

Mental Health/Jails Task Force
Colorado Commission on Criminal and Juvenile Justice
Minutes

February 9, 2017 1:30PM-4:30PM
700 Kipling, 4th Floor Conference room

ATTENDEES:

TASK FORCE MEMBERS

Jennifer Gafford for Jamison Brown, Colorado Jail Association
Frank Cornelia, Colorado Behavioral Healthcare Council
Patrick Fox, Officer of Behavioral Health
Tina Gonzales, Colorado Health Partnerships
Evelyn Leslie, Private Mental Health Providers
Norm Mueller, Defense Bar
Lenya Robinson, Healthcare Policy and Financing
Abigail Tucker, Community Reach Centers (phone)
Doug Wilson, State Public Defender
Dave Weaver, County Commissioner

ABSENT

Joe Morales, Parole Board
Matthew Meyer, Mental Health Partners
Charles Garcia, CCJJ Member At-Large
Joe Pelle, Boulder County Sheriff
John Cooke, State Senator, District 13
Charles Smith, Substance Abuse and Mental Health Services Administration
Michael Vallejos, 2nd Judicial District

STAFF

Richard Stroker, CCJJ consultant
Kim English, Division of Criminal Justice
Germaine Miera, Division of Criminal Justice

GUESTS:

Moses Gur, CBHC
Gina Shimeall, Criminal Defense Attorney
Adam Zarrin, Governor's Office
Frank Hannigan, Governor's Office
Gwendolyn West, Equitas

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion: Commission consultant Richard Stroker welcomed the group on behalf of Sheriff Joe Pelle who was unable to attend. Richard asked attendees to introduce themselves, reviewed the agenda and began the meeting at 1:34.</p>
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<p>Issue/Topic: Update – Mental Health/Jails Task Force Recommendation Presentation to the CCJJ</p> <p>Action:</p> <ul style="list-style-type: none"> No action needed 	<p>Discussion: Frank Cornelia briefed the Task Force members on the outcomes from the January CCJJ meeting, during which the four Task Force recommendations were unanimously approved by Commissioners.</p> <p><i>DISCUSSION POINTS</i></p> <ul style="list-style-type: none"> Frank noted that Commissioners held healthy discussions on Recommendations #1 and #2 before voting. He added that members of the working group are currently working with legislators and members of CCJJ to incorporate the two recommendations into a single bill to strengthen the Crisis Response System and Eliminate M1 holds. He added that Recommendations #3 and #4 were both very well received by Commissioners with little discussion or questions. Senator Kagan has pulled the bill title for the legislation and Senator Cooke is the co-sponsor. Representatives Salazar and Sias will join the bill as well. The bill will include a repeal date of January 2018 for M1 Holds which is in line with the Equitas Foundation, the Mental Health Holds Task Force and the Commission recommendations. Adam Zarrin noted that the current budget request includes an allocation of \$9.6M for this effort. \$6.6M is solely dedicated to the CCJJ recommendations (which was OBH set-aside money from last year), and there is even more money coming from the marijuana fund. Richard congratulated the group for all the hard work that went into making these recommendations work. The thoughtfulness of the group was impressive, and there was also great care in crafting the language and reaching out to stakeholders. Patrick Fox added that there is still work to be done to make sure the bill passes into law and that there will likely be a need for people to testify.
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<p>Issue/Topic: Briefing from the Governor's Office</p> <p>Action:</p>	<p>Discussion: The Governor's Criminal Justice Policy Advisor, Adam Zarrin provided an update to Task Force members on Governor Hickenlooper's efforts to increase behavioral health accessibility.</p>
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DISCUSSION POINTS

