



Colorado Commission on Criminal and Juvenile Justice

Minutes

December 9, 2016

480 South Allison Parkway
Lakewood, CO 80226

Commission Member Attendance

Stan Hilkey, Chair	Bill Kilpatrick	Pat Steadman
Doug Wilson, Vice-Chair	Evelyn Leslie	Scott Turner
Jennifer Bradford	Beth McCann	Michael Vallejos
John Cooke	Joe Morales	Dave Weaver
Valarie Finks	Norm Mueller	Peter Weir - ABSENT
Kelly Friesen	Joe Pelle	Robert Werthwein
Charles Garcia	Rick Raemisch	Meg Williams
Mike Garcia	Rose Rodriguez	Dave Young
Jessica Jones	Lang Sias	Jeanne Smith, <i>Ex Officio</i>

Substitutes:

CALL TO ORDER AND OPENING REMARKS

Stan Hilkey, Chairman and Executive Director of the Department of Public Safety

Stan Hilkey, Chairman of the Commission and Executive Director of the Department of Public Safety, called the meeting to order at 1:05 pm. He reviewed the meeting agenda and noted that this would be the last meeting for Senator Pat Steadman and Representative Beth McCann. He thanked them both for their years of service with the Commission and wished them well in their new roles outside of the legislature. Mr. Hilkey introduced Valarie Finks from the 18th Judicial District and explained that she is replacing Kate Horn-Murphy as the Victims Representative on the Commission. Mr. Hilkey asked Commissioners to introduce themselves and reported on absentees. He asked for any corrections, suggestions or additions to the November minutes and seeing none he called for a motion to approve the minutes. Following a motion and a second the minutes were approved unanimously.

PUBLIC COMMENT

Stan Hilkey, Chairman and Executive Director of the Department of Public Safety

Mr. Hilkey explained that a final vote is scheduled to take place later in the meeting on three Community Corrections Task Force recommendations and that a public comment section has been included on the agenda ahead of that vote. He added that a sign-up sheet has been made available for those who want to participate and each contributor will be allowed a total of three-minutes to provide their comments and feedback. Four individuals signed up to partake in the public comment as follows:

Sterling Harris, Colorado Organization for Victim Assistance

Sterling Harris introduced herself as the Chief Deputy Director for the Colorado Organization for Victim Assistance (COVA). She expressed that COVA supports some components of the Community Corrections Task Force recommendations but has concerns about others, particularly in regards to Crimes of Violence (COV). Ms. Harris noted that post-sentencing can be a very confusing time for victims of crime. COVA supports the recommendation that the Parole Eligibility Date (PED) be the first opportunity for release into the community for COV offenders, however COVA believes that the PED should also be the first opportunity for release for non-COV offenders. Ms. Harris continued that COVA is in support of the third recommendation (Recommendation FY17 – CC#03) that clarifies the conditions for community re-entry. She requested Commissioners support this recommendation and stressed that it should also be considered for statutory change, rather than merely policy change. She concluded by stating that a copy of a letter outlining COVA's position is available for Commissioners and the public.

Ray Harlan, Colorado Victims for Justice

Ray Harlan from Colorado Victims for Justice reported that his organization also has a letter available for Commissioners and other interested parties. He stated that his organization believes the three recommendations have some strong points, but that they also contain elements that he believes would make the system worse. He explained that he appreciates the effort that was put forth to try to create these recommendations because the current system is convoluted, complicated and confusing. Mr. Harlan stated that Recommendations FY17 – CC #01 and FY17 – CC #03 are sound, clear and fair. However, he believes that Recommendation FY17 – CC #02 has significant problems. He disagrees with the component in Recommendation FY17 – CC #02 which establishes two different systems, one for COV offenders and one for non-COV offenders. Mr. Harlan went on to say that he believes when DOC provides a community referral packet, that packet should also include information on prior convictions. He also disagrees with the component in the recommendation that calls for a Community Corrections Board to review an offender prior to the Parole Board review. He went on to say that the list of Crimes of Violence is extremely short and does not include many serious violent offenses.

