

MINUTES
**Task Force Concerning the Treatment of Persons with
Mental Illness in the Criminal and Juvenile Justice Systems**

Thursday, February 19, 2015
10:00 a.m. to 12:30 pm
Legislative Hearing Room B

I. Call to Order

• *Susie Walton, Park County Department of Human Services*

II. Introductions and Welcome

• *Susie Walton, Park County Department of Human Services*

III. Approval of Minutes

• **January 15, 2015**

Correction to the date of the approval of minutes.

Motion to approve as amended was entered by Janet Drake

- Motion Seconded by Michael Ramirez

- Motion carried – minutes were approved as amended

IV. Review of Juvenile Competency Legislation

• *Susie Walton, Park County Department of Human Services*

• *Mike Cooper, Representative Rosenthal's Office*

Representative Rosenthal was unable to attend the beginning of the meeting due to the legislative calendar. Contact information for judiciary committee members was distributed by Mr. Cooper. He said Representative Rosenthal asked him to distribute the contact information to members of the Task Force in case they would like to contact legislators about the bill.

The members of the Task Force provided an update on the status of the legislation as a result of recent conversations with Representative Rosenthal. The bill was held over for action and calendared for Thursday February 26. Representative Rosenthal intends to offer the bill with one omnibus amendment (L.020). In drafting the amendment, Representative Rosenthal was in contact with providers and evaluators.

Janet Drake asked for a brief summary of the January hearing of the House Judiciary Committee that had taken place and that had resulted in deferment. Karen Knickerbocker recounted the events of the hearing, in which testimony for and against the bill was heard. Ms. Knickerbocker also told the rest of the meeting attendees that there were some meetings between the January Task Force meeting and the hearing in which the work group spent a significant amount of time reviewing the amendments that had been proposed.

Ms. Knickerbocker's primary takeaway was that the bill sponsors wanted to get the amendment to a point where the DA's office would be neutral prior to putting the bill forward. Ultimately, the DA's office was not neutral. Dave Young noted that the DA's Office and Colorado District Attorneys' Council did not agree on the terms that would bring the parties to a neutral position on the bill. The DA's testified in opposition to the legislation; others testified in support; and the vote was deferred partly because the amendments were not very clear. Amendment L.020 is intended to clarify the amendments.

Ms. Walton reminded the Task Force that at the February hearing, there likely will not be much opportunity for testimony. Ms. Walton also said that Representative Rosenthal is interested in data collection and has pursued the options of an endeavor with a university that could accomplish data collection outside of legislation. Data collection was not included in the L.020 amendment.

The members of the Task Force then discussed, at length, whether the bill had changed enough to warrant withdrawal of support. They also discussed specific pieces of the legislation that had been removed in order to make it more palatable. Some Task Force members wondered whether the bill had been “watered down” and did not meet the original intent of the Task Force and subcommittee when this project was originally undertaken.

Harriet Hall said that the Task Force could withdraw its support at whatever time the body decides, but it would be wise to speak with the sponsors prior to that so that they could withdraw the bill diplomatically. Ms. Hall noted there is no precedent for procedure when the Task Force cannot reach consensus about whether to support the legislation.

Task Force members discussed the major areas of disagreement about the legislation – largely focused on the language surrounding “mental capacity” – and the role that Ms. Walton as chair will play in determining whether changes to the legislation are significant enough to bring to the entire Task Force or just key interested parties. It was largely agreed that if the mental capacity language is removed, the Task Force likely would not be supportive of the bill.

- Vote: Janet Drake moved for a vote on the legislation as it is written with amendment L.020.

- Motion was seconded; no further discussion.

Results

Support: 13

Neutral: 3

Opposed: 1

Next Steps:

- Legislation will go forward and Representative Rosenthal will be made aware of the vote.

- Ms. Walton will send questions that come up to the entire email list. If you are unable to respond, that will be taken as support of the changes.

