

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

November 8, 2017 1:30PM-4:30PM  
710 Kipling, 3<sup>rd</sup> 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  
Doug Wilson, Office of the Public Defender  
Abigail Tucker, Community Reach Centers  
Patrick Costigan, 17<sup>th</sup> JD District Attorney's Office  
Tina Gonzales, Colorado Health Partnerships  
Matthew Meyer, Mental Health Partners

**ABSENT**

John Cooke, State Senator, District 13  
Patrick Fox, Office of Behavioral Health Evelyn Leslie, Private Mental Health Providers  
Charles Garcia, CCJJ Member At-Large  
Joe Morales, Parole Board  
Charles Smith, Substance Abuse and Mental Health Services Administration (on the phone)  
Michael Vallejos, district court judge, 2<sup>nd</sup> Judicial District  
Dave Weaver, County Commissioner

**STAFF**

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

**GUESTS**

Ben Harris, HCPF  
Gwendolyn West, Equitas Foundation  
Moses Gur, Colorado Behavioral Healthcare Council  
Gina Shimeall, MICJS  
Ali Moaddeli, Arapahoe County Pretrial Release

<p><b>Issue/Topic:</b> Welcome and Introductions</p>	<p><b>Discussion:</b></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 October meeting.</p>
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<p><b>Issue/Topic:</b></p> <p>Review of written plan</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Include pretrial, prescreening verbiage into the proposal</li> <li>• Add final edits to the recommendation, then hold a vote to present to the CCJJ in December</li> </ul>	<p><b>Discussion:</b></p> <p>Richard Stroker explained that at the last meeting the working group members were charged with taking the feedback from task force members on the diversion pilot proposal, and incorporating those suggestions into the written plan. The working group has been working diligently and has reworked the proposal for presentation today.</p> <p>Two of the main issues raised during the October meeting were:</p> <ul style="list-style-type: none"> <li>• Expansion on the vision and purpose of the proposal – why the issue is being addressed</li> <li>• There is a continued stumbling block around the issue of what to do if the stakeholders (public defender, DA and judge) don't agree on whether someone is appropriate for the program. Richard noted that during the upcoming discussion options and choices will be laid out on different sticking points and voted on so the group can finalize the recommendation and move forward.</li> </ul> <p><b>DISCUSSION</b></p> <p>Sheriff Pelle commented that since the focus is for this to be a pilot in 2-3 jurisdictions, not in all 22, and that it could be left up to local jurisdictions to determine how to approach some of these issues and tweak areas as they see fit. Patrick added that since the types of crimes eligible for the program have been agreed upon and narrowed down there shouldn't be much pushback from DA's. He noted that prosecutors in his office have been favorable to the concept.</p> <p>Doug brought up a concern with pretrial screening and noted that there's a jurisdiction that is currently taking statements made during CPAT interviews and using them in criminal cases. He noted that there needs to be clarification that the information gathered for the screening won't be used against the defendant. Richard asked if there were any objections to adding this caveat to the model – there were no objections.</p> <p>It was noted it would be helpful for a pretrial services screening, mental health screening or other assessment (like CPAT) to be incorporated into the screening for the diversion program.</p>
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A more in-depth discussion was held about what to do with stakeholder disagreements. Richard noted two possible fixes to the problem:

Choice #1 – Give the judge the authority to make the final decision in case there isn't consensus.

Choice #2 – if the parties don't agree, which would probably be the exception rather than the rule, let jurisdictions figure out how to resolve the issue themselves.

Doug shared that he believes the pilot written up 'as is' is fine, but that unless there's ability for the court to break a tie on disagreements it's the same as a prosecutorial diversion program. Patrick replied that the diversion programs in Adams are currently for felonies only and that this pilot program would dramatically expand the number of people eligible for services that weren't before. This program would touch on a much wider swath of the population. Sheriff Pelle added that this task force doesn't need to get any more involved in 'building' the program. He suggested the group finalize the recommendation, engage pilot sites, and let them start the work. He said at the PACE program in Boulder the judge, DA and PD agree on diversion and make this work all the time. Sheriff Pelle added that this group can act as a facilitator.

Frank pointed out that choice #2 is compelling and that the CCJJ should probably be the group to have this conversation. There is value in a full Commission debate. Sheriff Pelle added that what makes this whole program more palatable is the reduced eligibility of types of crimes and for that reason some counties might be willing to waive prosecutor approval.

Richard summarized that there are two choices before the task force – move forward with the model where the judge has authority to break the tie OR recommend that local JD's can develop their own decision making process which could include a provision for the judge to break a tie.

