

**Final**  
STAFF SUMMARY OF MEETING

TREATMENT OF PERSONS WITH MENTAL ILLNESS IN THE CRIMINAL JUSTICE  
SYSTEM

Date: 07/19/2012	ATTENDANCE
Time: <b>01:01 PM to 01:50 PM</b>	Conti *
Place: HCR 0112	King S. E
	Labuda X
	Tochtrop E
This Meeting was called to order by <u>Representative Acree</u>	Acree X
	Boyd E

This Report was prepared by  
Kerry White

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

Bills Addressed:	Action Taken:
Opening Remarks	Witness Testimony and/or Committee Discussion Only
Update from Advisory Task Force	Witness Testimony and/or Committee Discussion Only
Update from HCPF from SB08-006	Witness Testimony and/or Committee Discussion Only
Discussion of Goals	Witness Testimony and/or Committee Discussion Only

**01:02 PM -- Opening Remarks**

Representative Acree called the meeting to order and gave brief opening remarks.

**01:03 PM -- Update from Advisory Task Force**

Kathleen McGuire, chair of the Advisory Task Force, provided an update of the task force's three subcommittees, distributing a sheet with information about current vacancies (Attachment A). The subcommittees are currently evaluating potential legislation and hope to have more information in the next month. Specifically, the Juvenile Justice Subcommittee is focused on competency. Ms. McGuire said the task force will conduct an all-day retreat and strategic planning session on November 29 in lieu of the November 15 meeting.

Following up from discussions during the February 2012 meeting of the Legislative Oversight Committee, Ms. McGuire said the task force has developed a steering committee to study the issue of "not guilty by reason of insanity." The steering committee hopes to have their work completed and make recommendations in October 2012. Another topic raised in the February 2012 meeting is whether there are adults in the criminal justice system that could have received treatment and diversion through their contact with the juvenile justice system. Ms. McGuire discussed the task force's ongoing efforts to research this issue and asked if she could introduce Lenya Robinson from the Department of Human Services.

Lenya Robinson introduced herself as the Associate Director of Community Treatment and Recovery Programs for the Division of Behavioral Health within the Department of Human Services. Ms. Robinson discussed the effects of childhood trauma, mentioning that negative experiences can impact brain development, as well as a person's ability to regulate his or her emotions, behavior, ability to make good decisions, and control impulses. She said that research indicates early screening and early treatment for persons with adverse childhood experiences is an effective strategy for keeping these persons out of the criminal justice system, but that the state doesn't currently have a focus or any programs that address this need. According to Ms. Robinson, an effective response would be to work collaboratively with groups that serve children, such as schools and primary care physicians.

The committee discussed current processes to screen for mental illness within the criminal justice system, such as through probation officers or during intake into a correctional facility. It was noted that these screenings are not conducted by mental health professionals and that trauma is not specifically included in the screening assessment. Representative Conti asked for clarification about the definition of trauma. Ms. Robinson responded that a variety of experiences can result in trauma, including having a long stay in the hospital, divorce, and witnessing domestic violence.

#### **01:31 PM -- Update from the Department of Health Care Policy and Financing on Senate Bill 08-006**

Chris Underwood of the Department of Health Care Policy and Financing introduced himself and made brief remarks about Senate Bill 08-006, concerning the suspension of Medicaid for confined persons. Mr. Underwood advised the committee that the bill's provisions have not been implemented due to several complicating factors. First, Colorado law requires that a person can only be eligible for Medicaid if there are available matching federal funds. However, federal policies do not permit Medicaid coverage while a person is incarcerated. In addition, federal policies require that, when a person becomes incarcerated, he or she be immediately redetermined for eligibility. The change in circumstances results in the individual becoming a household of one.

Mr. Underwood explained that Colorado has very few resources to cover single individuals in Medicaid. In 2009, House Bill 09-1293 implemented the hospital provider fee to help expand Medicaid to adults without dependent children and incomes of up to 100 percent of the federal poverty level. As of April 2012, the state began to enroll these single adults in Medicaid. However, because there is insufficient funding to cover all eligible persons in this category, the state has implemented an enrollment cap of 10,000 persons. That enrollment cap was just recently met and the state has implemented a waiting list. If the state were to implement the provisions of Senate Bill 08-006 now, it would result in Medicaid slots being held open for persons while they are incarcerated, negatively impacting the department's ability to serve other low-income adults.

The committee discussed existing state programs that provide assistance to persons incarcerated in state facilities to apply for public benefits prior to their release. Mr. Underwood stated that he believes that the issue will be resolved in January 2014, when the federal Patient Protection and Affordable Care Act is fully implemented and the eligibility modernization project for the Colorado Benefits Management System (CBMS) is complete.

**01:48 PM -- Discussion of Goals**

Representative Acree stated she would prefer that the Legislative Oversight Committee delay setting goals until after the task force has completed its strategic planning process. However, she suggested that, in the meantime, members could consider their individual goals.

Representative Labuda asked whether any funds are available to assist the task force, possibly including grants. According to Ms. McGuire, no funding sources have been identified yet.

**01:50 PM**

The committee adjourned.

**Update from the Advisory Task Force  
Prepared by Kathleen McGuire, Office of the State Public Defender, Chair of the  
Task Force for the Continuing Study of the Treatment of Persons with Mental  
Illness Who Are Involved in the Criminal Justice System**

**July 19, 2012**

**Current Vacancies on the Task Force:**

Person with knowledge of public benefits and housing in the state

Representative from the Judicial Department (currently have two of four appointments from this department)

Representative from local law enforcement

Representative from Department of Health Care Policy and Financing

**Subcommittees:**

**Medication, Health Care and Public Benefits Subcommittee:**

This subcommittee meets monthly with members of the Task Force as well as other interested stake holders to study various issues surrounding these topics and how individuals with mental illness in the criminal justice system are effected.

**Juvenile Subcommittee**

This subcommittee meets approximately monthly to study issues related to juveniles with mental illness involved in the criminal justice system.

**Housing Subcommittee**

Currently, the Task Force is seeking a Chair for the subcommittee.

**2012 Goals**

The Task Force will complete its NGRI education in September and will be meeting to determine how best to use the information obtained during this 8 month training. The Task Force may benefit from some strategic planning concerning its goals and the goals of the Legislative Oversight Committee and would welcome input from the Legislative Oversight Committee on this issue.