V. Data and Information Sharing Update

• Camille Harding, Health Care Policy and Financing

• Peggy Heil, Colorado Division of Criminal Justice

Peggy Heil, Camille Harding, Reggie Huerter, and Kate Kiefert have found a funding opportunity for a planning grant. They plan to meet to strategize how tech planning and funding would help keep people with mental illness out of correctional settings and how to connect the various siloed systems across the state. This may be a chance for the Task Force to request funding in the next legislative session. The grant proposal is due March 10. The grant will focus mostly on data exchange and collection and how to ensure that first responders have access to information pertinent to the situation. Many hospitals and ERs are already connected with basic data exchange. On the criminal justice side, there is a different set of standardized data. This initiative would marry up the two data systems. The planning grant is expected to fund efforts that require a lot of detail work for gap analysis for communities and at the state level. Implementation of whatever program is designed would be funding through a separate source.

Next Steps:

- *Ms. Harding will bring an update on the grant to next Task Force meeting and send a draft proposal once it is complete.*
- *A letter of support will be written by Ms. Walton on behalf of the Task Force.*

VI. Affordable Care Act (ACA) Update

• *Camille Harding, Health Care Policy and Financing*

Ms. Harding reported that there are not a lot of new undertakings to update the Task Force about at this time.

VII. Behavioral Health Transformation Council (BHTC) Update

• *Dr. Richard Martinez*

BHTC has made progress in generating a list of formulary medications. In the upcoming meetings, the Council will finalize a formulary list to be used across entities. Dr. Martinez is unsure how it will be implemented, this is the next step. In developing this list, the group went through every group of psychotropic medications and discussed what should or shouldn't be included. They also have discussed the low utilization by small rural jails and whether there is a possibility of a central warehouse that they could access. Dr. Martinez said the incentive to use the formulary is that it will provide cost savings to jails because of the possibility of collectively negotiating with pharmaceutical providers. The support of the Task Force would be important for implementing this formulary, but Dr. Martinez is unsure whether legislative action in next year's session is necessary. Ms. Harding said the only thing that may benefit from legislation is determining a funding mechanism because incarcerated individuals cannot receive medicine as part of Medicaid. The group is looking at a couple of models around the country. It was suggested that once things are formalized, members of the BHTC may be invited to speak to the Task Force.

Next Steps:

- Dr. Martinez will distribute the list of state models to the Task Force.*

VIII. Re-introduction of Task Force Members and Additional Discussion of Juvenile Competency Legislation

Representatives Rosenthal and Lee, a new Oversight Committee Member, joined the meeting and introduced themselves and their guests. The meeting attendees then introduced themselves.

Following the introductions, the Representatives were updated on the discussion and action of the meeting so far. The results of the vote on the legislation as written with amendment L.020 were read. Representative Rosenthal then thanked the members of the Task Force for their hard work on the bill and encouraged everyone to reach out to the judiciary committee in person to speak about their support or lack of support of the bill.

Members of the Task Force answered questions from the legislators about what services may be offered to juveniles in the criminal justice system prior to adjudication. Karen Knickerbocker provided a summary of the positions for and against the legislation and provided anecdotal information about the mental health, educational, and other services that are offered through the Department of Human Services, juvenile courts, etc. These services are not always available in rural jurisdictions. She also addressed lack of restoration to competency services for both juveniles and adults. A specific issue, that of juveniles receiving treatment prior to being adjudicated for a sex offense, was explained in detail. The law does not provide for mandatory treatment of someone prior to adjudication because of the presumption of innocence. Representative Lee encouraged members of the Task Force, specifically Ms. Knickerbocker, to explain these issues to the judiciary committee. Ms. Knickerbocker said she would testify.

Members of the Task Force continued discussion of the juvenile competency legislation and the reasons why CDAC may have been in opposition. Dr. Martinez reminded attendees that the real opposition is to 3 of 150 evaluations, according to subject matter expert, Dr. Bowling, based on her caseload at CMHIP. CDAC operates on unanimity, meaning if a few DA's are in opposition, they all are. The issue, he said, has become politicized and he encouraged those who could attend the judiciary committee meeting to remind that committee of the reality of the situation in order to persuade the "fence sitters." Dr. Martinez cannot be at judiciary committee meeting.

