

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

Minutes

September 7, 2017 1:30PM-4:30PM
700 Kipling, 4th Floor Conference room

ATTENDEES:

TASK FORCE MEMBERS

Joe Pelle, Boulder County Sheriff, chair
Frank Cornelia, Colorado Behavioral Healthcare Council
Norm Mueller, Defense Bar
Jamison Brown, Colorado Jail Association
Evelyn Leslie, Private Mental Health Providers
Lenya Robinson, Healthcare Policy and Financing
Charles Smith, Substance Abuse and Mental Health Services Administration (on the phone)
Lucy Ohanian for Doug Wilson, Office of the Public Defender
Callan Reidel for Patrick Costigan, 17th JD District Attorney's Office

ABSENT

Patrick Fox, Office of Behavioral Health
Abigail Tucker, Community Reach Centers
Doug Wilson, State Public Defender
Patrick Costigan, 17th JD District Attorney's Office
Joe Morales, Parole Board
Tina Gonzales, Colorado Health Partnerships
Dave Weaver, County Commissioner
Matthew Meyer, Mental Health Partners
John Cooke, State Senator, District 13
Charles Garcia, CCJJ Member At-Large
Michael Vallejos, district court judge, 2nd Judicial District

STAFF

Richard Stroker, CCJJ consultant
Kim English, Division of Criminal Justice
Laurence Lucero, Division of Criminal Justice

GUESTS

Dr. Reo Leslie, Co. School for Family Therapy	

<p>Issue/Topic: Welcome and Introductions</p>	<p>Discussion:</p> <p>Mental Health/Jails Task Force Chair Joe Pelle welcomed the group and asked Task Force members and attendees to introduce themselves.</p> <p>Sheriff Pelle reviewed the agenda and asked CCJJ Consultant Richard Stroker to provide a recap of the August meeting.</p>
<p>Issue/Topic: Recap of August meeting results and work plan overview</p>	<p>Discussion:</p> <p>Richard Stroker informed the group that a handout was included in the meeting materials summarizing the decisions previously agreed upon by the group.</p>
<p>Issue/Topic: Review of written plan</p>	<p>Richard Stroker reminded the Task Force that a working group was formed at the last meeting and tasked to write a description of the processes involved in the pre-filing diversion model that the group has been developing. The working group consisted of Abigail Tucker, Joe Pelle, Frank Cornelia, Patrick Fox, Doug Wilson and Lucy Ohanian.</p> <p>A written document was included in the handouts and Richard engaged the group to review the document and draft a list of questions or issues that might need further consideration.</p> <p>Frank Cornelia explained that the working group convened last week to discuss and finalize details for a model for a pre-filing diversion program.</p> <p>The Task Force reviewed the document with the following comments and suggested changes:</p> <p>Values and Principles of the Model:</p> <ul style="list-style-type: none"> - Clarification of language needed with regards to the use of pre-trial release procedures that are already set forth in statute. Lucy Ohanian offered to draft an amended language. - Judicial role. Judges have the authority to override release decisions and plea agreements but do not have the authority to override a DA's dismissal or decision to file no charges because it is a separation of powers issue. - To add in this section: <i>"Any and all information obtained directly from the client is privileged and confidential and may not be used in any fashion to promote the prosecution of the charges for which the client is presently being evaluated"</i>.

Issue/Topic:	Proposed Model:
Review of written plan (continued)	<ul style="list-style-type: none"> - <i>“Individuals who are brought into detention and will be screened by a booking nurse, deputy, or other detention personnel for signs of behavior health concern.</i> <ul style="list-style-type: none"> a. <i>Recommend a uniform screening tools. May be the Brief Jail Mental Screen or other.</i> <p>To identify another screen that includes screening for substance abuse.</p> <ul style="list-style-type: none"> - <i>“If a behavioral health screen raises concerns, determine eligibility based on criminogenic factors.</i> <p>To remove. a. Law enforcement personnel will assess for criminogenic factors risk using the Colorado Pretrial Assessment Tool (CPAT).”</p> - To add: Accessibility and availability of information about history of behavioral health concerns, diagnoses, or treatment. <p>DISCUSSION:</p> <p>The group discussed the relevance of using a Pretrial Assessment tool that identifies criminogenic risks during this process. A pretrial assessment tool assesses the risk of reoffending and failure to appear (FTA). The population eligible for this process are circling back in and out of jails, usually for low level offenses. The model is about diverting people to the behavior health system and there would not be a follow-up court date. (See Task Force minutes on 8/10/17 page 5). Additionally, the group agreed that the model was about screening/assessing for behavior health disability and not for risk to reoffend or failure to appear. Many of the people eligible for this model are already known to the jails and the information readily available.</p> <p>It was reiterated that VRA crimes are excluded. Petty offenses, misdemeanors, lower felony offenses and drug felonies are considered for eligibility but the determination for diversion would likely be made on the case by case basis. Judicial districts may also establish criteria for selection/eligibility or non-eligibility to the program.</p> <p>The Brief Jail Mental Health Screen only screens mental health and doesn’t screen for substance use disorder. The group agreed that an appropriate screen should include mental health, substance abuse only or, co-occurring disorders. A new screening tool will be identified.</p> <p><i>What happens when there is disagreement on the decision to divert? with recommendation to proceed with prosecution?</i></p> <p>The group discussed at length the judicial override and commented that the district attorneys have discretion on whether or not to file charges. The judge can decide on the diversion but the decision to file charges remains at the district attorney’s discretion. It was believed that all entities in the jurisdictions interested in experimenting this model will need to agree to the process.</p>