- Adam thanked the Task Force members for the outstanding work in crafting the recommendations. He added that the Governor is thrilled to have three key stakeholder groups onboard with the same initiative.
- Colorado is vying for money available through the National Criminal Justice Reform Project (NCJRP). Colorado did not win the first round of funding but may still win the second round and this effort will help keep that momentum moving forward.
- One of the Governor's goals is to realign how resources are currently allocated so jails and prisons are not the only places where people are provided with mental health care.
- Adam noted that by the end of February the Governor will write an Executive Order creating an advisory council and a task force, which will create recommendations based on its intimate familiarity with how behavioral health services are provided.
- The task force will include experts from both the criminal justice and behavioral health systems to help create a strategic plan so Colorado can better respond to behavioral health issues.
- If the group produces legislative or budgetary recommendations the state will be prepared for the next legislative session.
- Adam noted he met with Stan Hilkey and Doug Wilson and the goal is to avoid unnecessary overlap with the CCJJ.
- Frank noted that the Behavioral Healthcare Treatment Council has done some work and identified future issue areas and that MICJS is working on similar issues.
- Adam noted that with the creation of the advisory council and task force, strategic planning will take place at CDHS and CDPS.
- Patrick offered that it is critical with state led initiatives not to ignore what happens at a municipal level as well. And that there is a need to ensure resources move down the judicial column.
- Officers often say they must file cases in state court because of the lack of municipal resource.
- Kim English noted there will likely be data challenges.
- Data concerns, streamlined funding, how contracts are issued, better ways to get resources out quicker and faster.
- Adam noted that the Governor's Office wants to build on work that's already been accomplished and that they are cognizant of overlap and/or dual efforts.
- The goal is for the work to start in February and conclude by October, before moving onto the implementation phase.
- Another goal is to learn from the experience of the three groups (Equitas, Mental Health Holds Task Force and the CCJJ) who succeeded in this recent accomplishment around M1 Holds.

Issue/Topic:	Discussion:
<p data-bbox="126 212 500 275">Mental Health/Jails Task Force: Work area #2</p> <p data-bbox="267 317 358 344">Action:</p> <ul data-bbox="118 390 531 632" style="list-style-type: none"> • Task Force members agreed to focus on Diversion next • Information on various diversion programs and initiatives to be sent to staff. Staff will compile info and distribute to the full Task Force 	<p data-bbox="558 212 1520 384">Richard reminded Task Force members that when the Task Force originally got underway they identified three topic/interest areas for study. The first area was around M1 Holds and the Crisis Response System. The next two topic areas were identified as ‘Provision of Mental Health services IN jail,’ and ‘Diversion within the criminal justice system.’</p> <p data-bbox="558 422 1520 594">Richard reminded Task Force members that they originally planned on addressing the provision of mental health services in jail next, but that the issue was raised last month that it would make more sense to address diversion next, and the provision of services last. Richard asked Task Force members for their input on what topic area to work on next.</p> <p data-bbox="558 636 802 663"><i>DISCUSSION POINTS</i></p> <ul data-bbox="607 674 1528 1896" style="list-style-type: none"> • The issue was raised that it makes more sense to focus on diversion first because if people can be diverted there will be less of a need for services in the jail. • There seems to be logic in addressing diversion first especially when considering the sequential intercept approach. • Richard explained that he talked to Sheriff Pelle about switching the order and working on diversion next and that Sheriff Pelle noted he will gladly accept the will of the group. • Sheriff Pelle added that the availability of mental health services in jail is still an extremely pressing issue. • Patrick commented that while mapping out diversion and the scope of the problem, the group could keep in mind possible solutions to address the third issue. • Joe Morales commented that the professionals who deal with front end services and diversionary services are usually one in the same, and that it is critical to optimize those people’s skills. • Addressing diversion helps to keep people from ending up with a DOC sentence and system penetration. • Richard asked for a straw vote on addressing diversion next and 7 of the 10 Task Force members in attendance voted yes. • Evelyn Leslie commented that she is very concerned about the lack of mental health services in jail. • Richard noted that he is concerned as well, and that this discussion is more about what to address first. • Dave Weaver shared that when someone is in a mental health crisis it’s simply much easier for an officer to give them a state charge and take them to the jail. There are about 10,000 officers who have never gone through Crisis Intervention Training (CIT). There’s a big issues around officers who aren’t familiar with mental health issues and don’t know how to deal with it. • Joe added that mental health issues are also often interwoven with drug and alcohol issues. • Very small jurisdictions have no manpower to deal with these issues. • Tina asked for clarification about diversion and exactly what part of the