Tammy Garrett-Williams, Above Waters Project

Tammy Garrett-Williams introduced herself and thanked Commissioners for the opportunity to address them. She explained that the Above Waters Project is in support of Recommendation FY17 – CC #01 but opposed to Recommendations FY17 – CC #02 and FY17 – CC #03. She explained that one of her main concerns is with the increased amount of time COV offenders would spend in prison due to the proposed requirement that they would not be eligible for community corrections until their Parole Eligibility Date (PED). She said she is also concerned about people who will not be accepted by community corrections boards, resulting in a much longer time spent in prison. She cited numerous studies that show little evidence that incarceration has a positive effect on subsequent reoffending. She added that the recommendation does not include any research in support of eliminating Intensive Supervision Parole – Inmate Status (ISP-I). Ms. Garrett-Williams summarized that the passage of

recommendations FY17 – CC #02 and FY17 – CC #03 would not only raise recidivism rates but also result in an increase in taxpayer money.

Alexandra Walker, Parole Board

Ms. Walker introduced herself and explained that she is a member of the Colorado Board of Parole and also served on the Community Corrections Task Force and the Working Group that created the recommendations. She stressed that the group worked diligently to address challenges with the different parts of the system that do not always work in tandem. She explained that the Task Force originally considered two sets of proposals, the second of which is being presented today. Ms. Walker said she believes one of the major challenges with the recommendation process has been an insufficient amount of time to properly address all of the issues along with a lack of thorough data analysis. The first set of proposals included a plan for restructuring the system to make it less complicated and confusing, and there is concern that the recommendation being considered today are actually more complicated and confusing. She summarized that the group has not had enough time to properly vet the issues at hand.

Following Ms. Walker's comments, Mr. Hilkey asked if there was any additional public comment. Seeing none he thanked the presenters for their feedback.

COMMUNITY CORRECTIONS TASK FORCE

Melissa Roberts, Division of Adult Parole

Mr. Hilkey introduced this segment of the agenda and noted that in the absence of Community Corrections Task Force (CCTF) Chair Pete Weir, Melissa Roberts from the Division of Adult Parole would provide the Task Force update and present the three Task Force recommendations.

Ms. Roberts addressed Commissioners and directed them to handouts in their containing the full context of the recommendations. She began a PowerPoint presentation describing the work of the Task Force and more specifically the work of the Intensive Supervision Parole – Inmate Status (ISP-I) Working Group. The full presentation can be found on the Commission website at www.colorado.gov/ccjj. Discussion points following the presentation are noted below.

DISCUSSION POINTS

Ms. Roberts presented three recommendations as follows (the full text of the recommendations can be found on the Commission website, www.colorado.gov/ccjj).

FY17-CC #01. Purpose of Community Corrections (Statutory)

Recommendation FY17-CC #01

Codify the mission and purpose of Community Corrections in language similar to that of Parole as enacted by SB 16-1215.

DISCUSSION

Meg Williams asked if the recommendations are integrally related or if they can stand alone. Commission consultant Richard Stroker replied that the recommendations each have their own independent purpose.

The process for voting on a final recommendation was explained. To pass, a Commission recommendation requires approval by 66% of the members, combining the A and B votes of:

A = I support it

B = I can live with it

C = I do not support it

Final Vote:

FY17-CC #01. Purpose of Community Corrections

- A: 19
- B: 3
- C: 0

FY17-CC #01 was APPROVED.

FY17-CC #02. New Community Corrections Reentry Referral Process (Statutory)**Recommendation FY17-CC #02**

Revise five elements of the process to refer inmates to community corrections: 1) COV and Non-COV offender referrals, 2) Community referral packets, 3) COV and Non-COV offender program acceptance/approval process, 4) community corrections boards utilize structured, research-based decision-making, and 5) Repeal the statutory definition of Intensive Supervision Program-Inmate.