<p>Issue/Topic:</p> <p>Review of written plan (continued)</p>	<p>The pilot jurisdictions may agree on a set of eligible charges along with those charges that would not be eligible for the program.</p> <p>Remaining Issues:</p> <ul style="list-style-type: none"> - How can the judicial authority be allowed to make the final decision? See Connecticut Model at the next meeting in October. - Is an agreement between Prosecutor and Public Defender required?
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<p>Issue/Topic:</p> <p>Questions Update on reaching out to Jail Directors and District Attorneys</p>	<p>Questions for the Task Force from the working group:</p> <p>How will pilots be funded? There may be opportunity to seek grant funding when pilot sites have been identified.</p> <p>Any person who is not incarcerated and referred to community behavior health services is eligible to receive treatment under Medicaid.</p> <p>In Boulder County, a staff person from the Health and Human Services assists jail inmates to pre-register to Medicaid before they are released.</p> <p>It was mentioned that some jails contract with mental health providers to conduct assessments but this is not consistent across the state and this may be challenging for smaller or rural jurisdictions.</p> <p>Remaining issue: Funding for behavior health assessments in the jails.</p> <p>Will piloting this model require any legislation or will legislation be helpful? The group agreed that legislation is not required at this point as this is an experiment that will be piloted in several sites.</p> <p>How will the recommendation to the commission be structured and followed-up on? What outcomes will we be measuring and how will data collection look? Who/which entity will be responsible for data collection and outcomes evaluation and reporting back?</p> <p>Richard Stroker asked Kim English to help with drafting the important data elements for the pilot sites to collect and report and who/which entity will be responsible for data collection and outcome evaluation.</p> <p>Update on reaching out to Jail Directors and District Attorneys</p> <p>Jamie Brown reached out to jail directors and suggested to the interested jurisdictions to start talking to the district attorneys, judges and mental health community partners within their jurisdictions.</p> <p>There is lot of interest from different jurisdictions in participating in this model.</p>
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<p>Issue/Topic:</p> <p>Questions (continued) Update on reaching out to Jail Directors and District Attorneys</p>	<p>Summary of the remaining issues:</p> <ol style="list-style-type: none"> 1. Prosecutor/Public Defender agreement required? How is judicial authority (to make final decision) allowed? – See Connecticut model. 2. Funding Covering jail assessment costs. 3. Identify which counties to participate in pilot sites.
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<p>Issue/Topic:</p> <p>NEXT STEPS AND ADJOURN</p> <p>Action:</p>	<p>Discussion:</p> <p>Richard Stoker proposed the next steps as follows:</p> <p>October meeting</p> <ul style="list-style-type: none"> - Working group to finalize the written plan and including today’s comments. - Task Force to continue working on remaining issues. - Data Collection: Data elements to track and report. Identify who will be responsible for gathering info. <p>November meeting</p> <p>Richard Stoker proposed that if the model is finalized, the Task Force would invite the jurisdictions interested in participating in the model to attend the November meeting and get their feedback.</p> <p>The group commented that the Task Force should be ready to invite the interested jurisdictions with power point presentations and a SWOT analysis (technique for understanding Strengths and Weaknesses, as well as identifying Opportunities and Threats).</p> <p>Another venue should be reserved due to the limited capacity of the current meeting room.</p> <p>It was also suggested that informal conversations with jail directors, district attorneys, public defenders and mental health providers should first occur at the local level in order to build an initial interest.</p> <p>Many jurisdictions hold regular Criminal Justice coordinating committee meetings and there may be opportunity to discuss this model at the local level where all entities are present (Chief Judge, Sheriff, District Attorney, Public Defenders, Mental Health, pretrial services).</p> <p>The meeting adjourned at 3:15pm</p>
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Next Meeting

October 12, 2017

1:30pm – 4:30pm 700 Kipling, 4th floor Training room