#### AMENDMENTS

**An amendment was made to include the addition of pretrial, prescreening verbiage into the recommendation regardless. A vote was held and the group was unanimously in favor of adding the verbiage.**

A second amendment was made to drop the verbiage in the proposal that reads:

5.c. Disagreement to divert, resolved by the judicial officer.

And to replace it with language that local jurisdictions will determine a method to resolve disagreements.

**The amendment was moved and seconded and a vote was taken with the following results:**

	<p><b>3 in favor</b> <b>6 opposed</b></p> <p>The amendment did not pass.</p> <p><b>A third amendment was proposed to present this model as is to the full Commission.</b></p> <p>The following discussion points were made about this amendment:</p> <ul style="list-style-type: none"> <li>• There is a middle ground. If this were to not pass today or at CCJJ, nothing prohibits law enforcement prosecutors from developing this program. The concept is awesome and it's something that can be done today.</li> <li>• Another advantage with CCJJ backing of the recommendation is that it can then involve the assistance of DCJ analysts to gather data and measure outcomes, which will be beneficial in the long run for state level decisions.</li> <li>• If 5c is amended out at the CCJJ, there's no reason the pilot can't go forward, but it may need expansion from grant money.</li> <li>• Even if the CCJJ doesn't approve the proposal, there's merit in simply verbalizing an alternative path. Actually stating out loud that people could be using a program like this sets the table for innovation.</li> <li>• There was another suggestion to include a caveat that current diversion dollars being reverted could be used for this program instead.</li> </ul> <p>The group agreed to vote on the model first, send the proposal to the full Commission, then start talking to jurisdictions. Jurisdictions may want to see the outcomes from the CCJJ before pursuing the pilot. <b>All members of the group agreed to hold an email vote on the model, with the plan for the recommendation to be preliminarily presented to the CCJJ at its December meeting.</b> <i>(This was later revised to hold the vote in person at the next task force meeting, December 7<sup>th</sup>, with a plan to present to the CCJJ on December 8<sup>th</sup>).</i></p>
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Issue/Topic:	Discussion:
<p>Data collection and report back</p> <p><b>Action:</b></p> <ul style="list-style-type: none"> <li>• Pilot counties will interact with DCJ staff before the implementation of the pilot to determine specific data elements and the data collection process.</li> </ul>	<p>Jack Reed and Peg Flick from the Office of Research and Statistics in the Division of Criminal justice presented a draft data collection instrument for the pre-file mental health diversion pilot program (a copy of the instrument is attached at the end of these minutes).</p> <p>DISCUSSION</p> <ul style="list-style-type: none"> <li>• Jack explained that an instrument had been created that would be relatively easy to implement at a pilot site.</li> <li>• The instrument includes a brief 8 question mental health jail screen</li> <li>• Once the mental health screen is completed, if a person is assessed as</li> </ul>