Recommended referral process:

1. Crime of Violence (COV) offenders will be eligible for community corrections reentry placement upon acceptance by both a community corrections board and a community corrections program, and at their Parole Eligibility Date (PED). Eligibility for non-COV offenders will remain the same under current statute.
2. The Department of Corrections (DOC) shall provide a community referral packet which shall include, but not be limited to, the following: current validated actuarial offender risk and need information, projected release dates, prior supervision outcomes, institutional conduct, programming completed, verified re-entry plan, victim statement if Victim Rights Act (VRA) offense, individualized recommendations concerning the appropriateness of placement in the community, and the Parole Board Action Form.
3. If a program/board accepts a COV offender, the offender will be seen by the Parole Board. If the Parole Board approves the offender for the Performance-based Parole Track, the Board will set conditions; the offender will then be transferred to the program and will be paroled upon successful completion of the program. If the Parole Board does not approve the offender for the Performance-based Parole Track, the offender will not be transferred to the program. Non-COV offenders who are accepted to community

corrections will be placed without seeing the parole board and upon successful completion of the program will be paroled. The parole board will set conditions for non-COV offenders upon successful completion of community corrections.

4. In addition to professional judgment and actuarial risk assessment tools, community corrections boards and facilities/programs shall, to the extent possible, utilize a structured, research-based decision making process.
5. Repeal the Statutory Definition of Intensive Supervision Program-Inmate: To repeal the minimum standards and criteria for the operation of Intensive Supervision Programs, specifically C.R.S. 17-27.5-102 Subsections 2, 3, 4.

DISCUSSION

Charles Garcia commented that he is concerned about the language in the recommendation that reads “The Department of Corrections (DOC) shall provide a community referral packet which shall include...” He said he believes the word ‘shall’ is problematic and asked if an offender would be allowed to come before the Parole Board if the referral packet is not provided and/or if the packet does not include all of the specified required elements. Ms. Roberts replied that DOC already provides the packet and that the intent is to be prescriptive regarding key pieces of information that the community corrections programs feel are needed to make a thoughtful decision. The verbiage strengthens and supports the inclusion of the Parole Board Action Form in the packet. Ms. Roberts clarified that this does not preclude an offender from being referred and that if something is missing from the packet it would still be forwarded to the Parole Board.

Beth McCann added that if this verbiage goes into statute there will most likely be significant negotiations and discretionary language could be added at that time. Ms. Roberts added that the Working Group discussed whether this provision should merely be a policy recommendation, but there was general consensus that the inclusion of the packet was significant enough for the decision making process to be statutorily mandated.

Mr. Wilson made a motion to amend the verbiage in the recommendation from ‘shall include’ to ‘should include.’ Mr. Garcia seconded the motion.

--Discussion regarding the motion--

Dave Young replied that he used to sit on a community corrections board and one of the main concerns is that the board does not receive enough information from DOC. The verbiage should remain ‘shall’ to ensure the board has all the information necessary from DOC to make a well informed decision.

Mr. Hilkey asked if there was any further discussion on the motion. Seeing none he explained that a motion requires 51% approval. Mr. Hilkey called for all in favor to raise their hands. Commissioners voted to approve the amendment to the language.

Amendment Vote:

Change verbiage from ‘shall include’ to ‘should include’:

- In favor: 13
- Opposed: 8

DISCUSSION (cont.)

Joe Morales stated that while a lot of work went into this recommendation, he would not support it in its current form because he does not believe an adequate amount of time was given to the Task Force to thoroughly address the issues. He believes this recommendation is significant enough to require substantially more data and literature support and that the reforms are worthy of additional conversation.

