

**Legislative Oversight Committee for the
Continuing Examination of the Treatment of
Persons with Mental Illness Who Are Involved
in the Criminal and Juvenile Justice Systems**

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Legislative Oversight Committee for the Continuing Examination of the Treatment of Persons with Mental Illness Who Are Involved in the Criminal and Juvenile Justice Systems Report to Legislative Council

Committee Charge

House Bill 09-1021 reauthorized the establishment of a legislative oversight committee and an advisory task force to continue the examination of persons with mental illness in the justice system.

The committee is responsible for appointing a task force that represents all areas of the state and is diverse in ethnicity, culture, and gender. The task force is 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, including an examination of liability, safety, and cost as they relate to these issues.

The authorizing legislation directs the task force, between July 1, 2011, and July 1, 2014, to consider, at a minimum, the following issues:

- the diagnosis, treatment, and housing of persons with mental illness or co-occurring disorders who are convicted of crimes or incarcerated, or who plead guilty, nolo contendere, or not guilty by reason of insanity, or who are found to be incompetent to stand trial;
- the diagnosis, treatment, and housing of juveniles with mental illness or co-occurring disorders who are adjudicated, detained, or committed for offenses that would constitute crimes if committed by adults, or who plead guilty, nolo contendere, or not guilty by reason of insanity, or who are found to be incompetent to stand trial;
- the ongoing treatment, housing, and supervision, especially with regard to medication, of adults and juveniles who are involved in the criminal and juvenile justice systems and who are incarcerated or housed within the community, and the availability of public benefits for these persons; and
- the safety of the staff who treat or supervise persons with mental illness and the use of force against persons with mental illness.

The legislation authorizes the task force to work with other task forces, committees, and organizations that are pursuing policy initiatives similar to those listed above. The task force is required to consider developing relationships with other groups to facilitate policy-making opportunities through collaborative efforts.

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 oversight committee is required to submit an annual report to the General Assembly by January 15 of each year regarding recommended legislation resulting from the work of the task force.

Committee Activities

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 and again in 2009 with the passage of House Bill 09-1021. The oversight committee was subject to Senate Bill 10-213, which suspended all interim activities during the 2010 interim. The committee is set to repeal on July 1, 2015.

Advisory Task Force

The task force met monthly in 2013. The task force discussed follow-up work from its November 2012 strategic planning session, organized a legislative luncheon, and heard presentations about a jail-based mental health restoration program and housing issues.

Strategic planning session follow-up activities. The task force worked on implementing changes to the task force resulting from its November 2012 strategic planning session. This included disbanding the previous subcommittees of the task force, and implementing a work group structure focused on study issues, advising the legislature, collaboration, and data collection and evaluation. The task force's juvenile subcommittee continued to provide updates on its work to address juvenile competency issues, resulting in one of the legislative recommendations for 2014.

Legislative luncheon. The task force hosted a legislative luncheon on February 4, 2013. The luncheon provided an opportunity to raise awareness about the task force amongst the members of the General Assembly. It also allowed task force members and legislative members to meet, especially since there was a record number of new legislative members in 2013.

Jail-based mental health restoration program. At its February meeting, the task force received information from Kenneth Cole, Office of Behavioral Health in the Department of Human Services, on the then-proposed jail-based mental health restoration program. The program is for inmates who are stable on medication while they are restored to competency, and is based on a California program.

During the 2013 legislative session, the Department of Human Services was appropriated \$2,054,819 in FY 2013-14 to create a contracted jail-based mental health restoration program. The 22-bed program will be located at the Arapahoe County Detention Center. The department selected GEO Care as the program contractor. Program operations will begin November 4, 2013, and the service area will include Arapahoe, Adams, Boulder, Broomfield, Denver, Douglas, Jefferson, Larimer, and Weld Counties.

Housing issues. At the task force's July meeting, John Parvensky, Colorado Coalition for the Homeless, and Pat Coyle, Colorado Division of Housing in the Department of Local Affairs, presented information concerning housing issues in Colorado. According to the information presented by Mr. Parvensky:

- 33 percent of households in Colorado are renters;

- 166,729 or 24 percent of these households are extremely low-income;
- the maximum state-level income for an extremely low-income family of four is \$22,121;
- there is a shortage of 128,674 affordable units available to these low-income renters; and
- a renter household needs to earn \$17.26 per hour to afford a two-bedroom unit at the HUD-determined Fair Market Rent.

Additionally, the task force received information on the emergency shelter system, the coalition's Housing First Program, the Colorado Division of Housing, and the Colorado Second Chance Housing and Reentry Program, which is designed to provide housing and mental health services to people who are eligible for parole, homeless, and in need of mental health and substance abuse services to reduce the recidivism rates. The task force discussed with the presenters the need for funding and advocacy for housing issues.

Legislative Oversight Committee

The legislative oversight committee met twice in 2013 to monitor and examine the work, findings, and recommendations of the task force. Specifically the committee:

- received information on upcoming projects and initiatives impacting people with mental illness who are involved in the criminal justice system;
- received an update on Colorado's problem-solving courts;
- made an appointment to fill a vacancy on the task force; and
- considered legislation recommended by the task force.

Upcoming projects and initiatives impacting people with mental illness who are involved in the criminal justice system. At its March 2013 meeting, the legislative oversight committee received information from representatives of the Office of Behavioral Health in the Department of Human Services concerning jail-based mental health services, improvements to community capacity to provide community-based treatment services, expansion of in-patient psychiatric hospital capacity, and the jail-based mental health restoration program. The oversight committee discussed funding for various projects and the integration of community-wide crisis response systems.

Problem-solving courts. At the legislative oversight committee's March 2013 meeting, Brenidy Rice, representing the Judicial Branch, presented information on Colorado's problem-solving courts. According to the information provided by Ms. Rice, there are 73 operational problem-solving courts in Colorado, with eight more planned, and the courts serve 3,000 individuals. The types of Colorado's problem-solving courts include:

- adult drug courts;
- DUI courts;
- family/dependency and neglect courts;
- hybrid courts;
- juvenile drug courts;
- juvenile mental health courts;
- mental health courts; and
- veterans/trauma courts;

Committee Recommendations

As a result of the discussion and deliberation of the task force, the legislative oversight committee recommends the following bills for consideration in the 2014 legislative session.

Bill A — Persons with Mental Illness in the Criminal Justice Systems — The bill extends the repeal date for the legislative oversight committee for the continuing examination of the treatment of persons with mental illness who are involved in the criminal and juvenile justice systems and associated task force from July 1, 2015, to July 1, 2020. The legislative oversight committee and task force are renamed the legislative oversight committee and task force concerning the treatment of persons with mental illness in the criminal and juvenile justice systems, and the cash fund is renamed accordingly. Two new members are added to the task force, one from the Office of the Child's Representative and one from the Office of the Alternate Defense Counsel. The task force is assigned additional duties. Authorization is granted to provide travel compensation and reimbursement for members of the task force, subject to available funds.

Bill B — Juvenile Competency to Proceed Determination — The bill creates a definition of "incompetent to proceed" that is specific to juveniles in order to distinguish it from that used for adults in the criminal justice system.