



**NATIONAL ASSOCIATION
OF STATE HEAD INJURY
ADMINISTRATORS**

3/23/2021

Dear Senator Coleman & Representative Sandridge,

I am writing this letter in support of SB21-138. My name is Judy Dettmer. I am the Director for Strategic Partnerships at the National Association of State Head Injury Administrators. Prior to this position I was the Director for MINDSOURCE – Brain Injury Network (MINDSOURCE) at the Colorado Department of Human Services. I have worked in the field of brain injury for over thirty years.

In my position at MINDSOURCE I had the honor to work closely with community partners and the criminal justice system in CO to develop a screening, support, and referral protocol to identify and support those who have brain injury within the CO criminal justice system. Through this work we learned that there is a much higher prevalence of brain injury in this setting vs the rate of brain injury in the general population. The prevalence varies depending on the system however it ranges from approximately 30% to 97%. The prevalence in the general public is approximately 8%.

What we also learned is that providing training to justice staff, screening for brain injury, providing simple strategies, psychoeducational supports, and referral to community supports can make a significant difference for justice involved individuals with brain injury.

In my position with NASHIA I facilitate a Leading Practices Academy for Brain Injury and Criminal Justice. Colorado is a clear leader in this area and we often draw on the experiences of Colorado to assist other states. That said, there is a need to continue to pilot and research the efficacy of this protocol within a variety of settings. SB21-138 provides the platform to ensure there is careful planning through the task force that MINDSOURCE will convene and through piloting and researching this protocol in a variety of settings.

Justice involved individuals with brain injury are among some of our most vulnerable Coloradans. Because of this, I urge your support of SB21-138. Please do not hesitate to reach out should you have any questions.

Sincerely,

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Assisting State government in promoting partnerships and building systems to meet the needs of individuals with brain injury and their families.

To The Colorado Senate Judiciary Committee: I'll forego the personal anecdotes for the sake of the privacy of those involved, but suffice it to say I have two family members who have had serious brain injuries. The effects were very different because the injuries weren't to the same parts of the brain. By the grace of God, none of the challenges faced by either relative has led to encounters with the criminal justice system. After seeing what I've seen, it doesn't take a neurologist to conclude there are many parts of the brain that govern behavior in ways critical to keeping a person's life on track. The good news is there are sometimes things that can be done to mitigate the effects of brain injury. What those things are depend quite a lot on the nature of the injury. The criminal justice system is only supposed to be punitive to the extent it deters actions deemed intolerable by society and provides a measure of justice to crime victims. Beyond that, we should all want people out of jail never to return! So when there are things that can be done to mitigate the effects of brain injury, the state has a compelling interest in providing the resources to deal with the consequent challenges. In conclusion, I enthusiastically support the aims of SB21-138! The only thing I would suggest is the legislature, itself, follow-up on how this goes to ensure it gets the support it needs to work well or reform/elimination, if it proves a bad fit with the state's competencies. Sincerely, Andrew Claridge



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W e b s i t e : d e n v e r f o p 2 7 . c o m

Mike Jackson
President

Janelle Orosco
Secretary

Lodge 27 President Mike Jackson Statement Supporting SB21-138

March 18, 2021

I first would like to thank the committee and the committee Chairperson for allowing me the opportunity to provide this written statement in support of SB21-138 to Improve Brain Injury Support in the Criminal Justice System. I apologize for not being able to testify in person, but I was previously scheduled to be out of state this week and I was unable to change my plans.

My name is Mike Jackson, and I am the President of Denver Sheriff Lodge 27 of the Fraternal Order of Police and I am a 26 year veteran Deputy Sheriff. I have spent the majority of my career working with inmates at the County Jail in Denver and I have seen first-hand the effects that brain injury has had on people in the criminal justice system.

I have personally known of people who were incarcerated that I later learned had brain injuries and in talking with these people I realized that this was the cause of their decisions and actions that led to them being arrested and charged with a crime. I believe that if these people had been provided with the resources and understanding of how to address their brain injury that they could have avoided the decisions and actions that led to their incarceration and criminal charges.

One such person that I met and talked with about this issue was Marchell Taylor who was incarcerated at the County Jail and facing some serious criminal charges that could have resulted in a significant prison sentence. In talking with Marchell I learned about things that had happened to him in the past involving his experience in the criminal justice system. I also learned about his brain injury and how that had affected his decision-making processes, ability to self-regulate, and his ability to plan, reason, and problem solve. I knew that his brain injury had led to the circumstances of his incarceration.

Because Marchell was going through a program of treatment that was helping him understand the problems that his brain injury caused, I could see he was making real progress and becoming a different type of person. I was truly impressed with how his attitude and demeanor had changed and so when I was asked to write a letter to the judge on his behalf, I was happy to do so. Marchell was ultimately provided with the opportunity to stay out of prison and continue to rebuild himself in a way that was positive and productive. He is now part of an organization called "Rebuild Your Mind" that is working to educate society about mental health and the need for more resources in this area. I have continued to work with Marchell and been involved in videos with him and the "Rebuild Your Mind" organization. I hope you will all join me in supporting SB21-138. Thank you for the opportunity to provide you with my testimony today.

