

AG E N D A

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

Tuesday, July 20
9:30 a.m.
House Committee Room 0111
State Capitol

MINUTES FOLLOW AGENDA

Call to Order

- I. Overview of the Continuation Bill (Senate Bill 04-037)
 - Ray Slaughter, Division of Criminal Justice
 - Beth Braby, Office of Legislative Legal Services

- II. Options for Making Appointments to the Task Force
 - Ray Slaughter
 - Harriet Hall, Jefferson Center for Mental Health

- III. Review of Prior Work of the Legislative Oversight Committee and Task Force
 - Carl Jarrett, Legislative Council Staff
 - Ray Slaughter
 - Harriet Hall

- IV. Overview of Other Issues Before the Task Force
 - Ray Slaughter
 - Harriet Hall

- V. Discussion of Potential 2005 Legislation
 - Ray Slaughter
 - Harriet Hall

- VI. Future Meeting Dates

Adjourn

MINUTES

Legislative Oversight Committee for the Continuing Study of the Treatment of Persons With

Mental Illness Who Are Involved in the Criminal Justice System

Tuesday, July 20
9:30 a.m.- 11:15 a.m.
House Committee Room 0111
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09:36 AM -- Call to Order

Senator Anderson called the meeting to order. A quorum was present comprising Senators Anderson, Johnson, and Windels and Representatives Cloer and Jahn. Representative Stafford, excused by the chair, was present later in the meeting. The committee was provided with SB 04-037 (Attachment A), a packet of letters expressing the interest of various persons to serve on the Task Force (Attachment B), and a memorandum summarizing the major provisions of SB 04-037, prepared by Legislative Council Staff (Attachment C).

09:38 AM -- Overview of the Continuation Bill (Senate Bill 04-037)

Mr. Ray Slaughter, Director of the Division of Criminal Justice and chair of the Task Force, outlined the challenge before the Task Force and its progress on the issues. He indicated that Task Force members and other interested persons have demonstrated abundant enthusiasm and steady perseverance in addressing the issues, noting that while attendance slightly waned at the April and May meetings in 2004, the Task Force's July 15 meeting was well-attended.

Ms. Beth Braby, Office of Legislative Legal Services, walked the committee through the main provisions of SB 04-037, highlighting the Task Force's five-year study plan and its charge to focus on the diagnosis, treatment, and housing of juveniles in the juvenile justice system and to adopt a common framework for addressing the mental health issues of these juveniles in FY 2004-05. She mentioned how an ever-increasing percentage of persons with mental illness coming into the justice system led to the formation of the Oversight Committee and Task Force and noted the Task Force's work to address this. Ms. Braby then discussed the establishment and duties of Oversight Committee and Task Force, as well as the funding source established in the bill. She and Mr. Slaughter responded to questions from Senator Johnson. It was noted that the only major difference between the previous Task Force and Oversight Committee and the ones established in SB 04-037 is that membership on the Task Force increased from 27 members to 29 members. Mr. Slaughter explained how subcommittees operate in conjunction with the Task Force.

9:47 AM -- Appointments to the Task Force

Senator Anderson asked the committee for input on the nominees (see Attachment B) so she and the vice-chair could make appointments to the Task Force. Mr. Slaughter first spoke generally about the nominees and the areas of expertise to be represented on the Task Force, as stipulated in SB 04-037. After this, he and Dr. Harriet Hall, CEO of the Jefferson Center for Mental Health and vice-chair of the Task Force, walked the committee through Attachment B, discussing each nominee's qualifications and past level of participation in the Task Force's work. For the slots with letters of interest from multiple individuals, the chair requested the committee to voice its preferences as Mr. Slaughter and Dr. Hall walked through Attachment B. The chair and vice-chair agreed to make a single motion to appoint 29 nominees after considering all the letters of interest. The positions were discussed according to the number assigned on page one of Attachment B.

1. Mr. Slaughter was the only nominee but did not include his letter of interest in the packet. He recapped his experience and qualifications to serve on the Task Force.