	<p>positive for behavioral health the next step would be the actual eligibility determination.</p> <ul style="list-style-type: none"> <li>• A CPAT level would be required in the screen. The form also picks up for positive behavioral health screens. The first chunk of information would be completed by jail staff either at time of booking or at a slightly later time once eligibility has been made.</li> <li>• Data elements include: <ul style="list-style-type: none"> <li>-Booking ID</li> <li>-Offender ID</li> <li>-State ID</li> <li>-Date of birth</li> <li>-Race</li> <li>-Gender</li> <li>-Homelessness status</li> <li>-Highest arrest,</li> </ul> </li> </ul> <p>A question was raised about whether the data would be collected after eligibility is determined and what the instrument can do to help measure recidivism outcomes, engagement, etc. Peg answered that once identifiers were collected more info would be needed from the jail on follow-up information.</p> <p>Ben Harris with HCPF asked whether the tool screens for Medicaid eligibility and explained that if the person is eligible for Medicaid they could be tracked on their engagement and recidivism rates.</p> <p>Sheriff Pelle asked if engagement would be measured by diagnosis and utilization for the cohort or rather a general look at utilization across an annual timeframe. Reoffending and engaging in treatment are two important measures. Also, is there a measure of cost reduction for the court and cost reduction for jail days.</p> <p>As far as collecting data via Medicaid eligibility, many people won't have Medicaid. Sheriff Pelle noted that HHS sends someone to the jail three times a week to determine Medicaid eligibility.</p> <p>Patrick added that dockets are exploding all over the place and that being able to collect info on the number of people actually diverted would be a huge plus to the courts.</p> <p>It also may be good to look at the number of jail days and get dates of when someone is booked in and out. Collecting baseline data up front is also critical.</p> <p>Sheriff Pelle noted that with PACE the engagement date is tracked which makes it easy to look at info prior to that date and after. Boulder has tracked savings of 10k jail beds a year in Boulder alone.</p> <p>The discussion continued with issues raised about:</p> <ul style="list-style-type: none"> <li>• Data collection dependent on jail resource</li> <li>• The importance of gathering arrest charges because a lot of times the top charge is reported out, but knowing if one of the other charges included a drug offense its valuable to inform about behavioral health</li> </ul>
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	<p>issues. There was disagreement about the relevance of collecting all charges.</p> <ul style="list-style-type: none"> <li>• It’s important to know the factors that impact engagement.</li> <li>• Providers will already have a lot of this info.</li> <li>• The easier and more streamlined the data process the better, if staff has to do a ton of research there will be a problem.</li> <li>• Housing could be an important data point.</li> </ul> <p>A suggestion was made that because each pilot project will be a different size, perhaps a county could determine which outcomes they want – and then DCJ staff could work with them individually.</p> <p>If four pilot sites are identified then there could be a meeting with the pilot sites. Have them work with DCJ, HCPF and the mental health center.</p> <p>It was determined that pilot counties would gather specific data but would interact with DCJ staff before the implementation of the pilot to determine data elements. DCJ will evaluate the information after one year to help understand the impact that the pilot had on:</p> <ol style="list-style-type: none"> <li>1. Recidivism</li> <li>2. Jail bed days</li> <li>3. Engagement</li> <li>4. Court savings</li> </ol>
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<b>Issue/Topic:</b>	<b>Discussion:</b>
Next steps and Adjourn	<p>Next steps include putting the proposed model into the form of a recommendation with introductory paragraphs laying out the intent of the model including data collection and evaluation elements.</p> <p>The recommendation will be forwarded to CCJJ staff by November 22<sup>nd</sup> and staff will redistribute it to the task force members. Once the recommendation is approved it could be forwarded to interested jurisdictions to get a temperature read on likely involvement. Sheriff Pelle said that Boulder is definitely interested. Jamison said he will farm it out as well.</p> <p>During the December meeting the group will turn its attention to the third and final issue area.</p> <p><b>December meeting</b></p> <ul style="list-style-type: none"> <li>- The next meeting will be December 7<sup>th</sup>, 1:30 – 4:00pm, 700 Kipling, 4th floor training room</li> </ul>

**Next Meeting**

December 7, 2017

1:30pm – 4:00pm

700 Kipling, 4<sup>th</sup> Floor Conference room

**Pilot Pre-File Mental Health Diversion Program**

**Data Collection Instrument: Version 1**

*Complete this form for every person who meets the program eligibility criteria.*

**To be completed by jail staff:**

County: \_\_\_\_\_

Date of Booking: \_\_\_\_\_ Date of MH Screen: \_\_\_\_\_

Booking ID: \_\_\_\_\_ Offender ID: \_\_\_\_\_ SID: \_\_\_\_\_  
(Name)?: \_\_\_\_\_

DOB or age: \_\_\_\_\_ Race/Ethnicity: \_\_\_\_\_ Gender: \_\_\_\_\_

Homeless: Yes/No

Highest arrest charge: \_\_\_\_\_

Any of the arrest charges a drug offense? Yes/No

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**To be completed by clinician at the jail:**

Currently in MH Tx? Yes/No

Currently in Substance Abuse Tx? Yes/No

Physical health problems: Scale: 1 – 2 – 3 – 4 – 5

Transportation a problem? Yes/Somewhat/No

Medicaid? Yes/No

Personal insurance? Yes/No

Willing to engage in Tx? Yes/No

Prior failure in this diversion program? Yes/No If yes, # times: \_\_\_\_\_

*Other elements from Assessment tool TBD*

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**To be completed by coordinator identified by jail:**

Evaluator recommendation      Divert      No Divert

Public Defender recommendation      Divert      No Divert

District Attorney recommendation    Divert                      No Divert

Final recommendation                      Divert                      No Divert

Date released to Diversion: \_\_\_\_\_

The data collection instrument will be a blank PDF form that resides in an electronic folder on the jail’s data network. To use, the jail staff/clinician will retrieve a blank form, use the name of the potential program participant as the file name, open the form and complete the instrument. Completed instruments will be placed in a “done” folder. At the end of the 6-month pilot, we will ask that these files be sent to us. We will provide on-site technical assistance to set up the folder system.

Possible additions to the form: Information from the assessment.

Recidivism: DCJ/ORS will work with the jail to obtain recidivism information, capturing those who returned to THAT jail within 6 months.