

Agenda

Legislative Oversight Committee for the Continuing Study of the Treatment of Persons With Mental Illness Who Are Involved in the Justice System

Thursday, September 13, 2007
3:30 p.m. to 4:30 p.m.
Senate Committee Room 352
State Capitol Building

SUMMARY FOLLOWS AGENDA

Call to Order

I. Welcome

- Representative Debbie Stafford, Chair, Oversight Committee

II. Update on Work of the Task Force and Presentation of Proposed Legislation

- Harriet Hall, Chair, Task Force
- Jeanne Smith, Vice-chair, Task Force
- Susan Colling, Judicial Department

III. Update on Tour of Colorado Mental Health Institute at Pueblo

- Jessika Shipley, Legislative Council Staff

IV. Approval of New Task Force Members

- Joanie Shoemaker, Department of Corrections
- Thomas Raynes, Colorado Attorney General's Office
- Susan Walton, Elbert County Department of Social Services
- Rich Tuttle, Assistant District Attorney, 21st Judicial District

V. Other Business

Adjourn

Final STAFF SUMMARY OF MEETING

TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE SYSTEM

Date: 09/13/2007

ATTENDANCE

Time: 03:35 PM to 04:44 PM

Place:

Boyd	X
Labuda	X
Renfroe	*
Solano	X
Stafford	X

This Meeting was called to order by

Representative Stafford

(None), (None)
Windels

X

This Report was prepared by
Jessica ShipleyX = Present, E = Excused, A = Absent, *
= Present after roll call**03:37 PM -- Offenders Apply Public Benefits**

Representative Stafford welcomed the committee and the audience. Dr. Harriet Hall, chair of the Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Justice System, came to the table to discuss proposed legislation recommended by the task force. She began with Bill 2 (Attachment A), concerning procedures to facilitate the provision of public benefits to offenders transitioning from the criminal justice system. The bill offers assistance from appropriate personnel in applying for Medicaid, Children's Basic Health Plan (CHP) benefits, Supplemental Security Income (SSI), or Social Security Disability Insurance (SSDI) to a person who meets specified criteria. The person must be housed in a county jail, a juvenile detention facility, or a mental health facility run by the Department of Human Services (DHS) for at least seven days and be eligible for benefits immediately prior to entering the facility. The bill stipulates that the person shall receive such assistance at least 120 days prior to release, or sooner, if possible. It requires the Department of Human Services (DHS) to provide information and training on the SSI or SSDI application process and assistance to personnel at each facility. It also requires the Department of Health Care Policy and Financing (HCPF) to provide information and training on the Medicaid application process and assistance to personnel at each facility.

The bill mandates that HCPF must simplify the processing of applications for Medicaid and CHP and that DHS must simplify the processing applications for SSI and SSDI to allow eligible persons to receive the proper benefits. It also requires appropriate personnel to attempt to enter into prerelease agreements with local social security administration offices, and when appropriate, the county departments of social services, DHS, or HCPF to simplify various benefit application processes.

03:41 PM

Dr. Hall explained the purpose of the bill and how it is an extension of what is commonly known as the Romanoff bill (HB02-1295) which provides this same service for DOC inmates. Representative Stafford asked if funding sources have been addressed by the task force. Dr. Hall replied that there will be challenges to passing the bill and funding is still being discussed. Representative Stafford asked about the problems with federal matching dollars.

03:44 PM -- Michael Dohr, Office of Legislative Legal Services, spoke about the challenges to finding funding for the bill. Mr. Dohr discussed the issue of finding the proper person in each facility to manage the process of assisting inmates in applying for benefits. He spoke specifically about federal matching of funds expended by the state for individuals enrolled in various benefit programs.

03:46 PM

Representative Stafford asked if the task force has data to support the position that intervening with inmates at an earlier time will save the state money down the line. Dr. Hall replied that there are no definitive numbers at this time, but educated estimates are available.

03:48 PM -- Joan Shoemaker, Department of Corrections (DOC), came to the table to discuss the different layers of the system that are involved in case management for offenders. Ms. Shoemaker talked about the training currently happening at DOC and that which would be needed at the county level if the bill were enacted. Dr. Hall mentioned that the County Sheriffs of Colorado has been involved in the discussion and that the sheriffs are willing to continue discussing the issue.

