

MINUTES

Task Force for the Continuing Study of the Treatment of Persons with Mental Illness who are Involved in the Criminal Justice System

Thursday, November 21, 2013

10:00 a.m. to 12:30 p.m.

Senate Committee Room 352

Colorado State Capitol Building

I. Call to Order

- *Susan Walton, Jefferson County Department of Human Services*

10:06 a.m.

II. Introductions and Welcomes

- *Susan Walton, Jefferson County Department of Human Services*

III. Approval of Minutes

- *October 17, 2013*

- The minutes were approved as written.

IV. Review of Proposed Legislation

The following two bills were approved by the Legislative Council last week and will be introduced at the beginning of the session.

- *Bill to Extend the Task Force*

Ms. Walton asked meeting attendees for any comments on or concerns with the bill's language so that she may suggest changes to propose to the sponsors once the bill is introduced. The following was discussed:

- Gina Shimeall noted that it seems difficult for the task force to rearrange priorities to fit topics that are timely for the state. She listed administrative segregation, jail restoration projects, and MRD mental health issues as examples. Terry Hurst said the Affordable Care Act (ACA) is a big issue and the task force should make it a priority. A standing agenda item to discuss the ACA and Medicare issues was suggested.

- Several members weighed in about the necessity for task force members to maintain a clear distinction between what they may individually represent as an opinion, what position their agency may hold, and what would be recommended by the task force. Jeanne Smith said that this is usually addressed by basing recommendations on careful study and presenting facts.

-Reimbursement language is included in the bill, and a fiscal note may be attached to it, but cannot be attached unless the bill's language requires a department to do something. It was unclear how a fiscal note will be attached to the bill. Ms. Walton said it has been left to the oversight committee. It was suggested that the Legislative Council may be able to include a fiscal note on behalf of citizen participants. The bill carried an appropriations clause, but the oversight committee recommended removing it because they didn't want to be limited to the

number that was originally put in the bill (\$500). Members of the oversight committee in October said if it was less than \$10,000, it would not go to appropriations. Ms. Walton will discuss travel costs with Fernando Martinez who travels a significant distance to the task force meetings and present an estimate for a small fund to the bill sponsors.

Next Step: Ms. Walton will speak with members of the oversight committee to discuss a small budget for the task force that could be added to the bill.

• ***Juvenile Competency Bill - Michael Ramirez, Colorado Department of Education***

-This bill is approved as-is but Rep. Rosenthal has said it is critical to have DA support of the bill. Michael Ramirez solicited responses from the subcommittee who worked on the bill and they had nothing to add in response to Dr. Martinez's comments at the last meeting. Senator Newell had requested information about why the subcommittee pursued cleanup language about competency. Mr. Ramirez shared the background with her and has not heard anything else. Ms. Shimeall brought up some legal concerns with the bill and cited that she sees as a problem that there is no "champion" for the bill, from the defense or prosecution side.

- Dr. Martinez shared with task force members case law in Mondragon that cites succinct language summarizing the present status of the law/standards. It was assumed, as Dr. Martinez was not present, he would be in favor of changing the language of the bill to use the exact language in the Mondragon case law.

- Jeanne Smith suggested that the task force appoint a specific person to work with the sponsors on these bills. The sponsors need to know whom to contact about changes in order to represent the task force.

-Janet Drake said that the DA's Council has had a vacant seat for the last few months on this task force. She reached out to the executive director to get CDAC's position on the bill and learned that they are not in favor of the bill as it is drafted. There are some specific language issues (such as "or lack of mental capacity") that are concerning to them. Additionally, there is concern that the bill may create additional hearings and demand on resources without a fiscal note, and that the intellectual disability definition may be unnecessary.

-Members of the task force can find the most appropriate people to be involved in this discussion, and if the sponsor wants someone else there, they can advise. Mr. Ramirez and Ms. Drake will be at that meeting.