2. Barry Pardus was the only nominee.
3. Jeaneene Miller was the only nominee.
4. William Kilpatrick and Gina Woelfel submitted letters of interest. Mr. Slaughter described a major accomplishment of the Task Force thus far: implementing crisis intervention teams (CITs). These teams serve as a model to other states, with 720 officers trained to work effectively with persons with mental illness they encounter. After discussing the letters and experience of both nominees, particularly as it relates to CITs, the committee recommended appointing Mr. Kilpatrick.
5. George Epp was the only nominee.
6. Kyle Sargent and Debra Kupfer submitted letters of interest; however at the request of both nominees, the committee recommended Debra Kupfer.
7. There were no letters of interest for this position on hand. However, Mr. Slaughter said that, according to Steve Bates, Director of the Division of Youth Corrections, Maurice Williams and Deb Cady were the probable nominees. The committee recommended appointing Mr. Williams.
8. Melinda Cox was the only nominee.
9. Janet Wood was the only nominee.
10. There was no nominee for this slot.
11. Dr. Hall explained that this was a new position on the Task Force. Although no letters of interest for this slot were on hand at the meeting, the Mental Health Planning and Advisory Council requested that Christina Johnson and Diana Delco alternate attendance at meetings to fill one position on the Task Force. Senator Anderson, along with the rest of the committee, stated their desire to comply with the legislation and appoint only one person to the Task Force for this slot to promote continuity at Task Force meetings. After this discussion, the committee recommended Diana Delco.
12. Dr. Hall explained that this was another new position on the Task Force. Cindy Dicken was the only nominee.
13. Heather Hotchkiss was the only nominee.
14. Mike Goodbee was the only nominee.
15. Kathy Sasak was the only nominee.
16. Abe Hutt was the only nominee.
17. Although there was not yet a letter of interest from David Kaplan for this slot, he was the only nominee.
18. Dr. Hall explained that this was another new position. Carrie Merscham was the only nominee.
19. Michael Cugini was the only nominee.
20. Harriet Hall was the only nominee.
21. Three people submitted letters of interest to serve in this slot: Annette Cannon, Christine Highnam, and Adam Brickner. Because of Ms. Highnam's expertise in the area of public housing, the committee recommended appointing her to the Task Force.
22. Richard Wihera was the only nominee.
23. Kay Heil was the only nominee.
24. Although there was no letter of interest submitted yet by Steve White, Mr. Slaughter described his qualifications. The committee recommended his appointment.
25. Deidre Parker submitted a letter of interest for this position, and Mr. Slaughter noted that current member Susan Spinken was also interested in this slot. The committee recommended appointing Deidre Parker.

10:21 AM

Mr. Slaughter explained that the remaining four appointments were to be made by Chief Justice Mullarkey, and that those had not yet been finalized. Mr. Eric Philp, Division of Probation Services, relayed the Chief Justice's request that the four people who currently represent the Judicial Department on the Task Force continue in this capacity until she makes the new appointments. The committee expressed its hope that Judge Roxanne Bailin will continue on the Task Force.

Senator Anderson and Representative Cloer agreed to appoint all of the nominees recommended by the committee (see the list above), except for position 10 because the name of that nominee is still forthcoming.

10:27 AM -- Review of Prior Work of the Legislative Oversight Committee and Task Force

Mr. Carl Jarrett, Legislative Council Staff, showed the committee a website with updated information pertaining to the Oversight Committee and Task Force, such as agendas, meeting summaries, and memoranda. Committee members were provided with a memorandum summarizing issues and outcomes of the Task Force's work since its inception in 1999, prepared by Legislative Council Staff (Attachment D). Mr. Slaughter commented on the past progress of committee. Mr. Jarrett discussed Attachment D, beginning with a brief historical summary of the Task Force's deliberations about the relevant overlapping mental health and criminal justice issues. He mentioned legislation that authorized the work of the Task Force and Oversight Committee and talked about proposals - both legislative and non-legislative - recommended by the Oversight Committee and Task Force over the past five years. He then walked the committee through a list of issues discussed by the Task Force and outcomes of those discussions, emphasizing that the Task Force takes its direction from the Oversight Committee. Senator Anderson requested for the Oversight Committee's next meeting a presentation on the cost-saving measures for community-based intensive treatment programs for juveniles (related to HB 00-1034), and a review of the implementation of standardized inter-agency screening procedures (related to SB 00-047). In response to questions from the committee, Mr. Slaughter stated that the 2003 reauthorizing legislation was rejected for fiscal reasons, not philosophical disagreements about the necessity of studying the treatment of persons with mental illness who are in the justice system. In connection with this, Mr. Slaughter stated that a federal grant for \$163,000 has been requested of the U.S. Bureau of Justice Assistance for the SB 00-047 pilot program. Senator Johnson asked about the Task Force's short-term and long-term goals, wondering if there was a target goal of 100 percent effective diagnosis and treatment. The committee agreed that while that is a worthy goal, the scope and pace of the Task Force's work is limited by available funding. It was noted that the five-year plan in SB 04-037 will enable steady progress toward this goal.

10:45 AM -- Other Issues

Mr. Slaughter informed the committee of the upcoming Task Force meetings on August 19 (10:00 a.m. to 2:00 p.m.) and September 16 (10:00 a.m. to noon), as well as an October meeting focused on education with overviews of various systems (e.g., legislative process, criminal justice, mental health). He described the general format of the Task Force meetings to the committee.

10:55 AM -- Discussion of Potential 2005 Legislation

Mr. Slaughter discussed the work of the juvenile subcommittee on the issue of competency to proceed at trial. He pointed out the lack of distinction between various levels of competency in the juvenile justice system and the added complexity of considering the level of a juvenile's cognitive development on top of the competency issue. He indicated that both prosecutors and defense attorneys desire to have additional tools to work with juveniles who do not fit within the normal range of cognitive development for his or her age. While the juvenile system has varying penalty schemes to address this, it does not have any other distinctions for juveniles with mental illness who commit a crime but do not meet the legal definition of insanity. The subcommittee has already considered procedural changes regarding diagnosis but has not yet worked out procedural issues regarding follow up and treatment (e.g., giving judges a list of options to consider when sentencing a juvenile who falls into this category). Mr. Slaughter requested and was granted permission to meet with the bill drafter after the Task Force's next meeting to craft a legislative proposal related to the issue of juvenile competency. Committee members commented.

The committee set its next meeting for September 17 at 1:00 p.m. to consider and vote upon the bill draft on juvenile competency.

11:15 AM

The committee adjourned.