

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

Thursday, August 18, 2016  
10:00 a.m. to 12:30 p.m.  
House Committee Room 0112  
State Capitol Building

I. Call to Order • *Susan Walton, Park County Human Services*

II. Introductions and Welcome • *Susan Walton, Park County Human Services*

III. Approval of Minutes • June, July

June minutes have just be sent out

IV. Legislative Update—Discussion

The Oversight Committee will meet on Monday August 22<sup>nd</sup>. There will be at least 1 bill that comes out of the Committee this year.

At the end of the meeting they will make a request for bill drafts based on recommendations from the Task Force and legislators. After that there will be a 35 day window from late September to early October for the Oversight Committee to formally approve and vote on moving any bills forward.

After bill requests are made, members have 3 days out of the 35 day window to provide the drafters with relevant information and key ideas.

The Oversight Committee determined a staff request for the Task Force will need to move forward in legislative form as a bill. They will need more information on what additional staffing for the Task Force would look like.

Any member of the legislator can bring forth bills during the legislative session but they have a 5 bill limit. Any official Legislative Oversight Committee bills need to be requested and achieve consensus to move forward.

For new members, the Task Force proposes legislation and studies ideas to funnel up to the Oversight Committee. It is important that Task Force members ensure that ideas are fully vetted with our systems so that the best informed legislative efforts go forward from the Task Force.

V. Housing Group Update • *Kathleen McGuire, Alternate Defense Counsel Representative*

The Housing Group is not ready for a written product to present to the Task Force. Legal interns developed a white paper that is being reviewed. They are awaiting feedback.

There is currently a voucher system in Colorado that helps people with rental assistance who are leaving state hospitals and long term facilities. It doesn't help people leaving the criminal justice system. There are two voucher programs that provide personal vouchers.

The Subcommittee wants the voucher program to be tied to people leaving the criminal justice system. This will allow them to be eligible for home community based services. Legislative language changes can make this happen.

The Housing Group is waiting for the draft white paper that includes expanding the state voucher system to include people exiting the criminal justice system (adding vouchers and expanding definition of people getting served). It will prioritize people coming out of DOC and jail/prison setting, not individuals on probation.

Intensive residential treatment is for offender populations. It is struggling in the way of outcomes as there is no support system once individuals leave.

The white paper addresses how to approach vouchers and what unspent money/reverted money for these efforts could be brought to the table. Third category: tax credits for supportive housing. Individuals with mental illness that aren't ready for employment.

There is another paper addressing how Colorado can use mental health facilities for housing. This regional center issue was raised by the Oversight Committee.

Timeline expectations after Monday: the Oversight Committee will request bill drafts, then there is a 3 day window to get drafting concepts and materials to bill drafters, then they work on a draft. The Oversight Committee still needs to set their next meeting date. It will be about 20-25 days before there is a final draft and then a week where fiscal analysts will have it to prepare a fiscal note. The bill will be voted on in its final form 35 days after Monday but before October 26<sup>th</sup>

#### VI. Competency/Restoration Group • *Sheri Danz, Office of the Child's Representative*

The Competency/Restoration Group has worked on their memo to be presented in draft format to the Oversight Committee.

The Group has articulated principles in regard to juvenile competency restoration revisions. In the document the Competency/Restoration Group proposes legislative findings, necessary revisions to Colorado statutory scheme, and identifies general articles and titles in which language may be needed. They expanded on their history in the memo to make it clear how long they have been meeting, their purposes, and what the subcommittee has studied.

A big change from feedback was to designate OBH as the provider of outpatient competency restoration services. There will have to be a fiscal note on this legislation. The problem is there is no funding or responsible entity for the educational and case management components of competency restoration.

Is there political will to move forward? Many services that can be helpful may already be provided through existing funding streams (i.e. medication component/adult disability services). What is lacking right now is coordination of services and educational pieces.

This will be a process of continuous quality improvement. OBH should continuously report on status of competency restoration.

Money will be an area of major pushback. Can it be implemented over a 2 year period? How much money will be needed? OBH should look at fiscal impact as they will be responsible for restoration/competency.

Dr. Fox was supportive of letting OBH do the fiscal analysis. It will depend in large on what each community can leverage in terms of resources. There is no data on this, which compounds the problem.

Is there a way to do this in 2 parts over two years or is this all or nothing? It could be broken down into juvenile and adult portions. The juvenile portion will be less expensive although the adult side may be more pertinent. There are more resources for juveniles currently. Breaking it up into stages may result in private contractors in smaller jurisdictions.