Mike Jackson, President
Lodge 27 FOP

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Legislative Council Staff

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Fiscal Note

Drafting Number: LLS 21-0758 **Date:** March 22, 2021
Prime Sponsors: Sen. Coleman **Bill Status:** Senate Judiciary
Rep. Sandridge **Fiscal Analyst:** Aaron Carpenter | 303-866-4918
Aaron.Carpenter@state.co.us

Bill Topic: **IMPROVE BRAIN INJURY SUPPORT IN CRIMINAL JUSTICE SYSTEM**

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the Department of Corrections to survey inmates on traumatic brain injuries upon intake. It also establishes the Brain Injury Pilot Program and the Brain Injuries in the Criminal Justice System task force. The bill increases state expenditures on an ongoing basis.

Appropriation Summary: For FY 2021-22, the bill requires an appropriation of \$125,692 to the Department of Corrections. See State Appropriations section for more detail.

Fiscal Note Status: This fiscal note reflects the introduced bill. It contains preliminary information on the cost of the Brain Injury Pilot Program.

Table 1
State Fiscal Impacts Under SB 21-138

		Budget Year	Out Year
		FY 2021-22	FY 2022-23
Revenue		-	-
Expenditures	General Fund	\$125,692	\$124,100
	Centrally Appropriated	\$15,030	\$16,578
	Total Expenditures	\$140,722	\$140,678
	Total FTE	0.9 FTE	1.0 FTE
Transfers		-	-
TABOR Refund		-	-

Summary of Legislation

The bill requires the Department of Corrections (DOC) to perform a survey to identify traumatic brain injuries on offenders at intake.

The bill also establishes the Brain Injury Support in the Criminal Justice System Task Force in the Department of Human Services (DHS). The task force must develop a plan to integrate a model to identify and support individuals with a brain injury in the criminal justice system. The task force must convene by August 1, 2021, and meet at least four times to develop the plan. Task force members serve without compensation but are entitled to reimbursement of necessary expenses. The task force is repealed on June 30, 2024.

Subject to available appropriations, the bill allows the DOC to implement the Brain Injury Pilot Program, to evaluate outcomes for individuals with a brain injury who received screening and support while in the criminal justice system. By January 1, 2022, and each year thereafter, the DOC must submit a report to the General Assembly regarding the implementation of the pilot program. The pilot program repeals June 30, 2026.

State Expenditures

The bill will increase expenditures in the DOC by \$140,722 and 0.9 FTE in FY 2021-22 and \$140,678 and 1.0 FTE in FY 2022-23. The bill will also increase workload in the Department of Human Services. Costs are shown in Table 2 and detailed below.

Table 2
Expenditures Under SB 21-138

Cost Components	FY 2021-22	FY 2022-23
Department of Corrections		
Personal Services	\$66,642	\$72,700
Operating Expenses	\$1,400	\$1,400
Capital Outlay Costs	\$6,200	-
Training	\$1,450	-
Evaluation Contractor	\$50,000	\$50,000
Centrally Appropriated Costs ¹	\$15,030	\$16,578
Total	\$140,722	\$140,678
Total FTE	0.9 FTE	1.0 FTE

¹ Centrally appropriated costs are not included in the bill's appropriation.

Brain injury screening. Starting in FY 2021-22, the Department of Corrections requires 1.0 FTE to administer brain injury screenings. This assumes 9,700 offenders per year and that screenings will average 7 minutes, along with 6 minutes for additional paperwork and analysis. First-year costs are prorated for the General Fund pay date shift, and standard operating expenses and capital outlay costs are included. If it is determined that the screening must be conducted privately to conform with HIPAA regulations, an additional one-time cost for facility renovation of \$55,000 will also be required to allow for offender confidentiality during the screening process. This costs will be addressed through the budget process, if required.

Task force. The bill requires the Brain Injury Support in the Criminal Justice System Task Force to make recommendations on policies and procedures for screenings for brain injuries in the criminal justice system, staff training, and assistance and supports for those with identified brain injuries. Recommendations must be issued by January 1, 2022. Once the recommendations are known, costs in the DOC may increase or decrease depending on the plan developed by the task force. The fiscal note assumes any change in appropriations will be requested through the annual budget process.

Brain Injury Pilot Program. The bill will also increase workload and costs in the DOC to implement the Brain Injury Pilot Program, if funding is provided. Preliminarily, the DOC is estimated to have costs of \$50,000 per year for a contractor to design a study methodology and to use DOC data to evaluate outcomes for offenders receiving brain injury screening. It is assumed the contractor will contribute to the task force screening recommendations so that protocols and data collection allow the pilot program evaluation to meet its objectives.

Department of Human Services. Workload in the DHS will increase to support the Brain Injury Support in the Criminal Justice System Task Force created by the bill. This workload can be accomplished within existing resources. Expense reimbursements have not been included as it is assumed this task force will meet remotely.

Centrally appropriated costs. Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. These costs, which include employee insurance and supplemental employee retirement payments, are estimated to be \$15,030 in FY 2021-22 and \$16,578 in FY 2022-23.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State Appropriations

For FY 2021-22, the bill requires an appropriation of \$75,692 and 0.9 FTE from the General Fund to the Department of Corrections.

If the General Assembly intends to fund the pilot program, an additional appropriation of \$50,000 General Fund is also required.

Departmental Difference

The DOC estimates it will have costs of \$258,565 and 2.8 FTE in FY 2021-22 and \$249,992 and 3.0 FTE in FY 2022-23 to implement the bill. These costs assume that each screening will take 30 minutes for 40+ offenders per day. This fiscal note uses a reported intake number and estimates half the time for the screenings. In addition, costs for private offices have not been included, as it is not yet known if this is required for the screening.

State and Local Government Contacts

Corrections
Public Defender

Human Services
Public Safety

Information Technology