03:52 PM

Dr. Hall talked about how this bill is a good compliment to Bill 4 (Attachment B), concerning suspension of Medicaid benefits for inmates. Representative Stafford asked if the task force has looked into any funding from the Department of Public Safety

in order to address the recidivism component of the bill. Dr. Hall replied that it is a possibility. Representative Labuda asked if it might make sense financially to create a pilot program with an urban and rural trial prior to trying pass this legislation through the General Assembly. Senator Windels asked if any cost analysis has been done and whether the task force knows how long the process takes. Ms. Shoemaker stated that offenders in DOC are targeted at least 120 day from their release date in terms of beginning the process of applying for benefits. Obviously, not all offenders are in jail for 120 days, so a different process needs to exist for that environment. She discussed the necessity of ongoing training for jail personnel. Representative Stafford asked if the counties might be able to provide a staff member to create a link for jail inmates who need to apply for benefits. Mr. Dohr mentioned that Colorado Counties, Inc. has attending drafting meetings.

04:02 PM

Representative Stafford offered to be the House sponsor of the bill. Senator Windels offered to sponsor the bill in the Senate. Senator Windels asked if a manual might be produced to help inmates through the process and expressed interest in looking at an amendment to the bill.

04:05 PM -- Suspend Medicaid Benefits of Inmates

Dr. Hall explained Bill 4, concerning the suspension of Medicaid benefits for inmates. The bill suspends Medicaid benefits for persons who are in the custody of DOC or confined in a jail. It also suspends benefits for individuals who are committed to a juvenile commitment facility or placed in a human services facility. She mentioned that there is wide support for this bill so far. She believes it will reduce paperwork and streamline a complicated process, while reducing recidivism. Dr. Hall stated that HCPF has been involved in the discussion. Representative Stafford asked if the bill might create a cost savings that might be redirected to the previous bill. Senator Windels asked if this bill would need to be heard in the Appropriations committees. Mr. Dohr mentioned the possibility of programming costs.

04:11 PM -- Ginny Brown, HCPF, stated that HCPF is interested in participating in the discussion of the bill. Ms. Brown talked about the possible changes to Colorado Benefits Management System and raised the issue of the different definitions of the term "inmate." She mentioned that HCPF would have representatives at the next task force meeting on September 20 to discuss the bill.

04:13 PM

Senator Renfroe asked about the recertification required on page 3, line 4 of the bill. Mr. Dohr explained that a regular recertification process is already required and the language is intended to make sure that the recertification is not necessary in the case of an inmate with suspended benefits.

04:16 PM -- Mentally Ill Offender Task Force Member

Dr. Hall discussed Bill 3 (Attachment C), concerning the addition of a representative from HCPF to the Task Force for the Continuing Examination of the Treatment of Persons with Mental Illness who are Involved in the Justice System. She stressed the valuable contributions of the voluntary members of HCPF to the work of the task force.

04:18 PM

Senator Renfroe and Representative Solano will sponsor the bill.

04:19 PM -- Juvenile Justice Mental Health Process

Susan Colling, Judicial Department, presented Bill 1 (Attachment D), concerning juvenile justice procedures for juveniles who may benefit from mental health services. In a juvenile delinquency proceeding, the bill requires the court, prosecution, defense, probation officer, guardian ad litem, parent, or legal guardian who believes that the juvenile could benefit from mental health services to advise the court of the issue. The bill directs the court to order a mental health screening when the issue is raised, unless the court has sufficient information to determine the juvenile's need for mental health services. It permits the court to order mental health treatment or services as a part of the court's disposition if an assessment finds or the court determines the juvenile could benefit from mental

health services.

04:23 PM

Ms. Colling told the committee about Colorado 's Juvenile Justice State Plan for Youth with Mental Health Issues and Co-occurring Disorders (the Plan), which was prepared for the task force by the Center for Systems Integration. The Plan recommends early intervention procedures for juveniles in the system. She stated that the bill attempts to fill that need. Ms. Colling discussed the problems with the 2007 version of the bill, including issues raised by the district attorneys and the Division of Youth Corrections in DHS. Representative Solano asked the average cost of a screening. Ms. Colling stated that there is a wide range of costs. She believes the concerns from the 2007 session have been addressed by the new draft.