Norm Mueller asked if the main problem with ISP-I status is centered on the fear that someone in the community may commit a high-profile violation, or rather is there concern about people on ISP-I status not needing the high level of supervision required in statute. Ms. Roberts replied yes to both of Mr. Mueller’s points and added that there is also an issue with transparency. She explained that when she describes ISP-I status to people who are unfamiliar with the system, many of them are surprised to learn that people are living independently on inmate status in the community while not being granted parole. Ms. Roberts clarified that people on ISP-I status continue to serve time on their prison sentence in the community, while not yet starting their mandatory five-year period of parole.

Rose Rodriguez asked if people convicted of a Crime of Violence would be eligible for community corrections. Ms. Roberts replied that they are indeed eligible, but that the COV population is very small and comprised of approximately 1.7% of the Department of Corrections population released from prison.

Rick Raemisch pointed out that the system is broken, and that he is opposed to people being on inmate status in the community after successfully completing community corrections. However, he clarified that he is strongly opposed to the practice of “managing by statute.” He added that if a Commissioner who is also a Governor’s appointee is opposed to a recommendation, he believes that person has the right to request that other Commissioner’s oppose a recommendation.

Scott Turner stated that he has several concerns regarding the recommendation and specifically about the non-COV issue. His first concern is that currently a victim has a statutory right to go before the Parole Board, and he believes this recommendation excludes the victim from the process. His second concern is around Parole Board discretion and his belief that this recommendation limits their discretion. He also believes that eliminating the Parole Board’s discretion regarding those who have successfully completed community corrections is in direct violation of their powers. The statute (C.R.S. 17-2-201) currently reads that the Parole Board may grant release after someone finishes their minimum sentence and under this proposal the Board must grant release. He summarized that good work has been done, but that the issues specifically around COV need much more attention. Mr. Turner finished by saying he would not be voting in support of the recommendation.

Dave Young commented that he is in agreement with Mr. Turner and he more strongly opposes the recommendation after the verbiage change (shall to should) resulting from the amendment. He believes this change will result in community corrections boards making decisions about inmates when they may not have been provided with all the pertinent information. The amendment has given DOC the discretion as to what will be put in the packet. Mr. Young added that Victim Rights Amendment (VRA) crimes are not necessarily Crimes of Violence and that victims have a right to attend these hearings.

Mr. Raemisch added that the current process mandating that DOC refer individuals to community corrections programs prior to PED already circumvents the Parole Board.

Mr. Mueller asked if there are any available statistics on the recidivism rate of ISP-I offenders. Ms. Roberts replied that DOC does not keep recidivism numbers based on someone's classification.

Valarie Finks commented that in regard to victims, the designation of Crime of Violence and non-Crime of Violence crimes is very confusing. Also, during plea bargaining a lot of COV crimes are pled down to non-COV. She believes this recommendation would make it even more difficult for a victim to navigate the process of parole.

Ms. Roberts replied that one of the goals of the Working Group was to utilize what was already defined in statute, including the fact that PED is already determined by COV and non-COV status.

Senator Cooke noted that the recommendation appears to be a complete restructure of the Parole Board and he asked if there is any way for DOC to handle this issue in policy as opposed to statutorily. Ms. Roberts replied that DOC does not have the ability to move an offender from inmate status to parole status because that particular decision is made by the Parole Board. She clarified that the recommendations are the result of efforts by the Working Group and that these are not Department of Corrections recommendations. She added that many of the Working Group members represent community corrections programs.

Mr. Wilson stated that the system is broken and that he finds the reluctance of the Commission to make any changes highly frustrating. He added that the Commission is not following its own guidelines to promote system change. Mr. Wilson noted that 55% of the time the Parole Board does not follow the Parole Board Release Guidelines Instrument (PBRGI) when the recommendation is to release (*Note: The actual reported percentage is 50%*¹). Parole Board members have stated that oftentimes they will make the decision to not release someone because that person has not "served enough time." Mr. Wilson pointed out that the sentence length is determined by the judge, the district attorney and defense attorney, and that it is not the role of the Parole Board to decide to lengthen a sentence, particularly when the PBRGI calls for release. Mr. Wilson added that even though the recommendation does not address all his concerns he will

