

# **THE CONTINUING EXAMINATION OF THE TREATMENT OF PERSONS WITH MENTAL ILLNESS WHO ARE INVOLVED IN THE JUSTICE SYSTEM**

## **Members of the Committee**

Representative Cheri Jahn,  
Chair  
Representative Judy Solano  
Representative Debbie Stafford

Senator Sue Windels,  
Vice-Chair  
Senator Stephanie Takis  
Senator Ken Kester

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# EXECUTIVE SUMMARY

## **Committee Charge**

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Senate Bill 04-037 reauthorized the establishment of a 6-member legislative oversight committee and a 29-member advisory task force to continue the examination of persons with mental illness in the justice system.

The committee was responsible for appointing a task force that represents all areas of the state and is diverse in ethnicity, culture, and gender. The task force was directed to continue examining the identification, diagnosis, and treatment of persons with mental illness who are involved in the state criminal and juvenile justice systems for the next five years.

The authorizing legislation directs the task force to focus on the following issues in FY 2005-06:

- the prosecution of and sentencing alternatives for persons with mental illness that may involve treatment and ongoing supervision;
- the civil commitment of persons with mental illness who have been criminally convicted, found not guilty by reason of insanity, or found to be incompetent to stand trial; and
- the development of a plan to most effectively and collaboratively serve the population of juveniles involved in the criminal justice system or the juvenile justice system.

The task force is required to submit a written report of its findings and recommendations to the legislative oversight committee annually by October 1. The committee is required to submit an annual report to the General Assembly regarding recommended legislation resulting from the work of the task force.

## **Committee Activities**

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### **History**

The advisory task force and legislative oversight committee first met in the summer of 1999. In 2000, the task force and oversight committee were reauthorized, and the reestablished task force met on a monthly basis through June 2003. The General Assembly considered legislation to continue the study of the mentally ill in the justice system beyond the 2003 repeal date, but the bill failed. In FY 2003-04, the task force continued its meetings and discussions at the request of the oversight committee. The task force and oversight committee were reauthorized and reestablished in 2004 through the passage of Senate Bill 04-037.

## **Advisory Task Force**

The task force met 11 times during the past year, and made progress on a number of issues. Issues studied by the task force include mental health courts, timely access to community mental health services, mental health services in jails, and the suspension of Medicaid benefits for inmates and the subsequent reinstatement of these benefits upon release from incarceration. The task force's primary accomplishment was the development of a framework to more effectively address juveniles with mental illness who are involved in the justice system.

The task force secured funding in 2005 from the Colorado Department of Public Safety to contract with a consulting firm, Consultants for Systems Integration (CSI), in order to study the issues related to juveniles in the justice system as required by the legislative mandate. CSI conducted research on the issues using focus groups, a statewide survey, and other research methods. The result was a comprehensive report with 26 recommendations for study and possible action over the course of the next four years. Two of those recommendations led directly to the bill drafts that were sent to the legislative oversight committee.

The first had to do with accessibility to court-ordered mental health treatment. Insurance companies are not currently required to cover court-ordered treatment, which presents a barrier to success in the system for those with mental illness. The CSI report recommended that individual or group health plans that provide coverage for mental health services be required to cover court-ordered services as well.

The second recommendation came from feedback received during the focus groups and survey portion of the research. CSI found that juvenile respondents and their families had difficulty navigating a complex justice system. There were concerns about the lack of a family-oriented approach and how that results in further or future penetration of the system by juveniles. The proposed solution creates a demonstration program for family advocates that would ostensibly guide juveniles and their families through the system.

## **Legislative Oversight Committee**

The legislative oversight committee met three times in 2005. During its meetings, the oversight committee monitored and examined the work, findings, and recommendations of the task force. Specifically, the committee:

- made appointments to fill vacancies on the task force;
- was briefed on the juvenile framework that was developed by the task force; and
- considered legislation recommended by the task force.

The recommendations are described in the following section.

## **Committee Recommendations**

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As a result of the discussion and deliberation of the task force, the legislative oversight committee recommends two bills for consideration in the 2006 session.

***Bill A — Mental Health Services Coverage Under Health Benefit Plans.*** The bill requires an individual or group health benefit plan that provides coverage for mental health services to provide coverage for these services regardless of whether the services are voluntary or court-ordered. The bill states that the health benefit plan must provide coverage only for benefits that are medically necessary and otherwise covered under the plan. The bill defines the term "mental health services" to include treatment for mental illness and treatment for biologically based mental illness.

***Bill B — Demonstration Programs for Juvenile Justice Mental Health Family Advocates.*** The bill creates demonstration programs for juvenile justice family advocates that are implemented and monitored by the Colorado Department of Human Services, Division of Mental Health, with input, cooperation, and support services from the Colorado Department of Public Safety, Division of Criminal Justice. The bill requires the Division of Mental Health, with input from the Division of Criminal Justice, to: (1) develop a request for proposals for the demonstration programs on or before August 1, 2006, with specified minimum criteria; and (2) select no more than six demonstration projects by October 1, 2006. The demonstration projects are to include two from an urban area, two from a suburban area, and two from a rural area. The bill directs the Division of Criminal Justice to prepare an initial report of the demonstration programs by March 1, 2007. Finally, the bill repeals the programs on July 1, 2008.