

Dear Members of the House Judiciary Committee,

Boulder County respectfully requests your aye vote in support of Senate Bill 22-010 Pretrial Diversion for Person with Behavioral Health.

Senate Bill 10 expands Colorado's pilot program that identifies eligible people experiencing behavioral health issues and provides funding to provide services and support to divert those people from the criminal justice system.

Boulder County also supports the Judicial Department's decision item (R-10) to seek \$2.0 million from the Behavioral and Mental Health Cash Fund for the pretrial adult diversion program to support these services statewide.

Boulder County/the 20<sup>th</sup> Judicial District is one of the four original pilot sites for operating and one of only two still operating a diversion program for persons with behavioral health needs.

Over the past few years Boulder County has found that many people served by this program have complex needs that include, but are not limited to the need for behavioral health treatment, housing, food, transportation, medical benefits and care, and reconnection with the community.

For many of these people, a slower, long-term relationship with our behavioral health navigator helped with building a trusting relationship and knocking down obstacles that had prevented many from obtaining stability through the use of these resources.

In the pandemic these resources have become more difficult to access, and navigation and a warm handoff has become more vital than ever.

The program has facilitated good connection between many agencies in the justice system and community providers.

In the year 2021, our program reported an 85% completion rate, defined as six months of engagement in the program with no new charges.

Boulder County supports the continued and expanded funding of behavioral health diversion efforts to divert eligible individuals from the criminal justice system and ensure access to behavioral health treatment services and other supports. We respectfully request your aye vote in support of SB22-010.

Marco Prospero, Community Justice Services, Boulder County

Summer Laws, Policy Analyst, Board of County Commissioners, Boulder County

Testimony on SB22-010

Pretrial Diversion For Person With Behavioral Health

House Judiciary Committee

April 6, 2022

Ray Merenstein

Executive Director

NAMI Colorado

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Mr. Chairman and Members of the Committee. My name is Ray Merenstein and I have the honor of representing the Colorado chapter of the National Alliance on Mental Illness as its Executive Director. NAMI's mission is to build communities of recovery and hope. On behalf of NAMI Colorado's public policy committee, our board, and our 15 affiliates from across the state, I offer NAMI Colorado's support of Senate Bill 22-010 with special thanks to the bill's sponsors.

NAMI envisions a world where all people affected by mental illness live healthy, fulfilling lives supported by a community that cares. To that end, in Colorado, we are building a lively, robust network of programs and services to support local communities to effectively provide advocacy, education, support, and public awareness. It is services like our NAMI Connection - a trained, peer-led peer support group - that ensures those with behavioral health disorders get intervention rather than incarceration.

Although we support this bill, we do think the language can be strengthened. When discussing eligibility, section 3b, we urge you to look beyond whether the defendant has a mental or behavioral health disorder, and prioritize those with severe and persistent mental illness, those who are unhoused, or those at greater risk of recidivism, homelessness, or increased health complications because of social determinants.

True diversion works best when those at greatest risk get the treatment, intervention, and community supports needed to steer them on the road to recovery. Right now, for too many with severe mental illness, appropriate treatment is the "Road less taken," when it needs to be the road we choose first. This time last year, 2 in 5 adults in Colorado reported symptoms of anxiety or depression. Twenty percent of those adults were unable to get needed counseling or therapy.<sup>1</sup>

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<sup>1</sup> Kaiser Family Foundation analysis of U.S. Census Bureau, [*Household Pulse Survey, 2020, Phase 3: 1/20/2021-2/1/2021*] (<https://www.cdc.gov/nchs/covid19/pulse/mental-health.htm>).

Nationally, 1 in 4 people with a serious mental illness has been arrested by the police at some point in their lifetime,<sup>2</sup> leading to over 2 million jail bookings of people with serious mental illness each year.<sup>3</sup> Imagine the costs savings, the health implications, and the human dignity with the expansion of the diversion program. Every diversion can save money, and more importantly save a life.

The intersection of justice, equity, and access - particularly as we come out of a pandemic - cannot be understated. As noted by NAMI CEO, Dan Gillison, in *The Hill*<sup>4</sup>, “a pandemic of despair of historic proportions rolled into a broader public health crisis. The crisis is now of such magnitude that a failure by legislators and policy makers to shore-up an overwhelmed mental health care system could cripple recovery. On a global scale, mental health and substance use needs are the single largest driver of disability costs worldwide — \$2.5 trillion in 2010 and a projected \$6 trillion by 2030.”

As author Arundhati Roy says in a 2020 *Financial Times* article, “the pandemic is a portal, offering the opportunity to rebuild for the future. There is a viable pathway for turning around the economics of mental health care. Given the severity of the crisis, can we afford not to seize this opportunity for real change?”<sup>5</sup>

Continue your leadership this session with solutions to the mental health crisis like SB22-010. Do it for judicial efficiency and equity. Do it for an individual’s rights and for an individual’s recovery. I thank you for your commitment to the cause and for the attention to this testimony.

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<sup>2</sup> Livingston, James D. (2016, Apr 15). *Contact Between Police and People With Mental Disorders: A Review of Rates*. <https://doi.org/10.1176/appi.ps.201500312>

<sup>3</sup> Steadman, H. J., Osher, F. C., Robbins, P. C., Case, B. & Samuels, S. (2009). *Prevalence of serious mental illness among jail inmates*. *Psychiatric Services*, 60(6), 761-765. <http://ps.psychiatryonline.org/doi/pdf/10.1176/ps.2009.60.6.761>

<sup>4</sup> <https://thehill.com/opinion/healthcare/539925-2020-devastated-us-mental-health-healing-must-be-a-priority>

<sup>5</sup> <https://www.ft.com/content/10d8f5e8-74eb-11ea-95fe-fcd274e920ca>