

Final
STAFF SUMMARY OF MEETING

TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE
SYSTEM

Date: 02/17/2012	ATTENDANCE
Time: 01:04 PM to 02:30 PM	Conti *
Place: HCR 0112	King S. X
	Labuda X
	Tochtrop *
This Meeting was called to order by <u>Representative Acree</u>	Acree X
	Boyd X

This Report was prepared by
Hillary Smith

X = Present, E = Excused, A = Absent, * = Present after roll call

Bills Addressed:	Action Taken:
Introductions and Welcomes	Witness Testimony and/or Committee Discussion Only
Update from the Advisory Task Force	Witness Testimony and/or Committee Discussion Only
Mental Health Services in the Criminal Justice System	Witness Testimony and/or Committee Discussion Only
Update on the CCJJ	Witness Testimony and/or Committee Discussion Only
Goals	Witness Testimony and/or Committee Discussion Only

01:04 PM -- Introductions and Welcomes

Representative Acree, chair, called the meeting to order. She welcomed everyone.

01:05 PM -- Update from the Advisory Task Force

Ms. Kathleen McGuire, chair of the Advisory Task Force, introduced herself. She explained that she was recently elected as the chair, and that Ms. Michele Manchester, representing the Colorado Mental Health Institute at Pueblo, was elected as vice-chair.

01:06 PM

Ms. McGuire provided the committee with an update concerning the membership of the Advisory Task Force. She said that the committee currently has three vacancies. She provided the committee with a list of the membership of the task force (Attachment A).

01:10 PM

Ms. McGuire moved on to a discussion of the subcommittees of the task force. She spoke about how the subcommittees' work relates to the work of the Colorado Commission on Criminal Juvenile Justice (CCJJ) and the Behavioral Health Transformation Council.

01:13 PM

Ms. McGuire spoke about Senate Bill 09-006, concerning mobile identification units. She said that the bill has not been implemented due to budgetary and technological restrictions. Senator Boyd commented on Senate Bill 09-006. Committee discussion ensued. Ms. McGuire then spoke about free identification available under Senate Bill 10-006.

01:17 PM

Ms. McGuire moved on to a discussion of Senate Bill 08-006, concerning Medicaid suspension for confined individuals. She spoke about the barriers to the implementation of this legislation. She commented on how federal health care reform relates to this issue. Representative Labuda expressed concerns that the bill is still not being implemented. She asked for additional information concerning the effects of federal health care reform. Senator Boyd commented on the bill.

01:22 PM -- Ms. Terri Hurst, representing the Colorado Behavioral Healthcare Council, came to the table to respond to questions concerning the effects of federal health care reform. Representative Acree wondered whether the Colorado Department of Health Care Policy and Financing (HCPF) could make any changes manually. Senator Boyd responded to her question, and noted that there may be a supplemental request concerning the Colorado Benefits Management System (CBMS).

01:26 PM

Senator S. King asked for further information concerning meetings with HCPF to discuss the implementation of Senate Bill 08-006. Representative Acree expressed her desire to have HCPF explain when the bill will be implemented and what barriers exist. Senator S. King agreed that it would be beneficial to have HCPF brief the Advisory Task Force, and that it shouldn't be necessary for the Legislative Oversight Committee to tell the department to do that.

01:30 PM

Ms. McGuire spoke about the task force's work concerning medication consistency. She then spoke about the juvenile justice subcommittee's development of family advocacy toolkits. She moved on to a discussion of the subcommittee related to housing.

01:34 PM

Senator S. King encouraged Ms. McGuire to recruit a Western Slope member of law enforcement for the task force. Senator Tochtrop expressed interest in hearing more about medication consistency. She asked why there is no coordination as an offender moves through the system. She spoke about the importance of helping offenders maintain their stability. Representative Labuda wondered whether the list of medications an offender is taking is included in the paperwork filled out when an offender is transferred.

01:37 PM

Senator S. King spoke about past legislation concerning the issue of medication consistency. Senator Boyd thanked Ms. McGuire for her work.

01:40 PM -- Mental Health Services in the Criminal Justice System

Dr. Abigail Tucker, representing the Community Reach Center and the Colorado Behavioral Healthcare Council, introduced herself to the committee. She spoke about the provision of mental health services in the criminal justice system. She described services provided by the Colorado Department of Corrections (DOC) and the department's partnership with community mental health centers. She referred to a similar partnership between community corrections and community mental health centers.

