

Mental Health/Jails Task Force

Minutes

October 12, 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
Patrick Fox, Office of Behavioral Health
Abigail Tucker, Community Reach Centers
Patrick Costigan, 17th JD District Attorney's Office
Tina Gonzales, Colorado Health Partnerships
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

ABSENT

Joe Morales, Parole Board
Dave Weaver, County Commissioner

STAFF

Richard Stroker, CCJJ consultant
Kim English, Division of Criminal Justice
Peg Flick, Division of Criminal Justice
Jack Reed, Division of Criminal Justice
Germaine Miera, Division of Criminal Justice

GUESTS

Vincent Atchity, Equitas Foundation
Gwendolyn West, Equitas Foundation
Moses Gur, Colorado Behavioral Healthcare Council
Adam Zarrin, Governor Hickenlooper's office

<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 September meeting.</p>
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<p>Issue/Topic: Recap of September meeting</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. The members of the working group have developed a draft proposal for consideration by the group today. The goal is to agree on a model that can be discussed with counties and jurisdiction who might be interested in a program such as this.</p>
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<p>Issue/Topic: Pre-filing Diversion Model: Review of written plan</p>	<p>Richard reminded the Task Force that a working group was formed in August and has been writing a description of the processes involved in the proposed pre-filing diversion model. The working group consists 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 Abigail reviewed details of the proposed model with the group.</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"> • Richard noted that with reform efforts there is often discussion about ‘what’ and ‘how’ but groups don’t often address the ‘why’. He suggested that maybe there should be a statement about <u>why</u> the program is needed that might help people better appreciate the drivers behind this. It could be something to the equivalent of a legislative declaration. Sample verbiage could be something like “Data show a lot of people with mental illness spend an inordinate amount of time in custody, unable to get treatment. This program would help reduce those numbers and help place people with mental illness in the care of those who treat mental illness.” • In the ‘Values’ section the 3rd bullet should be moved to the first bullet. • There is good verbiage in the Governor’s vision and mission statement that includes the words “achieve the best behavioral health and public
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<p>Issue/Topic:</p> <p>Pre-filing Diversion Model: Review of written plan (continued)</p>	<p>safety outcomes by developing sustainable systems and strategies that intercede and rehabilitate people, reducing incarceration and justice involvement”. Maybe this verbiage could be utilized.</p> <ul style="list-style-type: none"> • In the ‘Values’ section, under the current 4th bullet, sub-bullet #1 – instead of using the verbiage ‘partnering evaluators will be connected to and hired by local community mental health centers’– change it to “affiliated with” instead of “hired by”. <p>Proposed Model:</p> <ul style="list-style-type: none"> • Include something about the capacity for telehealth. <p>--At this point in the meeting there was an extensive discussion around item #2: PROGRAM ELIGIBILITY—</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> -In item #2 add something that says “recommended eligibility.” The opportunity for communities to determine their own eligibility needs to be clearly stated at the onset so outliers can be tracked accordingly. -If this is a pilot program it is unnecessary to use “recommended eligibility” – for purposes of going forward with a pilot jurisdictions should be chosen that will accept the pilot as currently drafted. -Rural jurisdictions might be more reluctant because they have fewer felony filings. -No need to split hairs on this since it’s a pilot program. -DA buy in is essential for this program to work. If a DA says ‘no way’ then the program won’t happen. -Sheriff Pelle presented this in Boulder to a stakeholder group; everyone agreed they would like to be considered for a pilot site but everyone was tentative around felonies. -DA’s will have a problem diverting felonies for people with criminal history -This is going to be an issue and we need agreement as a group around felonies. -If some pilot sites want to divert felonies and some don’t – then that will provide a comparison sample. -There was a suggestion to switch d. and e. in item #2. -Each jurisdiction might need the flexibility to determine its own parameters. -The group agreed to change the verbiage to ‘recommended’ eligibility <p>--At this point in the meeting there was an extensive discussion around item #5: DIVERTING WITH A ‘NO FILE’ PROCEDURE—</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> -This program will struggle to get off the ground if there is no consequence up-front for someone who agrees to participate and then doesn’t follow through.
