

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

Thursday, January 15, 2015  
10:00 a.m. to 12:30 pm  
Legislative Hearing Room B

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**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**

• **December 18, 2014**

Minutes were approved as written.

**IV. Review of Juvenile Competency Legislation**

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

Tariq Sheikh, of the 17<sup>th</sup> Judicial District, voiced concerns about specific language in the legislation. He expressed that the Colorado District Attorneys' Council (CDAC) remains opposed to the legislation and did not want members of the Task Force or Representative Rosenthal, a sponsor of the proposed legislation, to get the impression that the Council tacitly agreed to the language as written. Mr. Sheikh reviewed each area of the proposed legislation's language that remained a concern for CDAC. Among the major issues that Mr. Sheikh presented were the lack of a definition for "substantial disability," the definition of "incompetent to proceed," which CDAC would like to have mirror the adult statute, the use of "intellectual disability," replacing "defendant" with "juvenile," and the language regarding appropriate courtroom behavior. Mr. Sheikh also recommended a July 1, 2015 implementation date in the proposed legislation. In addition, Mr. Sheikh recommended that data collection be mentioned in the legislation

Discussion among Task Force members ensued. Task members agreed that the word "defendant" should be replaced with "juvenile." Task Force members also explained the reasoning behind using "intellectual disability." In addition, an in-depth discussion of restoration included anecdotal statements from Karen Knickerbocker and Mr. Sheikh about problems that occur in the system that may not be addressed in this legislation, but likely in subsequent legislation. In answer to questions from Representative Rosenthal, members of the Task Force explained what is specifically available pre-trial and post-adjudication in Colorado. Michael Ramirez reminded the Task Force that when the working group first took on the task of rewriting the juvenile competency legislation, the group focused on ensuring that the statutory language aligned with language in the *Diagnostic and Statistical Manual of Mental Disorders*. While restoration was a topic of discussion at the time, the working group determined it best not to tackle the problems of restoration and instead focus on cleaning up the language of the juvenile competency statute.

Members of the Task Force also discussed whether it is pertinent that attorneys would read statute differently than how evaluators would read the statute. Ms. Knickerbocker explained that the opinion of evaluators was included in the drafting of the proposed legislation so that there would be no concern with how the statute would be interpreted by experts in the field.

Representative Rosenthal suggested that the Task Force work with the bill drafter to come up with some language for an amendment. He said that it would be ideal for CDAC to remain neutral on this legislation, as he does not expect full support from the Council. He said that the bill had not been scheduled and that

he would consider asking for a delay. In addition, he voiced support for members of CDAC to work with the bill drafter on amendment language that the Council may approve. Representative Rosenthal also liked the idea of collecting data as part of the bill. He said that many of the ideas that had been proposed would be better as separate amendments.

Moe Keller recommended a stand-alone amendment for data collection based on Representative Rosenthal's comments, but either way this may impact the fiscal note significantly. There may be some type of fiscal note from the courts. Jane Ritter announced that she would need to know what agency would collect the data.

***- Motion entered by Karen Knickerbocker, seconded by Janet Drake, to replace "defendant" with "juvenile" anywhere that it appears in the draft legislation.***

- No further discussion.
- Motion carried without opposition.

***- Motion entered by Janet Drake to adopt the recommendation by CDAC under section 7 on p. 7 for an implementation date of July 1 2015. – Seconded by Karen Knickerbocker.***

- No further discussion.
- Motion carried without opposition.

***Next steps:***

- The amendment that the Task Force adopted at the last meeting will be drafted and circulated with "defendant" corrected.***
- Members of the Task Force will review amended legislation that includes all amendments that the group already voted on and agreed to by majority. The review will carry a deadline for replies and silence will be considered acquiescence.***
- Ms. Ritter will draft an amendment per Representative Rosenthal's direction. It appears that Judicial will be the lead agency for the data being considered, but this will be decided later.***

## **V. Data and Information Sharing Update**

- Camille Harding, Health Care Policy and Financing***
- Peggy Heil, Colorado Division of Criminal Justice***

A current state (use case) of data sharing/information exchange of health care information across the state has been drafted. Camille Harding and Peggy Heil are working with Kate Kiefert the State Health Information Technology (HIT) Coordinator from the Governor's Office, to leverage the state's 90-10 match for funding opportunities. Ms. Heil stated there also may be funding opportunities through the Affordable Care Act and the Justice Department. In addition, Ms. Harding will review activities of the medication consistency work group that includes Patrick Fox, Richard Martinez, Reggie Huerter, and Ashley Tunstall. She will put together a timeline of activities and will report on this at a later meeting.

## **VI. Affordable Care Act (ACA) Update**

- Camille Harding, Health Care Policy and Financing***

Health Care Policy and Financing (HCPF) continues to implement and reshape Colorado's Medicaid infrastructure due to ACA policies. Toward this effort, HCPF released a request for information with key questions regarding Regional Care Collaborative Organizations and is analyzing the responses. A request for proposals is expected sometime in the summer of 2015.

The Statewide Innovation Model (SIM) grant has been awarded to Colorado. Ms. Harding said that she would invite the SIM director to a future Task Force meeting. The grant is expected to fund an initiative to work on physical and mental health integration and target practices throughout the state. HCPF requested \$80 million and was given \$65 million. Various agencies throughout Colorado are trying to

find ways to fill the gap in funding. There are four work groups under the SIM grant: quality in HIT, practice transformation, payer workgroup, and consumer engagement.

## **VII. Behavioral Health Transformation Council (BHTC) Update**

### **• *Dr. Richard Martinez***

Dr. Martinez was unavailable for an update. Although not on the Council, Moe Keller said that her understanding is that an interim chair will keep the BHTC going. The Council is planning to have an all-day retreat to look at re-engaging and electing a chair.

## **VIII. Housing Update**

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

### **• *Gina Shimeall***

Discussion was tabled until next month.

## **IX. Other Updates**

### **• *JBBS Presentation by Jagruti Shah***

### **• *Safety of Staff***

### **• *Task Force Membership Booklet***

Members of the Task Force were asked to provide Kate Ferebee with a current bio for the membership booklet if they had not already done so. There was no discussion of Staff Safety or the Jail Based Behavioral Health Services presentation made by Jagruti Shah.

## **X. What's Happening at Your Agency**

Some members of the Task Force updated the group on activities in each of their respective agencies. This included an announcement from Marc Condojani that additional funding from marijuana tax revenue will be used to expand Jail Based Behavioral Health Services (JBBS). He said the majority of funding for JBBS comes from the treatment board, so the additional funding is expected to help, but there are still concerns about inconsistency from year to year.

## **Meeting Adjourned**