¹In FY15 the PBRGI recommended release for 49% of 6,250 eligible offenders while the Parole Board released 28%. This represented a 50% rate of agreement between PBRGI recommendations and Parole Board decisions to release. When including the degree of deferral agreement of 93%, the overall agreement (with release AND defer decisions) was 72%. See http://cdpsdocs.state.co.us/ors/docs/reports/2015_SB11-241-Rpt.pdf for more information.

support it because it is movement in the right direction. Mr. Morales countered Mr. Wilson's claims and clarified that the Parole Board is in agreement with the PBRGI 72% of the time (See Footnote 1).

Mr. Hilkey asked for any final motions, amendments or comments and seeing none he reminded Commissioners that Recommendation FY17 – CC #02 is still before them for a vote. He also took the time to welcome Senator Steadman who had recently arrived to the meeting.

Final Vote:

FY17-CC #02. New Community Corrections Reentry Referral Process

- A: 3
- B: 13
- C: 7

FY17-CC #02 was APPROVED as amended.

FY17-CC #03. Community Reentry Process Procedures (Policy)

Recommendation FY17-CC #03

Revise three elements within the reentry process: 1) timing of and criteria for the reentry process, 2) the definition of “successful community corrections completion” and 3) the eligibility for achievement earned time:

Timing and Referral Criteria: DOC will define “displayed acceptable institutional behavior” under C.R.S. 18-1.3.301 (2) (b) as the following:

- The offender has spent at least 6 months continuously incarcerated upon admission, regression or revocation
- The offender has a classification/institutional placement of medium or lower
- The offender has not received a Class I COPD in the last year
- The offender has not received a Class II COPD in the last 6 months

Definition of Successful Community Corrections Completion: The Division of Criminal Justice, Office of Community Corrections, defines successful completion of a Community Corrections program as having advanced through Level Four in the Progression Matrix or having advanced through the final phase/level of a program.

Achievement Earned Time: Inmates are eligible for Achievement Earned Time in accordance with C.R.S. 17-22.5-405 and DOC AR 550-12. DOC will communicate the Achievement Earned Time eligibility and process to all programs.

Commissioners offered no comments on Recommendation FY17 – CC #03.

Final Vote:

FY17-CC #03. Community Reentry Process Procedures

- A: 15
- B: 8
- C: 0

FY17-CC #03 was APPROVED.

COLORADO CRISIS RESPONSE SYSTEM**Frank Cornelia, Colorado Behavioral Healthcare Council****Richard Stroker, Commission consultant**

Mr. Stroker introduced this segment of the agenda and explained that the Mental Health/Jails Task Force will be presenting four preliminary recommendations to Commissioners later in the afternoon. The Task Force has been examining the intersection of mental health issues and placement in jail. As part of the work, the Task Force explored how the system responds to individuals who may be presenting a variety of mental health issues. That inquiry led to a discussion of how the current crisis response system operates. Mr. Stroker then introduced Frank Cornelia from the Colorado Behavioral Healthcare Council and explained that he would offer a brief presentation on Colorado's Crisis Response System.

Mr. Stroker explained that it is necessary to understand the crisis response system in order to make sense of the work of the Mental Health/Jails Task Force.

Frank Cornelia introduced himself and explained that the Colorado Behavioral Healthcare Council (CBHC) has been a membership association for community mental healthcare providers since 1967. Membership currently includes all of Colorado's 17 Community Mental Health Centers, 5 Behavioral Health Organizations, 4 Managed Service Organizations and two specialty clinics. CBHC helped develop Colorado's Crisis Response System.

Mr. Cornelia walked Commissioners through a PowerPoint describing Colorado's Crisis Response System. The full presentation can be found on the Commission website at www.colorado.gov/ccjj. Discussion points following the presentation are noted below.