Next steps:

Mr. Ramirez will act as point person on the task force and committee members with specific expertise who can help him answer the sponsors' questions will be determined.

Ms. Shimeall will reach out to a colleague in the Public Defender's Office about whether she might be able to help the bill's sponsors navigate the legalities of the bill.

Ms. Walton will work with task force members and Rep. Rosenthal to determine if he wants to convene a small meeting with key agency representatives to work on amendment language.

V. Discussion of Task Force Vacancies

- Department of Corrections has put forth Kerry Pruett, Mental Health Programs Administrator, from Colorado Springs. Ms. Pruett's resume and experience with DOC was discussed. Ms. Walton will put her name forward to Sen. Newell.

- Division of Parole position is still open. DOC will be in touch with Ms. Walton after this position is filled.

-During the meeting, Ms. Drake received information from Mr. Raynes that he would be supportive of Mr. Young representing CDAC. Ms. Drake will speak with Mr. Young about this and Ms. Walton will get in touch with Sen. Newell for the official appointment.

Next Steps:

Ms. Walton will speak with Doug Wilson, the Public Defender, and the Chief Justice's Office to determine recommendations for vacant spots. She will then send a letter to Sen. Newell with recommendations from the task force.

Ms. Walton will reach out to David Mosher and Barbara Stephenson, members of the public who have not attended recent meetings, to see if they are still interested.

Ms. Walton will reach out to Patrick Teegarden, legislative liaison for the Department of Labor and Employment.

VI. Discussion Concerning Prioritizing Topics of Study for the Task Force

-Ms. Walton said that the topics of study that are written in the bill are a result of discussion with the oversight committee. She stressed that timely issues, even though not official topics of study, are important and can be taken up by the task force if determined necessary. The task force has heard presentations about two of these issues (staff safety and housing) and will work toward getting information about the third (medication consistency) in coming months.

-Task force members suggested topics of study that may be relevant and interesting to pursue. They included: best practices for suicide prevention, administrative segregation, continuity of care, and housing of released offenders (including the state and federal monies that have been allocated or not to low-income housing for those in the criminal justice system), co-occurring disorders, and data collection.

-Task force members stressed the importance of looking at these topics in terms of their effect on juveniles, which topics may cut across multiple issues (such as data collection), and with a focus on helping the state navigate federal regulations of funding, etc. to avoid legal challenges that may stifle needed programs in Colorado. The Affordable Care Act (ACA) was determined to be a key topic that could be addressed by the task force in the future, but not during the upcoming legislative session because its effects will largely be unknown in the next few months. Terri Hurst offered to give a monthly update to the task force on the ACA as it related to persons with mental illness in the criminal justice system.

-Rather than developing an action plan and subcommittee for each topic, the task force decided to hold a working session to brainstorm experts in each topic that could be approached to hear about the needs surrounding the issues and where the task force may or may not be able to help (what are the expert groups' priorities and what can be addressed with legislation). The task force then will determine which issues to address.

-Representative Wright is very interested in the task force's recommendations on mandatory crisis intervention training (CIT). Jeanne Smith said the County Sheriffs of Colorado (CSOC) and Colorado Association of Chiefs of Police (CACP) would be better able to address this as they already have funding assigned for training and collaborative efforts if they so choose.

Next steps:

Marc Condojani will speak to the presenters from a past meeting to determine various priorities outlined in housing and which would benefit from legislative intervention.

Ms. Smith will approach Meg Williams from the Division of Criminal Justice to schedule a Juvenile Information Sharing Committee presentation at an early 2014 meeting.

Ms. Smith also will approach the legislative liaisons in CSOC, CACP to tell them about Rep. Wright's interests in expanding mandatory crisis intervention training.

Terri Hurst offered to give a monthly update to the task force on the ACA as it related to persons with mental illness in the criminal justice system.

VIII. What's Happening at Your Agency?

-Each committee member updated the group about their agencies' recent activities.

The meeting was adjourned at 12:31 p.m.