Representative Rosenthal sought greater clarification of Dr. Martinez's numbers. At the hearing, 150 cases of the mental health evaluations done last year in Colorado were highlighted. These are most of the court-ordered evaluations for competency done by the state. The number of evaluations being done in the community is not readily available. Michael Ramirez said when originally studying juvenile competency, the Task Force work group heard from defenders and prosecutors about the number of evaluations being performed. One DA at that time said there were 20 out of 6,000 who were evaluated for competency and a smaller portion of those 20 moved to a competency hearing.

Both Mr. Ramirez and Dr. Martinez said that if "mental capacity" is discarded from the language, the bill would not significantly change Colorado statute and the Task Force would likely need to determine whether to support it at that point.

Next step:

HB 15-1025 will be heard in Judiciary Committee on February 26, 2015 at 1:30pm. Members are encouraged to attend.

VIII. Housing Update

• Harriet Hall

As a member of the community corrections subcommittee of the state's Commission on Criminal and Juvenile Justice (CCJJ), Harriet Hall provided an update discussed at that body's last meeting in which it was suggested that the Mental Illness and the Criminal Justice System Task Force look at the possibility of community corrections facilities taking on the new function of providing housing to people with a mental illness. Ms. Hall will chair the subcommittee of CCJJ. She plans to facilitate a one-meeting exploratory discussion with interested parties. She asked members of the Task Force to weigh in with their interest in looking at the issue. Gina Shimeall and Karen Knickerbocker both expressed interest and suggested other subject matter experts in the state who might also be interested.

Members of the Task Force and Representative Rosenthal discussed the various precedents and issues that may arise when pairing a vulnerable population with people involved in the criminal justice system. Ms. Hall noted that this is among the topics that the work group will discuss, in addition to the issue of pursuing a "zone free" separate structure, IMD and other major obstacles.

Next step:

Ms. Hall will be in touch with those who expressed interest and arrange a meeting or phone call to determine whether this should go forward. She will provide an update at the next Task Force meeting, if possible.

IX. Other Updates

• JBBS Presentation—Jagruti Shah

Ms. Shah distributed updated information on statewide screenings that showed positive for mental health and substance use disorders. She also provided an update on SB215 (marijuana tax revenue) funds, which have been distributed and funding programs already underway. The Office of Behavioral Health was able

to hire 15 positions with that money. Ms. Shah said the office is closely watching to see how the current legislative session may provide more funds. She said she is confident that correctional treatment board funding will remain stable, but less sure of what the marijuana revenue will provide.

·Safety of Staff—Rebecca Spiess

The Grand Junction Police Department and Mesa County Sheriff's Office have made the goal that by the end of 2016 they will have 65% of officers CIT trained. They will also help other agencies provide training for their officers. Undersheriff Spiess said this matches up to the Memphis model where CIT trainings were developed. The trainings are provided through POST money and other funding mechanisms.

·Task Force Membership Booklet—Susan Walton

The membership booklet is still under development due to current vacancies on the Task Force. Walt Pesterfield and Clif Northam have both resigned from the Task Force. The Division of Parole is going to appoint someone in Mr. Pesterfield's place. Mr. Northam has another assignment and will not be a law enforcement representative. Members are asked to give Kate Ferebee a brief bio so that the booklet can be updated and printed in March or April for the new Oversight Committee.

Next steps:

- Kate will send out draft of membership bios to task force members for review***
- The next Task Force agenda will include a discussion of the response from DOC to the JBC that was distributed to Task Force members.***

X. What's Happening at Your Agency

Task Force members provided various updates about their agencies. Among them was an announcement by Moe Keller that March 6 is Legislative, Education, and Advocacy Day for Mental Health America of Colorado. That day, there will be media awards and a panel about how to work with journalists. Ms. Keller will send information to Ms. Walton to disseminate to the group.

Meeting Adjourned

12:25