DISCUSSION POINTS

Jeanne Smith commented that one issue being raised by some community corrections providers, particularly in rural areas, is that they are experiencing difficulty finding qualified treatment providers and therapists to hire. She asked Mr. Cornelia if that is something CBHC is experiencing as well. Mr. Cornelia replied that there is a severe workforce shortage and that, as an example, one mental healthcare center in Colorado Springs has over 100 openings. Additionally there are 300-400 job openings in the Denver Metro region alone. He added that this is just one of the drivers behind implementing new methods for treatment including telehealth and telemedicine.

Representative McCann asked if CBHC is receiving any remittance from Medicaid or if practices such as sliding-scales are made available. Mr. Cornelia replied that one of the attributes of crisis response is the ability for someone to access services regardless of the ability to pay, but that providers do have avenues of support from Medicaid funding and sometimes even private insurance reimbursement.

Ms. Williams noted that in Connecticut crisis response is offered through the school system within 45 minutes. She added that she has heard that in the Denver-metro area it sometimes takes hours to get a crisis response team mobilized. Mr. Cornelia responded that there are contract

expectations of a one-hour response time in the metro area and a two to three-hour response in the frontier counties, but that there can be capacity issues in rural areas if there is only one team, and if that team is already on another call.

Richard Stroker noted that the forthcoming recommendations address the issues of how to strengthen the current system to provide viable solutions in a number of different areas.

--BREAK--

MENTAL HEALTH/POINT OF CONTACT THROUGH JAIL RELEASE TASK FORCE UPDATE

Joe Pelle, Boulder County Sheriff

Richard Stroker, Commission consultant

Mr. Stroker provided Commissioners with a PowerPoint presentation describing the work of the Mental Health/Jail Task Force. He explained that the group is examining issues associated with people who come into jails who have a variety of behavioral health issues and is exploring ways to improve the current system. The full presentation can be found on the Commission website at www.colorado.gov/ccjj.

Frank Cornelia and Sheriff Joe Pelle explained the details of the four preliminary recommendations. Mr. Stroker pointed out that all of the recommendations were unanimously adopted by the larger Task Force. A brief description of the recommendations is provided below along with discussion points for each.

DRAFT--FY17-MH #01. Strengthen a Community-Based Crisis Response

Recommendation FY17-MH #01

Position the Colorado Crisis Services System as the comprehensive response to behavioral health emergencies in all Colorado communities. Strengthen and enhance existing crisis services and provide resources to expand the system to ensure an appropriate health care response to behavioral health crises across Colorado.

Consider amendments to statute (enacted by SB13-266, C.R.S. 27-60-103) to clarify the intent of the crisis system and formally introduce the responsibilities of being the preferred response to behavioral health crises across the state, and for engaging in community partnerships that facilitate such a response.

Crises System contracting and regulatory reform should specify the operational components necessary to achieve these responsibilities.

The general assembly should commit resources to incentivize the development and expansion of an adequate crisis services provider network.

DISCUSSION

Mr. Cornelia explained that when looking at this recommendation, it is essential to also provide context from the Mental Health Holds Task Force, which was created this summer after the Governor vetoed Senate Bill 16-169. A number of these recommendations align with the potential recommendations coming out of the Mental Health Holds Task Force. A few of those recommendations address how facilities are currently designated to be able to provide services for people on M1 holds. Currently a facility is either designated or it is not. The Mental Health Holds Task Force is looking at a tiered approach to designation.

Mr. Stroker summarized that the Task Force believes there is a need to strengthen the crisis response system. The group is also exploring opportunities to use other systems like telehealth to take advantage of technologies and bring resources to other parts of the state. The Task Force also believes it is important to expand services in other parts of the state where services do not currently exist in appropriate measure now.

Ms. Smith asked for clarification about process and the role of Commission staff in moving the recommendation forward if it were to pass. She pointed out that there is proposed statutory language included in the recommendation that would require a legislative amendment, but also a suggestion that contracting and regulation be changed. She asked if that is a request that would be made of the Office of Behavioral Health. She emphasized there would need to be a little more context to help direct the next steps.