01:44 PM

Dr. Tucker spoke about DOC's work on the Evidence-Based Practice Implementation for Capacity (EPIC) Project to provide statewide training to law enforcement officers concerning mental health first aid. Senator S. King asked whether offenders who are released early receive medication. Dr. Tucker explained that practices vary by jail, and there are differences between urban and rural jails.

01:47 PM

Representative Acree asked how many people enter jail because there is not room for them at mental health centers. Dr. Tucker provided data related to her question. Senator Tochtrop asked for information about law enforcement becoming educated on how to deal with individuals having a mental health crisis. She also asked if community mental health care centers are getting more beds to help jails who are at capacity. Dr. Tucker spoke about Crisis Intervention Team (CIT) Training. Ms. McGuire spoke about a presentation that the task force received related to CIT. She said that bigger law enforcement agencies tend to have officers who are CIT-certified because they can spare officers to attend the training.

01:54 PM

Dr. Tucker continued to respond to Senator Tochtrop's questions regarding bed space. She said that it is easier for someone who is insured to receive services at community mental health centers and the state hospitals, but there is not even enough space for those individuals. She spoke about Senate Bill 07-097, concerning grants for offender mental health services. Dr. Tucker responded to further questions from Representative Labuda.

01:58 PM

Representative Acree asked what the major barriers are to expanding bed space or to allowing other organizations to provide services. Dr. Tucker said that it is a question of funding.

01:58 PM -- Mr. Chris Habgood, representing the Division of Behavioral Health within the Department of Human Services, came to the table to respond to Representative Acree's questions. Dr. Tucker spoke about the use of assisted care facilities.

02:02 PM

Senator Tochtrop asked if there is an effort on the part of community mental health centers to get clients enrolled in Medicaid. Dr. Tucker responded to further questions from Representative Acree. Representative Labuda asked if there is a "revolving door," or if clients consist of people who may be moving from state to state. Dr. Tucker and Mr. Habgood both weighed in, indicating that it is a mixture of both. Mr. Habgood spoke about Senate Bill 07-036, which mandated insurance coverage for certain mental health disorders. He discussed the effects of federal health care reform. Representative Conti asked for additional information concerning Senate Bill 07-036.

02:09 PM

Senator Boyd asked for information concerning the mental health disorders covered under Senate Bill 07-036. Discussion ensued. Representative Labuda asked Mr. Habgood for information concerning the effect of the bill.

02:14 PM -- Update on the Colorado Commission on Criminal and Juvenile Justice

Ms. Kathy McGuire, on behalf of Ms. Jeanne Smith, provided the committee with an update on the work of the Colorado Commission on Criminal and Juvenile Justice (CCJJ). She listed bills that the CCJJ is recommending, including Senate Bill 12-104, concerning the consolidation of drug treatment funds, and House Bill 12-1213, concerning the penalties for escape from community corrections. She said that the CCJJ is still working on legislation addressing a change in sex offender registration definitions concerning the term "lacking a fixed residence," the possibility of allowing five-day flexibility for quarterly sex offender registration, and consistent standards by which school boards provide educational materials to juveniles who are incarcerated.

02:19 PM

Senator Tochtrop spoke about Senate Bill 12-122, concerning conflicts of interest in probation services.

02:20 PM -- Mr. Chris Habgood, representing the Division of Behavioral Health within the Department of Human Services, came to the table to discuss Senate Bill 12-122.

02:21 PM

Representative Acree asked whether the CCJJ has explored whether juveniles are entering the penal system instead of receiving mental health services. Representative Labuda thanked Ms. McGuire for her update.

02:23 PM -- Goals

Ms. Kathleen McGuire spoke about the goals of the Advisory Task Force. She described the task force's work concerning the plea of "not guilty by reason of insanity." She said that the task force will be devoting its next 9 or 10 meetings to this issue, and she provided the committee with the task force's schedule for learning about the issue (Attachment B). Representative Labuda commented on the study.

02:29 PM

Representative Acree discussed the role of the Legislative Oversight Committee. She said that she would like to wait to address this topic at the committee's next meeting. She encouraged the members of the committee to read the committee's 2011 report.

02:30 PM

The committee adjourned.

Members

Members listed below. Four are appointed by the Chief Justice of the CO Supreme Court, the rest are appointed by the chair and vice-chair of the task force (30 total members).

There is also a Legislative Oversight Committee, comprised of three State House Members and three State Senators.