04:28 PM

Representative Solano and Senator Boyd volunteered to sponsor the bill.

04:32 PM -- Update on Tour of Colorado Mental Health Institute at Pueblo

Jessika Shipley, Legislative Council staff, discussed the upcoming tour of the Colorado Mental Health Institute at Pueblo on October 4, 2007, and asked how many committee members would attend. Senator Windels and Representative Labuda stated that they will not attend. Representative Stafford and Senator Renfroe will take the tour, but intend to drive their own cars to Pueblo . Senator Boyd will attend and is interested in carpooling with someone. Representative Solano would like to attend, but needs to reschedule something. She will get in touch with staff to confirm at a later date.

04:32 PM -- New Task Force Members

Dr. Hall presented the resumes of the four new task force members (Attachments E-H). She began with Susan Walton, director of the Elbert County Department of Social Services. She explained that there is no formal nominating party for this position on the task force, but that Ms. Walton was recommended by Melinda Cox. Representative Stafford noted that Ms. Walton is a constituent of hers and also recommended her highly.

BILL:	New Task Force Members	
TIME:	04:34:13 PM	
MOVED:	Boyd	
MOTION:	Motion to recommend the appointment of Susan Walton to the Task Force for the Continuing Examination of Persons with Mental Illness who are Involved in the Justice System. The motion passed without objection.	
SECONDED:	Solano	
		VOTE
	Boyd	
	Labuda	
	Renfroe	
	Solano	
	Stafford	
	Windels	
		Not Final YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

04:34 PM

Joan Shoemaker came to the table and expressed her interest in the work of the task force. Senator Windels asked Ms. Shoemaker's sense of the task force meetings. Ms. Shoemaker mentioned that she has been attending task force meetings and she appreciates the collaborative environment.

BILL:	New Task Force Members	
TIME:	04:37:26 PM	
MOVED:	Windels	
MOTION:	Motion to recommend the appointment of Joan Shoemaker to the Task Force for the Continuing Examination of Persons with Mental Illness who are Involved in the Justice System. The motion passed without objection.	
SECONDED:	Stafford	
		VOTE
	Boyd	
	Labuda	
	Renfro	
	Solano	
	Stafford	
	Windels	
		Not Final YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

04:37 PM

Jeanne Smith, vice-chair of the task force, presented the nomination of Thomas Raynes, Office of the Attorney General. Ms. Smith mentioned that Mr. Raynes was a district attorney in Montrose and has a rural perspective. He is now the Deputy Attorney General for the Criminal Justice Section. He has been attending task force meetings and is very invested in the work being done.

BILL:	New Task Force Members	
TIME:	04:39:18 PM	
MOVED:	Labuda	
MOTION:	Motion to appoint Thomas Raynes to the Task Force for the Continuing Examination of Persons with Mental Illness who are Involved in the Justice System. The motion passed without objection.	
SECONDED:	Windels	
		VOTE
	Boyd	
	Labuda	
	Renfro	
	Solano	
	Stafford	
	Windels	
		Not Final YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

04:40 PM

Ms. Smith presented the Colorado District Attorneys Council nominee, Rich Tuttle, who is the assistant district attorney in the 21st Judicial District.

BILL:	New Task Force Members	
TIME:	04:40:52 PM	
MOVED:	Boyd	
MOTION:	Motion to recommend the appointment of Richard Tuttle to the Task Force for the Continuing Examination of Persons with Mental Illness who are Involved in the Justice System. The motion passed without objection.	
SECONDED:	Solano	
		VOTE
	Boyd	

	Labuda	
	Renfro	
	Solano	
	Stafford	
	Windels	
		Not Final YES: 0 NO: 0 EXC: 0 ABS: 0 FINAL ACTION: Pass Without Objection

04:41 PM -- Other Business

Representative Stafford asked the committee to discuss dates for the final meeting of the oversight committee, at which a final vote will be taken on the four bills under consideration. Amendments should be raised at that meeting. The committee decided on Tuesday, October 16, at 2:30 PM. Representative Stafford adjourned the committee.