	<p>system would be addressed with this work.</p> <ul style="list-style-type: none"> • Richard explained the three levels of diversion as follows: <ul style="list-style-type: none"> <u>Law enforcement</u> <ul style="list-style-type: none"> -Pre-booking -Diversion that can happen early in the process like through the Edge Program in Boulder -When law enforcement comes across someone having an issue the officer needs to determine whether to book them or take them somewhere else <u>Pretrial</u> <ul style="list-style-type: none"> -This is classic diversion - A person is arrested and diversion happens post arrest but pre-plea -This usually takes place in the realm of prosecutors <u>Court</u> <ul style="list-style-type: none"> -This includes problem solving courts -Mental health courts -The court gets involved in imposing a certain disposition that allows a person to participate in some other type of service • Joe mentioned that this is a cultural shift and goes back to training at the lowest level and as early upstream as possible. • If diversion happens at pre-booking, where does someone get diverted to? If not to jail where do they go? Especially when it comes to municipal officers. • Would there be drop-off places or overnight service places? Officers would need to understand the individual in crisis and understand the options. • Patrick explained that this is where the \$6.6M is going to come into play on the recommendations that just passed through the CCJJ. • The recent recommendations and the legislation going forward incorporates elements of secure transport ensuring providers have navigation responsibility to take the burden off of law enforcement. The responsibility is supposed to shift to crisis providers. • Gina said diversion is really a continuum and she explained there is a program in Bexar County with a campus, crisis stabilization and detox which caters to the early pretrial population. She went on to say it's a continuum that can flow back and forth. She added that she thinks Bexar Co. is a model to look at and maybe replicate in one way or another. • Frank and Patrick both agreed that pretrial would be the best place to start the work and that sheriffs are in need of immediate help. • Norm stated that he would like to focus on the law enforcement level and officer training. He explained there are still way too many people who haven't committed a crime and the ultimate decision comes down to a law enforcement officer using their own discretion. He said he's not sure just CIT training is the only answer. There needs to be some diversion from the system in the first place, not just via CIT. • Dave said he's concerned about the mental health person with continuous issues that can result in something horrible happening. What happens when someone has NO record because they've continually been diverted, and finally go over the edge? • Abigail said she agrees with Frank's focus.
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	<ul style="list-style-type: none"> • Terri Hurst added that there is still a lot that can be done with law enforcement pre-booking. She added that she’s not sure how to address this from a statewide level since it’s so specific to communities. • Evelyn said that she would also like to know how best to assess someone, what time is best time to assess someone, and then what should be done with that information. • Jennifer Gafford said that jails are told over and over that they have the best affordable inpatient treatment around and that this is unfortunately the case. • Richard summarized that the will of the group seems to be to continue to work on type 1, while starting work on type 2. • This goes back to the continuum and that with earlier interventions there will be better results down the road. • Pretrial programs sometimes serve as screening instrument for someone’s likelihood of engagement and whether they can be treated in the community, and whether they have motivation for change, etc. • Gina noted there’s a great intercept article from SAMHSA. • Arapahoe County Jail and Denver have both done a great job of identifying high utilizers. • Patrick said he would encourage the group to look at other models in other states and other jurisdictions. • Task Force members agreed to send links on all available resources to Commission staff – which would then be compiled and forwarded to the full group. • Patrick noted that he could present at the next meeting on a program in Connecticut focused on court-to-community post booking pre-arraignment diversion.
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<p>Issue/Topic:</p> <p>NEXT STEPS</p> <p>Action:</p>	<p style="text-align: center;">Discussion:</p> <ul style="list-style-type: none"> • Richard summarized that the March meeting would be focused on an informational discussion and Task Force members would look at models and share literature. • After the informational discussion the Task Force will identify specific areas of opportunity and decide whether to tackle the work as a large task force or break up into working groups. • Richard noted that he would like to see the work on diversion wrapped up by July or August if possible. <p>Richard summarized the March meeting would be devoted to information sharing, April through May would be devoted to the ‘real’ work likely accomplished by Working Groups. Recommendations would then be solidified in June and July.</p>
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Next Meeting

March 9, 2017

1:30pm – 4:30pm

700 Kipling, 4th floor training room