Mr. Stroker replied that between this meeting and the January Commission meeting the Working Group of the Mental Health/Jails Task Force should reconvene and identify the needed statutory changes, and have those changes detailed for the next meeting. Regarding the policy changes, the recommendation needs to clearly state and identify the agencies responsible for making those changes. The Working Group will come back with specifics on those proposed changes.

Senator Steadman commented that as far as process and timing, part of this recommendation would require funding and he is concerned about this proposal missing the current year budget cycle. Mr. Wilson replied that a component of Senate Bill FY16-169 included a “set-aside” mechanism for funding. He furthered that since these recommendations dovetail with those being prepared by the Mental Health Holds Task Force, there is strong potential the money will be available.

DRAFT--FY17-MH #02. Changes to Emergency Mental Health Commitment Statute**Recommendation FY17-MH #02**

Amend Title 27 of Colorado Revised Statutes (C.R.S), Section 65-105, to remove jails and correctional facilities as a placement option for individuals on an M1 (emergency mental health) hold. Introduce language that allows intervening professionals to transport individuals to an outpatient facility for immediate evaluation for treatment based on evidence of need.

DISCUSSION

Mr. Cornelia explained that this recommendation corresponds with what is known as the Sequential Intercept Model. The model provides a framework for communities to use when considering the interface between the criminal justice and mental health systems. The model envisions a series of points of interception at which an intervention can be made to prevent individuals from entering or penetrating deeper into the criminal justice system. This recommendation attempts to create an option for an intervening professional to transport someone in need to an outpatient facility for immediate evaluation and treatment.

Ms. Williams pointed out that these same issues also exist in the juvenile system. She asked if this recommendation should also be considered by the Juvenile Continuity of Care Task Force. Mr. Stroker replied that if the Commission is successful at moving this concept forward for adults it could then be accessed by the Juvenile Continuity of Care Task Force.

Representative McCann noted that similar legislation was introduced last year but failed due to opposition from the hospital lobby and other organizations. Mr. Wilson explained that the failed legislation resulted in the creation of the Mental Health Holds Task Force in order to further explore these issues. Mr. Cornelia added that the Mental Health/Jails Task Force is working to respond to the same issues presented in Senate Bill 16-169, but through a different avenue including shifting the burden to healthcare facilities and allowing the crisis system to manage relationships with hospitals in rural areas.

DRAFT--FY17-MH #03. Include Mental Health First Aid® Curriculum in POST – In-service Training

Recommendation FY17 –MH #03

Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review and include Mental Health First Aid® training through POST for the purpose of training up to 200 officers per month on this topic with training beginning in the spring of 2017.

DISCUSSION

Sheriff Pelle explained that the goal of this recommendation is to create manageable and affordable training to improve the skill level for peace officers in Colorado regarding awareness, response and de-escalation techniques during mental health and behavioral health crisis situations. The Working Group reviewed existing curriculum, met with officials from the Peace Officer Standards and Training (POST), and discussed how to access essential mental health training for peace officers across the state. Sheriff Pelle noted that a lot was accomplished in a short amount of time and that this change will not require any statutory changes or. Individuals from the POST board are already working with staff from CBHC to include Mental Health First Aid® in all the training regions. POST committed the funding and CBHC has agreed to help with grant opportunities. This will serve as POST-approved initial and continuing education.

Sheriff Pelle emphasized that this training will not be in addition to current mandatory training hours.

DRAFT--FY17-MH #04. Include Mental Health First Aid® Curriculum in the POST – Basic Academy

Recommendation FY17-MH #04

Officials from the Colorado Peace Officer Standards and Training (POST) will work with staff from the Colorado Behavioral Health Council (CBHC) to review the Mental Health First Aid® curriculum, and modify when possible, for inclusion in the POST basic academy standard curriculum.

