division shall request proposals from candidates FOR AN EVALUATION OF THE FIRST PILOT PROGRAM. The division shall require each candidate to submit its proposal to the division on or before November 1, 2017, and the division shall contract with a candidate on or before December 1, 2017. Not later than ~~ninety days after the end of the pilot program~~ OCTOBER 1, 2019, the independent contractor described in this subsection (4)(b)(VII) shall assess the data provided by the division and complete a report evaluating the effectiveness and outcomes of the FIRST pilot program when compared to one or more comparable populations of youths in the division. FOR THE PURPOSES OF THIS SUBSECTION (4)(b)(VII), THE DIVISION SHALL CONTRACT FOR AN EVALUATION OF THE EFFECTIVENESS AND OUTCOMES OF THE FIRST AND SECOND PILOT PROGRAMS WHEN COMPARED TO ONE OR MORE COMPARABLE POPULATIONS OF YOUTHS IN THE DIVISION TO BE COMPLETED NO LATER THAN OCTOBER 1, 2021. The division shall provide the ~~contractor~~ CONTRACTORS all available data requested to complete the ~~report~~ REPORTS.

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

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

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

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

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

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

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

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

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

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

Approved: May 20, 2019