Could the task force work to do a pilot and collect data? Continue this dialogue with Dr. Fox. A certain number of FTE will be needed to set up infrastructure and assess the needs of the program. OBH is in a good place to do a needs assessment. CMHCs could be contracted to provide services on a local level.

First effort: set up infrastructure (less fiscal impact). Piloting will be a part of this but need to specify including both urban and rural communities to obtain rural data.

The Task Force can disseminate this memo with general consensus from members.

The payer of last resort process to be sent to the Task Force.

Suggestion to review legislation once it is written to see if it has been watered down or is not effective enough.

Process after this Task Force meeting: there will be a presentation to the Oversight Committee, they will decide if this is a potential piece for legislation, and then there will be a timeline for drafting legislation.

New competency legislation that passed last legislative session gives the court direction on whether adult competency evaluations should be ordered on an outpatient basis in jail, inpatient basis in the hospital, or with the person on bond. It also enumerates factors that the court should consider when making their determination. Statute allows outpatient restoration but there is no one to pay for it.

Curriculum based restoration piece is a problem because no one can bill for this. CMHCs are willing to help but there is no reimbursement for this service and it is not a medically necessary service and therefore not reimbursable by Medicaid. There won't be anything about curriculum added to the memo but key concepts and the assignment of responsible entity will be included.

There will be a revision to title 16 and title 19 to mirror the new competency legislation to make sure the court considers competency evaluation factors and designates OBH as the entity for both child and adult restoration.

The next thing the Subcommittee will likely work on is Colorado's definition of juvenile competency to avoid a new subcategory of juveniles incompetent to proceed. National trends are recognizing developmental immaturity as a separate category.

On revision title 16: include language that promotes outpatient restoration when appropriate. Highlight 1618.5.

Concern with language: least restrictive language can't trump other factors. i.e. outpatient restoration for a serious charges and a potential threat to the community.

The fiscal analysis section will be retitled fiscal impact. A statement will be included that OBH is in best position to conduct a fiscal analysis. The Task Force will work with OBH to tackle this and be proactive. Cost benefits will also be addressed.

Motion that the Task Force supports the essential components of the competency restoration memo with noted amendments and that it be disseminated as a Task Force recommendation to the Oversight Committee.

Motion approved.

VII. Data and Information Sharing Subcommittee Update • *Peggy Heil, Colorado Division of Criminal Justice*

No update

VIII. Behavioral Health Transformation Council Update • *Peggy Heil, Colorado Division of Criminal Justice*

No update

IX. Membership Updates and Vacancies Discussion  
• *Susan Walton, Park County Human Services*

One membership spot has been filled. There is currently one vacancy from the Judicial Branch. There will likely be a replacement for Pat Coyle from the Division of Housing.

The Oversight Committee wanted to pursue making sure that all Task Force members are active and involved.

Patrick Teegarden: the Department of Labor and Unemployment is looking for a new member to join the Task Force from the Work Force Development and Training Program or the Division of Vocational Rehabilitation.

X. Sequential Intercept Model-Kiowa County • *Moe Keller, Mental Health America: Cindy McCloud, Kiowa County Commissioner*

Cindy McCloud from Judicial District 15: Their sheriff's office spent quadruple what they expected on jails last year due to drug trafficking. Due to being very rural, their county doesn't actually have a jail. As a result, the sheriff's office is much more inclined to automatically contact social services when someone is having an issue.

The Advantage facility (Centennial catchment area) in Sterling is being replicated in Lamar. It is a private correctional facility.

How did sequential mapping help? Information silos were located and now communicate with each other. They are finding out that a lot of services are available to them through previously unidentified agencies and resources.

#### XI. Other Updates

No Update

#### XII. What's Happening at Your Agency?

The concept of trauma based care could impact school systems. There is an increased effort around social emotional learning. Some of the practices that have marginalized students (harsh discipline etc.) are an issue. There is a greater focus around prevention, mental health, and systemic efforts toward behavioral outcomes.

Colorado just received a 5 year grant (the State Personnel Development Grant) that will focus on systemic efforts for behavior and academic supports. The grant is for 1 million dollars every year for 5 years.

There will be a tobacco tax increase on the ballot. 34 million dollars of the money generated will be for adolescent and child mental health.

The Medicaid program in El Paso jails is working. Individuals are being signed up before they leave jail. They are setting up enrollees with Medicaid and their first medical appointments. Incorporates everyone being released.

CDHS executive leadership is doing a statewide tour and holding community forums to get community input.

Park County heard about El Paso's new program and is interested in implementing a similar program.