DISCUSSION

This recommendation is similar to recommendation FY17 – MH #03 and will be offered during the POST Basic Academy as an eight-hour training focused on risk factors and warning signs for mental health and addiction concerns, along with strategies to help individuals in both crisis and non-crisis situations. The curriculum is in place and there is a cadre of instructor in place as well.

Mr. Stroker summarized that these four recommendations represent the first round of work to be produced by the Mental Health/Jails Task Force and that once this work is completed the Task Force will move onto the second broad issue of the provision of mental health services in jails.

LEGISLATIVE NEXT STEPS

Jeanne Smith, Division of Criminal Justice

Jeanne Smith pointed out that a handful of new members joined the Commission in 2016 and with that in mind the goal of this agenda item is to educate all Commissioners on the legislative process for Commission produced recommendations. While not all of the recommendations produced by the Commission are legislative in nature, many of them are and there is a standard procedure to move a recommendation through the legislative process.

She noted that the CCJJ Legislative Committee watches what happens during the legislative process and ensures that any suggested changes that may occur during that process are in line with the Commission's original intent of a recommendation. The second thing this group is responsible for is in helping to help find both sponsorship and support for bills as they move through the legislature. Ms. Smith added that sometimes a Commission member who is also a legislator will offer to carry a piece of Commission legislation. Ms. Smith pointed out that both Representative McCann and Senator Steadman have carried Commission initiatives through the legislature. At this point in the meeting Representative Lang Sias offered to carry recommendation FY17 – CC #01 during the 2017 legislative session.

As a point of clarification, Ms. Smith added that there are Executive Branch agencies represented on the Commission and that those agencies must get approval from the Governor's Office before

agreeing to shepherd any Commission recommendations for legislation. If an Executive Branch agency has approval from the Governor's Office, then the Department of Public Safety's Legislative Liaison can provide the assistance and support to work with the bill drafters and sponsors. Both the Department of Corrections and the Department of Human Services have both assisted with this process in the past. Sometimes an association (such as the Colorado Criminal Defense Bar or the Colorado District Attorneys Council) will also assist in guiding a recommendation through the legislative process.

Ms. Smith explained that there is one previous recommendation approved during the June, 2016 Commission meeting that also needs sponsorship to move forward during this legislative session. Recommendation FY16 – RE #01 was produced by the Re-entry Task Force and it calls for updates to the statute governing parole conditions (C.R.S. 17-2-201), in order to give the Parole Board and community parole officers discretion to select individualized conditions of parole.

Ms. Smith summarized that the Legislative Committee will meet soon to review the Commission's current statutory recommendations and next steps. She added that the leadership of the Commission has asked the General Assembly for new Commission appointments as soon as possible to replace outgoing members Representative McCann and Senator Steadman.

Mr. Garcia asked Ms. Smith to review the guidelines for conduct of Commissioner as Commission bills make their way through the legislative process. Ms. Smith explained that one of the general agreements by Commissioners is that when a recommendation is in the legislative process, that a Commissioner will not actively oppose Commission recommendations and would abide by the will of the group. However, the Commission also recognizes that legislators have a right and responsibility to their constituents and therefore legislative Commissioners are not bound to this standard. However, the understanding has always been that Commission members will abide by votes made by the group as a whole.

Mr. Young pointed out that the aforementioned policy was created when the Commission standard to approve a recommendation relied on a 75% approval vote. He said he believes this should be revisited since the current cut-off for approval is a 2/3rds (or 66%) approval.

NEXT STEPS AND ADJOURNMENT

Stan Hilkey, Chairman and Executive Director of the Department of Public Safety

Mr. Hilkey highlighted that with the addition of new Commission members, a New Member Orientation will be held in the next couple of months. He added that the next Commission meeting is scheduled for Friday, January 13th and that a full-day Commission retreat has been scheduled for Friday, February 10th.

Mr. Hilkey thanked Commissioners for their time and asked the group for any final comments. With no further business, he adjourned the meeting at 3:57 p.m.