Department of Human Services (5)

- Marc Condojani, Division of Behavioral Health
- Caren Leaf, Division of Youth Corrections
- Melinda Cox, Division of Child Welfare
- Michele Manchester, Colorado Mental Health Institute at Pueblo
- Libby Stoddard, Mental Health Planning and Advisory Council/Mental Health America of Colorado

Practicing Mental Health Professionals (2)

- Scott Petersen, Colorado Coalition for the Homeless
- Fernando Martinez, San Luis Valley Mental Health Center

Community Mental Health Centers (1)

- Harriet Hall, Jefferson Center for Mental Health

Person with knowledge of public benefits and housing in the state (1)

- Vacant

Department of Education (1)

- Michael Ramirez

Department of Law (1)

- Janet Drake, Attorney General's Office

Judicial Department (4)

- Shane Bahr, State PSC Coordinator, Colorado Judicial Department
- Greg Brown, Boulder PACE Probation Officer
- Susan Colling, Juvenile Programs Coordinator Probation Services
- Vacant

Department of Labor (1)

- Patrick Teegarden, Director of Policy and Legislation

Local Department of Social Services (1)

- Susie Walton, Jefferson County Department of Social Services

Local Law Enforcement (2)

- Keith Penry, Douglas County Sheriff's Department
- Vacant

Colorado District Attorney's Council (1)

- Bruce Langer, Boulder County District Attorney's Office

Colorado Criminal Defense Bar (2)

- Gina Shimeall, Arapahoe Douglas Mental Health Court
- Kathleen McGuire, Public Defender's Office

Person who is a practicing forensic professional in the state (1)

- Gregory Kellermeyer, M.D., Denver Health Medical Center

Members of the Public (3)

- David Mosher
- Deirdre Parker
- Barbara Stephenson

Department of Public Safety (1)

- Jeanne Smith, Director, Division of Criminal Justice

Department of Corrections (2)

- Tim Hand, Division of Parole
- Joan Shoemaker, Director Clinical Services

Department of Health Care Policy and Financing (1)

- Marceil Case, Behavioral Health Specialist

NGRI EDUCATIONAL OUTLINE
January 2012

- February - LEGAL AND CONSTITUTIONAL IMPLICATIONS OF NGRI IN COLORADO (Coordinators Kathy Mcguire and Gina Shimeall)
- I. Rights of a criminal defendant in a NON-NGRI case.
 - II. What happens once a plea of NGRI is entered. Include:
 - a. Court ordered evaluation
 - b. Waiver of MH privilege
 - c. Mandatory discovery to prosecution of defense psychological experts
 - d. Possibility of lifetime hospitalization in state hospital
 - e. Consequences if "non-cooperative"
 - f. Truth serum
 - g. Etc.
 - III. Legal issues involved in NGRI cases?
 - IV. How did this evolve historically?
- March - What happens when a plea of 'Not Guilty by reason of Insanity' is entered? (Coordinator – Dr. Richard Martinez)
1. What's involved in a forensic psychiatric sanity evaluation?
 2. Standards and quality of evaluations
 3. Forensic training
 4. Data
- April - LEGAL AND PROCEDURAL ISSUES WHEN STATE HOSPITAL FINDS A PERSON NGRI (Coordinators – Bruce Langer and Jeannie Smith)
1. How the prosecution anticipates and monitors the plea and evaluation process.
 2. Gathering information in light of a defendant's waiver of physician-patient privilege for purposes of mental health issues.
 3. Analysis and decision-making re: whether to request a prosecution evaluation.
 4. How the prosecution decides whether to contest the issue if the state hospital opines that the defendant was insane.
 5. How the case is handled in court when the issue is contested and when it is not.
- May - Treatment of the NGRI at Colorado Mental Health Institute – Pueblo

(Coordinator – Michele Manchester)

1. Clinical team
2. Programs for the NGRI based on assessments
3. Risk Assessments and treatment planning
4. Levels of security and privilege levels for progression
5. Court involvement as patients progress
6. Placement into the community – what's entailed

June - A look from the patient's perspective – Presentation from the patient
(Coordinators – Dr. Richard Martinez and Michele Manchester)

July - Conditional Release and oversight by the Mental Health Centers
(Coordinator – Fernando Martinez)

1. Overview of what happens in treatment
2. Challenges
3. Ongoing relationship with CMHIP and the Courts

August - TREATMENT ISSUES RELATED TO PERSONS WITH MENTAL ILLNESS WHO
ARE INCARCERATED IN DOC
(COORDINATORS TO BE DETERMINED)

September - ISSUES RELATED TO INSANITY IN JUVENILE CASES
(COORDINATORS TO BE DETERMINED)