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<p>Issue/Topic:</p> <p>Pre-filing Diversion Model: Review of written plan (continued)</p>	<ul style="list-style-type: none"> -Alternatively, the more burgeoning research shows that coercive treatment is not as effective. The carrot-and-stick model can backfire. -If someone gets arrested on a new charge and there has been no engagement or compliance then the DA should have right to charge. -However, when people are punished for on-compliance of treatment it pulls them back into the system unnecessarily. They're not monitoring for compliance in other states and courts don't want to monitor treatment appointments. -It's better to work extensively with people <u>before</u> the treatment provider reports back to the court on non-compliance. -Richard pointed out that the second bullet at the top of page #2 addresses the verbiage about reporting back to DA's. -There is no consensus around 5.a. / Put that with the 2nd bullet on the top of page 2. <p>--At this point in the meeting there was an extensive discussion around item #6: JUDICIAL OVERRIDE—</p> <p><i>DISCUSSION</i></p> <ul style="list-style-type: none"> -The one thing that makes this proposal different than current diversion programs is the absence of DA override. -Patrick stated he thinks this item may need to be removed altogether for DA buy in. -If this item is modified it takes away judicial override. -The Connecticut program doesn't have judicial or DA override. -Current DA run diversion programs don't address frequent fliers. -Even though this change is new and may be challenging – part of the 'why' of this program is that we need to do something different than what we've been doing. -The DA will want to know the length of treatment (e.g. 6 months). -Richard pointed out that this program is about trying something new which is part of the struggle, but the goal was to try something different and more effective than current diversion programs. -The goal here is to try to disconnect the idea of monitoring and enforcement related to the old charge from someone's behavioral health management. With that in mind it is better NOT to connect a future court date. -Patrick reiterated that if there's no recourse for someone not showing up people in the community will be outraged that the DA never charged them. -Richard reiterated that there is always the option for the prosecutor to bring charges at a later date if a person doesn't participate at all or reoffends. -Could there be verbiage that says "There must be participation at six months or the prosecutor has discretion to file"? -This is the problem of coercive treatment models. Someone could physically show up without really participating. -DA's aren't going to want to know <u>how</u> people are doing; they just want to be able to ask whether someone shows up. The prosecutor will want
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<p>Issue/Topic:</p> <p>Pre-filing Diversion Model: Review of written plan (continued)</p>	<p>the ability to call the provider.</p> <ul style="list-style-type: none"> -What about a simple check box that reads “participates/didn’t participate.” -There was consensus to keep the first sentence on the 2nd bullet of page #2 and get rid of the rest. But modify the verbiage to read “Individuals who fail to comply may pose a public safety risk”. -There was consensus to modify Item #6 to read “If someone is diverted, jurisdictions may permit DAs to request a treatment provider provide information on whether the client has attended/is participating (at 6 months). -Additional verbiage should read “Jurisdictions would be free to develop a method for determining how to resolve cases. “ <p>Funding Issues:</p> <p>The group continued the discussion from September about how pilots might be funded</p> <p>There’s a possibility for funding under BHO contracts. A section in the contract states that BHO’s can pilot innovative programs. It designates a liaison that will coordinate care out in the community. The intent is to identify someone in the facility and allow for a seamless transition out.</p> <p>There’s a possibility that JBBS funds may be used. JBBS is operating in 46 county jails. However JBBS funds come from the drug offender surcharge and presently JBBS is for individuals with substance abuse disorders or co-occurring disorders. But a change to that verbiage could be requested. One good thing about JBBS is that is in intended to be more holistic and broad.</p> <p>Abigail offered to help develop a plan and options for funding strategies but that it will take some time. The focus of funding might fit better with BHOs rather than JBBS.</p> <p>Counties might be able to cover the cost as well. For example, Pitkin pays for pretrial services because people are trained in behavioral health problems and the county pays for it. Three or four sites may have the resources to pull this off without additional funding. Maybe Pitkin, Boulder, Denver, Alamosa, Adams? Jurisdictions may be attracted to the idea of offsetting the \$125/day to keep someone behind bars. Verbiage should be added encouraging jurisdictions to pursue funds they believe are necessary.</p> <p>There’s also a possibility of Justice Assistance Grant (JAG) money. The RFP comes out in January or February and funding decisions are made in the spring.</p> <p>There’s a possibility down the road that marijuana tax funds designated for unintended consequences could be used.</p>
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<p>Issue/Topic:</p> <p>Pre-filing Diversion Model: Review of written plan (continued)</p>	<p>Private organizations may be able to help with funding as well. For example the Equitas partners and foundations could be interested. The Colorado Health Foundation is definitely interested in these kinds of asks. There might even be an opportunity for a pay-for-success (social innovation bonds) structure.</p>
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<p>Issue/Topic:</p> <p>Next steps and Adjourn</p>	<p>Discussion:</p> <p>Richard Stroker proposed the next steps as follows:</p> <p>November meeting</p> <ul style="list-style-type: none"> - The November meeting will be held on a different day: Wednesday, November 8th, 1:30 – 4:00pm, 710 Kipling, 3rd floor conference room - The group will review the revisions to the proposal discussed today - Peg Flick and Jack Reed will present on the proposed Data Collection Instrument - Patrick will get feedback from DAs on the proposal <p>December meeting</p> <ul style="list-style-type: none"> - Present the proposal to interested jurisdictions at the December meeting - Bring the proposal to CCJJ <u>after</u> determining interest from local jurisdictions. - Need to replace Lenya Robinson
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Next Meeting

December 7, 2017

1:30pm – 4:30pm 700 Kipling, 4th Floor Conference room